

ONTARIO
SUPERIOR COURT OF JUSTICE

In Conjunction with the ASMIN / Kinakwii Indigenous Tribunals, under UNDRIP,
and Kinakwii Constitution

A Demand for "Quo Warranto" via a Land Claim in Trespass with Praetor and Replevin
under Indigenous Laws and Traditions, in Equity, including the Common Law of the Land,
existing prior to 1982.

and/or the common law under Magna Carta

and/or under The Law of Ma'at and/or Natural Justice

Between:

FARM CREDIT CANADA

Plaintiff

- and -

Grand Chief Wabiska Mukwa
By his Envoy ninigiwaydinnoong

Plaintiff by CounterClaim

(On behalf of Todd of the Manary Family)

-and-

By CrossClaim or Set-off:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
IN THE NAME OF THE ATTORNEY GENERAL OF CANADA

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
IN THE NAME OF THE ATTORNEY GENERAL OF ONTARIO

AMENDED STATEMENT OF DEFENCE, COUNTERCLAIM, CLASS ACTION
CROSSCLAIM OR SET-OFF, LAND CLAIM IN TRESPASS, QUO WARRANTO

Grand Chief Wabiska Mukwa
By his Envoy ninigiwaydinnoong
TODD MANARY and the Manary Family
Tribal Field Office at 57238 Light Line,
Vienna ON N0J 1Z0
(519) 550-2104
Askit4equity@gmail.com

TO:

Crown Office
720 Bay St. Toronto ON M7A 2S9
Fax: (416) 326-4012

AG of CANADA
120 Adelaide St.
Toronto ON M5H 1T1
T (416) 973-0942
Fax: (416) 973-2496

Attention: Taylor Andreas

Tom Robson
HARRISON PENSA
450 Talbot St. Box
London, ON N6A 4K3
T (519) 679-9660
F (519) 667-3362
Lawyer for the Plaintiff/Defendant by Counterclaim

STATEMENT OF DEFENCE AND COUNTERCLAIM ETC.

TO THE DEFENDANTS BY COUNTERCLAIM (AND SET-OFF):

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.

The Claim made against you is set out in the Statement of Claim.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A, prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this office, WITHIN TWENTY (20) DAYS after the statement of claim is served upon you, if you are served In Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty (40) days. If you are served outside of Canada and the United States of America, the period is sixty (60) days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

If you wish to defend this proceeding but are unable to pay legal fees, legal aid may be available to you by contacting a local legal aid office.

IF YOU PAY THE PLAINTIFF'S CLAIM, AND \$750.00 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400.00 and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED IF IT HAS NOT BEEN SET DOWN FOR TRIAL, OR TERMINATED BY ANY MEANS, WITHIN 5 YEARS AFTER THE ACTION WAS COMMENCED UNLESS OTHERWISE ORDERED BY THE COURT.

DATED: _____, 2020

Issued by: _____

Local Registrar
Superior Court of Justice
50 Frederick Hobson VC Drive
Suite 301
Simcoe, Ontario N3T 0E4

TO:

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STATEMENT OF DEFENCE

1. Todd of the Manary family is a tribesman of the Non Status Kinakwii Nation and the Anishinabek Solutrean Indigenous Metis Nation (ASMIN). Both Nations were recognized by the SCC in *Daniels v Canada* [2016] SCC 12 at [17-19].
2. Farm Credit Canada (FCC) is a Federal corporation.
3. The Land against which FCC registered an alleged mortgage is Un-ceded Land and subject to the Royal Proclamation of 1763, and the Land Claim in Trespass of the Grand Chiefs of both Nations.
4. The Federal Crown (and Provincial Crown) have a Duty to Consult as the first procedural step, **prior to any further litigation**, per the SCC in *Tsilhqot'in v BC* [2014] SCC 44 at [78] :

[78] The duty to consult is a procedural duty that arises from **the honour** of the Crown prior to confirmation of title. Where the Crown has real or constructive knowledge of the potential or actual existence of Aboriginal title, and contemplates conduct that might adversely affect it, **the Crown is obliged to consult** with the group asserting Aboriginal title and, if appropriate, accommodate the Aboriginal right. **The duty to consult must be discharged prior to carrying out the action that could adversely affect the right.**
5. The Grand Chiefs allege that the BNA Act of 1867 never received Royal Assent.
6. Federal Crown Andreas has undertaken to produce a certified true copy of the BNA Act of 1867 with Royal Assent, as part of its Duty to Consult.

7. Even if the Crowns can produce the said copy, the BNA Act was repealed in 1893, by *The Statute Law Revision Act of 1893*.
8. Further, there is no Treaty for the Land under Todd's farm. It is Un-ceded Land within the region of Indian Country, per the Map of 1763 attached as **Appendix A**.
9. The Land under ALL farms of the Manary family were never surrendered to, or purchased by the Queen or King of England. Therefore all farms of the Manary family, including Brent and Kathy, are subject to The Royal Proclamation of 1763, that is preserved at S. 25 of the alleged Charter, and our existing laws, per S. 35.
10. Strict proof to the contrary of these assertions IS DEMANDED.

COUNTERCLAIM

11. The Crown of CANADA is a corporation registered on the SEC, per **Appendix B**
12. The Crown of ONTARIO is a corporation registered on the SEC, per **Appendix C**
13. Without the consent of Todd or any member of the Manary family, the Crowns of CANADA Inc and ONTARIO Inc forced the parents of any child of the Manary family to register their children under a Social Insurance Bond (or Certificate), that was eventually registered in the Depository Trust Corporation (DTC) at 55 Water Street, NYC, under Chase Manhattan Bank, as part of the Federal Reserve Fiat Currency system of financial institutions, trading on the labour of the People.

14. This financial institution system is nothing more than a Bonded Indentured Servant system, perhaps well - disguised, which is a violation of the Human Rights of ALL the Manary family members, as protected by UNDRIP and the UN Human Rights Codes, and the Kinakwii Constitution of 2010, which identifies its members as, for example, Todd of the Manary family, thereby preserving unity of the community.

15. Todd of the Manary family therefore asserts, by Class Action of all people born on Turtle Island, and all those born outside Turtle Island who may now opt to be adopted into Kinakwii or ASMIN Nation, a Claim against the Crown of CANADA Inc, and the Crown of ONTARIO Inc. for all the natural resources of Turtle Island, valued at least at \$78 Trillion. *

*USA = \$45 T ; Canada = \$33 T plus Central America, South America, Central America and the Caribbean.

16. This Claim by Class Action is blessed by the Clan Mothers in Council to proceed in Equity which supersedes Common Law and Statutory Laws, the latter of which is suspended as unlawful, without any Constitution, or Treaty with the Clan Mothers in Council.

17. Any person, being a natural person, or a now dissolved corporation acting only under colour of right, will be charged with treason, pursuant to the Treaty of Paris of 1763, and The Royal Proclamation of 1763 for bringing the Queen into dishonour. The charge will be filed as a private prosecution.

18. The persons in paragraph 17 shall include any lawyers of the now dissolved LAW SOCIETY OF ONTARIO Corporation, which no longer has lawful standing.

PROCEEDINGS ARE TRANSFERRED TO THE INDIGENOUS TRIBUNAL

19. By way of Counterclaim and Set-off, Todd of the Manary family asserts that the SCC in *Delgamuukw (Wet'suwet'en) v. BC* at 147-148 held that Indigenous Legal Systems are equal.

20. On May 10, 2016, Canada acceded to the United Nations Declaration of the Indigenous People (UNDRIP) "without qualification." UNDRIP applied in Canada upon its passage, via the Law of Adoption. UNDRIP Article 40 states that Todd of the Manary family is entitled to have this matter heard in Indigenous Legal Systems.

21. Our Indigenous Tribunal was established by the Kinakwii Constitution, served on Parliament and Washington D.C. in 2010. The KIT Legal Team has been recognized by the ONCA. Our Indigenous Tribunals' Inherent Jurisdiction in Equity is far older than that the Superior Court of Ontario of 1791.

The sharing of Indigenous Jurisdiction in Equity with the Statutory and British Common Law Jurisdiction will be the subject of the Consultation with the Crown.

22. Further, our Indigenous Tribunal operates in PERSONAM i.e. in Equity. There are no Corporations recognized.

23. Further, the Manary Court of Common Law was established in the St. Thomas Superior Court in *Manary v Rod Phillips et al.*, in an Order by Justice Emrich, dated Sept. 17, 2019, which establishment has not been challenged.

24. Todd of the Manary family asserts that the Allodial Title to the Land under his farm belongs to the Clan Mothers in Council, and is held communally. In February, 2012, the UN demanded that the Privy Council in Ottawa produce the document by which that Privy Council obtained Title to the Lands belonging to the Clan Mothers in Council. No such document has been forthcoming.

25. Todd of the Manary family claims that the mortgage is a Nullity as the FCC never had legal authority in Canada, without a Constitution, or a Treaty with the Clan Mothers of the Kinakwii Nation or ASMIN.

26. Todd of the Manary family further claims that the currency placed into an account at FCC was, in reality, his asset registered at the DTC in NYC. The FCC in effect lent Todd of the Manary family his own asset, without disclosing his asset, which is a fraud.

27. Todd of the Manary family claims that the bankers, and Privy Council, have perpetrated a fraud upon the Indigenous People of Turtle Island in that Parliament does not have a 'de jure' Constitution, passed by the People indigenous to Turtle Island.

28. Todd of the Manary family, personally and by way of a Class Action of the People, seeks restitution of all the currency extracted from him/them by FCC, plus interest at the rate charged by the Kinakwii Constitution.

29. Todd of the Manary family claims that the mortgage is a Nullity as the FCC never had lawful authority in Canada, without a Constitution, or a Treaty with the Clan Mothers of the Kinakwii Nation or ASMIN.

30. Todd of the Manary family claims emotional damages in excess of \$100,000. The exact amount shall be determined by Consultation with the Crown or by KIT, and enforced, if necessary, by the Arbitration Act of Ontario RSO 1990.

31. Pursuant to the Kinakwii Constitution, our Indigenous Laws, and by way of Order of the Kinakwii and ASMIN Councils, the Grand Chiefs are in control of this litigation. on behalf of their Tribesman Todd of the Manary family, and via their Envoy, ninigiwaydinnoong.

LAND CLAIM IN TRESPASS

32. The Grand Chiefs of Kinakwii and ASMIN have filed Land Claim in Trespass in Ottawa, Toronto, Kingston, Cornwall, Newmarket and London, for all of Canada east of Dryden, ON and for BC (except those lands held in community by the Hereditary Chiefs). The Land Claim in Trespass is hereby broadened to all of Turtle Island, including North America, Central America, South America and the Caribbean.

33. According to Osgoode Hall Professor Kent McNeil, Indigenous Land Title expert, who was cited by the SCC in *Tsilhqot'in v BC* in 2014, even the Crown is subject to the reverse Onus to prove prior, superior land title to that of the Clan Mothers.

34. The Grand Chief of ASMIN has a bloodline that goes back to Jean Nicolet, the native of France who was adopted into the Algonquin Nation. He later became the Interpreter for Samuel Champlain, creating a bridge for Champlain into the fur trade.

QUO WARRANTO

35. Grand Chief Wabiska Mukwa, on behalf of Todd of the Manary family, hereby demands the Crown and FCC prove its Authority on Unceded Land, that is the subject of this Claim, Counterclaim and Set-off.

36. This Quo Warranto Demand has already been filed in the ONCA and Ottawa.

THE INDIAN TRUST

37. Grand Chief Wabiska Mukwa, on behalf of Todd of the Manary family, hereby demands an accounting of the deposits due to the Indian Trust cited by the SCC in *Mercer v AG* (1881), at pg 708.

38. Grand Chiefs have placed a UCC lien on un-ceded Parliament Hill for \$329 Billion, registered as PPSA # 710317665, for, inter alia, rents unpaid by the Privy Council to the Clan Mothers in Council, and / or to the Indigenous Trust.

The lien will now be enforced.

Dated: Feb. 13, 2020
Up-dated July 18, 2020

The Grand Chief Wabiska Mukwa
By his Envoy ninigiwaydinnoong

APPENDIX A

Map of 1763

APPENDIX B

CANADA Inc. SEC Registration

APPENDIX C

ONTARIO Inc. SEC Registration