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IN THE FEDERAL COURT OF CANADA
(TRIAL DIVISION)

BETWEEN:

THE HAMLET OF BAKER LAKE, et al
Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT, et al
Defendants

Held before The Honourable Mr. Justice
P.M.Mahoney, at Baker Lake, N.W.T., on
May 14-19, 1979 inclusive.

APPEARANCES:

Aubrey E. Golden	for the Plaintiffs
David Estrin	
L.P. Chambers	for the Minister of
D.T. Sgayias	Indian Affairs and
	Northern Development
W.C. Graham, Q.C.	
R.W. Cosman	
(As agent for C.T. Thomson)	for Essex Minerals
	Company Limited
W.C. Graham, Q.C.	for Pan Ocean Oil
R.W. Cosman	Limited, Cominco
	Ltd., and Western
	Mines Ltd.
T.G. Heintzman	for Urangesellschaft
	Canada Ltd. and
	Noranda Exploration
	Co. Ltd.

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UPON COMMENCING AT 2.00 P.M.
MAY 14, 1979

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THE COURT: Before calling on Mr. Golden to open his case, I would like to thank the people that so kindly met us at the airport this morning, saw us into the village and who have obviously gone to a considerable amount of trouble to make it possible to hold this sitting of the court here, and who made the physical arrangements in the school and so on.

I appreciate that all very much.

I understand we have the benefit of simultaneous translation, and I also understand that the acoustics in this room leave something to be desired. I hope that the translators will get us through to you.

Now, I think, Mr. Golden, you may proceed.

I should perhaps also apologize for the delay. The one this morning was not within our control. We were stuck in Churchill overnight. The delay this afternoon perhaps was, but that is what lawyers are for, to argue and disagree. I wouldn't be paid very much if they didn't. We resolved a number of minor matters.

The sittings will commence at 9.00 in the morning, run until 12 noon, resume at 1.30 and go until 5.00 in the afternoon. Towards later in the week, if it appears we are not getting our work done in time to finish this week, we may have to sit an evening or two. But that will remain to be

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Now, Mr. Golden.

MR. GOLDEN: May it please Your Lordship, this day marks the first occasion on which the Federal Court of Canada sat in Baker Lake, and indeed the second time in the history of the Baker Lake area which any superior court has sat. In recognizing the unique circumstances of today and the spirit in this community, on behalf of the Council of the Hamlet of Baker Lake, I should like to extend a welcome to Your Lordship and to the court here.

The very nature of this action assumes a familiarity with land, people and environment which is the subject of the judicial notice in the south. It would be unfair to assume such knowledge of the people and land of the region. The history of the municipality and its people, the nature of the land, and the traditions of its people are not notorious to us, and we must learn.

In the week to come, Your Lordship will hear much evidence which would be unnecessary if we were trying an environmental case in the National Capital Region of Ottawa-Hull or, indeed, anywhere else in Canada. The evidence would be restricted to liability and damage, and facts would be adduced to support the legal arguments to be advanced. This we will endeavour to do, but we will also try to set the testimony in the background of the people and their culture; therefore, sitting in

Baker Lake means we all have an opportunity to learn something of this community in the same way we learn of Montreal, Regina or Vancouver -- by being there.

We hope the court and everyone associated with this case will not hesitate to see and learn about this unique place. We hope Your Lordship will see the Hamlet and some of the land surrounding it, for this land especially is what has shaped the Inuit.

By these words -- which are being translated into Inuktitut -- the people will know they are not to discuss the actual facts of the case with you. That is not proper. Evidence upon which you decide must be given in court.

There will be no demonstrations, no organized events. This trial is a demonstration of an event unique in Baker Lake, and makes all other demonstrations and other types of occasions unnecessary. But the opportunities for the court, counsel and all those who participate to learn about Baker Lake should be taken. The full facilities of the community are open to Your Lordship. Mr. Stinson need only ask, and transportation will be made available. We do not guarantee that you will see caribou, but a visit to the land is essential for your understanding of the fragility of life in the barren and, if you agree, with the kind understanding of counsel, we will try to arrange whatever assistance is necessary to enable such a visit to the land.

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Litigation, courts, lawyers and unresolved disputes are foreign to the people of Baker Lake and to their culture. They welcome you, but do not fully understand the etiquette and formalities of court proceedings. We hope -- as we learn -- you will make generous allowances.

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This sitting is to enable witnesses resident in Baker Lake to testify without enduring the culture shock of a trip to Toronto. As well, the community can see and hear the proceedings for themselves as far as it is possible.

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We hope to bring before Your Lordship evidence in Inuktutuk and also, hopefully, some in English. No experts will be testifying here.

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We have attempted, at the outset, to define the issues which we submit will be the issues that ultimately will determine the result in this case.

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The first issue is generally termed the aboriginal rights issue. Stated simply, it is that there is a right in these people of Baker Lake to hunt and fish free from interference and that right may be found in the law of Canada. The establishment of that right gives rise to both factual and legal issues.

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The factual issue which is pleaded is that the people of Baker Lake have exercised this right since time immemorial and continue to hunt and fish in an historical tradition.

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The legal issue which is pleaded

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is as to the recognition in law and as to the nature and extent of aboriginal rights. This issue will be fully argued and presented in an appropriate manner and at an appropriate time.

5 Mining exploration activity in the Baker Lake region has created a substantial interference for caribou hunting and continues to do so: firstly, by interfering with the movement of caribou, diverting them and thus making them less accessible to hunters; secondly, by reducing their energy balance and reproductive activities, resulting in herd depletion and reduction of the range of movement of the caribou; thirdly, by generally increasing the level of human activity from previous levels to levels not compatible with caribou life, with special reference to sensitive times in the life cycle.

15 The third issue which is pleaded by this action is that the hunting and consumption of caribou is fundamental to Inuit life and culture. It is further an economic necessity. Reduction in caribou supply will create stress on the municipal institutions in the Hamlet of Baker Lake by increasing social problems and reliance upon welfare.

20 The plaintiffs will seek to prove that the Inuit evidence can be regarded as really expert evidence on caribou and caribou hunting. Your Lordship will hear described the history of this community and its people. We will describe their

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dependence on hunting relating to the social fabric of Baker Lake and discuss the community of Baker Lake in the context of this social fabric. Your Lordship will hear the evidence of the school land program under which traditional skills are taught and the interference with hunting and problems of hunters confronted with mining exploration activity.

Your Lordship will hear evidence of a recent nature about the caribou harvest itself and about some of the serious problems that are encountered in it. We shall try, in the few days we have, to show the actual culture, and in doing so, hopefully, bridge that culture gap between the different worlds of the Inuit and those of us known as Kabloona.

Later in the proceedings, through evidence of experts, we hope to -- in a cultural consonant way by measurements we will have been trained to understand -- hear the evidence of archeologists, biologists and anthropologists -- and other experts on Inuit life. You will hear and have the benefit of studies which have been carried out relevant to the Baker Lake Area Study that has been carried out before the commencement of these proceedings and some that have been carried out since the commencement of these proceedings.

This is, My Lord, a case about the Inuit hunting of caribou. There is a different emphasis than a case merely about the conservation of the caribou. The Inuit, we submit, should be

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regarded as an endangered species. We are seeking to protect that part of the ecological chain on which they depend. In short, healthy caribou too far away to hunt are of no use to the Inuit, and herd reductions may be healthy at times but are not in the interests of the Inuit.

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At this point, My Lord, I should like to indicate that we have, for the purposes of this action -- and the material that we have in this legislation brief will come up in many different ways at many times -- and we believe that if we may file a copy with Your Lordship and the Privy Council at this early stage, and if at any time some question arises as to relevant legislation, we hope this brief will have all the necessary references.

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We also, at this time, would like to indicate in that legislation brief there are Orders in Council and statutory instruments which relate to the aboriginal rights question and, of course, they will not be the subject of discussion here in Baker Lake.

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THE COURT: The documents here, Mr. Golden, appear to be Acts of Parliament of Regulations passed by the federal government. I don't think this has to be an exhibit. They are all documents.

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MR. GOLDEN: It is for reference only, and we have tried to make it as complete as we possibly can.

If, in the course of various

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arguments, there may arise some other documents or other statutory instruments become necessary, we will furnish them. Some of them are also filed in the knowledge that they have been superseded by total repeal and new regulations in some cases. However, we have included the old ones because of the possibility of their being mentioned and perhaps some arguments being based on them. We did so without any strategic thoughts in mind. Someone else may want to make an argument out of statutory language that we may not want to hear, but so far we have not fallen open to that possibility.

Now, My Lord, in this area nobody puts out tourist maps, and the only maps we have are usually provided for some function. My friends have some objection to my using a map produced by the government in the course of Discovery. The map shows -- we wanted a map that various witnesses would be able to use as a locator. In view of some other problems we had, the one that we had planned to use is not readily available.

This map was filed, as I said, on Discovery. I have no difficulty in proving it before the court. Indeed, there is prospecting permit information which will be relevant at a later time, in any event. That is why the map is filed.

My friends have some objection to it being used as for locating caribou activity. I must confess I don't completely comprehend their objection as it is posed.

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In any event, I have a map that will be marked by the witnesses as they testify.

THE COURT: You have no bare map that has no markings on it except for geographic?

MR. GOLDEN: I have a set of aviation maps of this area that are coloured and the photography. They are all separate and it would take some time to put them together.

THE COURT: And they are cluttered with radio beam information.

MR. GOLDEN: As I say, nobody publishes a map for the sheer love of having a map.

I have noted my friends' objections. Perhaps they should voice it themselves.

THE COURT: You are entering that as an exhibit at the moment, and we will have to hear the objection.

MR. GRAHAM: There should be no objection to my friend tendering it as an exhibit. Obviously, if he begins to ask questions of activity shown on the map already, he shouldn't be able to do so. It will be of limited use to my friend if that is the purpose for which he wants to use it.

MR. CHAMBERS: My Lord, if I may say this, this map purports to show areas of mining activities -- at least activities associated with mining permits. The witnesses or witness will be asked about where hunting activities occur. It is in the plaintiffs' interest to establish that hunting activities take place where mining activities

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take place. For this reason alone it would seem to me to be highly prejudicial at this stage to have before a witness areas that actually indicate mining activities.

For this reason alone I submit we should have a clean map or one at least that does not show any claim areas.

MR. HEINTZMAN: I think it is essential we start off the case with a clean map.

We are coming to this case with a fresh mind, and I respectfully submit that it is necessary we have a clean map which I am sure is readily available. I have seen some of Keewatin and the Northwest Territories.

THE COURT: You indicated the map that Mr. Graham preferred to use is too small -- too small in scale or does not take in the area you wish to have taken in.

MR. GOLDEN: In fact, the first witness could probably get over one end of it. We may find we have to have more than one map if we do that.

I was trying to avoid having more than one map.

THE COURT: I can appreciate the point. What you want to do, I gather, from your witnesses is to find out from them, looking at that map and without reference to any other activities that may be going on just where they and their ancestors have been hunting. So perhaps we could at

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least start with the clean map and see what happens.

MR. GOLDEN: I understand there is one available.

I understand that in the offices of the Department of Indian Affairs and Northern Development there is a clean map which is of sufficient size.

THE COURT: Shall we subpoena it?

MR. GOLDEN: I think perhaps we can get the co-operation of that department.

THE COURT: Is there something we can do while we are waiting for it?

MR. GOLDEN: Yes, there will be plenty of time before that is necessary.

I would like to call as my first witness Mr. William Noah.

MR. CHAMBERS: If I may be permitted -- before the first witness of the plaintiff is called -- to put the following observations on the record?

THE COURT: Of course.

MR. CHAMBERS: My Lord, my learned friend in his opening statement indicated quite clearly he intends to call evidence tending to show that activities associated with the claims issued by the government or the permits issued by the government, referred to as mining activities, has caused interference with hunting and that hunting and consumption of caribou is also culturally necessary and the lack of it would have detrimental effect on the

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social fabric of the community.

My Lord, I should have the gravest doubt that these two categories of evidence are relevant to issues in this case, at least in the issues between the plaintiffs and the government defendant, as distinguished from a mining company defendant -- let them speak for themselves.

I would like to refer Your Lordship to the Fresh as amended Statement of Claim, particularly to paragraphs 16, 17 and 18 on page 5.

In these paragraphs it is alleged that, first of all, aboriginal title or native title or whatever one may call it, has not been extinguished and, secondly, the lands in the Baker Lake area are not encompassed by the definition of land within the meaning of the Territorial Lands Act and that, therefore, -- and that the Parliament, in right of Canada, in fact lacks the constitutional power to encompass the lands in question to which a claim for aboriginal title is made within the definition or within the purview of territorial land use regulations and the Act itself.

Assuming that the plaintiffs will be able to prove that indeed the Parliament lacks such power, then I submit that any evidence going to show that such action taken under this legislation is detrimental is irrelevant.

On the other hand, if the plaintiffs do not establish that, then such evidence would also be irrelevant and, therefore, it is my

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submission, My Lord, that such evidence of the type my learned friend has alluded to is irrelevant when it comes to the determination of these issues, and I should, therefore, object to such evidence going in.

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However, I am mindful, My Lord, of the desire of the plaintiffs to air their complaints and their grievances to this court to the fullest and, therefore, I am disposed not to make a formal objection to their evidence provided that the necessity may arise on our part to lead rebuttal evidence is not construed as having laid our objection to such evidence in the first place.

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These are my submissions.

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THE COURT: I don't suppose, Mr. Golden, there is anything to reply to in that as far as you are concerned.

MR. GOLDEN: There is not, My

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Lord.

Mr. William Noah, please.

Mr. Noah will be testifying in Inuktutuk through Mr. John Pudnak, Interpreter.

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WILLIAM NOAH, Baker Lake, NWT: Sworn

(Through Interpreter J. Pudnak)

EXAMINATION IN CHIEF BY MR. GOLDEN:

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THE COURT: Mr. Pudnak, the most important thing, of course, is for me and the Reporter here to hear you, but I think it is equally important, if possible, that the people in the back

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(Golden)

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of the room can hear both you and Mr. Noah, and I do not know whether the microphone picks that up and brings it to the people's earpieces.

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I do not think the simultaneous translators will be able to repeat everything said in Inuktituk and English, so if you could speak up, it would be helpful to everyone.

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MR. GOLDEN: Q. Mr. William Noah, you are the Chairman of the Council of the Hamlet of Baker Lake?

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A. Yes, I am the Mayor of the Hamlet of Baker Lake. I was elected Mayor in February of 1978 and re-elected again in 1979.

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Q. Mr. Noah, would you prefer to stand as well, or do you prefer to remain seated?

A. I would prefer to stand when I speak, if I may.

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Q. Mr. Noah, when did you first come to Baker Lake?

A. I first came to Baker Lake in December of 1957.

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Q. Can you tell us from where you came?

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A. I came down from Upper Garry Lake up on the north side of Baker Lake.

Q. Did you come alone or with your family?

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A. When I first came down to Baker Lake, I came down alone, leaving my sister and mother up at Back River.

Noah, in ch.
(Golden)

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Q. Why did you come?

A. When I came to the settlement of Baker Lake in that year of 1957, just shortly after my father died, we were running low on food at home so we had to come. When my brother came down to the community of Baker Lake, I came down here with him.

Q. Did you go to school?

A. When I came in 1957 -- December of '57 -- I was asked to go to school, which I did in January of '58.

Q. Where was that school?

A. We went to the first school that was built here in Baker Lake, which is now being used for Council chambers and meetings. At that time it was one classroom.

Q. Mr. Noah, how long did you go to school?

A. I went to school two to three years here in Baker Lake and shortly after that I was down in Winnipeg for most of the year for three years.

Q. What is your present age?

A. I will be 35 years of age next month.

Q. In addition to being Chairman of the Hamlet Council, I understand that you have a number of activities. Can you tell us what other things you do aside from your duties with the Hamlet Council?

Noah, in ch
(Golden)

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A. First of all, besides being Mayor of the Hamlet Council of Baker Lake, I also put out screen prints along with stone carvings which are put out at the co-op.

Besides that, I am Manager of the present co-op of the Baker Lake. President of the co-op. Pardon me.

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Q. Did you have any function with the radio station here?

A. Yes, I am involved with the radio program every Wednesday from 8 to 9 or 9.30, some occasions, giving to the community the news of the Council meeting and whatever is happening within Hamlet Council and once or twice a month we also have a radio program whereby the community phones in to the radio station to give their opinion about whatever issues are happening in the community.

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Q. Mr. Noah, could you at this point tell the court a little bit about how the radio station works in Baker Lake?

A. The local radio station does have many uses for the community. Certainly during the winter time, when there is a lot of snow storms in the community, some people don't return from their hunt or somebody is missing in the community, the radio station is usually used for making local announcements of such.

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The radio station does have a lot of local use that is very important to the community. Important announcements that have to be

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made are placed on the radio station. Sometimes the radio station is used for letting people know what other events are coming or whatever will happen in the future. Of course, I could go on and on and tell you the use of the radio station in the community for many purposes, but it is very important for the people to get to know what is happening or what will be happening and local announcements will be made on that radio station.

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Q. Thank you. Mr. Noah, you know the other individual plaintiffs in this action.

A. Your question?

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Q. Do you know the people personally who are the plaintiffs in this action?

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A. Yes, I know them all very well.

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Q. Do you recall a few weeks ago being given a list of all of the plaintiffs and being asked to identify where they came from?

A. Yes, I recall very well.

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In fact, I made notes on those questions that were asked, and I can recall very well where these people were from.

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Q. When I say where they were from, I mean either they or their parents or their families before they lived in the Hamlet.

A. Yes, I can recall very clearly where people used to live before they moved into the community.

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Q. Mr. Noah, the list that you

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made was typed, and I want you to look, first, at this list to see whether or not you can recognize it as the same or a different list from the one that you prepared.

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A. Yes, these are exactly the names of the people that I made notes up on. There have been no changes in any of it -- the other occupations or names.

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Q. The bottom left hand corner contains six names on top of which there is a question mark. I assume those are people whose place of origin you are not aware of?

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A. Yes, the reason for having the question mark on these six names is the fact that I didn't want to make a mistake. I had a rough idea where they were from, but I didn't want to put something down that I was not sure of, and I decided not to mention where they were from.

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Q. Other than those six persons, are the other persons whose names appear on this list from the place which appears on top of their respective names?

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A. Yes, all the names that are listed on there, along with where they are from, are all correct except for those six names on the left bottom.

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MR. GOLDEN: My Lord, may I make this list an exhibit rather than have each individual name read into the record?

MR. HEINTZMAN: We may be into a

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hearsay problem here.

It is quite correct that this document was produced, as I understand it, in response to questions asked by Mrs. Koenigsberg, who is my junior on this matter. The mere fact that the list was prepared does not make it admissible unless otherwise it is admissible.

On the other hand, I do think it is important to find out some of the information, and therefore I have great concern that the information is not admissible on the ground of hearsay, so therefore what I would be prepared to do is make the objection at this time, have the document marked and to cross-examine as to the source of this document.

It may be that the witness can tell by dress or by other manifestations other than by word of mouth the information contained in that document.

THE COURT: Well, certainly evidence of where Mr. Noah thinks these people came from and such is admissible, and if you are able to call into question his thought process successfully, I suppose it is open for you to do so.

MR. HEINTZMAN: Yes, My Lord.

EXHIBIT NO. P-1: List of names of the plaintiffs stating their area of origin

EXHIBIT NO. P-2: Map of Baker Lake and surrounding area

MR. GOLDEN: Q. We have been

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able to locate a map which shows a larger area around Baker Lake. You mentioned in your evidence that you came from a place called Garry Lake.

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A. I came down from Back River. There is an area there -- a river called Back River there.

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Q. Can you show me Back River? Or is it on the map?

A. You can see part of it on the very top there -- part of the Back River. In that direction. (Indicating)

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Q. On the left hand side of the map, the upper left corner, is Pelly Lake, Upper Garry Lake, Garry Lake and Lower Garry Lake. Is that any place near where you came from?

A. I have never been in this area -- this Garry Lake area, but I came further east from Garry Lake.

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Q. Thank you. Did you live in one place or did you live in more than one place?

A. When we lived up in the Back River area, we moved from one area to another looking for caribou and game, but we never did move too far from the Back River area.

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Q. With whom did you live there?

A. I lived there with my brother and my sisters. I have six sisters who are married. We all lived in that area.

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Q. Did you have parents living with you?

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A. Yes, my parents were living with us as well.

Q. What did you live on? What did you eat?

A. We lived on fish, caribou, lake trout. We did a lot of fishing during the summer season and, of course, towards the fall -- August-September -- we hunt caribou for clothing and for food as well.

Q. And in the winter time?

A. We always hunt caribou during the winter season and always part of the skin from the caribou legs were used for making nets and they were very important to us so, therefore, we hunt caribou during the winter season as well.

Q. When you lived in the Back River area, were there other families living there with you?

A. There were not that many other families living in the Back River area. There would be some people who would pass by or come by now and then, but there were not that many other families living in the Back River area.

Q. In what did you live? What was your shelter?

A. During the summer season we would live in the tents. In the early fall, when the ice is not too thick, we used to build with ice which would be topped off with a caribou skin and, of course, in the winter seasons we would live in

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Q. What were your tents made of?

A. The tents were made up of canvas we bought from the store in Baker Lake here.

Q. Did you come to Baker Lake often to buy supplies?

A. When we were living in the Back River area, the men used to come down to buy what they needed during Christmas season and also near Easter season -- twice a year.

Q. How did they travel?

A. During the winter months when they come down to the settlement to buy what they need, they came down by dog team. They brought all their equipment and food they needed, everything they required for the trip they would come down to Baker.

Q. Can you tell us of the people you saw in the Baker Lake area, if they lived as you did -- that is they ate and slept the same way you did?

A. Yes, other people -- other families who lived up around the Back River area and other areas, they would live the same way as we do. They would eat caribou for food. They would have caribou clothing. They would do everything as we do because they were also people like ourselves.

Q. Do you remember how old you were when you came to Baker Lake to live?

A. I was somewhere in the age

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of 13 or 14 when I came to the settlement of Baker Lake.

Q. When you came to Baker Lake, had you learned to hunt caribou?

A. Yes, I started hunting and fishing caribou when I came to the settlement of Baker Lake.

Q. You started when you came to Baker Lake? Had you hunted before you came to Baker Lake?

A. Yes, I did some hunting before I came to the settlement. I just started doing hunting on my own when I moved to the settlement of Baker Lake.

Q. Where were you when you learned how to hunt?

A. I first learned to hunt and trap and hunt caribou around the age of nine, after my father died, when we were living up in the Back River area. After my father died, I had to learn to hunt and fish and to have to provide the family, and I did that when I was around nine years old.

Q. Who taught you to hunt?

A. Mostly my brother-in-law, my uncles and my brother.

Q. Did they live with you?

A. Yes, they were living with us.

Q. When your father died, who provided -- was there one person or persons or were

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there other persons who took responsibility to provide for your family?

A. After my father died, we had to move with other families such as my family, my uncle. We did spend a lot of time with my brother who helped us out to hunt and to harvest whatever we needed at home and we moved again to another area with a different family in the year of around 1956.

Q. When you came to Baker Lake did you hunt caribou?

A. Yes, when I came to the settlement of Baker Lake, I did caribou hunting. In fact, at that time the caribou were very close by. I remember getting some caribou just above where the air strip is now, on the other side, and also just before the graveyard, where the hill is there, there was a lot of caribou in that area so I did some caribou hunting.

Q. Have you continued to hunt caribou?

A. Yes, I have continued to hunt caribou because that is the only main food that we have for fresh food -- meat. But now it is getting more difficult to hunt caribou because they are moving far away. But I do hunt caribou yet. We have to depend a lot in the Baker Lake area on caribou and on fish because that, unfortunately, is all we have. We don't have the number of animals that people have in the coastal area. All we really have in Baker Lake

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is the fish and caribou and we do depend a lot on those and, of course, people who hunt and fish normally hunt and fish all year round, especially for people who don't have jobs and who depend on hunting

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all the time. They hunt during the winter and summer and fish, as well. But, unfortunately, a lot of the animals are now starting to move away from the close by areas.

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In Baker Lake it is now getting more difficult to even go and catch fish and definitely caribou particularly because all we have in Baker Lake is fish and caribou; we depend on those more than anything else so we continue to hunt at all times.

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Q. You mentioned it being a food item. There are foods that can be bought in the store here. Do you buy food in the store -- the Bay?

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A. Yes, I do buy food from the store -- store-bought food. But then, of course, you must have a job or earning money to buy food from the store.

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But for those who don't have jobs it is very difficult for them to buy food from the store. Even then we prefer country food because the food we buy at the store are mostly in cans and they are not fresh meat. We prefer to live and eat caribou or fish meat. That is more suitable to us rather than having to eat canned food which we would prefer not to have whenever we can get fresh foods such as caribou and fish.

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Therefore, we continue to hunt and try to eat and continue to eat fresh food whenever possible.

Q. Do you know other families in Baker Lake besides yourselves -- and I am speaking now of families who do not have dogs -- where there is no one in the family earning wages?

A. For families who do not have employment in the community it is difficult now for them because of the fact that the price of food is getting higher all the time, and people have to depend on social assistance and do not have enough because of the price of the food you buy at the store and it is so high it is a great hardship for these people who do not have employment in the community. Especially now I feel that it is going to get worse because the caribou are going to continue to move away from close by areas in the Baker Lake. It is going to make it more difficult for these people who do not have employment now. They are having hardship enough now as it is. Social assistance for a large family does not cover the kinds of requirements they have for even enough food from the store because of the prices that we have are so high and social assistance doesn't provide enough of the requirements that families have and, of course, the caribou are going to continue to move away farther. It is going to be more difficult for families who do not have any source of income or employment in the community.

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Q. Mr. Noah, do you hunt because you like to or because you have a real need to hunt?

A. When I hunt, I hunt because I require fresh food -- to find game for food, not for the fun of the hunt, because I feel I have to hunt to provide the kind of food that we require.

Q. Do you have a family of your own?

A. Yes, I have a family of my own. I have five children at home and a wife.

Q. Does your family eat caribou?

A. Yes, my family eats caribou. I have my youngest child now who is two years old. It means all of my family eats caribou which includes the whole family. Yes, we definitely do.

Q. In Baker Lake when there is not enough caribou to hunt, can you tell us what happens to the families in the community?

A. Yes, when there is very little caribou or no caribou, in some cases many families in the community do have hard times and they have hardship because they don't have enough food at home. Families do not have enough fresh food at home, and therefore, it is very difficult for the people in the community when there is not enough caribou or no caribou in some seasons.

Q. In the last year -- just a year ago last April, how was the hunting in Baker Lake?

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A. There has been some caribou in around Baker Lake area, but mainly people who have time to travel long distances have been able to get some caribou, but there have not been that many for many people who do not have the time or cannot afford to travel a long distance in the short time. There has not been that many caribou as compared to previous years.

Q. I would like you, using this map, to show us --

THE COURT: Perhaps you could have him mark Baker Lake -- the village or the hamlet.

MR. GOLDEN: I suppose we should mark the map as an exhibit, unless there is some objection to this particular one.

Q. First, in red, I will mark the Hamlet of Baker Lake with a circle. Can you show us, Mr. Noah, where you have hunted in the past and in recent years by using this map -- and when you show us an area, I would like you to mark it with a green pen that you have been given.

Then I would like Your Lordship's permission to put Mr. Noah's initials around those areas because there will be other people marking the same map.

THE WITNESS: First of all, as I mentioned previously, the area where I came from is unfortunately not shown on the map.

MR. GOLDEN: For the record, Mr. Noah was indicating an area approximately the centre

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portion of the top of Exhibit P-2 and off to the north of the map.

Q. Mr. Noah, please just show the areas -- not the whole route.

A. First of all, I mentioned previously when I first moved into the community I did catch some caribou very close by. And again in this area. (Indicating)

Q. It is on the --

A. It is on the north side of Baker Lake. Also in that area called the Whitehills Lake.

THE COURT: I wonder, Mr. Golden, just before this gets too far along, perhaps he should be initialling those with WN1, WN2, so they tie in chronologically with the record.

MR. GOLDEN: The area on the top is WN1, Baker Lake; the immediate area WN2, Whitehills area; and the Whitehills area WN3 and again on the immediate northwest of Baker Lake, WN4.

Again on the immediate west of Shultz Lake, WN6.

Again at the Kazan Falls area, outside Baker Lake, WN7.

Again on the south southwest of Baker Lake, at Pitz Lake area.

Again on the north side of Princess Mary Lake.

THE WITNESS: Again I did get a number of caribou on the north side of Baker Lake

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along the north shore. And again towards the south channel of the lake. And over towards the east, just north of the short channel. I have done most of my hunting in the Baker Lake area, which I have marked on the map there, and I spent some time last summer in the Aberdeen Lake area which is to the west side of Baker Lake.

This area that I have covered much on the west side of Baker Lake, including the Shultz Lake and part of Aberdeen Lake area.

MR. GOLDEN: We shall try to find a more distinguishable colour to show the initials, or at least develop some kind of a colour code or similar means to keep the hunters separate.

Q. Mr. Noah, when you hunt, do you hunt alone or in the company of other persons?

A. Sometimes I hunt alone and sometimes I hunt with other people.

Q. In the areas you have shown us that you have hunted in the past, do you know whether other hunters have hunted in the same areas?

A. Yes, those areas that I have indicated on the map are areas where most of the people from the community do go out to when they hunt.

Q. Can you tell us, without marking it on the map, where you go fishing? You are indicating an area on the west end of Baker Lake.

A. On the west end of Baker Lake and one other area just on the north side to

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about 10 or 15 miles towards the end of the lake.

Q. That is to the south of
the Hamlet of Baker Lake?

A. Yes, and in the Kazan Falls
area. As to the west side of Baker Lake, towards
the Shultz Lake area, and also to the north side of
the community in the area of Whitehills Lake.

MR. GOLDEN: Thank you, Mr.
Noah. I hope you had better luck at Whitehills Lake
than we did.

THE COURT: Whenever you see
an appropriate time in your Examination, Mr. Golden,
I am reasonably flexible here.

MR. GOLDEN: Thank you. This
would be a good place to break.

--- COURT ADJOURNED TO MAY 15, 1979

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HAMLET OF BAKER LAKE
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In the Federal Court of Ca
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