

INDIGENOUS LAND RESTITUTION

Four preliminary draft pleading frameworks

Federal Crown • Provincial Crown(s) • United Kingdom Crown • Charles III personally

Prepared 22 October 2026

IMPORTANT LEGAL NOTICE

This document is a research and drafting aid—not legal advice, a legal opinion, or a filing-ready pleading. Every page is marked DRAFT. No claimant, territory, treaty, parcel, limitation analysis, cause of action, or allegation has been verified for a particular Indigenous nation. The personal claim concept concerning Charles III is especially conditional: no personal liability is presumed, and it must not be filed unless qualified counsel identifies a tenable cause of action, jurisdiction, and a lawful route to the specific relief requested.

The objective is to help Indigenous nations and their authorized counsel assess evidence-based claims for title recognition, land restitution, treaty enforcement, compensation, accounting, consultation, and negotiated remedies. Nations have distinct histories, rights, territorial interests, and settlement preferences.

How to use this packet

These are four separate frameworks, not four completed lawsuits. Replace bracketed text, delete inapplicable claims, and particularize every allegation before use. A viable pleading requires an authorized claimant, defined territory, specific defendant conduct, evidence, a proper forum, and a remedy available in law.

Essential drafting rules

- **Claimant authority:** identify the nation or rights-holding community, its governing body, and the authorization to litigate.
- **Territorial precision:** provide parcel identifiers, legal descriptions, maps, current tenure, licences, encumbrances, and third-party interests.
- **Facts over rhetoric:** colonial history may be context, but each cause of action requires material facts linking the defendant to the breach and remedy.
- **Separate legal entities:** Canada's federal Crown, each provincial Crown, UK government/Crown entities, and Charles III personally are not interchangeable defendants.
- **Class action caution:** a single nationwide class action would face major differences in rights, evidence, remedies, jurisdiction, and representative authority. Coordinated nation-led proceedings may be more workable.
- **Independent nation decision-making:** no pleading should assume all Indigenous nations want identical land transfers or compensation.

Evidence schedule to prepare before filing

- Claimant name, legal status, governance resolution, authorized representatives, and settlement mandate.
- Defined claim area and parcel-by-parcel land status: federal, provincial, reserve, private, municipal, protected, or other tenure.
- Treaties, land surrenders, Crown grants, statutes, orders, archival records, correspondence, maps, oral histories, and Indigenous laws, collected under appropriate protocols.
- Specific Crown decisions, dates, licences, transfers, consultation records, fiduciary dealings, treaty promises, and evidence of Crown knowledge.
- Proof of causation and a defensible method for calculating losses, revenues, royalties, or other requested monetary remedies.
- Review of limitation periods, discoverability, laches, immunity, notice/service, jurisdiction, prior judgments, settlements, overlapping claims, and third-party rights.

Research starting points

- Crown Liability and Proceedings Act (Canada): <https://laws-lois.justice.gc.ca/eng/acts/C-50/>
- Tsilhqot'in Nation v. British Columbia, 2014 SCC 44: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/14246/index.do>
- Ontario (Attorney General) v. Restoule, 2024 SCC 27: <https://www.scc-csc.ca/judgments-jugements/cb/2024/40024/>
- Crown Proceedings Act 1947 (UK Government): <https://www.gov.uk/government/publications/crown-proceedings-act-1947>

DRAFT 1 — FEDERAL CROWN

IN THE [FEDERAL COURT OF CANADA / COMPETENT COURT]

BETWEEN: [AUTHORIZED INDIGENOUS CLAIMANT] — Plaintiff
AND: HIS MAJESTY THE KING IN RIGHT OF CANADA — Defendant

DRAFT — FOR REVIEW BY QUALIFIED COUNSEL

Counsel must confirm the correct forum and procedural route under the Crown Liability and Proceedings Act, constitutional law, treaty law, and the particular remedies sought.

PROPOSED STATEMENT OF CLAIM

1. Parties and authority

1. The Plaintiff is [full legal name], an Indigenous nation/community with collective rights and interests in [defined territory], represented by [authorized governing body].
2. The Plaintiff is authorized to bring this claim by [resolution, law, or other authority]. It does not purport to represent other nations unless a lawful representative basis is established.
3. The Defendant is His Majesty the King in Right of Canada, sued only for acts, omissions, obligations, and property attributable in law to the federal Crown.

2. Territory and factual basis

1. The claim concerns lands/resources described in Schedule A and mapped in Schedule B (the “Claim Area”). Each parcel and its current legal status must be identified.
2. The Plaintiff alleges that its ancestors occupied, governed, used, cared for, or maintained relationships with the Claim Area before the assertion of Crown sovereignty, as particularized in Schedule C.
3. The Plaintiff relies on [specific treaty, treaty relationship, evidence of Aboriginal title, constitutional rights, Indigenous law, or historical instrument]. No instrument or fact should be pleaded without evidentiary support.

3. Federal Crown conduct

1. The federal Crown allegedly [identify specific act, omission, decision, transfer, licence, treaty breach, fiduciary dealing, or failure to consult] on/about [date(s)], as particularized in Schedule D.
2. The federal Crown knew or ought to have known of the asserted rights through [specific records, correspondence, treaty history, proceedings, or consultations].
3. The alleged conduct caused or contributed to [specific interference with land, governance, access, resources, treaty benefits, or economic interests], subject to proof of causation and applicable law.

4. Potential causes of action — plead only if supported

- **Declaration of Aboriginal title/rights:** only for a defined area and on evidence meeting the applicable legal test.
- **Treaty enforcement:** plead the exact promise, parties, interpretation, breach, and resulting loss.
- **Duty to consult/accommodate:** identify Crown knowledge, contemplated conduct, potential adverse effects, and the consultation alleged to be deficient.
- **Fiduciary duty:** identify the specific fiduciary relationship, undertaking/control over an interest, breach, and loss.
- **Compensation/accounting:** state the legal basis, period, revenues or losses, causation, and valuation method.

5. Proposed relief

1. A declaration, if established, of the Plaintiff's Aboriginal title and/or rights in the defined Claim Area.
2. A declaration of any proven federal treaty obligation or breach.
3. Suspension, setting aside, or restraint of a specific federal decision where legally available and justified.

4. Restitution/transfer of identified federal Crown parcels where the court has jurisdiction and the remedy is available; alternatively, negotiated transfer, co-management, jurisdictional recognition, or equivalent arrangements.
5. Compensation, accounting, disgorgement, or revenue-sharing only where supported by the cause of action, proof, and remedial law.
6. Interest, costs, and further relief the court considers just and lawful.

6. Required schedules and risks

- Schedule A: legal descriptions and parcel IDs. Schedule B: verified map. Schedule C: title/treaty/history evidence. Schedule D: federal acts/omissions and supporting documents. Schedule E: loss and remedy methodology.
- The Defendant may contest forum, statutory bars, limitation, title elements, causation, remedy, and the effect of prior agreements or proceedings.
- A demand for every federal Crown parcel nationwide is not pleaded as an automatic entitlement. Counsel must identify the correct court, service/notice requirements, limitations, and any relevant negotiation or specific-claims process.

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DRAFT 2 — PROVINCIAL CROWN

IN THE [SUPERIOR COURT OF THE PROVINCE OF ____]
BETWEEN: [AUTHORIZED INDIGENOUS CLAIMANT] — Plaintiff
AND: HIS MAJESTY THE KING IN RIGHT OF [PROVINCE] — Defendant

DRAFT — FOR REVIEW BY QUALIFIED COUNSEL

Prepare a separate version for each province with relevant conduct or land. This is not a universal pleading against all provincial Crowns.

PROPOSED STATEMENT OF CLAIM

1. Parties, forum, territory

1. The Plaintiff is [name/legal status], acting through [authorized governing body] under [resolution/authority].
2. The Defendant is His Majesty the King in Right of [Province], sued only for acts, omissions, obligations, and land interests attributable to that provincial Crown.
3. The claim concerns [defined territory/parcels] within [Province], described in Schedules A and B with current ownership, tenure, and encumbrances.

2. Rights and historical basis

1. The Plaintiff alleges historical and continuing connections to the Claim Area, particularized through evidence of occupation, governance, land use, Indigenous law, oral history, and/or treaty relationships.
2. The Plaintiff relies on [specific treaty, constitutional protection, title claim, historical instrument, or Indigenous legal basis].
3. The Plaintiff will particularize any claimed surrender, lack of consent, invalid instrument, unfulfilled promise, or Crown dealing. Counsel must analyze the legal effect of each instrument.

3. Provincial conduct and alleged harm

1. The Province allegedly [issued licences; authorized extraction, forestry, development or disposition; withheld treaty benefits; failed to consult; or other specific conduct] on [dates] concerning [identified parcels/resources].
2. The Province had actual or constructive knowledge of the asserted rights through [identified records, communications, prior proceedings, public instruments, or other evidence].
3. The conduct allegedly adversely affected [identified rights/title/access/governance/resources/economic interests] in the following way: [facts and causal link].

4. Potential causes of action

- Declaration of Aboriginal title/rights over a defined area, applying the relevant legal test.
- Breach of treaty obligations, with the precise promise, interpretation, breach, and remedy particularized.
- Breach of the duty to consult and, where appropriate, accommodate, linked to identifiable Crown conduct.
- Fiduciary or other equitable breach only if its specific legal elements are met.
- Compensation or accounting for proven loss/benefits derived from a legally actionable breach.

5. Proposed relief

1. Declarations of title, rights, or treaty obligations over the defined Claim Area, if established.
2. Interim/final injunctive relief concerning specified Crown decisions or activities, subject to the governing test.
3. Transfer/restoration of identified provincial Crown parcels if within the court's remedial authority; alternatively, structured negotiation for transfer, co-management, or Indigenous jurisdiction.
4. Compensation, accounting, royalties, revenue-sharing, or other remedies where legally justified and evidence-supported.
5. Costs, interest, and further relief.

6. Province-specific checks

- Identify the province's Crown-proceedings and limitation statutes, notice provisions, correct forum, and rules governing declarations/injunctions.
- Address private fee-simple interests, overlapping Indigenous claims, and other third-party rights. Do not assume all land types are legally transferable by a provincial Crown.
- Do not join all provincial Crowns by default. Determine the legal connection and procedural appropriateness for each.
- Schedules: A territory/parcels; B ownership/tenure/licences/encumbrances; C treaty/title evidence; D decisions/breaches; E remedies and valuation.

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DRAFT 3 — UNITED KINGDOM CROWN / GOVERNMENT

IN THE [COMPETENT COURT IN ENGLAND AND WALES OR OTHER APPROPRIATE FORUM]

PROPOSED CLAIMANT: [AUTHORIZED INDIGENOUS NATION/COMMUNITY]

PROPOSED DEFENDANT: [PROPER UK GOVERNMENT DEPARTMENT/CROWN ENTITY TO BE IDENTIFIED]

DRAFT — FOR REVIEW BY QUALIFIED COUNSEL

Threshold assessment only. British historical involvement or a shared monarch does not by itself establish a present cause of action, jurisdiction, or a remedy against the UK Crown.

1. Jurisdictional gate — before any issue

1. Identify a cause of action recognized by the proposed forum; establish territorial and subject-matter jurisdiction; address immunity, limitation, standing, service, and justiciability.
2. Identify specific conduct attributable to a UK defendant, not merely conduct attributable to the later Canadian federal or provincial Crown.
3. Explain the legal connection between the identified UK conduct and present-day liability or remedy, including any legally relevant succession, statutory responsibility, treaty, undertaking, or other basis.
4. Review the Crown Proceedings Act 1947 and other current UK rules. Do not assume that all claims or remedies are available against the monarch or a UK Crown entity.

2. Proposed material facts — placeholders only

1. The claimant is [name], authorized by [governing resolution/authority].
2. The claimant's rights/interests concern [territory, treaty relationship, or defined historical interest] in [location].
3. The claimant alleges that [specific UK entity] did [specific act/omission] during [date/period], evidenced by [instrument, archive, treaty, order, correspondence, or other record].
4. The alleged legal consequences are [precisely stated], the present loss and legal mechanism connecting it to the defendant's conduct are [particularize].

3. Potential theories for specialist counsel to evaluate

- A recognized claim arising from a specific treaty, instrument, undertaking, or obligation attributable to the UK defendant.
- A claim concerning a specific historical disposition or act only if a present cause of action survives and the forum can adjudicate it.
- A declaratory claim only if jurisdiction, justiciability, standing, and proper legal purpose are established.
- Any statutory/international/domestic-law route identified by specialist counsel. International principles do not automatically create a private damages action.

4. Conditional relief and mandatory advice

1. A declaration only if the court has jurisdiction and a recognized legal basis.
2. Compensation/accounting only if a viable cause of action, causation, and available remedy are established.
3. Alternatively, seek negotiated participation in a restitution framework, historical-record disclosure, or an intergovernmental process as a settlement/diplomatic track.
4. Obtain written advice from UK public-law and civil-litigation counsel on defendant, forum, immunity, time bars, justiciability, remedies, and costs.
5. Do not plead that the UK Crown is responsible for all Canadian Crown lands merely because British sovereignty was historically asserted. If litigation is unavailable, assess parliamentary, diplomatic, archival, or negotiated routes separately.

DRAFT 4 — CHARLES III PERSONALLY

IN THE [COURT TO BE IDENTIFIED ONLY AFTER JURISDICTIONAL OPINION]

PROPOSED CLAIMANT: [AUTHORIZED INDIGENOUS NATION/COMMUNITY]

PROPOSED DEFENDANT: CHARLES III IN HIS PERSONAL CAPACITY, IF LEGALLY PERMISSIBLE

DRAFT — FOR REVIEW BY QUALIFIED COUNSEL

This is a threshold pleading concept, not an assertion that a viable claim exists. Do not file without specialist advice establishing a personal cause of action, jurisdiction, and a lawful route to the specific assets or relief sought.

1. Essential threshold questions

1. What specific act, omission, undertaking, receipt, or legally relevant conduct is alleged against Charles III personally, distinct from conduct of the Canadian federal Crown, provincial Crowns, UK government, or another institution?
2. What recognized cause of action makes him personally liable? The office of monarch, historical colonial injustice, or the fact that he is head of state does not by itself establish personal liability.
3. What court can exercise jurisdiction over him in his personal capacity, and what rules govern service, immunity, justiciability, limitation, and remedies?
4. What specific asset is alleged to be his personal property, how is ownership established, and what legal rule permits that asset to satisfy a judgment?
5. Is the asset actually personal property, or held by a trust, corporation, Crown Estate, public body, or in an official capacity? These categories must not be conflated.

2. Allegations — include only with evidence

1. The claimant is [authorized nation/community] and has the rights/interests described in [evidence and legal basis].
2. The claimant alleges that the defendant personally [specific act/undertaking/receipt/conduct] on [date/period], supported by [identified evidence].
3. The conduct constitutes [precise recognized cause of action] because [plead every required element and material fact].
4. The conduct caused [specific legally recognized loss/injury], as particularized in [schedule], subject to proof.
5. The requested remedy can lawfully be granted against the defendant personally under [specific authority identified by counsel].

3. Conditional relief

1. A declaration of personal liability only if a recognized cause of action and jurisdiction are established.
2. Compensation or another personal remedy only to the extent available under the identified cause of action and proven loss.
3. Asset-preservation or enforcement relief only if counsel establishes a lawful basis, asset ownership, procedural prerequisites, and proportionality.
4. No claim is made here that any percentage of the defendant's fortune is automatically recoverable or that Crown Estate assets are his personal assets.

4. Threshold risks and recommendation

- No personal cause of action against Charles III has been established in this document.
- His constitutional role does not automatically make him personally liable for acts of Canadian or British governments.
- Personal immunity, jurisdiction, and justiciability issues may prevent or limit proceedings.
- The claimant may be unable to show that disputed assets are personally owned by the defendant or legally available to satisfy a judgment.
- Unsupported claims may create adverse costs, procedural sanctions, credibility damage, and distraction from stronger claims against the relevant Crown entity.

- **Recommendation:** obtain a written threshold opinion before naming him. If no tenable personal claim exists, do not name him merely for political symbolism; focus litigation on legally responsible entities and pursue broader restitution through negotiation or legislation.

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Coordinated litigation and restitution plan

A unified political and negotiation objective can be pursued while proceedings remain legally separate. Start with the strongest evidence-backed claim, preserve coordination options, and avoid overreaching in pleadings.

Phase 1 — mandate and evidence

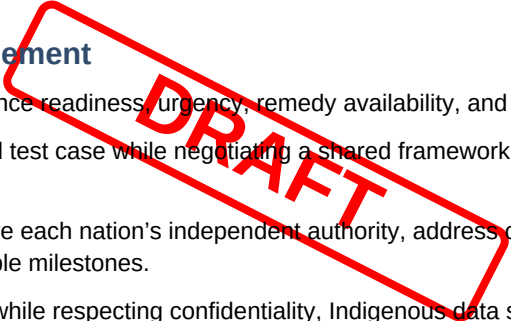
- 1. Secure a formal mandate from each participating nation through its own governance process.
- 2. Build a secure evidence repository with provenance, translations, archival citations, oral-history protocols, maps, land title records, and witness statements.
- 3. Create a parcel-by-parcel land register identifying legal holder, jurisdiction, encumbrances, resources, revenues, and potentially affected third parties.
- 4. Commission historical, legal, cadastral, environmental, and economic expert reports where needed.

Phase 2 — defendant/remedy matrix

Issue	Federal Crown	Provincial Crown	UK Crown	Charles III personally
Conduct	Federal acts/obligations	Province-specific acts/land	Specific UK-attributable conduct	Specific personal conduct only
Land/asset scope	Federal parcels/defined areas	Provincial parcels/defined areas	Only if legal basis connects	UK-territoriality presumed
Threshold	Federal forum/statute	Province-specific law/forum	UK jurisdiction/immunity/time bars	Personal cause, immunity, ownership
Potential remedy	Title, declarations, compensation, revenue sharing	Province-specific remedies, compensation	Only remedies available in UK	Only legally available personal remedies

Phase 3 — litigation and settlement

- 1. Have counsel assess viability, evidence readiness, urgency, remedy availability, and costs exposure for each track.
- 2. Where appropriate, pursue a defined test case while negotiating a shared framework for land transfers, jurisdiction, revenue-sharing, and compensation.
- 3. Ensure settlement principles preserve each nation's independent authority, address overlapping claims, protect future generations, and establish enforceable milestones.
- 4. Use transparent valuation methods while respecting confidentiality, Indigenous data sovereignty, and culturally sensitive information.



Pre-filing checklist for counsel

- Has the claimant nation formally authorized the litigation and remedies sought?
- Is each defendant legally proper for the particular acts and relief pleaded?
- Can the chosen forum hear the claim and grant each remedy requested?
- Are all material facts particularized and supported by evidence?
- Have limitation periods, discoverability, laches, statutory bars, immunity, notice, service, and costs been assessed?
- Have treaty terms, surrenders, prior judgments, settlements, and negotiation processes been reviewed?
- Have overlapping Indigenous claims and third-party rights been identified and considered?
- Is each proposed land transfer limited to land the relevant defendant can lawfully transfer?
- Are compensation, profits, royalties, or accounting requests tied to a defensible legal and economic methodology?
- For the UK track, has specialist UK counsel provided a written jurisdiction/immunity opinion?
- For Charles III personally, has counsel identified a tenable personal cause of action and lawful asset-enforcement route?
- Has an Indigenous-led negotiation/settlement path been evaluated alongside litigation?

Closing note

The packet is intended as a briefing aid for Indigenous governments and qualified counsel. It does not assert that all Crown lands are legally recoverable, that all Indigenous nations share one claim, that the UK Crown is automatically liable for Canadian land status, or that Charles III's personal wealth is available to satisfy a judgment. Each proposition requires separate legal and evidentiary analysis.

Authorities and research links

- Crown Liability and Proceedings Act, R.S.C. 1985, c. C-50 (Justice Laws): <https://laws-lois.justice.gc.ca/eng/acts/C-50/>
- Tsilhqot'in Nation v. British Columbia, 2014 SCC 44: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/14246/index.do>
- Ontario (Attorney General) v. Restoule, 2024 SCC 27: <https://www.scc-csc.ca/judgments-jugements/cb/2024/40024/>
- Crown Proceedings Act 1947 (UK Government): <https://www.gov.uk/government/publications/crown-proceedings-act-1947>

These are research starting points, not a complete legal research record. Counsel must verify current law, binding precedent, court rules, amendments, facts, and appropriate remedies before any use in proceedings.