

PROPERTY OF
~~LAND CLAIMS SECRETARIAT~~



T-1628-78

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. for Essex Minerals
R.W. Cosman Company Limited
(as agent for C.T.Thomson)

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 resuming at 9:00 a.m., May 18, 1979

---EARNABUS PERYOUAR, recalled

BY MR. COSMAN:

Q. Mr. Peryouar, did you hunt last summer?

A. Very few times.

Q. And did you hunt this winter?

A. Yes, this winter.

Q. Did you hunt very often this winter?

A. Yes, I did much hunting this winter.

Q. Where did you hunt in the summer?

A. This summer I did hunting along the lake shore, mainly.

Q. On the north shore or the south shore of the lake?

A. All along the north side of the lake towards the east end of the lake itself.

Q. Did you shoot any caribou?

A. There wasn't that much caribou last summer. I can recall getting only one caribou last summer.

Q. Did you hunt with anybody else?

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Peryouar, cr. ex.
(Cosman)

A. Yes, there are always hunters going back and forth in that area. I run into some and I see some going into the same general direction.

Q. Mr. Peryouar, do you remember telling the court when you testified in Toronto that once the caribou has seen a boat, it will not take the route that the boat has passed?

A. Yes, I can recall that very clearly. Any deeds that are done towards the caribou -- anything of that nature, turns the caribou. I am not going to forget.

Q. Do you believe that once the caribou has seen a boat it will never return to that area?

A. I only don't believe that. I know that personally. I know that from experience.

Q. Have people been hunting with canoes with motors since around 1960 in the Baker Lake?

A. Yes, people have hunted with canoes with motors but, naturally, people, when they hunt with canoes and the motors, they don't shoot caribou from a boat. You have to walk inland in order to get the caribou but simply the caribou don't live in the water like

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the seals do so you don't shoot the caribou from a canoe.

Q. Do you shoot caribou at water crossings?

A. Normally, caribou are not going to cross if there happens to be a canoe in that area. On occasion people may run into caribou crossing at certain times but if there happens to be a canoe in the area where crossings may be, the caribou are not going to cross there.

Q. Do you remember testifying when you were being examined for discovery that you have seen caribou running away frightened by the sound of motors on canoes?

A. Yes, I can recall that clearly. I can recall anything that had to do with the caribou.

MR. COSMAN: Thank you very much.

---CROSS EXAMINATION BY MR. CHAMBERS:

Q. Mr. Peryouar, you said at the moment you lived in Baker Lake community, is that correct?

A. That is correct.

Q. What do you do for a living?

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A. Mainly now fishing and hunting. There are, of course, times when it isn't possible to fish and hunt and therefore I have to request for Social Assistance. That is what I do now for a living.

Q. Is Social Assistance the only money income you have?

A. Yes, that is all I get.

Q. Are you going back to live on the land?

A. If I have time to make preparations whereby -- my family would have to be in the community -- I would be prepared to return to the land.

Q. I'm sorry. Do I understand you to say that you would want to leave your family behind and move on the land on your own? Is that what you said?

A. Yes, that is my intention.

Q. What does your family consist of?

A. There are five of us in our family -- in our immediate family now.

Q. Including your wife?

A. There are seven of us all together, including me and my wife.

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Peryouar, cr. ex.
(Chambers)

Q. I take it you have
three children?

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A. Three children of
our own. We have just recently adopted a child.

Q. How old are your own
children?

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A. I don't know the
exact ages of the children. I know the youngest
one has just started going to school in the
summer of last year.

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Q. And the oldest?

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A. The oldest one that
we have at home is between the age of eighteen
and nineteen.

Q. What does he do?

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A. On occasion he would
come hunting with me. This is on occasion,
whenever I do. On other times he does odd
work whenever work is available.

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Q. Does he plan to move
back to the land?

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A. Yes, he would
definitely want to be with me back on the land.

Q. He would move to the
land with you, is that what you are saying?

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A. Yes, definitely he
would move out to the land with me if I were
to move out on the land.

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On occasions, when I have to travel to hunt, he always wants to come along. Unfortunately, because sometimes the load I have to carry is often times too heavy, I have to leave him at home.

Q. Is your wife about the same age as you are?

A. Yes, she is about the same age as me. Perhaps she is younger than I am.

Q. Is she working for a living or just staying at home?

A. She is not working in the way of employment. She works at home in the way of making caribou clothing and that she has always done before.

Q. You said, sir, that up to 1958, when you moved into the Baker Lake community, you ate exclusively caribou meat, is that correct?

A. Yes, that's correct.

Q. And that extends to the entire period, does it, from 1937 to 1958?

A. Yes, that's correct.

Q. Am I right in saying that there were good years and there were bad years throughout that time; mainly, 1937 to 1958?

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And now I am speaking of the availability to
you of caribou meat?

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A. Once again, as I mentioned
before, I can recall one particular bad year
around the Garry Lake area. And again, as
I said before, I cannot recall any other years
before or after that year.

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Q. And that year was,
you said, I believe, 1958?

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A. Yes, in the Garry
Lake area. This was during the year 1958.

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Q. In fact it was really
bad, was it not? A lot of people were starving?

A. Yes, that's correct.

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Q. A lot of people were
dying from hunger?

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A. That's correct. And,
of course, the reason is that during that
period of time, when people were starving
up in that area -- the reason is a lot of
the families that were not able to move away
from that particular area to go to better

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areas was the fact that it was a bad year and,
of course, if a family moved during that time
they would have to move with all their families
which includes the older people and the small
children and that is a decision in order to
move to other areas.

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Q. There were just not enough caribou or any caribou in that area at all in 1958, is that correct?

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A. Yes, that is correct. And I also know the reason for that, as well.

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Q. And what is the reason?

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A. The reason for all this, say, during the period of 1958 when the caribou didn't move into that area -- years before that there was always caribou in this area and long summer and winter.

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Normally, when the caribou are coming in one area at all times year after year, when they are feeding in that area they naturally eat from the ground and there comes a time that the feeding grounds have to be left for a period of time in order to allow it to regrow again.

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I believe during the year 1958 that the caribou didn't come to that area in order to allow that area to regrow again so it could eat in that area again, but I know they have returned in that same area since.

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Q. Now, sir, 1958 was also a bad year for the Back River people, was it not?

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MR. GOLDEN: Just before that

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question is answered, I think my friend might be a little confused. The Dack River area seems to be the same as the Garry Lake area.

THE COURT: The general area.

MR. CHAMBERS: The general area is the same. I do not know if the witness would differentiate based on the two English place names.

MR. HEINTZMAN: My Lord, with the greatest of respect, I submit that although I am not asking the questions that it is not a proper interjection. I believe the interpreter actually interpreted the question in reference to the people living in the Dack River area and not the people living in the Garry Lake area.

THE COURT: Your ear for Inuktutuk is better than mine if you can figure that out.

I think Mr. Chambers is willing to clear up any possible confusion, so perhaps we should let him do it.

BY MR. CHAMBERS:

Q. Mr. Peryouar, the area we have been talking about where the people were starving in 1958 and I asked you questions about concerns this area here in

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Peryouar, cr. ex.
(Chambers)

Garry Lake, is that correct?

A. That's correct.

Q. The Back River area is farther north, is it not; namely, north of this map?

A. Again, I have only heard about these people from the Back River area. Since you can see on the demonstration of this map that I have not been in those areas, therefore I would rather not try and tell you something I have only heard and have not seen or have no knowledge of.

Q. So you have personal knowledge of starvation and death from starvation from the Garry Lake area but you only heard about starvation in the Back River area, is that right?

A. I have not heard of any difficulty of starvation in the Back River area. As I mentioned, again, that these people I have demonstrated on the map I have no knowledge of.

Q. So the people you spoke about when you agreed with me that people died of starvation, you talked about people in the Garry Lake area?

A. Yes, that is correct. During the same period of 1958 these people

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were starving in Garry Lake area. I can recall a gentleman, who is now living in the community of Baker Lake, by the name of Keayuark. I can recall he was brought into the community from that area. This was during the year when all these people were starving in that area -- during the same year, the spring of 1958.

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During those years the people would look up to him in the community. With the Hudson Bay people was a fellow by the name of Sandy Lunad and the Anglican Mission -- and the Anglican Minister by the name of Canan W. J. R. James. These people were looked upon by people as having the knowledge whenever it is required. People felt they had to talk to these people in the community.

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I can recall Mr. Keayuark returned to that general area of Garry Lake during that same year, in the spring of 1958 because he knows well enough that the caribou would return in that area again. But,

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unfortunately, the understanding the mission and the Hudson Bay got from the gentleman was that they thought he wanted to return up there to get the equipment he left behind. He was told he would be issued other equipment from here and there would be no need to return,

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and the gentleman has been living in the community since.

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Q. Mr. Peryouar, do you know if it was also a bad year for caribou hunting in the Back River area in 1958?

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A. There wasn't all that much caribou up in that area -- not that it is such a large group of caribou but there was enough caribou there that people could live upon.

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Q. Do you know, Mr. Peryouar, in 1955 if there was starvation

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in the Back River area and that a large number of people had to be evacuated from the area?

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A. Yes, I can recall these people being brought into the community with all the hardship up there.

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I can also recall during the year 1955 -- that year was awful bad for many of the people up in that general area. But at that time, during 1955, transportation and communications were then not that available.

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Even though it was a bad year in that general area in 1955, people did survive on their own. But I can recall during the latter years --

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during 1958, when all this hardship was going on in that general area, that there were some

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people that had to be brought into the community.

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Q. Mr. Peryouar, you testified yesterday that between 1937 and 1938, the year in which you moved into the Baker Lake community, you travelled extensively in roughly the Kaminuriak Lake area right up to the Garry Lake area and indeed, in 1953, right up to the Back River area, is that correct?

A. Yes, that is correct.

Q. And also you said that you changed your camps not only from year to year but indeed from season to season?

A. Yes, that's correct.

We had to move during the different seasons of the year from the one area to another area not because we were having hard times or anything but during those years people enjoyed moving into different areas.

Q. Am I right in saying that one of the reasons why you changed the camps so frequently was that you wanted to follow the caribou?

A. The reason for having to move into different areas in order to be close to the caribou -- that's correct. But then, of course, we also knew the movement of these animals. We knew which area they were going to be in. Even long before they came

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through different areas or certain parts of these areas, we would know well in advance that a certain number of caribou are going to be in some area even before they move in there so, therefore, one would move into a certain area even though the caribou may not be there at the time that one moves into another area but because of the fact that we knew exactly in which direction they were going, we then know which direction or which areas to move to.

Q. While you were moving around following the caribou, am I right in saying that caribou hunting was better in some areas than in others?

A. Yes. Well there may be areas -- certain areas -- better than other areas. But then, of course, again as I mentioned before, when these caribou were not being disturbed by anything other than the hunters that were there to hunt them, their movement was known by all the hunters: exactly where they are going to be at a certain time, certain seasons, of the year and therefore even if some areas were not as good hunting areas as others, that didn't prevent the people from not knowing in which direction or where these animals were going to be.

Q. Mr. Peryouar, am I

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right in saying that you had not-so-good seasons and bad seasons of caribou hunting following good seasons? Let's put it this way: you had a bad season or not-so-good season after a good season?

A. I can't say that there were times when there were no caribou or when there were very little caribou even in those years because if you look back in those earlier years people who depended on these caribou were not only the people themselves. You also have the dog that had to eat and, naturally, dogs have to eat more than a person.

Perhaps, if you look at it today, you might say there are a lot of people in the community. Even that maybe the case, but still only they eat less than a dog would normally eat so, therefore, I can't say there were bad years -- worse than other years.

Q. But I thought you agreed with me that some of your seasons were not as good as others?

MR. GOLDEN: I'm sorry. He didn't agree with that. He just heard the answer to his questions.

MR. CHAMBERS: I will ask you

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Peryouar, cr. ex.
(Chambers)

again.

BY MR. CHAMBERS:

Q. Were some of your seasons not so good as others or were they all plentiful and good -- equally good?

A. Before the year 1958 there was also enough caribou in these areas. People were not there to hunt and to look for large caribou herds. They were there to get their requirement of the number of caribou that they would use for family food and whatever else they needed. There may not have always been a large caribou herd all year round or different seasons of the year, but there was always some there so people were able to live on.

Q. Mr. Peryouar, this was not my question. My question was, had you personally experienced seasons that were not as good as others?

A. There were periods when one was not able to perhaps see caribou on a daily basis. There are times when these caribou are moving in certain directions that they pass through and move on or either will move in a general direction later. There were times when one didn't always see a caribou on a daily basis. But, of course, people were

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always prepared because people had dry meat that would last them until the next group of caribou would come by.

If it was in the winter, people had already prepared themselves for that winter even if there was nothing coming through for a period of time. People were still prepared for it whether it be during the winter or summer.

Q. Did you ever experience when you moved into an area where you expected to find plenty of caribou that no caribou were coming when you expected them to? I am talking about your own experience now.

A. No, that never happened because, as I said before, we know the movements of the caribou. We know exactly where they are going to be and what directions they are going to take.

It is very difficult to explain to white people the reason why we knew where these caribou are going to be at a certain time of the year -- where they are going to be located and what areas they are going to be in because these caribou, we know for a fact -- we know from experience -- their movements and we can tell their movements by looking at the weather conditions

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and that sort of thing. It is difficult to explain to a non-Inuit person.

Q. Did you ever have to move to other areas to look for caribou from the areas that you expected the caribou to go in?

A. Once again, as I mentioned before, we knew these caribou were going to be in certain areas at certain times of the year.

I will give you an example. Say I happen to be in Baker Lake and this happens years ago -- not necessarily -- but say years ago, back before 1958. Say I happen to be in Baker Lake during the summer of August and September. If the month of August and September the weather was mostly overcast during all the period of August and September, I would know exactly that the caribou will be coming to the shore on the north side of Baker Lake. But, if during the month of August and September it was mainly sunny during those times of the year, I would again know that the caribou would be coming on the other side of the lake.

Again, as I mentioned before, you only had to watch the weather conditions during any seasons of the year and

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you would know exactly where these caribou are going to be moving.

Q. You mentioned caribou moving north of Baker Lake. In the spring of 1976 and also 1977 there was a herd north of Baker Lake, was there not?

A. Yes, I mentioned there were caribou during that time during the period of 1976 and 1977 but, unfortunately, now today it is different. These caribou are not as settled as they used to be. They are now moving into so many different directions that you do not see them the way they used to move years ago.

Q. I believe you said that this herd went north of Baker Lake in the spring of 1976 and in the spring of 1977. Had the herd split up from the Kaminuriak Herd?

A. As I mentioned before, this was part of the Kaminuriak Herd that had split up and, as I mentioned before, there has always been a split up within the Peverly Herd which may be a different herd but people know the difference between these two herds. As I mentioned yesterday, this was part of the Kaminuriak Herd that has split up.

Q. The herd that was north of Baker Lake in 1976 and 1977 in fact

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came very close to the Baker Lake community,
did it not?

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A. Again, the caribou
that was within the north side of Baker Lake
during 1976 and 1977 was not from a long
distance from the community. Again, of course,
that may have been so during that time, but
now, again as I mentioned before, that doesn't
happen anymore and, again, years before that,
if you were living in the community of Baker
Lake, there were times that you could see
caribou from where you were within the
community -- not far from the community.
But then again that no longer happens.

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Q. Mr. Peryouar, when
the caribou were in the vicinity of Baker
Lake community in 1976 and 1977, the people
of Baker Lake community got plenty of caribou,
is that not right?

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A. Yes, people were able
to get caribou during that time if there were
caribou close by and that is again because there
is nothing like caribou meat. You can have all
kinds of food -- all kinds of different food
at the store you can buy -- and nothing compares
to caribou meat and, naturally, if there is
caribou meat available, people will go for it.

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Q. Am I right, Mr. Peryouar,

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that the caribou were so close to Baker Lake in 1976-77 that people were taking bets as to which hunter could return within the shortest period of time with a caribou? Am I right that in 1976 and 1977 when the caribou were near the Baker Lake community they were so close to it that people were taking bets in the community as to which hunter would return first with a caribou in the shortest period of time?

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A. Yes, I have heard that happened, but I was not aware of it nor had I taken part in it but I have been told that this was so.

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Q. And all this hunting was done with ski-doo's, was it not?

A. Naturally, with the ski-doo because at that time there was nothing else to use other than ski-doo. But that was my understanding. As I mentioned before, I was not involved with all that sort of thing so I don't really have the details. But, again, naturally there was nothing but ski-doo's during that time.

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Q. There was, in other words, quite a fleet of ski-doo's, was there?

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MR. GOLDEN: This is not in the area of legend, family history passed down.

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It is 1976-1977. The witness already said he wasn't here -- he wasn't involved.

THE COURT: He didn't say he wasn't here. He said he wasn't involved in the hunt. I presume that if he was here in town, he would know how many ski-doo's there were.

MR. GOLDEN: I didn't get a clear impression of that. I got the impression he had nothing to do with it and that meant he was not around.

THE COURT: I think he had nothing to do with the sweepstakes. Perhaps he wasn't in the community.

MR. CHAMBERS: I thought he was going to say he won, actually. I was waiting for that.

BY MR. CHAMBERS:

Q. You said you only got five caribou. Which was it, 1976 or 1977 you got only five? 1977, I believe it was, is that right?

A. Yes, that's correct.

Q. Did you take part in this hunt near the Baker Lake community?

A. Again, I have told you I didn't take part in these because I didn't take part in the games, events. I wasn't taking

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Peryouar, cr. ex.
(Chambers)

part in them.

Q. You were in Baker Lake community at the time, were you?

A. Yes, I was in the community.

Q. And you saw people riding around on ski-doos bringing back caribou, is that right?

A. Again, I have told you that I don't take part in these games, whatever games go on, in the community. I didn't see people coming in with ski-doos bringing caribou, but I heard the report and the results of all this on the radio. But, again, I didn't see anybody coming in.

Q. But you said that people had plenty of caribou meat to eat in those two years?

A. Again, as I have told you, there is nothing like caribou meat, and, naturally, again as I have mentioned before, if there is caribou available, people are going to have caribou meat because there is nothing that is better than caribou meat. Unfortunately, we don't have sea animals or sea food to supplement that caribou meat here. Therefore, as I mentioned before, if there are caribou nearby or caribou available,

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naturally, the people in the community are going to have caribou meat.

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Q. And there was plenty in 1976 and 1977?

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A. That's correct. To people such as myself, people who don't have an education, people who don't have ever been to school, a caribou -- a whole caribou -- take, for instance, a whole caribou -- is something that a person will look at as you and perhaps another person would look at in a store and you can choose different types of food that you want to eat. You can choose them over the shelf from different sections.

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A whole caribou is like that to a person like myself. I know there are certain parts of one caribou that are better for eating than other parts. That is what a caribou means to people like ourselves.

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Q. When did you get this job with the Canadian Wildlife Service? Which year was that, Mr. Peryouar?

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A. I don't know. I can't say it was a job because I was only working three months of the year during all the other months of the year of the same year I wasn't paid for working. I don't know whether you want to call that a job or not. But certainly

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I did some work for three months and during the other period of time I was not being paid to do the kind of work that I was doing.

Q. You said, sir, that the last year in which you got enough caribou was during 1965 and 1966, is that correct?

A. Yes, that's correct. That is what I have said before.

Q. Was this because you did not hunt full time or because you did not find enough caribou?

A. Again, I can't tell you anything different than what I have already mentioned. Before these caribou were being disturbed it was very simple to tell where they were going to be -- what certain areas -- what locations they were going to be in. It was very easy to tell. One had no problem getting caribou during that period of time. Again, as I mentioned before, after the caribou were disturbed one was not able to get caribou as much as one wanted to.

Q. Were you hunting full-time after 1965-66, or only part-time?

A. I was not able to hunt on a full-time basis after the years 1965-66. There was times that I was able to do odd work, say, three months of the year.

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If you want to include that with the time that I went hunting, there were times that I went hunting and there were other periods of time that I had to do some odd work. Some years, one month and others two or three months at a time.

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Q. Were you also working for the Canadian Wildlife Service after 1966?

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A. Again, as I mentioned before, I was only working some years for a month. Maybe three months some years. I don't know if you call that a full-time job or not. If I look at it, it is certainly not a full-time job if one works one month or three months of the year.

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Again, I can't see whether you want to call that full-time work or part-time work. As far as I am concerned, if I was only being paid to work a month or three months of the year, during the other months of the year I wasn't being paid for doing any work.

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As I mentioned earlier, that's all I had. Some years I worked three months, some years a month.

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Again, during those periods of time when I was working three months of the year or a month some years -- these people I worked with from the Fish and Wildlife

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Department, these people were able to help the hunters in the community. Hunters had killed the caribou in different areas at different locations long distances from the community and these people were able to help out these people to get their meat in the community. Unfortunately, at the same time, they didn't know their way around so, therefore, I had to be their with them in order for us to be able to travel for them to be able to go where they wanted to go and return to the community.

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Q. In the year 1967 and 68 can you tell me where, looking at Exhibit P2, you hunted in those years?

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A. Again, I can't make any more marks on the map than I have already indicated -- than the areas that I have indicated that I have travelled to from the community. I have indicated the general areas that I have hunted from the community travelling into different areas.

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Q. I am not asking you, sir, to make any more marks. Just tell me where in 1967 and 68 you hunted by reference to a lake or river.

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A. (Indicating).
Q. You are indicating Tehek Lake and the area north thereof and right

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Peryouar, cr. ex.
(Chambers)

up into the area marked WN-1?

A. Last year I did most of my hunting in that general direction in that general area.

THE COURT: Excuse me.

Did he say last year?

THE WITNESS: Last year.

THE COURT: That is 1978?

Mr. Chambers is asking about 1968.

MR. CHAMBERS: 1968 and 1967.

MR. GOLDEN: Perhaps,

if Mr. Chambers would --

THE WITNESS: During the year 1967 and 1968 it was easier to find caribou in this general area here, as I have indicated on the map. Even during the wintertime -- even during the years 1967 and 68 -- we were able to get caribou in this area here.

BY MR. CHAMBERS:

Q. From what I can see, you indicated the area immediately west -- slightly southwest of Baker Lake, the Pitz Lake and Princess Mary Lake area. Is that correct?

MR. GOLDEN: The witness also indicated the area immediately south of Baker Lake.

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Peryouar, cr. ex.
(Chambers)

BY MR. CHAMBERS:

Q. Immediately south of Baker Lake. Which area south of Baker Lake? Can you tell me?

A. During the year 1967 and 1968 it was easier to find caribou in the general area that I have indicated on the map. Even during those years there wasn't that much disturbance going on in the general area of Baker Lake, so, therefore, it was easier to find caribou in certain areas during the years 1967 and 68.

Q. Can you indicate again on the map, Exhibit P2, which areas you hunted in, in 1967 and 68?

A. Again, as I mentioned before, it is difficult just to indicate different areas where one gets one caribou. Say one travels one day to go hunting, if you want to pinpoint a person to do that, as I mentioned yesterday, perhaps the best way I can show you is perhaps to paint the whole map itself.

Q. I am not asking you to make any more marks. I am asking you to indicate which general areas you hunted in in 1967-68?

THE COURT: Mr. Chambers,

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this is getting very difficult. Your communication is not good. He has answered that question. It was south and southwest of Baker Lake, as he showed you on the map.

You indicated, looking closely at the map, Pitz Lake and Princess Mary Lake, and he went to the south side of the Baker Lake.

I am not sure what we gained by having him repeat the exercise.

BY MR. CHAMBERS:

Q. Can you tell us where to the south side of Baker Lake you hunted in 1967-68?

A. Again, during those years 1967 and 68 there are really not other areas that I can indicate to you than the ones I have already indicated because of the fact that caribou were moving in these areas. They were located in these general areas and, again, I cannot indicate to you any other areas that I have not indicated to you on the map.

Q. You are indicating again the area was south and slightly southwest of Baker Lake, is that correct?

A. Yes.

Q. Was the hunting good

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during those years? Was it bad? Or how was it?

A. Compared to the years, say, from 1937-40 to 1950 it was still difficult to find caribou, and yet one was able to find caribou during the years 1966-67.

Q. But they were farther than in those earlier years, is that what you are saying?

A. Compared to earlier years you mentioned.

Q. Yes, compared to the years 1937 to 1958?

A. If you compare the number of caribou that have come or have passed through in the general area of Baker Lake, say, during the period of 1937 to 1950 to 1958 on down to 1966 and 67 it is very simple to tell they were decreasing in numbers or were not coming in as a large group or not coming in as close to the Baker Lake as they used to.

As I mentioned before, naturally, these caribou are pretty much the same as we are. I would not want to move to another community if I was not welcome there and caribou are the same way: if there is so much going on, it makes them feel that

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they are not welcome so, naturally, these animals are going to start moving away into other areas.

Q. In those areas you hunted in 1967-68 were there any mining activities or activities associated with mining?

A. To my recollection there were no mining activities going on during the period of 1966 and 67. But, even if there were no mining explorations going on during those years, that does not mean that there were no disturbances. As I mentioned before, starting from the year 1960 there has been a big change in the movement of the caribou starting from the period of 1960 and that is the year the Canadian Wildlife Service were doing surveys or doing caribou tagging which was part of -- people from the sixties using more helicopters, more aircraft, more canoes. Once people started using more of this equipment, we notice very clearly that there was a big change in the movement of these caribou even though there were no mining explorations going on during those years.

Q. You said yesterday, Mr. Peryouar, if I recall your exact words

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correctly, you were smart enough not to go hunting in areas in which there are mining or exploration activities?

A. Yes, that is correct.

I have indicated that I don't hunt where there are mining activities going on. I know well enough that even a sound such as that (witness hits table with his hand) would disturb a caribou.

Q. Can you tell us whether you know if there are mining activities going on?

A. Just recently, at a meeting at Rankin Inlet, we were shown a map that shows where the mining activities had been taking place and are going to be taking place and on that map it shows that it covers this large area starting from -- somewhere here, going up into this area. (Indicating on map). Again going along this area here, going all the way up to here. Now, again, I didn't prepare that map. The mines are going to be working in that area. I don't know if this is going to happen or not. To me, looking at the map, it illustrates the mining activities that are going to be taking place in there -- in all of this area here.

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Peryouar, cr. ex.
(Chambers)

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Q. Mr. Peryouar, can you tell me where you personally observed mining or exploration activities?

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A. I can't recall the exact year, but I know on one occasion that I recall seeing a mining camp in this area one summer travelling by canoe -- in this area. One had to travel, naturally, in that direction in this area. I can recall a large mining camp in this area here, but I cannot recall the exact year when it was. That is the only one I can recall having seen -- personally experiencing a camp in that area. I can't recall the exact year when that was.

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Q. The area just indicated is one at the northwestern end of Schultz Lake near Whalebone Hill "750" is that correct?

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A. That's correct.

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Q. You already said that is the only mining activity that you personally observed, is that right?

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A. Again, as I mentioned, that was the only personal experience I have seen that last camp there.

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As I mentioned before, I have heard there are other camps in certain areas. Like I said before, naturally, I am not going to go into that area because I know

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there are no caribou there so there is no sense in me going around looking for these camps. The only reason I happened to run into that one there is because I didn't know of that camp going in that area.

THE COURT: It took eighty-nine seconds for you to re-confirm precisely what he said in his previous answer.

I know the habits of a lifetime are hard to break, but, honestly, a repeated question just consumes as much time as the original one did.

BY MR. CHAMBERS:

Q. I am coming to this helicopter incident that you were testifying about. You said that as you were hunting a particular caribou you saw the caribou being disturbed by the noise by the helicopter, although you could not see the helicopter at that time, is that correct?

A. Repeat the last part of that question again? The helicopter was not --

Q. You could not see the helicopter when you saw the caribou being disturbed?

A. I was able to see the

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helicopter but from a distance away.

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Q. Was the helicopter flying fast or slowly or was it just hovering, or what?

A. It was just travelling.

Q. Just travelling

fast, is that right?

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A. That's correct.

MR. GOLDEN: He did not say that.

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MR. CHAMBERS: No, he

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said it.

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MR. GOLDEN: No, he said

what he said before.

BY MR. CHAMBERS:

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Q. What did the caribou do? Did it walk away?

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A. Naturally they took off.

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Q. Do I understand you

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to say that they galloped away?

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A. Again, as I have

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indicated, during that incident there were more than one caribou there. There were a group of caribou there in that one specific area or location, but there was one particular caribou I wanted to get among that group of caribou.

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As I indicated, as usually happens, because of the sound of that helicopter that group of caribou took off inland.

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Q. Did you try to follow the herd after the helicopter had passed?

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A. No, I didn't take off after this group of caribou, particularly the one I am particularly talking about now. Again, as I mentioned before, there was one particular caribou that was better among the others.

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As I mentioned time and time again, Inuit people are able to tell the caribou from a distance away. Even by looking at a number of caribou with a pair of binoculars, people are able to tell which of these caribou are better than others. They are able to tell what kind of movements -- what direction they are going to move into at what period of time.

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Again, as I mentioned before, people like ourselves are able to tell what is going to happen with these animals -- what direction they are going to take or where they are going to move.

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Q. How far away was the helicopter from the caribou when you were

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looking at it -- when you saw it disturb the caribou?

A. I could tell you how much distance the helicopter was from where I was and where the caribou was. Perhaps it would be in the same distance as where we are now and the helicopter would have travelled the distance, say, where the MOT is from here. That distance.

Q. Do you recall giving testimony in an examination for discovery, Mr. Peryouar?

A. Yes, I can recall.

Q. On page 13 of the transcript of your examination for discovery, line 19, the following question was asked and the following answer given.

"Q. How far away was the helicopter from the caribou that you were looking at through your binoculars?

A. I was about two miles from the caribou, and I was about that distance that the aircraft was flying over."

Were you asked that question and did you give that answer?

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461.

Peryouar, cr. ex.
(Chambers)

THE INTERPRETER: Is that two miles you were reading there? Something about two miles from where he was?

MR. CHAMBERS: Yes.

"Q. How far away was the helicopter from the caribou that you were looking at through your binoculars?

A. I was about two miles from the caribou, and I was about that distance that the aircraft was flying over."

MR. HEINTZMAN: May I give my transcript to the interpreter?

THE INTERPRETER: Yes, that was the answer I gave at that time and, of course, I am not very good at measuring distance by miles or whatever. If you want -- if you ask me to measure distance by miles, I don't have that knowledge. I am better at measuring distance with my eyes than, which I normally do, than to measure distance by miles.

BY MR. CHAMBERS:

Q. You realize that answer was given under oath?

MR. GOLDEN: It was given

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through an interpreter, as well. Does my friend know how far the MOT office is from here?

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THE COURT: It is quite a proper question. I really cannot disallow it.

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I might indicate that I cannot take the line of questioning terribly seriously. The credibility of this witness is simply not going to be decided because he said two miles on the examination for discovery and from here to the MOT -- which I do not know how far it is. I think it is not two miles; I agree.

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BY MR. CHAMBERS:

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Q. I want to ask you one question. Perhaps there may be some confusion over this. Do you remember when you were asked about your tagging -- the evidence you gave about tagging caribou at crossings? Can you indicate to me, again, at which crossings, marked in red on Exhibit P6, you assisted in the tagging operation? You indicate the crossing between Aberdeen Lake and Baker Lake. All those crossings or just the one?

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A. Just mainly that one crossing. We were just sent down there to check if anything was crossing there, but they weren't too long.

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Q. The other crossing, for

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the record, you referred to was Aberdeen Lake and Schultz Lake, is that right?

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A. That's correct.

Q. Did you assist the Wildlife Service at tagging operations at any other time at any other locations?

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A. I also took part in one area in northern Manitoba. I took part in a caribou tagging there, but, unfortunately, I was given a hard time by the Indians there because they thought I was disturbing their animals in that area.

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Q. I was referring to any other tagging operations in Baker Lake?

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A. Those were the only two instances that I remember taking part in caribou tagging -- one in the Aberdeen Lake area and one in northern Manitoba that I was part of. But I also took part in the one other area somewhere down close to Rankin Inlet at one time or another.

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MR. CHAMBERS: No further questions. Thank you, sir.

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THE COURT: We will take a ten minute break before re-examination.

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---Upon resuming

MR. GOLDEN: This may seem unusual. I havenot spoken to Mr. Peryouar at all, nor has anyone else. I understand from one of the interpreters that he went home to get something. He wanted to show us what it is.

I am about to ask a blind question. Does anyone have any objection? It does not, strictly speaking, arise out of the evidence.

---RE EXAMINATION BY MR. GOLDEN:

Q. Mr. Peryouar, you went home to get something, did you?

A. I just went home for tea or a coffee break.

Q. Mr. Peryouar, you were telling Mr. Heintzman about marks that an Inuit person can read certain messages from. Rocks on rocks you talked about. Can you tell us whether or not there are special markings that the Inuit use to mark the place where caribou cross?

A. Yes, as I mentioned, some landmarks -- there are messages in these landmarks. There are certain kinds of landmarks used to indicate the caribou crossings and other landmarks used to indicate which direction the caribou are moving or going to be travelling.

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465.

Peryouar, re ex.
(Golden)

As I mentioned before, I can read all these messages, the indication of where caribou are going to be, what direction they have moved in, even at my age now -- at the age of 56. I was taught about all these indications -- what the messages were for.

There are also other rocks that indicate where there is fishing -- where fishing is good. There are certain different markings used to indicate the movement of the caribou and that.

Q. Who puts the rocks and markings there?

A. I'm not able to say who may have put up those rocks because I know for a fact that even when my father -- I can recall my father when he was around they were already there. Perhaps there were people born long before my father was. I can't recall my father putting up any markings of that nature.

Q. You were asked about the river crossing which is between Schultz and Aberdeen Lake -- these river crossings here between Schultz and Aberdeen Lakes and you said that these were still used. But in the early sixties they stopped using them and you mentioned the Canadian Wildlife Service.

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What happened at this area with the Canadian Wildlife Service in the early sixties?

A. The Canadian Wildlife people were caribou tagging in this area here.

Q. Was that the same crossing that you were talking about with Mr. Heintzman?

A. These caribou tagging programs took place in this particular crossing here. Even then the Inuit people knew right away that there was not going to be anymore crossings in this area previously used for crossings because of the fact that these actions took place in this area. The people knew there was not going to be anymore caribou coming in that direction.

Q. Was there anything else after the tagging that took place in that area that you would consider to be a reason for the caribou not coming?

A. After the disturbance of the caribou by the Canadian Wildlife Service because of the caribou tagging programs, the other disturbance that took place, as I mentioned previously, had to do with the mining activity now in this area here -- starting in the area Yathkyed Lake, going up to this area. I understand this other group of caribou herd normally comes

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467.

Peryouar, re ex.
(Golden)

from the west. I wouldn't know if there are other activities going on in this area here or mining companies activity going on. I don't know any of that.

I know for sure, as I mentioned previously, that where I indicated on the map all these activities now taking place are all part of the disturbance of the caribou.

Again, in regard to these caribou crossings in this area here that were normally used at that time and caribou would cross these areas -- they would pass through here during the month of July and they would travel up north. They would travel up north in the area here and during about the month of August, in the early fall, they would start running south again. On occasion some of them would come in close to the community. There they would all travel from the direction from here during about the month of July, going up north, because these caribou would travel with the weather. Like the weather is normally cool in that area in the month of July and August. After they would travel up north, after having crossed these areas here, they would travel up north and return south again toward the community during the part of August.

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THE COURT: I wonder if there is any way we can stop this question and answer. Ask him to stop. He is not answering the question. He hasn't been answering the question.

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MR. HEINTZMAN: I would like to put on the record the objection Mr. Graham made insofar as this witness is stating conclusions in relation to other activities which he says affect the caribou and also that this does not arise out of questions asked.

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MR. GOLDEN: I won't argue about it. We decided to reserve any question of relevance of the impact of that evidence.

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THE COURT: The fact is that he is drawing numerous conclusions, but you still want to get back to the water crossing and find out if anything else is happening there.

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MR. GOLDEN: If you look at the other map, he said there was a mining camp precisely at that point.

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THE COURT: There is no sense repeating it.

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MR. GOLDEN: I would like to go on to another matter now.

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Peryouar, re ex.
(Golden)

BY MR. GOLDEN:

Q. Mr. Peryouar, you were asked about a number of things here in the community. You were asked about the fire department, the school, the airstrip and the ski-doo's and a number of other things. I would like to ask you, please, about the Inuit homes in Baker Lake. Can you tell me if the Inuit houses in Baker Lake have rifles -- Inuit houses have rifles in them?

THE INTERPRETER: What?

BY MR. GOLDEN:

Q. The Inuit here have rifles?

A. Not all of the Inuit have houses or warehouses to store away equipment and when one has a warehouse to store equipment, that is where the rifle is going to be. Where one doesn't have warehouses, he will build shelves in the houses where you put rifles in.

Q. Did the Inuit, before they came to Baker Lake, have rifles, too?

A. Yes, they had rifles.

Q. As early as you can remember in your life, did your father have a rifle?

A. Yes, he had a rifle.

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470.

Amarook, ex-in-chf
(Golden)

MR. GOLDEN: I have no further questions.

THE COURT: Thank you very much.

MR. GOLDEN: My next witness, My Lord, is Michael Amarook.

I should like at this time to introduce Miss Ruby Arngnanaaq, an interpreter visiting the community, and it is agreed that she may serve as an interpreter.

If Your Lordship agrees, we will have her interpret, as well.

MICHAEL AMAROOK, BAKER LAKE,
NWT: SWORN

(Through Interpreter, R. Arngnanaaq)

EXAMINATION IN CHIEF BY MR. GOLDEN

THE REGISTRAR: Your address, Mr. Amarook?

THE WITNESS: Baker Lake, Northwest Territories.

THE REGISTRAR: Occupation, if any?

THE WITNESS: I now work with the Land Claims.

BY MR. GOLDEN:

Q. I would ask you to try to speak as loudly as you can so the people in the back can hear. Mr. Amarook, until March of 1978,

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471.

Amarook, ex-in-charge
(Golden)

for one year, you were President of the Inuit Tapirisat of Canada?

A. I was President from February 1977 to March 1978.

Q. And your present occupation is with the Land Claims Office here in Baker Lake?

A. Yes, I am now working with the Land Claims in Baker Lake.

Q. You are now 38 years old?

A. Yes, I am 38 in March.

THE COURT: The Land Claims Office -- perhaps we should clear up whose office it is. Is it federal government?

MR. GOLDEN: I'm sorry, My Lord. The Land Claims is now just simply part of the Inuit Tapirisat of Canada.

THE COURT: I see. It is a branch of the association.

MR. GOLDEN: Yes, it used to be somewhat separate.

THE COURT: Thank you. I guess we can take your evidence as satisfactory on that.

MR. GOLDEN: Do you agree, Mr. Amarook? The witness is nodding.

Mr. Amarook, I should

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explain, does speak and understand some English but prefers to give his evidence in Inuktutuk.

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BY MR. GOLDEN:

Q. You are 38 years old, and married?

A. Yes, I am married

and have children.

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Q. You have eight

children?

A. Yes.

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Q. You were born in

which area?

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A. I was born around

Baker Lake -- across.

Q. On the south?

A. On the south side,

yes. Thank you.

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MR. GOLDEN: I am trying

to lead through this more quickly. I do not want to lead on difficult areas.

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BY MR. GOLDEN:

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Q. Did you live anywhere else besides -- outside of Baker Lake?

A. Yes, I used to live, as a child, in Schultz Lake and Aberdeen -- around that area.

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Q. Did you live in what

we call a camp?

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473. Amarook, ex-in-charge
(Golden)

A. Yes, we used to live
in a camp in that area.

Q. And how did you travel?

A. When I was a child,
we were only able to move around by dog team and
my parents and relatives had dogs, so we travelled
by dog teams.

Q. Mr. Amarook, I want
you to think about the time that you first came
to live in Baker Lake. Tell us when you came
to live in Baker Lake and then tell us what you
did when you came here?

A. What was the first
part? I'm sorry.

Q. When you came to Baker
Lake and --

A. Now, as a child, we
first moved and lived around Baker Lake in
1958.

Q. When you came to Baker
Lake, did you do anything for the government?

A. In 1960 I started
working for the government.

Q. What were you doing?

A. When I first started
working for the government we travelled by
airplane going out to calls and I worked as
a guide.

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474.

Amarook, ex-in-CHF
(Golden)

Q. I see. And did you understand and speak some English?

A. Back in those days there wasn't any school -- any real school -- and when school started I also served as an interpreter.

Q. Can you tell us, please, first of all, we have heard about some people in the Back River area and we also have heard about Garry Lake as one area to the north where people were moved into Baker Lake. Do you know anything about that moving into Baker Lake? And can you tell us what happened?

A. Now, back in 1958, Garry Lake people were starving and they were moved to Baker Lake by the government people.

Q. Did you go there at all and did you talk to these people?

A. It was not until 1958 when they were actually living here that I started talking to them.

Q. Did you at any time learn about what happened in that area?

A. I did hear that back in 1958 it was a bad year for foxes and lemmings. They had rabies. And in the following year, in the fall of 1956, the people were running out of bullets -- ammunition. Therefore,

in the fall, because they had very little ammunition, they didn't have very much caribou caching.

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That year, around 1960, they started getting homesick and one would want to return to go fishing and trapping and hunting, but the people said to them that they cannot return because it is too far away and that the government could not let them.

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Q. So what did they do?

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A. Back in those days, Inuit had to listen to what a white person said and the government people were white, so the Inuit listened to them because back in those days the Inuit didn't have any defenders or spokesman on their behalf.

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Q. I want to go back to your work. In your work did you go with the government people to other camps to have children come to school? Will you tell us about that?

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A. Back in 1960, in the fall, August, we used to go out to the camps to bring children back to go to school here and the parents would say, "We are worried about them," especially for the smaller ones. "We are not sure what is going to happen to them." And the government people

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Amarook, ex-in-CHF
(Golden)

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repaid us with a reply saying that if your children do not go to school, that child was not -- the family allowance will be cut off. If they get sick, they will not be helped and if they are starving, they will not be helped either.

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Q. Do you remember which government people you went with?

A. I remember very well who they were because while I was working I was not happy with what I had to work with. I know exactly where they live and their names, especially those two that were really pushy.

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Q. I won't get further into that. Can you tell us, please, how you travelled when you went to pick up the children?

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A. We used to go by airplane.

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Q. Can you tell us from where you brought the children into Baker Lake?

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A. Yes, I can.

Q. Will you please do so? Do you want to use the map?

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A. Do I point to the map?

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Q. If you would like to.

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477.

Amarook, ex-in-CHF
(Golden)

A. That is Baker Lake.

In that area that I am now pointing there were people there around Schultz Lake -- in between Schultz Lake and Aberdeen Lake, and at the northwest end of Aberdeen and around Baker Lake -- closer to Baker Lake and around Sand Hills and around Pitz Lake. Those are the areas I especially remember where we used to go and get children.

Q. Did you visit these camps to take any children from Ferguson Lake?

A. I went once with them to go and get children from Ferguson Lake.

Q. Can you tell us, please, what these children did? Did they come to school?

A. Yes, they went to school, and when they were taken here because there was no hostel in those days, they used to have to go to private homes for where they could stay.

Q. In the areas where you went to get these children, was there enough caribou to eat?

A. Yes, there was caribou to eat and other things to eat because back in 1960 there wasn't all that much noise where they lived.

Q. Can you tell us how

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many families -- what happened when the children came here to go to school? Did they go back to the camps or did something else take place?

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A. In the springtime when

the snow was starting to melt, an airplane would come to pick the children up and take them back to the camp before the ice melts. Sometimes the parents themselves would come in, near the spring, and ask to bring them back home with them.

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Q. And did they go back

home with their parents?

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A. Those that had poor

landing areas took their children back with them. Those parents that didn't live in an area where there is good landing area, then the government and the representatives and the teachers would say that no, they can't go back until the plane takes them.

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Q. You mean -- you said

the good landing area you couldn't go back to until the plane takes him?

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MR. GRAHAM: Well --

MR. GOLDEN: Well, I'm

not leading him.

BY MR. GOLDEN:

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Q. Can you tell us whatever

you can about how the people who lived in Baker Lake?

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479.

Amarook, ex-in-CHF
(Golden)

A. Yes, I can tell you that around 1958, when we first heard of Indian Affairs and an area administrator was first brought in here and from that person we started hearing that Inuit cannot feed their dogs caribou meat: they can only feed their dogs with fish. And in 1960, when I started working for Indian Affairs, Inuit would be asked by the government representative what they were feeding their dogs.

Q. Yes.

A. When the Inuit were asked, they would reply honestly. Especially where they lived in an area where there was no fish, they would tell them very poor fishing around where we are and many of us were feeding caribou meat to the dogs. When the government representatives were told this, they were told that this will have to stop and no two ways about it and the second one, he said the Inuit would always reply saying fish is very poor food for dogs and dogs become feeble. They are not as good as they would be with other meat, and if their dogs were not very good, they would have very poor trapping.

Q. Did the government people do anything -- aside from telling the

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480.

Amarook, ex-in-CHF
(Golden)

people this -- did they do anything else to them?

A. At the very beginning of 1960, all they did was warn and warn people to do this or to do that.

Q. Did they ever do anything else except warn?

A. I know that many of them would want to return back up to Garry Lake, but in 1959 I know that certain people were taken down to Rankin Inlet and were not asked if they were willing to work in Rankin Inlet. During those days I knew that when they were in Rankin Inlet they wanted to return to this area. After they were taken down to Rankin Inlet to work and the area administrator down there would write to this office and report how they were doing, and he would report that they were not working very well and were not working as hard as they could because they wanted to return to Baker Lake. I know this because I worked in the area office.

Q. Can I just ask you to come back to the families moving back into Baker Lake. We learned that after 1958 many families moved into Baker Lake. Can you help by telling us why they moved in?

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Amarook, ex-in-CHF
(Golden)

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A. Yes, as I stated a little bit earlier, those people in the Garry Lake area were starving and they were moved to Baker Lake so they will not starve. And the government people had to help these people because they were afraid to let them starve -- to let the Inuit people starve out there and often Inuit were asked how much cache they had, if the dogs were all right and they were also asked to come into Baker Lake before they get too desperate.

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I know that the Inuit didn't want to stay here. They wanted to return to where they are happier in their own land and also better able to prepare for next year.

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Q. Are you talking about Garry Lake now only or are you talking about the other areas as well?

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A. I am trying to tell all the work I used to do with all the Inuit, not only Garry Lake.

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Q. You told us about children who went to school. Can you tell us about their parents?

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A. Yes, I can tell you. When we went to get the children from the camps and the parents had been made to understand that

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the children would have no future if they did not go to school, the parents used to really worry, especially the mothers. And when we came to get the children from the campsites, we literally used to have to get the children from the mother's arms. The mother would be very worried, and we would take that little child, maybe about six years old, on to the plane and take off with it and when we were taking off, both the mother and the child would be crying.

Q. I would like to know if you can help me as to whether the parents stayed in the camps all their lives or did they leave the camps at any time?

A. I know that some mothers would come here -- well, some families would come here to Baker Lake to spend a year living in an igloo and when their mothers were living here in Baker Lake, the children would go back to the mother and go to school from the igloo.

Q. Did those people stay and become members of the settlement, or did they eventually go back?

A. In the early days, when school was out, the children -- the whole family would move back out to a summer

Amarook, ex-in-CHF
(Golden)

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camp and come time for the school to resume,
in the fall, we would go and get the children
by airplane and the parents would follow.

Q. And are those parents
people who are living in Baker Lake now?

A. All have come to
live in Baker Lake.

THE COURT: If you
are moving on to another subject area, we
are just verging on twelve noon.

---Luncheon Recess

---Upon Resuming at 1:30 p.m.

MR. GOLDEN: I have no
further questions.

THE COURT: Let's start
cross examination then.

---CROSS EXAMINATION BY MR. CHAMBERS:

Q. Mr. Amarook, you live
now in the Hamlet of Baker Lake?

A. Yes, I now live
here.

Q. So does your family?

A. Yes, all of them.

Q. Do you do much
hunting yourself?

A. Only when I am not
too busy. Just like last week, I may take
a trip out hunting.

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Amarook, cr. ex.
(Chambers)

Q. I take it, sir, that your main diet consists of things other than caribou meat?

A. Our main diet is caribou. It is only a matter of a few days we don't sometimes have a caribou.

Q. How many caribou did you hunt this year?

A. This winter I caught thirty caribou.

Q. Thirty caribou. And last year?

A. Part of last year I was living in Ottawa, so last year I only caught eighteen caribou.

Q. You say, sir, that a lot of Inuit living in Baker Lake would like to go back to live on the land, is that right?

A. I said that in the first few years that they were taken here into Baker Lake that they wanted to return. I often stated that many of their children were going to school full-time here so the parents followed eventually in.

Q. Do you know of any families living in Baker Lake now who want to go back to live on the land?

A. I know that many would

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like to go back but they must -- they also realize that it is not as good to live out there as it used to be. Food is not as plentiful. You can't keep as many good dogs as you could back then. And the reason that game is not so plentiful is that it is too noisy around here and you cannot keep a good set of dogs as well as you could. Even if you did try without the dogs, you can't keep gas out there constantly.

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Q. Are you planning yourself to move out on the land?

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A. Yes, but I am aware of the fact that game is not as good as it used to be. They are not as plentiful. The land is not as clean and as virgin as it used to be. It has a lot more noise in those areas.

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Q. Are you saying that you could not live off the land if you tried?

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A. I did not say that I cannot live off the land anymore. What I am trying to say, though, is that I cannot move back out there because I am busy working on something that us Inuit believe in, and that we want to make corrections as much as we can and I am not willing to leave this job until it is finished.

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Q. You believe that you could live off the land exclusively if you moved out on it?

A. If our family is not bothered, especially by the mining companies and oil explorations, it would be possible to do so again -- to live off the land again -- because the routes that the animals take, we would know where they are going and where they are coming from.

Q. Have you personally ever observed any caribou being bothered by any mining exploration activity?

A. I remember that since I have been living in Baker Lake since 1958 my first recollection of caribou being bothered by mining companies is 1952 at Ferguson Lake. A group of exploration company people were there and the people that lived in Pitz Lake and Princess Mary Lake were living there and the caribou did not come, so they had to move out toward another area further up north because of lack of caribou.

Q. My question, was however, have you personally observed caribou being disturbed by any activity associated with mining operations?

A. Yes, I have

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personally seen.

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Q. Can you tell me where
and when?

A. It was in the spring.

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I was out hunting by Kazan and I saw a caribou
a little ways coming towards me and I was waiting
for it when, at the same time, a group of
exploration companies was further down Kazan.

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A helicopter started up and went over a little
further. When the caribou heard the noise of
the helicopter, the caribou started heading
back towards the other direction while the
helicopter was quite a ways. I went home
with no caribou.

Q. Any other occasions?

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A. Only that I know and
remember well the routes that caribou used
to take and the crossing areas that they had
and they are not being used now.

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I especially remember that
in 1968 to 69 at Christopher Island and Andrews
Lake there were a group of mining companies
and exploration companies working in that area
and the caribou route that the caribou used
to go around that area are no longer there.

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I also remember in 1970
those same companies were travelling back
and forth by helicopter, and the helicopter

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was carrying something hooked on to it. The caribou that used to go around that area is no longer there.

Once I went out there in the spring, like I usually do, and I found no caribou, but I found a lot of oil drums.

Q. You say that in 1960 there was plenty to eat in the entire area of Baker Lake, is that right?

A. Yes, I said so before that it was like that before. It was too noisy because of the exploration companies.

Q. In 1960 does this apply to all areas that we are talking about -- Kazan Falls, Aberdeen Lake, Schultz Lake, Garry Lake, Back River? Did they all have enough to eat?

A. They had enough for themselves, but we must remember that the dogs were not allowed to eat caribou, as the government told the people, so the dogs were dying off -- were in poor health. Those were also the reasons for a slowdown in Inuit life style.

Q. But there was enough to eat, was there?

A. There was enough,

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489.

Amarook, cr. ex.
(Chambers)

otherwise around 1960 there would have been people starving if the food was not enough.

Q. So there were no people starving in the 1960s?

A. There were no people starving in 1960. I know because the government representatives used to ask people to come here to make a report of how well off they are.

Q. And they were all well off in 1960? Is that what you are saying?

A. Some in 1960s were all right. A few of them. But there were also parents who had to come and live in Baker Lake because their children were going to school and once they moved over to Baker Lake they were not all that well off. There were times when they didn't quite have enough food.

Q. What was the general conditions like in 1961? Was there plenty to eat in these areas I mentioned?

A. In 1961 those people that were living around Whitehills Lake were all right.

Q. Whitehills Lake?

A. Whitehills Lake.

Q. They were all right?

A. Yes.

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Amarook, cr. ex.
(Chambers)

Q. What about the rest
of the people?

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A. The rest -- there
were some caribou around, but these caribou,
we must remember, were being tagged by the
Wildlife Service and they were being bothered.

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Even though this is happening, the hunters
were going to areas where they knew they
would catch some according to the way they
used to do in the area. They would wait there,
but some of the caribou would not show up.

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Q. Which areas did the
Wildlife Service tag caribou in, in 1961?

A. Up in Aberdeen Lake.

Q. You are saying that
the people in Aberdeen Lake didn't shoot many
caribou, is that right?

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A. What I am saying is
that caribou took a different route. They used
to go out through Aberdeen and started coming
through this area -- up through the north end
of it and travelling back.

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Q. Did the people around
Garry Lake and Back River have enough to eat
in 1961?

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A. Up in Garry Lake there
was no one living there because the people
were taken to Baker Lake and I also stated that

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the people were not permitted to go back up
to where they wanted to return.

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Q. What about Kazan Lake?

Did the people there have enough to eat in
1961 at Kazan Falls?

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A. I also stated that

when school started the parents were not
living where they used to be. They could
only live there in parts of the year, so
their supply of food was not as plentiful.

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Q. What about 1962?

Can you tell me the condition in the various
areas starting with Kazan Falls? Did people
have enough to eat in that area?

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A. In 1962, in the Kazan

River area, it was not being used as a camp
or people living there as such. People only
hunted there back in 1962. And around Pitz
Lake and Hanek Lake, that used to be the
area where people camped.

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Q. Was the hunting good
in 1962 around Kazan Falls?

A. In those days there
were some back in 1962. It was not as noisy
around that area. There was not that much
traffic going on. Although this area was a
crossing point, it was not necessarily an
eating point. It is just a crossing point, so

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there were not always caribou there.

Q. There were not always caribou there?

A. No, there is not always caribou there. Animals do not always live in houses like people do. They do not work in a job. They have to keep going where they can find food.

Q. In other words, caribou do not cross at the same crossing every year, is that what you mean?

A. These crossing points can be used again and could be used again by the caribou if the noise would die down and the smell taken away which Inuit know that we can make a route for them and they would cross according to the way we want them to cross in that very area.

We also know that if we try to make a crossing point for the caribou, we cannot -- the route would not be used today because it is too smelly and too noisy for the caribou.

Q. Did the caribou stop using the Kazan Falls crossing?

A. I already stated that I think the caribou that used to migrate from Manitoba, taking along the coastal area up to

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Rankin and across over this way along the southern part of the river, would cross along the Kazan Falls and around Andrews Lake back in 1969. But -- sorry. After 1969 these routes -- crossing points -- were not being used.

Q. Were the caribou using these crossings in every year before 1969?

A. When Inuit used to know how to entice caribou into the area that we wanted them to cross, we also knew how to treat their routes and take care of their routes so the caribou always used these crossing points.

When I was a child, we often lived at these crossing points and my father, my grandfather, used to live in these crossing points, so I know exactly what I am talking about. When I was a child I was able to catch caribou at these crossing points from a canoe with a spear.

Q. Was this the usual way of hunting practice, to spear caribou at crossings from canoes?

A. There were not always these canoes. And before these canoes were used, the kayak used to be used to spear caribou

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in the water.

Q. Since you have been using rifles, do you still hunt caribou at crossings?

A. Even though we are using the rifles, we know how to look after the crossing points in the area that we want the caribou to take. Even though the rifle was noisy, we could still catch caribou.

Q. At crossings?

A. Sorry. There was an error in my translation. We used, even though we had rifles at these crossing points, we used to spear caribou because the rifles were too noisy.

Q. Do you know that last year there were plenty of caribou at Ferguson Lake and that the people of Baker Lake were hunting them there?

A. Yes, I knew.

MR. CHAMBERS: Those are all my questions. Thank you.

---CROSS EXAMINATION BY MR. GRAHAM:

Q. Mr. Amarook, would you tell the court what you did as President of the ITC? You were President of the ITC last year, was it, sir?

A. I said that I became

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President of ITC in February of 1977, and I ended my term in March of 1978.

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Q. Was your responsibility as President of ITC to negotiate with the Minister of Indian Affairs -- to negotiate with members of his department and discuss policies in the north?

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A. I was nominated to become President of ITC. I was taking that responsibility of Presidency. I also took that responsibility of negotiations last year, and I am still doing them now this year.

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Q. In those negotiations last year that included negotiating part of the land claims settlements that have recently been signed in the Western Arctic?

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A. That was also part of my responsibility, but we must remember that the Western Arctic area was in a hurry. They had their own reasons for being in a rush, although I did some talking with them and also advised them to certain areas, I was able to let them do as they wished because they know their own land.

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Q. And for your present job, are you presently living here in Baker Lake or are you living in Ottawa?

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A. I live in Baker Lake.

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496.

Amarook, cr. ex.
(Graham)

Q. The lands claim office that you are working with is to develop the claims for what? In respect of these lands, what is the nature of the negotiations you are conducting with the government?

A. Some of us in the land claims area, in land negotiations, we have different responsibilities. Some of them are in respect to animals -- wildlife and game, while I myself am working specializing on constitutional development, and I live in Baker Lake. Some of us have to live up here to consult with the people and then report back to Ottawa.

Q. When you were working as an interpreter and guide for the government in the sixties, how long did you do that, Mr. Amarook?

A. I really started working officially in 1960 and I finished in 1963.

Q. And were you interpreting from Inuktutuk into English for the officials here in Baker Lake region? Is that what you are saying?

THE INTERPRETER: Excuse me. May I get one thing here -- which officials? Inuit or government?

MR. GRAHAM: Government.

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THE WITNESS: I stated

earlier that in those days there were few people who understood both the languages, and very few who had officially gone to school, so I was given the job of translating and interpreting back and forth to Inuktutuk and English or vice versa.

BY MR. GRAHAM:

Q. And in the process of doing that for these government officials, how did you get about the Baker Lake area? Did you do that by airplane, primarily, in the summer, for example?

A. We only used to travel by airplane to those camps because the government representatives were always in a hurry.

Q. And the camps which you described to us in connection with the children that were to be picked up and taken to school --

A. As I stated earlier, these government representatives used to go out and take -- literally take these children away to school here in Baker Lake.

Q. Right. When travelling with those government representatives you were going by airplane, were you?

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498.

Amarook, cr. ex.
(Graham)

A. These government representatives only want to travel by airplane, so we only travelled by airplane.

Q. How many times, for example, would you have gone to a camp at Ferguson Lake? How many times would you have gone to Ferguson Lake in the years 1960 to 1963?

A. In the years 1960 to 1963 I went to Ferguson Lake specifically twice. I was not the only interpreter or the only translator. I was working with Hugh Ungungai, so we used to take turns.

Q. Is this Ferguson Lake down here?

A. Yes.

THE COURT: You are looking at Exhibit P2.

BY MR. GRAHAM:

Q. How many camps were down here?

A. The Scottie family used to live in that area. They had a house there. But in the summertime, when it came time to cache caribou, they were either to the west or to the east of this camp.

Q. Is that the only camp down there?

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A. Over in that area there were also some people living there.

Q. And how many people would be living in the Scottie camp, for example?

A. There was the Scottie family -- the immediate Scottie family -- and then the Noka (?) family and also some other people that were part of their family.

Q. And was the caribou-shooting good at that time when you were down there?

A. Caribou shooting good?

Q. Yes, hunting?

A. The only people that lived around that area had enough to eat. Even though we did not see them every month or every week, they seemed to be doing fairly well. They never received any government assistance in those years.

Q. And the aircraft that brought you down there, it landed right on Ferguson Lake, I take it, to take you in there?

A. Yes, we used to land on that lake.

Q. And for all those camps that you went to in connection with the government officials, they used the aircraft

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in the summer because they had to land on the lake, didn't they?

A. In the summertime, when we travelled on the plane out to the camps, we used to land on the water where there is no ice, and in the winter the airplanes were put on skis and we would land on ice.

Q. Was that during the years you told us about when Inuit people were asked not to feed caribou to their dogs?

A. Yes.

Q. And were they given a reason by the officials why they were asked not to feed the caribou to the dogs?

A. Yes, we were told, like I stated earlier in 1958, that only fish was to be fed to the dogs. We were told that the caribou were becoming fewer and that in those same years the game department started using poison on wolves to kill off the wolves.

Q. And the hunting that would be done in that area in the summer to get the caches for the fall, would that be done by canoe, mostly, Mr. Amarook? Would that have been done mostly by canoe?

A. An Inuk knows which ways he wishes to travel -- how he wishes to kill

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501.

Amarook, cr. ex.
(Graham)

the caribou. If he so wishes, he can go by canoe to where he knows where the caribou would be. And if he wants to start shooting some caribou, he would make sure that his canoe did not make any noise in that crossing point.

Q. You told us earlier about noise. How much noise? Do you say that a canoe in the water would make enough noise to scare a caribou?

A. You must know that caribou run away according to -- sorry, that caribou is tame and timid at different times. Its timidness might be sharper in some parts of the day, while in the morning or in the evening it is again different.

Q. When is the tame and when is the timid?

A. It is in the early morning and in the evening that it becomes very timid. It runs away easily.

Q. In the daytime it is less timid, is it?

A. Yes, but we must also remember that a caribou would run away easily if it is close by the shore. If the caribou is close to a crossing point, even a sea gull would make it run away.

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Amarook, cr. ex.
(Graham)

Q. How close does a sea gull have to come to make it run away?

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A. It is not so much the closeness that matters. It is the noise that a sea gull makes, and if the caribou is just about to go to a crossing point in the river and a sea gull makes a noise, the caribou understands what kind of noise that sea gull is making and, depending on the message, the caribou gets, the caribou might run off.

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grew up in the crossing point areas. We used to live and move to crossing points, and I know very well what I am talking about because we used to make sure that when we skin a caribou, where we are skinning it -- how far it is from the crossing point because the sea gulls will be where this skinning was.

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We don't want the sea gulls to scare away the caribou.

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Q. How many people

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would be living at a crossing point, Mr. Amarook?

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A. Where? At these points up towards the west of Baker Lake or west of Baker Lake? Where? At Baker Lake?

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Q. You were saying you

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503.

Amarook, cr. ex.
(Graham)

lived at a crossing point. How many people were living with you when you were living at the crossing point you were describing to us?

A. There were times when we were many and other times when we were not that many. My uncles used to be living with us at these crossing points, and other times they would be at other crossing points. It varied from year to year.

Q. Would you be a family of five or six people? Ten people? How many?

A. Five per family? Or are you asking five families?

Q. No, five or six people? How many people?

A. Sometimes we had five people. Other times we had more. Sometimes families have three; sometimes families have six that would be in those areas.

Q. And you would be able to arrange for the caribou to cross at the crossings where you wanted them to, would you?

A. Yes, we knew -- our grandparents knew how to entice caribou into the area they wanted them to go to and

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where they wanted them to cross because we knew what kind of noise we could get away with and this was before the mining companies made all that noise and the smell that goes with them.

It is very easy to make a caribou to go across where you want to make that caribou cross. If you are very careful with the first ones that cross and as long as they make it across and not return, there will be footprints and the smell of caribou there -- the trail. The other caribou will follow.

Q. But if you make too much noise, they will be scared from coming across the crossing, is that it?

A. It is quite easy to make a crossing point as long as there is no airplane noise or any other kind of noise that is foreign to caribou. Even the sound of people doesn't scare them -- that much -- away if you are very careful and know how to treat that caribou. As long as you are not an airplane or a helicopter, the rest of the caribou will follow quite easily and will come back to that crossing point.

Q. And if you make noise, will they come back then at that

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crossing point at another time or will they go somewhere else to cross?

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A. We knew we were not to make any noise, so we did not make any noise. Those people that are from the mining companies and exploration companies and these government people don't know. They don't even know what a crossing point is. So they make a lot of noise and do not expect it and those are the only reasons why the caribou is not crossing.

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Q. Did the caribou go and cross somewhere else?

A. The only thing is that these caribou know if they hear noise ahead of them they are more likely to think that further on down their route there will be more noise and more disturbances, so they change their minds and go on other routes.

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Q. And do they go and cross somewhere else or do they just turn around and go away?

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A. The only thing is that in those cases they were able and had the choice, they felt that they had the choice in those days to cross wherever they wished or they could look for a better crossing point where they think they can cross

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better. But now in all those crossing areas and around the crossing areas there is so much noise and so many airplanes going back and forth, flying every which direction, that they have no choice but to go back.

MR. GOLDEN: May I interject at this point? I cannot argue this is irrelevant. A lot of it is very helpful. However, I called this witness for a fairly limited purpose and he has been cross-examined now for one hour and ten minutes on matters almost entirely unrelated to the evidence he gave.

These are unusual circumstances and we are here for a limited time. I have already restricted my witnesses. There are other witnesses we may have before we depart. I must ask Your Lordship to ask my friends to make their point within a reasonable period of time and not going on, in effect, running the clock out.

MR. GRAHAM: We are all conscious of the time. I would like to mention one thing. I was nearly completed that cross-examination and was going to move on to something else. We are prepared to stay here and call as many witnesses as Mr. Golden wants. We will come back, if he

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wants to. We do not want my friend in any way to be able to say to the court that he didn't have an opportunity to fully prove his case.

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When he puts his witness in the box, he spends an hour with him in talking about things that I do not think have anything to do with the case and then complains about my cross-examining on what we are here to talk about.

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THE COURT: I think I should put on the record that some of these witnesses can speak English, but why they choose the Inuktutuk language, I have no idea. The proceedings could be speeded up if they would give as much of their evidence in English as possible and avoid the tripling of time it takes to use interpreters.

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I can only leave that with them. I suppose that, too, is a plea I can only make in open court and hope perhaps it will be heard.

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MR. GRAHAM: May I continue, My Lord?

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THE COURT: Carry on.

BY MR. GRAHAM:

Q. Mr. Amarook, when was the last time you hunted at a crossing -- a water crossing?

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508.

Amarook, cr. ex.
(Graham)

A. I stated earlier that I went to a crossing point in 1970 on the Kazan River area, further up the river, and that I tried to go over to get some caribou but that caribou was disturbed. I have not gone back since.

Q. How did you get to the Kazan River that time that you went?

A. I went by canoe up the river.

Q. Was it a canoe -- by a boat with a motor on it?

A. Yes, it had a motor on it.

Q. What horsepower motor?

A. My canoe was twenty feet and my Johnson was 18 horse.

Q. Mr. Amarook, were you able to kill any caribou that time?

A. I did not catch any. There were no caribou.

Q. When was the last time you hunted at a water crossing when you were able to kill some caribou? Will you tell us that?

A. In 1967 I went up the Kazan River up to Kazan Falls. I caught two caribou there because I went to a crossing

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509.

Amarook, cr. ex.
(Graham)

point.

Q. And were you alone

or were you with someone else?

A. I was alone.

Q. And how did you get
there that time?

A. By canoe.

Q. The same canoe with
the same motor?

A. No, they were different.

They were my first canoe and motor.

Q. Did it have a motor
on it?

A. Yes.

Q. And just tell His
Lordship what happened? How many caribou
were there that were crossing at that time?

A. There were only two
caribou at that crossing point that summer.
There were two of us going back and forth by
airplane that summer.

Q. In that summer how
long were you there at that crossing point?

A. I had to return as
soon as I caught my game because I had to
bring the food back, so I returned that same
day.

Q. And how did you kill

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Amarook, cr. ex.
(Graham)

the caribou, Mr. Amarook? Did you kill them with a spear or did you kill them with a gun?

A. I shot them because I was alone at the boat.

Q. You were in the boat at the time you shot them?

A. The caribou were crossing at a river and I cannot run through a river, so I went by canoe.

Q. You went by canoe and your motor was running?

A. I went along the river, so my motor was running up until I got to the caribou, then I shot it. When I went to shoot the caribou I stopped the engine.

Q. Were they in the water when you shot them?

A. The first one was right on the shore, and I shot that one. Then, when the second one got close to the shore or by the shore, I shot that one too.

Q. And they were coming down to the water when you were coming along with the canoe and you shot them as they were coming down into the water, didn't you?

A. I knew the two caribou were going to cross, so I waited for

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Amarook, cr. ex.
(Graham)

them to get across to the other side of the river.

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Q. You told us about Christopher Island and Andrews Lake. How many times have you hunted down near Christopher Island in the last couple of years?

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A. Did you say when? Or where?

Q. How many times have you hunted down on Christopher Island?

A. When?

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Q. When is the last time you hunted? You told us you shot twenty caribou this year. Have you shot any of them down around Christopher Island?

A. The caribou that we shot earlier were in the area I just pointed to -- a few days ago.

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Q. I'm sorry. What area was that, again? Could you tell me?

A. There (Indicating).

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Q. This is to the east of Baker Lake?

A. Yes.

Q. And were you hunting here last year?

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A. I did not live here

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Amarook, cr. ex.
(Graham)

full-time, so when I came just for a few days I went hunting into that same area.

5 Q. When you came up, did you know anything about the hunting around Christopher Island?

10 A. When I came in those times that I did come, we had to follow what month the caribou would be in and where we should be hunting in what month of the year. In those months, when I came, that was not the area to hunt.

15 Q. I am told that the Christopher Island is one of the best places for hunting last year -- last winter. Do you know whether that is true or not?

20 A. Like I stated earlier, I lived partly in Ottawa and part of that last year, so I have to take their word for it and I believe it was so.

Q. It was a very good area for hunting last year, wasn't it?

25 THE COURT: Based on hearsay he says yes.

MR. GRAHAM: Thank you.

I have no further questions.

---CROSS-EXAMINATION BY MR. HEINTZMAN

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Q. Sir, did your father live around the Aberdeen Lake area?

A. We used to reside around Aberdeen Lake area and also around Shultz Lake area.

Q. How about your grandfather; was he from the same area, as well?

A. My grandfather used to live around the Baker Lake area and also Shultz Lake area.

Q. Was your grandfather from the group called the Ahearmit?

A. My grandfather wasn't necessarily from that area. But my mother-- but my grandfather's mother was from that area.

Q. And did your people move with other Eskimos or other Inuit called Harvaqtormiut?

A. My grandfather's father was from that area, and he could speak the dialect of that area. He wasn't necessarily from that area, but he could speak the dialect of that area.

Q. Where did he come from?

A. I have heard that he was from the Quarnermiut, but he spoke the dialect of the Kazan area.

Q. As I understand it, the Quarnermiut came from the Chesterfield Inlet area, is that correct?

A. Well, you can refer them from being from Chesterfield area before there was any

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trading post in Baker Lake area.

Q. There was a trading post at Baker Lake. Did they come up and trade at the Baker Lake trading post?

A. Well, what I was trying to say is that these groups used to go down to the trading post in Chesterfield Inlet when the trading post was established in Chesterfield Inlet. But before it was established in Chesterfield they used to be around the Chesterfield area.

Q. So, before the Chesterfield Inlet post was there, these people lived in that area. Is that what you are saying to us?

A. Before the trading post was established in Chesterfield-- at Chesterfield-- they used to reside around Baker Lake area.

Q. I see. Well, did the Quarnermiut go to the sea and go inland and come back?

MR. GOLDEN: Is my friend going way back or within this witness' knowledge of legend?

MR. HEINTZMAN: Within this witness' knowledge of his ancestry.

THE COURT: I think you should stick within the grandfather and great grandfather instead of the whole linguistic group.

BY MR. HEINTZMAN:

Q. From what you know of

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your grandfather, was your grandfather alive when you were a child?

A. As I have stated earlier, my grandfather used to live around the water crossings and I have learned about these water crossings from my grandfather.

THE COURT: The question was simply was his grandfather alive when he was a child.

THE WITNESS: He was alive; therefore, I learned from him about the water crossings.

BY MR. HEINTZMAN:

Q. Your grandfather was a Quarnermiut; and, as I understand it, during his lifetime did he live down, when he was a boy, near the Chesterfield Inlet area?

A. He never mentioned the Chesterfield area or told stories about the Chesterfield area. He would refer to the Baker Lake area, mostly.

Q. I see. When you were living on the Shultz Lake-Aberdeen Lake area, did other people from other groups come down to hunt in that area?

A. Around Shultz Lake and Aberdeen Lake area it was mostly my relatives that were living around that area, but if other Inuit people would come to that area, if they didn't have any food-- if they didn't have enough food or cache in the winter time, it was the same thing for us--

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we didn't have enough cache or food-- we would go to other Inuit. It was the custom of the Inuit that they would invite the other people to come to their area if they have enough cache or food because if they were low on cache or food, they would go to the other Inuit-- the other area.

Q. Mr. Peryouar has marked on the map many of his travels while he was hunting the caribou. Did your family have similar travels around the area shown on that map?

A. It was similar in some areas. In fact, Mr. Peryouar is my uncle.

THE COURT: Perhaps he won't have anything to say about his family's tribe that would be much different from what Mr. Peryouar has already said.

MR. HEINTZMAN: That's right. I didn't realize the relationship.

BY MR. HEINTZMAN:

Q. Mr. Amarook, you were here in Baker Lake when it was first growing, around 1958-59 and '60 and I would like to try to give an impression to the Court as to what the town was like at that time. I have a book written here by a man who studied Baker Lake in 1959-60. In the book he has a diagram showing where all the houses were and the tents, and I would like to show it to you and see if you can identify that as being a representation of what Baker Lake looked like in 1959.

THE COURT: Perhaps you

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should show it to Mr. Golden, as a courtesy.

BY MR. HEINTZMAN:

Q. Looking at that map, which is before you, can you tell us if that is a proper representation of the tents and buildings that were in Baker Lake and this is supposed to be in June of 1959.

A. The MOT area, the R.C.M.P., the nursing station, the HBC, the Anglican Mission are properly represented but the school building has been misplaced.

Q. What is misplaced about the school building?

A. Well, the school building hasn't been in the Hudson Bay area. There was never any school building in that area.

Q. Well, aside from that, that building, are the other buildings and the general layout of the community at that time, including the Inuit community, generally speaking, a proper representation of what the buildings looked like at that time?

A. The tents and the other buildings are pretty well represented on the map.

MR. HEINTZMAN: May that be marked as the next exhibit, my Lord ?

THE COURT: I-3, generally speaking proper representation of the village in June 1959.

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EXHIBIT NO. I-3: Diagram of
Baker Lake,
June 1959.

BY MR. HEINTZMAN:

Q. In this same report the author describes where the people who were living in Baker Lake came from. And since you were one of the people involved in the coming into Baker Lake of the people, I would like to ask you if these figures are approximately correct. You will see from that map that there are approximately thirty-eight tents or houses. At least that is my addition. The author in the report lists thirty-four families. I don't know where the difference is, and I now read to you where he says those families came from.

MR. GOLDEN: If this is of June of 1959, I think his evidence is that he did not commence his work until 1960.

MR. HEINTZMAN: He came to the community in '58.

MR. GOLDEN: My friend's question is based on his work. I am not sure his work even qualifies him to give the answer, but assuming it does, it didn't start until 1960.

THE COURT: He started his work in 1960 for the government, that's correct. Well, the witness can answer the questions if he knows the answers; if he doesn't know the answers, he should say so.

THE INTERPRETER: Would you give the author's name?

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MR. HEINTZMAN: His name is Frank Valee, and the name of the book is Kabloona and Eskimo in the Central Keewatin.

THE WITNESS: I remember Frank Valee, and I have seen him down in Ottawa when I was residing in Ottawa.

BY MR. HEINTZMAN:

Q. This is where he says the people who were living in Baker Lake in June 1959 came from-- and I will read you the figures and you indicate whether you can confirm that or cannot confirm that. He has twelve families from Back River of the Ukkusiksalimiut (?), four of the Illinlingmiut of Garry Lake, ten of the Quarnermiut, four of the Harvaqtormiut, two from the Hanneqtormiut and two of the Aivilimiut, which I understand is Repulse Bay.

THE COURT: That is what the book says, and would you ask him if he can confirm or not.

THE WITNESS: Those are the families, are they?

MR. HEINTZMAN: These are the families, yes.

THE INTERPRETER: I forgot the rest of the names that are listed.

THE WITNESS: Well, that is the understanding of the author and that is from his point of view. Like myself, I am from Kadilingmiut (?) and I have cousins who were from Kazan River, so if you try and go by those names that

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are listed on the book, it wouldn't make all that much difference.

BY MR. HEINTZMAN:

Q. Can you help us as to whether those figures are correct or can you not help us?

A. Well, I cannot confirm the figures because he doesn't note the relationship between the different areas. Illinlingmiut have some relatives from different areas, so he probably doesn't understand the family ties from different areas.

Q. Well, I am sure he did his best. But you can't help us as to whether he was correct or not.

A. I can't say whether it is correct or not because he doesn't say. He doesn't say or it is not stated in the book that there are some family ties.

Q. Well, in the same report, Mr. Valee takes figures-- population figures-- for the area and he quotes the R.C.M.P. census and since you are involved in the census or bringing people into Baker Lake--

THE COURT: I wonder if I were to ask you what the population of Toronto was when you were nineteen years old, how it is broken down-- assuming you are from Toronto-- how you would do on that. These are pretty tough.

MR. HEINTZMAN: It is very tough, but these are important questions and it is

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going to be difficult to get this evidence before the Court.

THE COURT: You have an R.C.M.P. census figure. That is an official thing that surely is available from other sources. If you don't know where it is, I am sure Mr. Chambers could assist you in the direction of that sort of information.

MR. GOLDEN: With the usual notice to the Plaintiffs, of course.

MR. HEINTZMAN: What notice?

THE COURT: He is speaking of notice for documents if you are going to produce it.

BY MR. HEINTZMAN:

Q. In the family group you lived in when you were growing up-- in the immediate group that you lived in-- could you tell us who lived in that group?

A. At that time there was my grandfather, my father and my uncle who were within the immediate family.

Q. Does your uncle have a wife and child?

A. I don't want to dwell in that area because when I first was growing up we had a big, larger family but as I grew older the family was decreasing; so it is a personal matter.

MR. HEINTZMAN: All right.

Thank you.

MR. GOLDEN: No re-examination.

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I have confirmed with my next witness, Mr. William Scottie. His first language is Inuktutuk but he was educated in English and he has agreed with my request to speak English on the understanding that he have the interpreter at his elbow if he cannot find the right word.

THE COURT: I hope that if he is at all uncomfortable with either the questions or the answers he is going to give, he will feel free to speak with the interpreter.

MR. GOLDEN: We have the opportunity with the next few witnesses to try this out. We have Mr. Scottie and, hopefully, we can speed things up a bit.

--- WILLIAM SCOTTIE, BAKER LAKE, SWORN: (Assisted by Interpreter J. Patterk)

--- EXAMINATION IN CHIEF BY MR. GOLDEN

THE REGISTRAR: May I please have your address.

THE WITNESS: Baker Lake, Northwest Territories.

THE REGISTRAR: State your occupation.

THE WITNESS: Unemployed at the present.

BY MR. GOLDEN:

Q. Mr. Scottie, would you please have a seat. Mr. Scottie, how old are you?

A. Twenty-two.

Q. Where do you live?

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A. Baker Lake.

Q. And I understand that you have a family with one child.

A. Right.

Q. At the present time are you employed?

A. That's right.

Q. As what? Are you working right now?

A. No.

Q. When you were working would you tell me some of the things you have done for wages.

A. I was fuel truck driver recently and after I got off that job I went down to the soap stone quarry and brought some and made money from that.

Q. Do you hunt?

A. Yes, I do.

Q. And as a hunter have you had experience? Have you done it before and do you do it often?

A. Well, recently, after I have gone back from school, from CSC in Churchill, Manitoba, that is when I really started into going out hunting and after that I went to Yellowknife and took an on-the-job-training course.

Q. As what?

A. As a credit union manager.

Q. In Yellowknife?

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Q. That was after vocational college?

A. Yes.

Q. That was after

A. Yes.

Q. So you trained as a credit union manager?

A. That's right.

Q. Could you get a job using your skills, those you learned at school?

A. After I finished training in Yellowknife, when I came back, we were going to start a bank here but for some reason it never turned out so I started driving fuel truck.

Q. I see. Why do you hunt?

A. Well, for the first thing, when I don't have-- when I don't have a job and I want to support my mother and my sisters, since I am the only one in the family that I could go out hunting, I sometimes go out hunting and if I am lucky I catch some caribou and support my family.

Q. Is there anything about hunting that you particularly like to do?

A. If I could have my own way-- have a regular supply of gas for my skidoo, I would go out hunting most of the time. But sometimes I have to go to work or make money so I can buy my gas so I can go hunting. But most of the time when I can't afford gas I don't go out hunting. I just look for a job.

Q. I understand that back

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there was-- half of the cockpit of the helicopter was somewhat divided in half with some kind of a wall but there were small square things you can talk through, but they probably couldn't hear me if I yelled that hard.

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Q. Tell us what happened?

You went down to look at this caribou and take pictures.

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A. Yes, we followed it

maybe two to three minutes or maybe perhaps four and we were following and the caribou was really running away and we got close enough and I noticed that the guy I was working with was taking pictures of the caribou running away.

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Q. Now I would like you to think back to May of 1977. I think I should correct that. In May of 1978 were you on a hunting trip?

A. Yes, I was.

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Q. Tell us, please, where you were hunting and what, if anything, that was unusual that happened.

A. Well, some of my relatives and some of my older friends, we were down near Kaminuriak Lake, that area.

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Q. Is that down in here, Kaminuriak Lake?

A. That's right.

Q. What was it like there?

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A. When we got down there, the next day we were going to go out hunting but it

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about five minutes from that building and you would see caribou.

Q. Can you tell us where you were born and when you came here?

A. I came to Baker Lake around 1960, I believe. I was born in Ferguson Lake and my mother had a real bad injury at her back and she was transferred here to the hospital and me and my two sisters came along and we started having school here because of my mother's health.

Q. How old were you when you came here?

A. I believe I was five or six.

Q. Where do you like to hunt?

A. I am just starting out hunting and I own my own skidoo now and I don't really know about where to travel and where to find caribou. But every chance I can get, I go with these older folks and they teach me how to hunt-- where they might be at a certain time of the year. And if I can learn that, I would go out hunting on my own and start supporting my family.

Q. Why, if you can work in Baker Lake and make money, would you want to go out hunting?

A. Well, for the first thing, I know that when you have a little bit of money you can go just down to the Hudson Bay store

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tell us how your friends feel about going out hunting?

A. If they were to learn as good as this-- we spent most of our time-- we wasted some of our time in going down south going to schools and coming back here and not finding any jobs. Like myself, I wasted a whole year going to Yellowknife training on this credit union and it will never happen. I should have never went. If I spent my time here I would be one year advanced in my going out hunting.

MR. GOLDEN: Thank you very much. Just a moment, the gentleman may have some questions of you.

--- CROSS-EXAMINATION BY MR. GRAHAM

Q. Just one. Did you hunt last winter?

A. Yes, I did.

Q. Did you hunt down around Christopher Island?

A. Just before that, yes.

Q. Is that one of the best places for hunting last winter?

A. Last winter, yes. I went down maybe twice or so. I didn't see a lot of caribou but there were some caribou there.

Q. There were some caribou there. Were a fair number of the members of the community hunting down there too?

A. I heard of some people going down there catching some, but I never actually seen them go out.

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Q. When you are learning about hunting, do you find out where the caribou are from the older members of the community who come back and tell the other people in the community where the caribou can be found?

A. Well, actually to know all these things you actually have to go yourself. Like, if one of the older members of these people who go out hunting tells you this is where the caribou are, the first thing you have to know is how to travel through land so the only starting point to go out hunting like this is starting with them first and they tell you and actually doing it with them in order to know exactly where the caribou might be.

Q. You find out about where they might be, though, from other people of the community coming back and saying this is where the caribou are now, so you know where to go out with the people you are hunting with.

A. I hear of some people saying they got some caribou out there and there might be some down there, yes.

Q. Then you would go out in that same area, would you?

A. I haven't done that really myself, no.

Q. How would you find out where you wanted to go hunting, or would you choose an area?

A. The first thing, like, I

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still have to learn all the landmarks and everything. I might just get lost if I go alone. I usually go with an older person and they decide where they might want to go. It may be in the same place or they might want to go a different place.

Q. So there would be the two of you, each on your own skidoo, would there?

A. Right.

Q. And is it quite normal for the people to hunt two people together going out on skidoos together?

A. Yes, most of the time.

When the weather is cold that is the best thing to do, I think, because the skidoo might break down and you are going to have to walk a long way. If I go out alone during the cold months I might never come back.

Q. Is it dangerous to go out alone? You have to have two skidoos, really?

A. That's right.

Q. Have you hunted caribou yourself when there have been two of you, both on a different skidoo?

A. Yes.

Q. And tell his Lordship how do you come up on the caribou when you have two skidoos coming up on the caribou. Would you tell him how you do that.

A. Right now I have not really done it. Like, doing it my own way, we actually go after the caribou we stop and we use

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our binoculars, depending how far they are. Before you scare them away, you look at them first with binoculars to see how many they are, which way they are walking and which way the wind is travelling.

Usually the older person with me on skidoo and I would slowly, quietly, follow along.

Q. You follow him on your skidoo, do you?

A. Right.

Q. Until you get within rifle range?

A. That's right.

Q. And how far would that be?

A. About half a mile.

Sometimes, if you do it properly, it is a little bit closer.

Q. You can get closer than that?

A. Yes.

Q. Four hundred yards maybe?

A. Something like that.

Q. What type of rifle are you using?

A. Right at the moment a

22-250.

Q. A twenty-two two fifty?

A. Right.

Q. Are you using a telescopic sight?

A. No.

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Q. You are a pretty good shot?

A. I believe so, yes. I would call myself a pretty good shot.

Q. What happens if when you are getting up there ready to shoot and the caribou starts to run?

A. Well, the first thing when they start running away, before they can really actually run away, you maybe shoot down maybe a couple or two. Before they get too far you stop shooting and maybe try to get closer. If they run farther and farther, you just leave them alone. Sometimes you can't chase down a caribou that is travelling forty or fifty miles an hour.

Q. In winter can they travel forty or fifty miles an hour through the snow?

A. Something like that. I believe so. You can usually get a couple of shots before they start to move off.

Q. Do they always run off immediately after you have shot a couple?

A. Yes. Obviously, because of the loud bang, the rifle scares them off.

Q. Have you ever been on a hunt where after you have shot the first couple they start to move and you are still able to get a couple more?

A. Sometimes. That is very rare.

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Q. Sometimes you are able to do that because you get up on your skidoo and you are fast enough to get a couple of shots in. Is that the way it is done?

A. You can do that depending how fast the caribou is running away. If you get two shots or more, when they start just running away as fast as they could, you just can't follow them. We were told it is not wise to run after the caribou that long a period.

Q. Have you ever had a chance to hunt on the Kazan River?

A. In the Kaminuriak River, I have done that, yes.

Q. What is the season for hunting in the Kazan River? As a rule is it in summer?

THE INTERPRETER: The witness said Kaminuriak.

THE COURT: I think that is further down the Kazan.

BY MR. GRAHAM:

Q. Did you say Kaminuriak?

A. Yes, that's where I hunted before. I really never hunted in Kazan Falls area before.

Q. In the Kaminuriak area were you hunting in the summer or winter?

A. In the spring.

Q. You went down there by

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skidoo, didn't you?

A. That's right.

Q. What time of the spring was that? Do you remember?

A. This time of year.

Q. This time of year. In the month of May?

A. Yes, something like that.

Q. Late May-beginning June?

A. I don't quite remember. It is some time of this year, anyway.

Q. Was it this year, 1979?

A. Not this year, but last year.

Q. Last year.

A. Yes.

Q. Approximately in the month of May?

A. Yes.

Q. You told us about seeing that aircraft that was low flying? Where was that, again? I didn't get the name of the place where that occurred.

A. (Indicating).

Q. The upper area of Kaminuriak Lake between Parker Lake and Kaminuriak Lake.

A. Yes.

Q. How did you get down there that time?

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A. You mean that spring?

Q. Yes.

A. By skidoo.

Q. That is the same spring
you were just talking about with me?

A. That's right.

Q. You did see caribou down
there that time, did you?

A. Yes.

Q. Were you able to shoot
any?

A. Yes.

Q. How many did you shoot,
do you remember?

A. I believe around fourteen.

Q. Fourteen. And why did
you try to get the number of the aircraft?

A. Because I heard before
on the radio that any aircraft flying that low had to
be reported and if you get the number of that aircraft
you can report it back to the settlement.

Q. Do you know what the
regulations are about how high the aircraft are
supposed to be?

A. Well, not really. But
according to what I saw, it was just flying too low
to travel that area.

Q. Fine. And the Polar Gas
helicopter that you rode in when working for them, did
you ride in that quite a bit?

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A. I made about two or three trips that year.

Q. And did you see any caribou at any other time than the one you described to Mr. Golden when he asked you questions about it?

A. Yes, we had a helicopter parked down on the ground when the bull caribou came along.

Q. How close did he come?

A. Maybe as far as here to this green building out here.

Q. Which building?

A. The green building.

Q. What would that be?

About a hundred yards away?

A. Yes.

Q. How soon after the helicopter landed did he come in that close?

A. About maybe twenty minutes or so.

Q. Twenty minutes after you landed?

A. Yes.

Q. What did he do when he saw you?

A. He looked at us for a while and took off after up the hill. We never saw it after that.

Q. He just walked away, did he?

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with you?

A. Yes.

Q. You didn't have your rifle

to carry rifles on a helicopter.

A. No, we were not allowed

after that?

Q. Did you take off shortly

after that.

A. We stayed there about

another twenty minutes or half hour and we took off

again?

Q. Did you see that caribou

A. No.

caribou when you were actually flying in the helicopter?

Q. Did you see any other

A. No, just those two.

Q. Just those two.

while and the one that I saw on the ground.

A. The one they chased for a

MOT after you got back to Polar Gas?

Q. Did you think to report

the incident that you told Mr. Golden about to the

that age area. I never really thought about land claims and aircraft working in this area so it really never occurred to me until maybe two months later when I started realizing that mining exploration companies are starting to come up and I reported it once.

A. That time I was down

south most of the time when I was around sixteen--

MR. GRAHAM: Thank you very

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much, Mr. Scottie.

MR. HEINTZMAN: I have no questions.

--- CROSS-EXAMINATION BY MR. CHAMBERS

Q. Were you in the Baker Lake community in 1976-77, sir?

A. I believe I was in Churchill at the vocational centre.

Q. In both years?

A. Some part of '76, I think.

Q. In particular, were you here in the spring of 1976 and in the spring of 1977?

A. Yes, I believe I was.

Q. And do you recall, sir, at that time there were a large number of caribou situated just north of this community?

A. Just north of this community?

Q. Yes, the community of Baker Lake.

A. Yes, I have heard of that. Yes.

Q. You didn't hunt it personally, did you?

A. No.

Q. You said that you would like to live, if I understood you correctly, on the land.

A. That's right.

Q. Do you seriously

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consider doing that or is it just an idea that you have?

A. Well, if I am not serious enough maybe I wouldn't have mentioned it.

5 Q. So you are serious about it. I see. What steps are you taking to put this into reality?

10 A. Right at the moment I am still considering it. I got to think about it more and I have to talk to my family before I can make a real decision about this.

15 Q. But you said that this project would require a sizeable investment in that you would have to have one, perhaps two, snowmobiles; is that right?

A. Plus maybe another partner. Maybe another man, too.

20 Q. I see. And would you take your family with you?

A. Yes, I would.

Q. Your wife and child?

A. If they wanted to, sure.

25 Q. You intend to live exclusively on caribou meat while you do that?

A. Yes, I can live, sure. I can live on caribou meat myself.

Q. And no other food?

A. Well, my tea. Well, you really can't-- like I am just starting to grow up and just starting to understand my own culture, so I still

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got lots to learn before I can make a big decision like that.

Q. I appreciate that. Go ahead.

A. I really would like to go out to the land and live on the land for a while.

Q. Have you ever lived-- so far as you can remember-- exclusively on caribou meat and nothing else?

A. Pardon?

Q. Have you ever lived exclusively on caribou meat and nothing else?

A. When I was about five or four years old I remember all I had-- there was nothing but caribou bones all through the years and the only time that we had white man's food was just a small bag of porridge and after that was gone we tried to cook again the bones and try to make up soup of it. I remember that much. I don't quite remember that. Maybe I have done it for five years just on caribou meat and fish, too.

Q. You said this one time you only had bones of caribou. Did I understand that correctly?

A. That's right.

Q. It must have been a hard time.

A. Yes.

Q. Was that right here in the community or was it living elsewhere?

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A. No, the Ferguson Lake area.

Q. I see. And you were how old then?

A. About four or five. I don't quite remember.

Q. I see. So you say you are twenty-three years old now?

A. Yes.

Q. This must have been around 1960 or so?

A. Yes, close to this.

Q. There were hard times at Ferguson Lake at that time, were there?

A. Some part of the year, yes.

Q. You were starving?

A. Not necessarily starving.

Q. Well, caribou bones don't sound very meaty to me.

A. It depends what kind of person you are. Like my ancestors and my great grandparents have been eating only caribou meat and fish for the whole time. I am just at the end of that era.

Q. In any event, you said that these were hard times.

A. Yes.

MR. CHAMBERS: Thank you.

Those are all the questions I have.

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MR. GOLDEN: No re-examination.

THE COURT: Thank you, Mr. Scottie, you did very well. I surely hope your example will be an inspiration to others to try.

MR. GOLDEN: We were going to consult with the next witness on the same matter. There are not very many witnesses that feel confident. He has not arrived yet. The following gentleman is a gentleman of some years and will require an interpreter, I would think.

THE COURT: It might be as well to start with him and we can continue with him after dinner.

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MR. GOLDEN: Mr. Estrin will
be examining Mr. Harold Qarliksau.

HAROLD QARLIKSAU, Baker Lake, N.W.T., Sworn

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(Through Interpreter Ruby Arngnanaaq)

THE REGISTRAR: Your address,
sir?

THE WITNESS: Garry Lake.

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THE REGISTRAR: Your occupation?

THE WITNESS: A hunter.

EXAMINATION IN CHIEF BY MR. ESTRIN:

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Q. Mr. Qarliksau, you say you
are from Garry Lake. Are you at Garry Lake now?
Are you living at the settlement of Garry Lake?

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A. I now live in Baker Lake.

Q. When did you come to Baker
Lake?

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A. I am not in the habit of
writing. I don't know which year I came to Baker.

Q. Can you tell us the number
of years ago that you came to Baker Lake?

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A. It is not quite eight years.

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Q. And I understand that you
live with your wife and children. How many children
do you have living with you?

A. Seven.

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Q. Are there any other families
living with you?

A. Right now my father-in-law
is living with us.

Qarliksau, in ch.
(Estrin)

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Q. And who is responsible for supporting your family?

A. Myself.

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Q. And you told us that you are a hunter. Have you hunted this year or last year?

A. Since I started living here I have been hunting but on borrowed things.

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Q. Why did you move to Baker Lake?

A. I wanted to keep watching my children.

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Q. And were your children coming to Baker Lake for some reason?

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A. While we were living on the land, there were those who would come and get them and tell us that they were having to go to school.

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Q. And before you and your family and your children moved into Baker Lake, can you show us on the map, behind you, where you were living on the land?

A. Yes, I can.

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Q. Would you please do that?

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A. I cannot recognize the map very well.

THE COURT: He can't read.

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MR. ESTRIN: Q. You are pointing to an area. Is this the area where you lived with your family before you came to Baker Lake?

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A. The two lakes I was pointing to -- this one here and that little lake over there -- I used to go back and forth between those two points before the children started going to go to school and the one further up north is where our children used to be taken from to go to school.

MR. ESTRIN: My Lord, we ran out of a different colour. I wonder if we could see if we have something that would be distinguishable. Maybe just a ballpoint pen might suffice.

Q. Can you mark, Mr. Qarliksau, with a circle the area which you have just described and where you have hunted on the land before you moved to Baker Lake?

A. (Indicating)

MR. ESTRIN: Mr. Qarliksau has drawn a circle in ballpoint pen, and I am going to place his initials HQ beside that circle.

Q. Have you spent many years in that area, Mr. Qarliksau?

A. I cannot really truthfully tell you the exact amount of years because, like I stated earlier, I do not live by the pen.

Q. Did you spend much of your life before you moved to Baker Lake in that area?

A. Just prior to living in the area that I have circled, I grew up around Garry Lake and first started hunting in that area. Then, later on, I moved to where the area that I had circled.

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Q. While you were living in the area where you have shown us on the map with your family, would you come to Baker Lake, the area we are in now, for supplies?

A. I didn't.

Q. You don't understand what I said.

A. (Interpreter) He said the first time he went for supplies he did not go to Baker Lake. He went to a different post. And I don't know where that place is.

THE COURT: Perhaps our concern was with Baker Lake and the answer was no.

MR. ESTRIN: Perhaps so, My Lord, although I am sure my friends are terribly interested.

Q. Did you come to this area for supplies at any time?

A. While living off the land, I used to go back and forth every once in a while to Baker Lake for supplies.

Q. How did you travel to Baker Lake for supplies?

A. We did not have any other means to travel but by dog team. I came by dog team.

Q. And what about in summer time? Would you come to Baker Lake in the summer?

A. Just outside the circle that I had drawn on the map I went for supplies in the summer time once other than Baker Lake.

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Q. I am asking him did he come to Baker Lake in the summer when he couldn't use a dog team.

A. Yes, in July there were times I would come to Baker Lake.

Q. And how would you come to Baker Lake in July?

A. By walking.

Q. And when you walked from this area to Baker Lake, would you see any caribou in July?

A. Yes, I used to see caribou.

Q. And could you show us on the map if there are any areas in particular where you would see caribou?

A. I can show it to you right up to Baker Lake itself.

Q. Can you show us on the map? Can you just point them out on the map for us?

A. The first time I remember when I came to Baker Lake in the summer time for supplies, I pointed along the route that we took and right through it we saw caribou all the way through, all the way right up to Baker Lake itself.

Q. Have you taken any other routes in the summer time?

A. No, I never tried to sway from that route because it is very hard when you are walking. It takes a long time and it is hard.

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Qarliksau, in ch.
(Estrin)

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Q. I can hardly believe how hard it must have been. Have you, since coming to the settlement of Baker Lake, gone back to the area that you showed us on this map? Have you gone back by skidoo or by walking or by any means?

A. I did return to that area since moving to Baker Lake because a little shack was taken over there.

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Q. For what reason did you return to this area?

A. Because when you are from that area and it's your own land, you know where to hunt and you enjoy yourself there.

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Q. And in what season of the year did you go back to this area?

A. I went once in the winter and also sometimes in the summer.

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Q. And when you went back in the summer time, did you see any caribou along your route?

A. The last time that we did return, when school was out, my children and myself returned by a Beechcraft.

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Q. An airplane?

A. Well, anyway, an airplane. And that was the last time we went back there.

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Q. And how did you come back from this area?

A. When it came time for school season again, our children were taken away from

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us again. Myself and my eldest son, we stayed behind for a while.

Q. And while you were there, did you walk any distances?

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A. I did walk around some distances around that area hoping that I could return in the winter time.

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Q. While you were walking around, were you looking for caribou?

A. That year I did walk around for caribou. That is my only reason for walking around, anyways. We found some little caribou and that was about the time when the helicopters were starting to fly around. So, in finding that there

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was no caribou around it, we started heading toward Baker Lake and barely made it to Baker Lake alive.

Q. How did you come to Baker Lake at that time -- on that trip you have just described?

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A. I knew of other people that were travelling up the river, so when my son and I headed to the mouth of a lake, at the very beginning of a lake I found some people there.

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Q. Were you walking?

A. We walked all the way from that -- a little beyond the area that I covered to this point, and then walked again to Baker Lake itself. We didn't even have one dog left, so I myself carried our clothing and our few possessions.

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Q. Can you tell us, based on

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your travels to the area you put on the map, since you moved to Baker Lake, is there as many caribou in the area between Baker Lake and where you are living now as there were before you moved?

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A. I don't I would be right in saying that there have been caribou ever since then up to today from the point I circled to Baker Lake. In those days I said there was a lot of caribou. We must remember that there was only one or a few planes that would fly around Baker Lake, and the only one that flew into my area and into Baker Lake would be that one little plane, and it would not fly around very often, so there was very little disturbance.

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THE COURT: The way that previous answer came out -- it was a double negative of sorts. I am not sure what he meant.

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MR. GRAHAM: I was quite content with the answer.

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THE COURT: You were. I don't think that is perhaps what is meant and perhaps we should try and find out.

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MR. ESTRIN: Q. What I would like you to tell us is whether there are as many caribou this year or last year on your route as there used to be when you lived on the land eight or nine years ago.

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A. There is no caribou. There is none.

Q. I think I understood the

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caribou. Do you remember last summer: were you fishing at the mouth of the Kazan River with your son? I should have said son-in-law.

A. I don't really remember fishing last summer.

Q. Were you in the area of the Kazan River where it comes into Baker Lake last year looking for caribou?

A. I really do not remember hunting that way. Do you have something written down on that?

MR. ESTRIN: Yes, I do. I would like to ask Mr. Qarliksau a different kind of question: has his hunting ever been bothered by helicopters?

MR. HEINTZMAN: That is asking the witness for a conclusion.

THE COURT: I think you have to get it a little more indirectly than that, unfortunately.

MR. ESTRIN: Q. Mr. Qarliksau, have you been hunting and seen helicopters in the area where you are hunting?

A. (Interpreter) Something in relation to what you have written down. I do remember hunting in the area -- walking around in the area of a hill, but I wasn't fishing there. I was hunting for caribou.

Q. And did you see a helicopter there at that time?

555.

Qarliksau, in ch.
(Estrin)

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A. I do remember that time that there were these -- (Interpreter) what he calls searchers. The mining companies. Explorations were around. I'm sorry I can't give you a specific date, month or year.

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Q. And at the time you were looking for caribou near the mouth of the Kazan River, did you see a helicopter?

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A. I do remember hunting over in that area a little bit beyond Kazan, but around it I was looking through binoculars for a caribou and sighted one and was just getting ready to go towards it when I saw a helicopter coming over in my direction -- coming over from Baker Lake and going over us. All I did was stand there and watch where the helicopter was flying and also watching to see the caribou is going to run off and, sure enough, it ran off and I got nothing.

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Q. Has this happened to you in other places?

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A. I do remember once while my whole family was with me when we were across the lake on the south side of the river up by some hills and we saw what was a lot worse than the one I have just described.

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Q. Can you tell me what happened -- what you saw and what happened?

A. Yes, I can tell you. We had pitched our tents over in that area having been taken by someone by canoe to camp. During that time

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we would be fishing in the river because we were running out of store-bought food. We fished as much as we could because the children were starting to get hungry and at that time I went up to a hill looking around and I spotted five caribou, and I headed for that caribou to go and kill them. That time when I spotted the caribou, I started towards them having spotted an area where I could start shooting, and they were coming in my direction, and then suddenly a helicopter, coming from Baker Lake going somewhere that I do not know, went between us and took a route right between myself and the caribou and went quite low, and when I looked at the caribou they were heading to the opposite direction -- running in the opposite direction.

I remember I started heading in that direction trying to follow the caribou. I noticed that the helicopter which had gone between us was sort of heading in the same direction as the caribou, and then landed on top of a hill, and when I looked towards where the caribou were still going very fast in the opposite direction because I just gave up because I knew I could not get them.

Q. How were you trying to find the caribou? Were you on foot? Were you using a canoe?

A. I have never used a canoe because I don't own one myself. My only means of transportation is my own feet.

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Q. And in that area which you have just told us the story about, is this near some area that you can show us on the map?

A. May I please first tell the other time? Once when the helicopter came -- again it is in that very same area -- while I was hunting caribou --

Q. Please.

A. In that very same area, within five days -- about five days -- I again went on top of hills looking around to see if I could spot any because we had run out of food by this time, and the wind was still blowing very hard, making travel rather difficult. My wife had gone to the river to go fishing and while I was looking around for caribou, I spotted a caribou in that direction. At that time when I spotted the caribou, I started heading towards it, and it noticed I was going after it so it ran off, and I kept going after it -- following it. A little ways later, about a hill or two away, I spotted it again along the mossy area, and just before a helicopter came from Baker Lake, heading somewhere, and came right between us. That pilot must have spotted the caribou and went lower and lower and when the caribou saw that helicopter and also heard it, it stood up on its hind legs and took off. I saw the helicopter swaying back and forth going lower and lower, and eventually taking off somewhere, wherever it was going.

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558.

Qarliksau, in ch.
(Estrin)

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Q. Can you show us, please, the location of these problems with a helicopter?

A. We had pitched our tent right here.

MR. ESTRIN: My Lord, the witness is indicating an area west of the Thelon River and about the same distance north of Baker Lake. Sixty-four and a half parallel latitude. He is now pointing out the third story.

He has just pointed out the last two.

THE INTERPRETER: The last one. It was the first caribou that I had sighted and the helicopter made him run away.

THE COURT: I thought the last two were on the south side of the lake.

MR. ESTRIN: The witness is indicating the first incident occurred just east of Pitz Lake, about mid-point on Pitz Lake between the north and southern shores and a few miles east of the east boundary -- east shore. Sixty-four degrees north by 96 degrees, 30 minutes west.

Q. Would you show us again the first one?

^Sixty-four-29 north, 96-40 west.

THE COURT: We normally take a break at this time for supper, and we would ask him to come back for seven o'clock.

--- COURT ADJOURNED

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--- UPON RESUMING AT 7.00 P.M.

--- HAROLD QARLIKSAU, Recalled

MR. ESTRIN: I have one or two more questions.

Q. I believe you told us that when you go hunting now from the settlement of Baker Lake, you generally go in the summer time with other people because you don't have a canoe, is that right?

A. Yes, it's true.

Q. And what about in the winter time?

A. Just like in the summer time, I get a ride from someone who takes me along with him.

Q. Do you buy your own shells?

A. Yes, I buy my own shells.

I spend most of the time now drawing -- making drawings. And when I get some money for those drawings, I buy the ammunition.

MR. ESTRIN: Yes, I have seen some of your work. It is published down south and also in the catalogue from Baker Lake at the Co-op.

Thank you. Those are my questions. There will be some other questions.

CROSS-EXAMINATION BY MR. HEINTZMAN:

Q. Mr. Qarliksau, I wonder if you could show us on the map the area where you lived when you were a small boy.

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Qarliksau, cr.ex.
(Heintzman)

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A. The exact place that I was brought up is not shown on the map.

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Q. You are pointing in this area here near 98 degrees latitude at the very top of the map. Is that area approximately where you lived as a small boy?

A. (Indicating)

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Q. Just above the map. Is that area where you grew up?

A. That was where I grew up, and that is where I started learning about hunting and living.

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Q. Do you know how old you are, sir?

A. I stated earlier that I do not live by the pencil nor do I make the dates, so I don't know how old I am.

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Q. When you were growing up, can you tell me how many people were living in your camp and who they were?

A. My family -- uncles, aunts and other relatives and in-laws. We lived mostly by ourselves. We were not all that close to anybody else.

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Q. In your particular camp can you name for us the people who lived with you in your camp when you were young?

A. Did you say name them?

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Q. Name them by brother, sister, father, mother.

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Qarliksau, cr.ex.
(Heintzman)

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A. The only living people that are here now are the Peryouars. My aunts and uncles and parents are now dead.

Q. I know, but I would like to know who was living in your camp. You had your father and your mother. Did you have any other brothers and sisters?

A. I have brothers -- younger brothers -- and also older sisters and things like that. But my father himself died away -- a little bit further away from where I grew up.

Q. I see. And did your uncles live in the same camp with you?

A. There was my father? He had poor hands and poor feet. He used to get sick quite often. There were some of my uncles there. Even my father died after I had been married.

Q. How many tents would there be in your camp during the summer time?

A. It would be about three.

Q. And how many igloos during the winter time?

A. There would be about three igloos, and I would like to add that these people that I am talking about, we never really accepted for any long length of time.

Q. And when you were hunting in those days, did you hunt to the north of Garry Lake as well as to the south?

A. We used to go to a lot of

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Qarliksau, cr.ex.
(Heintzman)

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various hunting areas and also trapping.

Q. Would you come down into some of the area we have on the map P-2?

A. I cannot point out where they were. As I stated earlier, they are not showing on this map.

Q. But you travelled during the times of year you travelled from one place then to another, is that right?

A. We were never still in one place very long. The only day that we did nothing or went nowhere would be Sunday.

Q. And who would make the decisions or give the orders within your camp?

A. My father, because he is the oldest.

Q. Did anybody from other camps give you orders or make decisions for you?

A. No, there was never anyone outside of our immediate family who told us where to go or what to do. It was only our parents.

Q. And were there other camps in that area of people having the same dialect and having the same style of dress?

A. (Interpreter) No, he is not aware of that and he does not quite understand what you are trying to get at.

Q. What did other Inuits call the people from Garry Lake?

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563.

Qarliksau, cr.ex.
(Heintzman)

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A. Call other people what?
Q. Did other people -- other than Hainingayormiut?

A. I can't really say. I did not start the language.

Q. Was there any general name given for people that came from your area?

A. Yes, we are one of the people called Hainingayormiut.

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Q. Do you know where your grandfather and his father came from?

A. (Interpreter) His grandfather and his grandfather's father?

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Q. Yes.

A. I do not know how to answer you.

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Q. Do you know the people from the Garry Lake area? Did you hear stories about where they came from? In particular, did they come from the coast -- the Arctic coast?

A. The only thing I know -- the only thing I ever heard is that the Garry Lake people moved into that area or started living around there and hence they were called Hainingayormiut. My father used to tell me stories saying that his grandfather and father of the grandfather also came from that area that they were living in.

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Q. Do you know the people to the north of that area called the Kidlinermiut?

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A. I do not think I would really tell the whole truth because I would only be going by hearsay. I only know them myself.

Q. Did your father travel down the Arctic coast?

A. I stated earlier that it was difficult for my father to travel around because of his poor hands and poor feet, so we did not move around very much because while we lived up there, there were no doctors.

Q. Did any of the people from that area go down to the Arctic coast from time to time?

A. I already stated that I don't want to say anything that I have only heard of because it might not be the whole truth. I have not lived it myself.

Q. Have you heard stories from your father and grandfather about them going down to the coast?

MR. GOLDEN: Perhaps, before the witness answers, he has just indicated twice now that he doesn't want to answer that very question. My friend is just putting it another way. He has already answered the one about the father and answered one about other people. I assume the grandfather is included in other people. I don't know.

THE COURT: Put the question to the witness and see what he has to say. But I think it is getting rather futile if you don't get

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anything from the witness on this one, Mr. Heintzman.

THE INTERPRETER: What was your question again?

MR. HEINTZMAN: Q. Did you hear whether people from the Garry Lake area went down to or came from the sea?

A. I already said that I do not want to tell that.

Q. Did your mother come from the same area as well?

A. My mother used to tell me that she came from the Illinlingmiut.

Q. Those people would live to the northeast of your area, is that correct?

A. Yes, they came to the north of us. Also that my mother seems to be the only person within our group coming from Illinlingmiut.

Q. And the Illinlingmiut lived on the coast near Gjoa Haven, is that correct?

A. I cannot answer that because I have never gone up to Gjoa Haven and around that area.

Q. All you know is she came from the north somewhere?

A. That's all I know.

Q. And when you were married you settled or you came down a little bit to the south and east of Garry Lake, is that correct?

A. That is correct.

Q. Did other people from the

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Garry Lake area also move into camps southeast of Garry Lake?

A. Most of us moved together closer to Baker Lake.

Q. I see. I think you told us before that before you traded into Baker Lake, you traded into some other place.

A. I stated earlier that the first time I went trading was down to --

Q. Can you tell us where that is?

A. It is not on the map. It is not showing.

Q. Is it to the north?

A. It was northwest.

Q. Was it on the coast?

A. It was on the Salts. On an island.

Q. On the Salts.

A. On the ocean, sorry.

Q. And did you go down to that place often?

A. I stated that I was taken there twice. I have never gone back since.

Q. Who took you there?

A. No one else but my father has ever taken me around.

Q. Did your father take you there because he had been used to going there before?

A. He used to go there a lot.

567.

Qarliksau, cr.ex.
(Heintzman)

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Q. And did he have relatives from that area?

A. No, he did not have relatives but he went there to trade.

Q. Do you know the name of the people that live in that area?

A. I cannot say. When we did go down there to trade, I was still a child, and the times that we did go there I was still a child, so I wasn't particular about names.

Q. Did the people from that area come to hunt inland near where you lived?

A. I cannot really say because I was still a child and I cannot remember everything that happened while I was a child and, as I stated earlier, things that I didn't really know for sure I did not want to tell.

Q. When you were hunting, after you had grown up, did you meet groups -- other Inuit who were hunting and coming into your area to hunt?

A. No, I never really ran across other people. We did not live that close to other people, and because we didn't travel very far when we were hunting, I never ran into anyone.

Q. Why did you stop trading down to the Arctic Ocean and start trading into Baker Lake?

A. Because the trading was not as good up there as it was up here. The foods were not as good.

568.

Qarliksau, cr.ex.
(Heintzman)

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Q. How many other camps, if you can remember, were there around Garry Lake when you were growing up, similar to yours?

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A. I do not know and also, like I stated earlier, I do not keep statistics nor do I write down any days or names and things that I don't really quite remember. I don't really want to answer on those.

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Q. I take it there were other camps like yours in that area?

A. I really honestly cannot answer because I have only heard. I have not really seen.

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Q. Did you see other camps?

MR. GOLDEN: Well, My Lord --

THE COURT: He said that he didn't travel far. He didn't run into other groups.

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MR. HEINTZMAN: Thank you, My Lord. Those are all my questions.

CROSS-EXAMINATION BY MR. GRAHAM:

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Q. Were either of the two camps that you lived in when you lived up at Garry Lake, which you told Mr. Golden about, near a place where the caribou crossed water?

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A. Yes, there were crossings.

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Q. Were both camps near crossings or just one?

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A. They both had crossing points because one river is flowing into this area

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and the other one is flowing into Garry Lake.

Q. And can you tell us how close you were -- how close the camp was to the place where the caribou would cross the water?

A. We have never really lived right close to a crossing.

Q. Could you see the crossing from where you lived -- from the camp?

A. We were able to see it if we went away from the camp, but we always made sure that our tents were not visible to that crossing.

Q. Did the caribou cross at that place every year?

A. Yes, they crossed every year, every summer.

Q. At the same place?

A. There wasn't that much noise back then. They had no reason to change their crossing point so they always went through the same route and the same crossing.

Q. And were you able to kill some at those crossings then every year?

A. We did not kill at every crossing because we also had to be wise enough that we do not kill all the caribou and also the caribou -- you have to wait certain seasons to kill caribou -- the right kind of caribou for eating and that.

THE INTERPRETER: Sorry. At the first part he also stated that his parents also

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advised us on being very careful about how many we took for to kill and I, myself, made sure that I never left any caribou to waste because I do not believe in that.

Q. What was the season that you killed the caribou? Which season did you kill the caribou in?

A. It would be summer time when we are getting ready for winter supplies. That is when we killed more caribou than other parts of the season.

Q. In the month of August?

A. We really went at the caribou in August and September.

At one of the crossings near the camp I used to try and pitch my tent not too far, but not too close to the crossing point, once I learned how close one can approach a caribou without having it run off on you.

Q. And would the caribou take some days to cross?

A. I stated earlier that I do not live by the pencil and do not take statistics; therefore, I cannot tell you exactly on the exact truth on this, and you must remember that I do not -- I really do not want to say anything on something that I am not sure of.

Q. I do not want you to say anything on something that you are not sure either.

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Surely you can remember if it took one day, two days, three days or four days for the caribou to cross.

A. I know it took about two to three days for a large herd to cross at a crossing, but only if there is a large herd.

Q. If there was a large herd, were you able to shoot some on each day that they were crossing?

A. I did not kill caribou every day. If I caught five, that was the end of my killing because I wanted the caribou to keep on going and heading towards where their destination was.

Q. How many caribou did you kill for your cache in August and September for the winter months to come?

A. If I am to supply for the whole family as well as for the dogs to last us the whole year, I would have to cache 40 caribou.

Q. And would you try and cache all those as and when you could -- when you saw the herd?

A. I did not only just try, I did. If you do a trade, you know it well, and I just did it. You did not really try that much.

Q. In some years the herd would be smaller than others, would it?

A. Like I stated earlier, I did not count and I did not make any statistics, and I do not want to try to say how many there were each year.

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All I know was the only thing I kept track of is how many cache I kept.

Q. There were summers when the herd was so small you could not get the size of cache you wanted.

A. I cannot say that it was exactly 40 caribou every year. I just stated that forty as approximate. Some years I cached less than 40 and there were times when I did cache somewhere around it. I always wanted to make sure that the caribou did what they want to and went where they were going to. It was also no doubt of their return the following year.

Q. Do you remember any year in which there were almost no caribou?

A. There was never any year in the comparison to these recent years when the caribou is as scarce as they are these few years.

Q. You told Mr. Golden about a trip that you were taken out in a Beechcraft back to Garry Lake. Is that the only time you have been back to Garry Lake since you came to live in Baker Lake?

A. I was never taken back to Garry Lake itself by airplane. The trip I was referring to did not take me back to Garry Lake. It took me back to the area I had circled.

Q. Is that the only trip that you have been back to the area where you used to live since you have been back to Baker Lake? Is that the

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only time you have been back to the area you used to live in since you have been back to Baker Lake?

A. Yes, it was the only trip I ever made back.

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Q. And on that, before you left the area where you used to live to come back to Baker Lake, the airplane came back and picked up your young children to bring them back to school?

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A. I stated earlier, maybe you were listening, that I said that I returned to Baker Lake by walking.

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Q. I thought you said that an airplane came and brought your young children. Am I wrong in that?

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A. Yes, I did say that my children were taken off on an airplane, and I myself walked to Baker Lake.

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Q. And how long did that trip take?

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A. I slept about three nights.

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Q. Three nights?

A. Three nights.

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Q. And was that the trip on which you saw the helicopter the two times you saw the helicopter to the northwest of Baker Lake that you described to Mr. Golden? Was it on that trip?

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A. The helicopter was never near where I walked.

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Q. Was it a different time that you were up hunting near where you identified having

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seen the helicopter on the two occasions?

A. It was much closer to today those helicopters were.

Q. Do you remember what year it was you took the trip back up to where you used to live?

A. I said before, and I insist again, that I do not live by the pencil. I do not know what year it was.

Q. If you do not live by the pencil, how do you do your drawings, Mr. Qarliksau?

A. It was only very recently that I have use to pick up a pencil and I do not eat the pencil, so I do not live off it.

Q. I will not eat this pencil, but I live off it. Believe you me.

A. (Interpreter) He would like to know why in just a few years all these exploration companies and all these mining companies seem to be all over and around this area but suddenly how come there is very few of them.

MR. GRAHAM: You tell him for me that I would like to answer his question, but we must give the information to the judge so he can decide this case and we can discuss that maybe another time.

MR. GRAHAM: Q. Can you try to remember how long ago it was that you were out hunting and saw the helicopter two times? Was it one year ago? Two years ago? Three years ago?

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Qarliksau, cr.ex.
(Graham)

A. A year before last year.

Q. A year before last year.

And how long were you out on that trip? Were you out one month? One week?

A. I was there the whole month.

Q. Which month was that?

A. I think it was in July that I lived farther down this way.

Q. Did you get any caribou at all on that trip?

A. There was no caribou, so I did not cache any caribou.

Q. Since coming to live in Baker Lake, have you gone out hunting regularly every season, each summer?

A. I do not own a skidoo and my dogs are not here, so I do not travel. I do not hunt as frequently as I used to and, as I stated earlier, I do not have a skidoo and I cannot go any long distances because I do not have any skidoo.

Q. Were you able to hunt last winter?

A. It was only through -- (Interpreter) Can I use the words "hitching a ride" -- hitching a ride with other hunters that I am able to go out hunting.

Q. Were you able to kill caribou?

A. Yes, if I was taken to an area where there was caribou.

576. Qarliksau, cr.ex.
(Graham)

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Q. Were you able to hitch a ride down to Christopher Island?

A. I have only been taken out to very long distances.

Q. You have not been to Christopher Island last year or the year before?

A. No, I have never been taken to Christopher Island.

Q. And Kazan River? Did you hunt in the Kazan River in the summer in the last couple of years?

A. Once this summer I was taken down to Kazan.

Q. And do a lot of other people go down to Kazan to hunt as well?

A. At that time I was taken down to Kazan there was only myself and the person who took me. I only know of my own hunting trip. When I cannot be taken out, I often start walking in the summer time up the hills to the north. I do not know -- I cannot tell you how many other hunters go where and when.

Q. When you walk up the hills to the north, are you sometimes able to see caribou up there?

A. No.

Q. When you went down Kazan River this last time, did you meet any other hunters when you were there last summer?

A. No, we did not meet anyone

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Qarliksau, cr.ex.
(Graham)

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else.

Q. When was the last trip you went on to Pitz Lake that you told us about seeing the helicopter the other time? Was that the same trip down the Kazan River? Did you go on to where you showed us on the map to the east of Pitz Lake where you saw the helicopter?

A. I was not taken there.

Q. It was a different trip, was it?

A. That time the helicopter was bothering my caribou I was not -- I did not go on someone else's boat. I walked there.

Q. The one that you are talking about --

A. I was on a different trip and up the river.

Q. You pointed on the map to the trip up north. But was it on your trip up north -- up to the northwest of Baker Lake that you saw the helicopter the first time you described to us the incident with the helicopter?

A. You are taking me in all the wrong directions right now.

Q. The first time you saw the helicopter was when you were down here beside Pitz Lake, wasn't it?

A. That is where the one time I was bothered by the helicopter.

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Qarliksau, cr.ex.
(Graham)

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Q. How long were you staying there in that camp when you saw that helicopter?
How long had you been there?

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A. We were there -- we were taking my skidoo while the ice was still around and we were there for as long as the ice -- until the ice had melted away, so we were there for quite some time. One month. From June until July.

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Q. From June until July. Were you able to shoot any caribou at any other time on that trip?

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A. No, I did not get one caribou. Ever since those years there have been no caribou around that area -- especially those years. And there are no caribou close by -- close to Baker Lake any more.

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MR. GRAHAM: Thank you.

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CROSS-EXAMINATION BY MR. CHAMBERS:

Q. Did you report these incidents about the helicopter that you described to anyone? Did you report the incidents about the helicopter to anyone?

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A. No, I did not tell of these to anyone.

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Q. Is there a reason why you did not tell the Game Warden or the Fish and Game people in Baker Lake?

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A. (Interpreter) Are you asking the reason why he didn't?

579. Qarliksau, cr.ex.
(Chambers)

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Q. Yes.

A. Because I did not know that there would be a meeting about them and the reason behind the meeting was this.

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Q. Do you know there are regulations against low-flying aircraft?

MR. GOLDEN: That may be a misstatement of the law. There are no regulations. There was a NOTAM put out.

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MR. CHAMBERS: I didn't mean it in a technical sense.

MR. GOLDEN: Perhaps you had better just put it --

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MR. CHAMBERS: All right. Do you know that there was a NOTAM put out? Did you know that there were some regulations -- and I do not mean it in the technical sense -- against low-flying aircraft?

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A. No, I did not know about that regulation because I am not used to attending meetings, especially meetings of this type. Even though I have been to other meetings, I have never wholly participated at other meetings.

Q. You did not know that aircraft were not supposed to fly low, is that right? Is that what you mean?

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A. No, I did not know. I do not attend meetings. I didn't know there was such regulations on that.

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580. Qarlikson, re-ex.
(Estrin)

MR. CHAMBERS: Thank you.

THE COURT: Any re-examination?

RE-EXAMINATION BY MR. ESTRIN:

Q. Mr. Qarlikson, you were asked about whether there were any caribou crossings in the area in which you lived. I would like you to look at this map and tell us whether those two crossings you were being asked about were on this plan -- if those areas were on this map.

A. Is that the river?

MR. GOLDEN: That is a very difficult map to read, My Lord.

THE COURT: I think you opened a real can of worms. If you people are anxious to get on with other witnesses, it may be unfortunate.

THE WITNESS: I really can't -- I can hardly see where the map is showing so small an area.

MR. ESTRIN: Fine. Tell him we understand.

Those are all my questions.

THE COURT: Thank you, Mr. Estrin.

How many more witnesses have you, Mr. Golden?

MR. GOLDEN: We have two more witnesses.

THE COURT: We have three-quarters of an hour this evening, and if we start at

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nine tomorrow morning, we have three hours left and perhaps a ten-minute break in the middle.

MR. GOLDEN: We have examined our witness list, and we have decided that certain people would quite fairly represent the factual situation so that we have two more witnesses to call and one will testify in English, again with the same understanding as to an interpreter will be available. I expect we can call our witness who speaks only in Inuktutuk at this time and, hopefully, we will be able to reach our English-speaking witness first thing tomorrow morning.

Mr. Estrin will be examining the next witness.

SIMON TOOKOOME, Baker Lake, N.W.T., Sworn
(Through Interpreter R. Arngnanaaq)
EXAMINATION IN CHIEF BY MR. ESTRIN:

THE REGISTRAR: Your name, please, and occupation.

THE WITNESS: Simon Tookoome, living in Baker Lake, now a printmaker.

MR. ESTRIN: Q. Mr. Tookoome, you have told us that you are a printmaker and, indeed, you are known, I believe, by many as a very good printmaker. I would like to show you a print which I understand you had some role in. It is plaintiffs' document 31, catalogue of the Sanavik Co-op of 1975, and I would like to ask you if you had something to do with this print.

582. Tookoome, in ch.
(Estrin)

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A. Yes, I did not draw the drawing itself, but I did make the print.

Q. And I understand that you also do drawings?

A. Yes, I also do drawings.

MR. ESTRIN: My Lord, I wonder if this catalogue -- just for the purpose of the illustration of the artistry of Mr. Tookoome's printmaking -- could be entered as the next exhibit.

EXHIBIT NO. P-7: 1975 Sanavik Co-op catalogue

MR. ESTRIN: It is print number 27, My Lord.

MR. GRAHAM: Not for the proof of any content, My Lord.

THE COURT: Simply as an example of his skill in artistry.

MR. ESTRIN: Q. I want to refer you to one more, Mr. Tookoome, from what is in this exhibit -- catalogue from the Co-op in 1972 -- print number 26, and is this one of your drawings?

A. Yes, I drew that drawing and also made the print.

Q. And I have been out in the hall in the school and when I look at the wall I see what looks to me like the original drawing out there. Do you know it to be hanging out in this hall.

A. I believe it is a print rather than a drawing, although I cannot say for sure because I have not really looked at it.

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583. Tookoome, in ch.
(Estrin)

Q. An artist's proof?

A. I have not looked at it.

MR. ESTRIN: I was just referring
the witness to print number 26 of Exhibit P-3.

THE WITNESS: Yes, I drew it
and also made the print.

MR. ESTRIN: And the name of
this print in English is called A Vision of Animals.

Q. Can you give us the name of
that in Inuktutuk -- of what you called it in
Inuktutuk?

A. Yes, that is the right name.
The correct name and correct impression I wanted to
have because sometimes we imagine animals.

Q. And I am showing you, Mr.
Kootoome, the 1974 Sanavik catalogue, Exhibit P-5,
prints number 10, 11, 12 and 13. Is it correct
that you are the artist as well as the printmaker on
all of these four pictures?

A. Yes, that is correct.

MR. ESTRIN: I show that to
My Lord and I am going to keep this for a moment.

Q. Mr. Tookoome, you have done
many works of art and you are well known. Do you
hunt?

A. Yes, when I want to go
hunting.

Q. Can you tell me how much of
your time you would spend working as an artist and
how much you would spend hunting?

584. Tookoome, in ch.
(Estrin)

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A. I cannot state exactly how much long I spend out hunting in comparison to making prints because I go out hunting when I want and though I do know approximately that I do more printmaking and drawings than I do hunting.

Q. And I would like to ask you -- we have heard a lot about caribou hunting. Have you hunted or shot birds?

A. Big birds or little birds?

Q. Any kind.

A. Yes, I have certainly killed maybe all the species.

Q. And in areas where you shoot birds, can you tell me the kinds of birds that you would shoot?

A. I can tell you that I have -- of those big birds -- that I have killed each kind, especially of the swan.

Q. Except for the swan?

A. I have killed -- those I have killed especially the Trumpeter swan and Canada geese. Those other species are protected species, so I do not kill as many of those.

MR. ESTRIN: I am wondering if I should ask for the protection of the Canada Evidence Act, My Lord.

Q. Can you tell us whether, when you are hunting a bird, you have ever seen an airplane at the same time that you are hunting the birds.

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A. There was a time when I was getting ready to hunt these -- I was hunting these birds when an airplane came by.

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Q. Can you tell us where this was?

A. Just beyond what we call the R.C.M.P. camp -- just up the river from that.

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Q. Could you show us on the map?

A. Right there.

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MR. ESTRIN: My Lord, he is pointing to what would appear to be a lake that leads into Baker Lake on the west shore or possibly a widening in a river, but it is on the west shore of the lake.

Q. And what kind of plane was this that you are talking about?

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A. It was a Beechcraft, maybe. One of those smaller aircraft, anyway, with a single propellor.

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Q. Do you recall when this was? What year or what month?

A. 1976.

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Q. Do you recall what month?

A. Maybe it was June.

Q. Well, we don't want to guess.

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A. I know the month, but I do not know the date.

Q. That's fine. That's very good. Why were you hunting for birds at this time?

586. Tookoome, in ch.
(Estrin)

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meat.

A. My stomach was hungry for

Q. And what happened in regard
to the airplane?

A. I was coming up to the
birds -- just coming up to those birds that were
swimming around, who were on the ground, when I heard
an airplane and it went right above us. Although
he was flying high enough, when the birds heard the
noise, they all flew off.

Q. How long had you been out
hunting on this occasion?

A. I was camping out at the
R.C.M.P. camp just across the lake from here, and I
was on holidays, so I was hunting on my own time.

Q. And can you tell us about
times when you were hunting caribou and you saw a
helicopter?

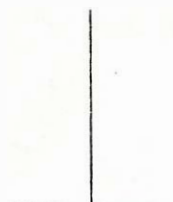
A. Yes, I can tell that I went
caribou hunting and just as I was getting close to
this caribou a helicopter came by. It wasn't flying
all that high, but it wasn't flying all that low
either. It went above. It passed us; and the caribou,
when the caribou saw or heard this helicopter, it
took off.

Q. Can you tell us where you
were when this happened? What area?

A. It was close by the Kazan.

Q. And do you remember what
year?

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587. Tookoome, in ch.
(Estrin)

A. It might be 1973 -- around 1973.

Q. Do you remember what time of year? Was it in the summer months or winter months?

A. It was in the summer months.

Q. And was there any other times that you were hunting and you have seen or heard a helicopter or a plane?

A. Those were the two main instances that I really remember when an airplane and a helicopter got in the way. I remember now that there was another time when I was bothered by an airplane that was a little bigger than these Beechcraft. This one had two propellers.

Q. And were you hunting at this time?

A. Yes, while I was hunting.

Q. Where were you hunting?
Can you show us on the map?

A. I do not quite remember exactly where it was. I think it was around this area.

Q. Do you have my pen on the approximate location?

A. I do not really quite remember each of these it was on.

Q. It was south of Baker Lake and it is between McQuoni Lake and the lake on the northwest. What lake?

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588. Tookoome, in ch.
(Estrin)

A.

Q. Right there. I see.

A. Right there.

Q. Somewhere in this area.

A. It was right around here.

MR. ESTRIN: The area he is indicating is in the northwest direction from the McQuoni.

Q. What were you hunting this time?

A. Caribou.

Q. What problems, if any, was there when the aircraft came?

A. When the airplane came by and probably saw the caribou, it lowered down probably to see and then went above them and took off and all the caribou ran off in different directions, and I did not catch any caribou in that area. I had to go somewhere else to catch caribou.

Q. Do you buy meat from the Hudson's Bay Company?

A. I do buy meat but not that much.

Q. Is there any time when you do buy meat? Any reason why you buy meat at the Hudson's Bay?

A. Time?

Q. Yes.

A. Both of them.

Q. The reason?

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A. When I am really hungry for meat, I do go out and buy some from the Bay, but I do not enjoy them much because they have very little blood on them and, therefore, the taste is not quite as good.

Q. And have you had any problems when you eat meat from the Bay?

A. Yes, they do bother me. They don't feel very good in the stomach.

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Q. Maybe that is not an uncommon problem. I don't know. What do your children eat?

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A. My children are similar to me. When I buy caribou meat -- when I do buy meat and other groceries -- they are very expensive and we are many in my family and these foods are gone in no time at all and don't even fully fill the stomach.

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Q. How many children do you have?

A. Those of us in our house, we are nine.

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Q. Are you the person who supports them?

A. Yes, I am the supporter of these people because they are my children.

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Q. Mr. Tookoome, have you been in the area of Kazan Falls and seen the caribou herds coming to this area?

590. Tookoome, in ch.
(Estrin)

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A. Yes, I have lived around Kazan River and I have seen caribou there.

Q. And when you were living around Kazan, was that before you moved into Baker Lake?

A. No, I did not live there before I made the move to Baker Lake, although I did -- I was over there with mining companies.

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Q. I understand that you worked for one month for Pan Ocean Oil.

A. Yes, that's right.

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Q. And while you were working in the Kazan area with that company, did you see any caribou?

A. I used to see caribou.

Q. And would you see caribou come to the crossing area?

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A. Yes, we saw caribou heading towards the crossing point but apparently we had pitched our tent right at the crossing point. They would only see that the tents were there and turn back.

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Q. Can you tell us when you worked for the mining company? What year?

A. It could be around 1969, but I have forgotten the exact year.

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MR. ESTRIN: Thank you, Mr. Tookoome.

THE COURT: There is ten minutes left. I just wondered if any of you think

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you are going to be so brief on this witness that
you can finish in ten minutes.

I don't think you will be.

--- COURT ADJOURNED TO MAY 19, 1979.

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HAMLET OF BAKER LAKE
ET AL & MINISTER OF IAND
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C IAND Fed Ham 1979 v.5

In the Federal Court of Ca
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