

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

PLEADINGS BRIEF

- A. Concordance
- B. Plaintiffs' Fresh as Amended Statement of Claims
- C. Crown's Further Amended Statement of Defence
- D. Pan Ocean's Statement of Defence and Counterclaim
- E. Cominco's Statement of Defence and Counterclaim
- F. Western Mines' Statement of Defence
- G. Urangesellschaft's Statement of Defence
- H. Noranda's Statement of Defence
- I. Essex Minerals' Statement of Defence
- J. Plaintiffs' Reply and Defence to Pan Ocean's Counterclaim
- K. Plaintiffs' Reply and Defence to Cominco's Counterclaim
- L. Pan Ocean's Reply to Plaintiffs' Defence to Counterclaim
- M. Cominco's Reply to Plaintiffs' Defence to Counterclaim

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

PLEADINGS BRIEF

- A. Concordance
- B. Plaintiffs' Fresh as Amended Statement of Claim
- C. Crown's Further Amended Statement of Defence
- D. Pan Ocean's Statement of Defence and Counterclaim
- E. Cominco's Statement of Defence and Counterclaim
- F. Western Mines' Statement of Defence
- G. Urangesellschaft's Statement of Defence
- H. Noranda's Statement of Defence
- I. Essex Minerals' Statement of Defence
- J. Plaintiffs' Reply and Defence to Pan Ocean's Counterclaim
- K. Plaintiffs' Reply and Defence to Cominco's Counterclaim
- L. Pan Ocean's Reply to Plaintiffs' Defence to Counterclaim
- M. Cominco's Reply to Plaintiffs' Defence to Counterclaim

A. Concordance

DEFENCES TO
FRESH AS AMENDED STATEMENT OF CLAIM

	Crown	Pan Ocean	UG	Essex
1.	Admits (para. 1)	does not admit (para. 1)	does not admit (para. 1)	admits (para. 1)
2.	denies maintainable right but otherwise admits (para. 4)	does not admit (para. 1)	does not admit (para. 1)	takes no position (para. 2)
3.	admits (para. 1)	does not admit (para. 1)	does not admit (para. 1)	takes no position (para. 2)
4.	admits (para. 1)	does not admit (para. 1)	does not admit (para. 1)	takes no position (para. 2)
5.	admits but denies any rights (para. 5)	denies (para. 2)	does not admit any rights (para. 3)	takes no position (para. 2)
6.	admits (para. 1)	admits (para. 1)	admits (para. 1)	admits (para. 1)
7.	admits (para. 1)	admits (para. 1)	admits (para. 1)	admits (para. 1)
8.	admits (para. 1)	admits (para. 1)	admits (para. 1)	admits (para. 1)
9.	admits (para. 1)	admits (para. 1)	admits (para. 1)	admits (para. 1)
10.	admits (para. 1)	admits (para. 1)	admits (para. 1)	does not admit (para. 1)
11.	not pleaded to	replies (para. 3) admits conducted activities	replies (para. 2)	replies (para. 3, 4, 5)
12.	admits (para. 1)	denies (para. 2) replies (para. 5)	does not admit (para. 1)	takes no position (para. 2)
13.	admits (para. 1)	admits (para. 1)	does not admit (para. 1)	does not admit (para. 1)
14.	admits (para. 1)	admits (para. 1)	denies and answers (para. 5)	does not admit (para. 1)
15.	does not admit (para. 2) pleads extinguishment (para. 8)	denies (para. 2) pleads extinguishment (para. 7)	denies and answers (para. 5)	does not admit (para. 1)
16.	does not admit (para. 2) pleads extinguishment (para. 8)	denies (para. 2) pleads extinguishment (para. 7)	denies and answers (para. 5)	does not admit (para. 1)
17.	denies (para. 3)	denies (para. 2)	denies rights of Plaintiffs' paramount (para. 4) answers (para. 5)	pleads Act applies (para. 6, 7)
(Act)	pleads Act applies (para. 9, 10, 11)	pleads Act overcomes (para. 6)		rights subject to Act (para. 8)

	Crown	Pan Ocean	UG	Essex
18.	denies (para. 3)	denies (para. 2)	does not admit (para. 1)	denies (para. 9)
19.	denies (para. 3)	denies (para. 2)	does not admit (para. 1)	does not admit (para. 1)
20.	admits save that activities harmful (para. 6)	not aware of all attempts, but Govt. of Canada has sovereignty (para. 9) denies harm to wildlife (para. 10)	does not admit (para. 1)	does not admit (para. 1)
21.	admits (para. 1)	admits (para. 1)	admits (para. 1)	does not admit (para. 1)
22.	admits (para. 1)	admits (para. 1)	admits (para. 1)	does not admit (para. 1)
23.	admits save activities harmful (para. 6)	denies (para. 2) denies harm to wildlife (para. 10)	denies harm (para. 6)	does not admit (para. 1)
24.	not pleaded to	--	does not admit (para. 1)	does not admit (para. 1)
25.	does not admit (para. 2)	denies harm to wildlife (para. 10) denies and answers (para. 11)	denies harm (para. 6)	does not admit (para. 1)
26.	does not admit (para. 2)	denies (para. 2)	denies harm (para. 6)	does not admit (para. 1)
27.	does not admit (para. 2)	denies (para. 2) no jurisdiction (para. 12) counterclaim	denies harm (para. 6) no jurisdiction (para. 7)	does not admit (para. 1)

B. Plaintiffs' Fresh as Amended Statement of Claim

FRESH AS AMENDED
STATEMENT OF CLAIM

(Amended pursuant to the order of
Mahoney, J. dated 29, March, 1979)

1. The Plaintiff, the Hamlet of Baker Lake, is a municipality having corporate status by virtue of Section 3 of the Municipal Ordinance, Revised Ordinances of the Northwest Territories 1974, Ch. M-15. It is responsible for the municipal government and welfare of approximately one thousand persons of whom nine hundred are Inuit.
2. The Hamlet of Baker Lake (hereinafter referred to as the Hamlet) serves as the centre of a large geographic area (hereinafter referred to as the Baker Lake Area), in which its residents and their ancestors have lived and have sustained themselves by hunting and fishing prior to the 13th century A.D. Most of the Inuit residents of the Hamlet were relocated into that municipality from their camps in the larger area by the Government of Canada for greater administrative convenience in the supply of education and health services within the past twenty years. The continued exercise of hunting and fishing rights in the Baker Lake Area forms a central and integral part of the economic and cultural life of the municipality and is critical to the physical sustenance of its residents, and to the economic and social well-being of the Hamlet.
3. The Baker Lake Hunters and Trappers Association is an incorporated association pursuant to The Societies Ordinance of the Northwest Territories and serves as a co-operative organization to virtually all of the hunters and trappers carrying on their activities in the Baker Lake Area. It has been and continues to be the person which the defendants or some of them look to as the

representative body for Inuit Hunters in the Baker Lake Area.

4. The Inuit Tapirisat of Canada is an incorporated body comprising a federation of organizations representing the interests of Inuit people throughout Canada. Among its responsibilities to its membership is the protection of their right to the incidents of aboriginal title in addition to assertion of their rights in dealing with various governments. The defendants have so dealt with the Inuit Tapirisat of Canada in regard to exploratory impacts affecting the Baker Lake area.

5. The individual plaintiffs are all residents of the Hamlet who continue to exercise their aboriginal rights to live, hunt and fish throughout the extent of the Baker Lake Area.

6. The Defendant, the Minister of Indian Affairs and Northern Development (hereinafter referred to as the Minister), is the Minister defined in the Territorial Lands Act, R.S.C. 1970, Ch. T-6 as amended, and in The Territorial Land Use Regulations, (S.O.R. 77-210), and insofar, as applicable, the Canada Mining Regulations, (S.O.R. 77-900).

7. The Defendants Mining Recorder and the Deputy Mining Recorder for the Arctic and Hudson Bay Mining District are the persons designated by the Minister pursuant to Section 4 of the Canada Mining Regulations to fulfill the functions assigned by those regulations including the issuance of licences to prospect under Section 8 thereof and the recording of claims.

8. The Defendant, the Director, Northern Non-Renewable Resources Branch of the Department of Indian Affairs and Northern Development, is the person defined as "Chief" by Section 2(1) of the Canada Mining Regulations and who is authorized to issue prospecting permits in the Baker Lake Area.

9. The Defendant, the Engineer designated by the Minister of Indian Affairs and Northern Development pursuant to Section 4 of the Territorial Land Use Regulation S.O.R. 77-210, as amended, is entitled and authorized to issue land use permits under the provisions of the said Territorial Land Use Regulation.

10. The Attorney General of Canada represents Her Majesty the Queen in Right of Canada, for the purposes of this action.

11. The Defendants, Urangesellschaft Canada Limited, Noranda Exploration Company Limited (No Personal Liability), Pan Ocean Oil Ltd., Cominco Ltd., Western Mines Limited and Essex Minerals Company Limited (the Defendant mining companies) are corporations who themselves or through their predecessors engaged in or were responsible for conducting from and after 1969 the substantial portion of the mineral exploration activity referred to in paragraphs 20, 23, 24, 25 and 27 hereof in the Baker Lake Area. In so doing the Defendant mining companies, or their predecessors, purported to obtain from the Defendants names in paragraphs 7, 8 and 9 hereof and to be acting under or pursuant to licences to prospect, mining claims, prospecting permits, land use permits and mining leases in the Baker Lake Area. The Defendant mining companies currently purport to hold or to be entitled to such licences, claims, prospecting and land use permits and mining leases in or for the Baker Lake Area. The Defendant mining companies intend, in the Baker Lake Area, to carry out themselves, or through others for whom they are responsible, mineral exploration activity with increasing intensity, commencing with the 1979 season. It is the intention of the Defendant mining companies, commencing in the immediate future, to obtain mineral and surface leases and all other approvals necessary from the other named Defendants so as to open uranium and other mines and mills and other associated

facilities in the Baker Lake Area.

12. The individual Plaintiffs and their predecessors have occupied and used the Baker Lake Area since time immemorial. Their occupancy and use, in accordance with the Inuit culture are in a harmonious relationship to the animals, fish, fowl and vegetation which sustained them, and with which they shared the land. The Inuit moved upon the lands as part of an ecological chain with no system of estates in realty.

13. The lands occupied by the Inuit in the Baker Lake Area have never been conquered, nor have the people.

14. No treaty surrendering or ceding the land, or any right exercised in relation to the land has been made.

15. The Plaintiffs therefore state that the lands in the Baker Lake Area are lands in which the aboriginal title has not been extinguished and in which it continues to exist. The Inuit now occupying and using the lands have a right to continue to do so which right is recognized in law.

16. No action has been taken by the Crown or by a competent legislative body to extinguish or expropriate this right.

17. The lands in the Baker Lake Area are not encompassed by the definition of "territorial lands" in the Territorial Lands Act, R.S.C. 1970 Ch. T-6, as amended, for the reason that the reversionary right of the Crown which exists concurrently with all other estates in land, is not, of itself, sufficient to constitute a vesting of lands in the Crown or to confer a right of disposition. For the same reason, the Territorial Land Use Regulations and Canada Mining Regulations do not apply to these lands.

18. The Plaintiffs plead and the fact is that if such regulations were construed so as to apply to the lands in the Baker Lake Area, the right of the individual Plaintiffs to the enjoyment of property would be deprived

without due process of law contrary to the Canadian Bill of Rights, R.S.C. 1970, App. III.

19. Aboriginal title to the lands in the Baker Lake Area being part of the lands admitted to Confederation in 1870, is recognized and, by virtue of Section 146 of the British North America Act, is constitutionally protected with the requirement that lands required for settlement must be obtained and compensated by treaty.

20. In 1969 mineral exploration activity commenced on a substantial scale in the Baker Lake Area. While it subsided in the intervening years, it again increased by 1974 and was sustained in 1975 and 1976. The Baker Lake Council, predecessor to the Plaintiff Hamlet, and the Plaintiff, Inuit Tapirisat of Canada on behalf of the Council and individual residents of Baker Lake, requested a freeze on all such activity until the community achieved the right to control land use activity in its traditional hunting and fishing areas and in the areas vital to the wildlife related to it. During the period of such activity harm was caused to the wildlife. Instead of agreeing to Inuit control, the Territorial Land Use Regulations were extended to the Keewatin, encompassing the Baker Lake Area, in the fall of 1975. The Inuit and the representative organizations, including the non-individual plaintiffs, have continuously protested against the intrusion upon their hunting and fishing rights to the present.

21. On April 28, 1977, the Governor-in-Council enacted PC 1977-1153 withdrawing until March 1, 1978, certain lands therein described, being a substantial portion of the Baker Lake Area from disposal under the Territorial Lands Act. The purpose of the freeze as stated in the said Order-in-Council, was that "exploration activities be prevented from increasing until investigation can be completed to determine the effects of such activities on the wildlife that sustain hunting and

trapping and the importance of such activities to the local native people". The freeze was subsequently extended to April 1, 1978 by P.C. 1978-510 dated February 23, 1978, to April 14, 1978 by P.C. 1978-944 dated March 23, 1978 and subsequently to April 24, 1978, by Order-in-Council details of which are not, at present, known to the Plaintiffs.

22. The Defendants, other than the Defendant mining companies, and their representatives have expressed the intention of issuing land use permits as well as prospecting licences, permits, recording mineral claims and issuing mineral leases in the Baker Lake Area following the expiry of the Orders-in-Council referred to in paragraph 21 hereof.

23. The mineral exploration activity which has taken place since 1969, has involved the presence of prospecting and explorations crews in camps and travelling through sensitive wildlife areas. These crews engage in drilling, ore sampling, blasting, operation of machinery and the operation of aircraft for supply and geographical surveys, all of which is harmful to wildlife relied upon by the individual plaintiffs for their sustenance.

24. The Plaintiffs do not agree to any activity on the lands in the Baker Lake Area which may affect immediately or cumulatively the wildlife to any degree and, in particular, do not agree to the renewal or commencement of any activity as permitted by Class A and Class B land use permits issued under the Territorial Land Use Regulations in the geographic area described in Order-in-Council PC 1977-1153.

25. The continuation of mining exploration and similar land use activities in the Baker Lake Area and the operation of mines, or either of them, will cause irreparable damage to the Plaintiffs by reason of the consequent substantial reduction of wildlife harvest available to them. This reduction will increase the reliance of the individual plaintiffs and the residents

of the Plaintiff Hamlet on welfare payments needed to buy substitute food. It also will result in a cultural breakdown of the community because of the status enjoyed by hunters and trappers and the important role that the consumption of wildlife harvest plays in Inuit daily life. Increased non-Inuit populations in the townsite, either as residents or more likely, for recreational purposes, will result in social problems which the community is not equipped to handle.

26. The likelihood of irreparable damage to the Inuit of the Baker Lake Area is increased by the special reliance of the community upon caribou as a food source due to the inland location of the area.

27. Once land use and prospecting permits are issued to corporations and persons engaged in exploration it will be impossible for the plaintiffs to obtain effective relief against such permit holders. Observation of individual conduct harmful to wildlife will be impossible due to the vastness of the area, encompassing in excess of 30,000 square miles. In addition, much of the activity of concern to the Plaintiffs will be able to be justified by the permit holders on the basis that it is specifically or impliedly authorized by their permits.

28. The Plaintiffs therefore claim:

- (a) An interim, interlocutory and permanent injunction restraining the Defendants, other than the Defendant mining companies, from issuing or purporting to issue prospecting permits, from granting mining leases and from recording claims under the authority of the Canada Mining Regulations, and from issuing or purporting to issue land use permits under the authority of the Territorial

Land Use Regulations which would allow the holder thereof to conduct any mining exploration or related activity within the Baker Lake Area, and in particular within the geographic area described in the schedule to Order-in-Council PC 1977-1153; and

- (b) An interim, interlocutory and permanent injunction restraining the Defendant mining companies, their servants, agents, contractors or any other persons acting on their behalf from conducting any mineral exploration activity on or over or from opening or working any mine, mill or associated facility within the Baker Lake Area; and
- (c) A declaration that the lands comprising the Baker Lake Area, and in particular within the geographic area described in the schedule to PC 1977-1153 are subject to the aboriginal right and title of the Inuit residing in or near that area to hunt and fish thereon; and further for
- (d) A declaration that the lands comprising the Baker Lake Area, and in particular within the geographic area described in the schedule to PC 1977-1153 are not "territorial lands" within the meaning of the Territorial Lands Act, R.S.C. 1970 Ch. T-6 as amended and the Territorial Land Use Regulations (PC 1977-532) nor are they "public lands" within the meaning of the Public Lands Grants Act, R.S.C. 1970, c. P-29, nor are they subject to the Canada Mining Regulations (PC 1977-3149); and further for

- (e) A declaration that until such time as the requirements of the 1870 Orders-in-Council are fulfilled, the Government of Canada lacks legislative jurisdiction to legislate so to abrogate or allow abrogation of aboriginal hunting, fishing and trapping rights in the Baker Lake Area; and further
- (f) In the alternative, to the relief claimed in sub-paragraph (e) herein, a declaration that until such time as the Parliament of Canada expressly abrogates the aboriginal rights of the Inuit in the Baker Lake Area, no person or body, and for greater certainty but not so as to limit the generality of the foregoing, no regulatory authority, administrative officer, agency, or board, servant or agent of the Crown and no person or corporation claiming any authority under a statute shall deal with the lands or authorize anyone else to deal with the lands comprising the Baker Lake Area, and in particular within the geographic area described in the schedule to PC 177-1153, in a manner inconsistent with the aboriginal rights of the Inuit; and further for
- (g) A declaration that the Inuit resident in the Baker Lake Area have "rights previously acquired" within the meaning of Sec. 29(11) of the Canada Mining Regulations, S.O.R. 77/900 and are "holders of surface rights" within the meaning of Sec. 3 of the Territorial Lands Act, R.S.C. 1970, c. T-6,

with respect to the lands comprising
the Baker Lake Area; and further for

- (h) Their costs of this action;
- (i) For such further and other Order as to
this Honourable Court may seem just.

REDELIVERED at Toronto this 4th day of

April, A.D. 1979.

GOLDEN, LEVINSON,
Suite 1908,
101 Richmond Street West,
Toronto, Ontario.

Solicitors for the Plaintiffs.

TO: Above-named Defendants

AND TO: Attorney General of Canada

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)

B E T W E E N :

THE HAMLET OF BAKER LAKE,
BAKER LAKE HUNTERS AND
TRAPPERS ASSOCIATION,
INUIT TAPIRISAT OF CANADA,
et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT, THE
ENGINEER DESIGNATED BY THE
MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT PUR-
SUANT TO SECTION 4 OF THE
TERRITORIAL LAND USE REGULATIONS
SOR/77-210, AS AMENDED,
et al

Defendants

FRESH AS AMENDED
STATEMENT OF CLAIM

Service of a true copy hereof

admitted this 4th day of

April 19 77

L. H. Oleson

Solicitor for Deputy Attorney

General of Canada

per LR

GOLDEN, LEVINSON,
Suite 1908,
101 Richmond St. W.,
Toronto, Ontario.

Solicitors for the Plaintiffs.

C. Crown 's Further Amended Statement of Defence

IN THE FEDERAL COURT OF CANADA*Trial Division*

BEFORE:

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, FRUIT TAPERISAT OF CANADA, MATTHEW KUNNINGHAM, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINKOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS AMIRNONIQ, MARGARET AMAROOK, JAMES UKPAQAAQ, JIMMY TAIKANAK, MICHAEL AMAROOK, ANGELA KEASHUDLUAQ, MARGARET NAKKJANERK, JOHN NAKKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLELARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGNAQ, JAMES KINGAQ, MIDGE KIEGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUQ, LUK ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW HANAUQ, JOHN NUKIK, BILL MARTIE, MARTHA NUKIK, SILAS PUTURITRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QIYIK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEX AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIYAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQICAAQ, MATTHEW AQICAAQ, MONA QIYUARYUK, WISHIE OWINGAYAK, SAMSON QUIRANGAAQ, ELIZABETH QUIRANGAAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGURALLUQ, LUK ARGURALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KORNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE ENGINEER DESIGNATED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 4 OF THE TERRITORIAL LAND USE REGULATIONS, SOR/77-210, AS AMENDED, THE DIRECTOR, NORTHERN NON-RENEWABLE RESOURCES BRANCH OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE MINING RECORDER AND THE DEPUTY MINING RECORDER FOR THE ARCTIC AND HUDSON BAY MINING DISTRICT, AND THE ATTORNEY GENERAL OF CANADA, URANGESELLSCHAFT CANADA LIMITED, NORANDA EXPLORATION COMPANY LIMITED (NO PERSONAL LIABILITY), PAR OCEAN OIL LTD., COMERCO LTD., WESTERN MINES LIMITED, AND ESSEX GENERALS COMPANY LIMITED

Defendants

FURTHER AMENDED
STATEMENT OF DEFENCE

(Filed the 3rd day of August 1978)
(Amended pursuant to Rule 421 this
day of March 1979)
(Further amended this day of
June 1979, pursuant to leave granted
by Order of MacKenney J. dated
June 8, 1979)

The Attorney General of Canada, on behalf of the Defendants, in answer to the Plaintiffs' Fresh as Amended Statement of Claim, says as follows:

1. He admits paragraphs 1, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 21 and 22 of the Fresh as Amended Statement of Claim.
2. He does not admit paragraphs 15, 16, 25, 26 and 27 of the Fresh as Amended Statement of Claim.
3. He denies paragraphs 17, 18 and 19 of the Fresh as Amended Statement of Claim.
4. He denies that the Inuit residents' hunting and fishing in the Baker Lake Area at the present time constitutes a right which is maintainable or enforceable by the Plaintiffs against the Defendants, but he otherwise admits paragraph 2 of the Fresh as Amended Statement of Claim.
5. He admits that the individual Plaintiffs are all residents of Baker Lake Hamlet who hunt and fish throughout the extent of the Baker Lake Area, but he otherwise denies paragraph 5 of the Fresh as Amended Statement of Claim.
6. He admits paragraphs 20 and 23 of the Fresh as Amended Statement of Claim, save and except the allegations that the activities referred to therein either have caused harm to wildlife or are going to be harmful to wildlife relied upon by the individual Plaintiffs for their sustenance, and he says in any event that these allegations are irrelevant and do not give rise to the relief claimed.
7. If the Plaintiffs or their ancestors have ever had any rights in respect of the lands in the Baker Lake Area, such rights never have been real rights, rights *in rem*, title or interest in, or any charge or burden on, the radical or allodial title to or over such lands which are enforceable in

the Courts of Canada as an estate in or over, or an interest in or charge or burden on those lands, inasmuch as the rights alleged by the Plaintiffs never have been recognized or granted as such by the Crown or its agents or servants, or by the Imperial Parliament or by the Parliament of Canada. Rather, any such rights always have been of a personal and usufructuary nature and dependent on the goodwill of the Crown.

8. In any event, any aboriginal rights or title which the Plaintiffs or their ancestors may have had in respect of the lands in the Baker Lake Area have been lost or abrogated or extinguished in that first, the lands have been dealt with by the Crown as a sovereign in a manner which is inconsistent with the subsistence of such aboriginal rights or title, and secondly, the sovereign authority has elected to exercise complete dominion over the lands in question. Particulars of the manner in which the lands have been dealt with in a manner inconsistent with such aboriginal rights or title asserted by the Plaintiffs are as follows:

- (i) the Crown, in 1670, granted the lands as part of Rupert's Land, to the Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, commonly known as the Hudson's Bay Company, to have, hold, possess and enjoy; and the said Company, in 1869 surrendered the lands to the Crown, and the Crown, in 1870, accepted such surrender, all as more fully described in the Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union, made on June 23, 1870;
- (ii) the lands in the Northwest Territories, of which the lands in the Baker Lake Area form part, have been subjected to legislation enacted by the Parliament of Canada including the Crown in Parliament whereby the Governor in Council has been

authorized to sell, lease or otherwise dispose of them and to make regulations authorizing the Minister of Indian Affairs and Northern Development to sell, lease, or otherwise dispose of them;

- (iii) the Governor in Council has, pursuant to the authority enacted by the Parliament of Canada, made regulations providing for the issuance of prospecting permits and registration of mining claims, the granting of mining leases, and subjecting the lands to land use control, which regulations are to be currently found in P.C. 1977-3149 and P.C. 1977-532;
- (iv) the Minister of Indian Affairs and Northern Development and other persons empowered by those regulations have in fact issued prospecting permits, registered mining claims, granted mining leases and issued land use permits in respect of lands in the Baker Lake Area; and an extensive administrative machinery designed to implement the foregoing has in fact been brought into being, and has in fact fully operated, with respect to the lands of the Northwest Territories including the lands in the Baker Lake Area.

9. In any event, any such rights which the Plaintiffs or their ancestors have, or may have had or enjoyed to or in respect of the Baker Lake Area are subject to the provisions and controls imposed by the *Territorial Lands Act*, R.S.C. 1970, c. T-6, and the Regulations made thereunder.

10. The lands in the Baker Lake Area are vested in the Crown, and are therefore "territorial lands", within the meaning of Section 2 of the *Territorial Lands Act*, R.S.C. 1970, c. T-6.

11. The lands are under the control, management and administration of the Minister of Indian Affairs and

Northern Development, within the meaning of subsection 6(1) of the *Territorial Lands Act*, R.S.C. 1970, c. T-6 and paragraph 6(a) of the *Department of Indian Affairs and Northern Development Act*, R.S.C. 1970, c. I-7.

The Attorney General of Canada therefore prays that the Plaintiffs' action be dismissed with costs.

DATED at Ottawa this "2nd" day of "August" 1978.

"Roger Tassé p.p. J.P. Chambers"
Roger Tassé
Deputy Attorney General of Canada

RECEIVED
13th June 1979
J.P. Chambers

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

FURTHER AMENDED STATEMENT OF DEFENCE

R. Tassé,
Deputy Attorney General of Canada,
Department of Justice,
Kent and Wellington Streets,
Ottawa, Ontario,

(D. Sgayias 250834).

D. Pan Ocean 's Statement of Defence and Counterclaim

STATEMENT OF DEFENCE OF
PAN OCEAN OIL LTD.

(Filed the // day of April, 1979)

1. Pan Ocean Oil Ltd. admits the allegations contained in paragraphs numbered 6, 7, 8, 9, 10, 13, 14, 21 and 22 of the Fresh As Amended Statement of Claim but except as herein otherwise expressly admitted, this Defendant does not admit any of the allegations contained in the Fresh As Amended Statement of Claim and puts the Plaintiffs to the proof thereof.

2. This Defendant denies the allegations contained in paragraphs numbered 5, 12, 15, 16, 17, 18, 19, 23, 26 and 27.

3. This Defendant holds mineral claims and prospecting permits with respect to lands situate within that area which the Plaintiffs have designated in their pleadings or on discovery as comprising the "Baker Lake Area", which claims and permits have been issued to it pursuant to The Canada Mining Regulations. This Defendant also has been issued land use permits for the purpose of carrying on exploration activity in the Baker Lake Area, pursuant to The Territorial Lands Act, and The Territorial Land Use Regulations.

4. This Defendant denies that the Plaintiffs have rights of use and occupancy, real property rights or any other rights enforceable at law in respect of the lands where this Defendant holds the aforementioned claims and permits.

- 1 -

5. This Defendant admits that any claim to such a right by the Plaintiffs would not be in respect of estates in realty as recognized in paragraph 12 of the Fresh As Amended Statement of Claim but otherwise denies the said paragraph 12.

6. If the Plaintiffs or their ancestors have ever had any rights in respect of the lands in the Baker Lake Area, this Defendant denies that such rights, if any, are paramount to the Statutes of Canada and the Regulations promulgated pursuant thereto and pleads that this Defendant is entitled to exercise the rights accorded to it pursuant to the aforementioned claims and permits notwithstanding any alleged rights of the Plaintiffs.

7. In any event, any rights which the Plaintiffs or their ancestors may have had in respect of the lands in the Baker Lake Area, have been lost or abrogated or extinguished in that first, the lands have been dealt with by the Crown as a sovereign in a manner which is inconsistent with the subsistence of such aboriginal rights, and secondly, the sovereign authority has elected to exercise complete dominion over the lands in question.

8. This Defendant admits that it has conducted mineral exploration activities in the Baker Lake Area pursuant to the aforementioned claims and permits as alleged in paragraph 11 of the Fresh As Amended Statement of Claim. It intends to proceed with the exercise of its right to explore for minerals as entitled to by the terms of all claims, prospecting permits and land use permits granted to it under prevailing legislation.

9. This Defendant is not aware of all attempts by the Plaintiffs to obtain community control over land use activities as alleged in paragraph 20 of the Fresh As Amended Statement of Claim. However, it states that all such attempts have been resisted by the Government of Canada as the governmental authority having sovereign authority over such lands and, in particular, by the exercise of its authority to issue the aforementioned claims and permits.

10. This Defendant denies that any activity undertaken by it or likely to be undertaken by it in the future has or will cause any harm to wildlife as alleged in paragraphs 20, 23 and 25 of the Fresh As Amended Statement of Claim. Any harm, if any, to wildlife caused during the period referred to in the Fresh As Amended Statement of Claim is the result of natural or other causes, outside the control of and independent of the activities of this Defendant. This Defendant's exploration and other activities are subject to close regulation, control and monitoring as provided for in the applicable regulations developed by the Government of Canada with a view to protecting wildlife, which regulations this Defendant has always taken care to observe. This Defendant has conducted itself in all its operations with care to avoid causing any harm to such wildlife.

11. This Defendant specifically denies that the mineral exploration activity carried on by it or to be carried on by it in the future has or will cause irreparable harm as alleged by the Plaintiffs in paragraph 25 of the Fresh As Amended Statement of Claim, and pleads that the mining exploration and related activities of this Defendant will contribute positive economic benefits to the Baker Lake Community.

12. This Defendant states that this Honourable Court has no jurisdiction to grant the relief claimed by the Plaintiffs in paragraph numbered 28(b) of the Fresh As Amended Statement of Claim.

13. This Defendant therefore submits that the Plaintiffs' action should be dismissed without any order as to costs in respect of this Defendant.

AND BY WAY OF COUNTER-CLAIM:

PAN OCEAN OIL LTD.

Plaintiff
(By counter-claim)

- and -

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAT, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGNAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL COKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEE, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QUYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH GUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Defendants
(By counter-claim)

By way of Counter-Claim, this Defendant repeats the allegations contained in the Statement of Defence and counter-claims for a declaration that:

- (a) lands contained within the area designated by the Plaintiffs as "Baker Lake Area" are territorial lands within the meaning of the Territorial Lands Act, R.S.C. 1970, Chapter T-6 and are "public lands" within the meaning of the Public Lands Grants Act, R.S.C. 1970, Chapter P-29 and as such are subject to the Canada Mining Regulations (P.C. 1977, 3149);

- (b) the Inuit resident in the Baker Lake Area do not have "rights previously acquired" within the meaning of Section 29(11) of the Canada Mining Regulations, S.O.R. 77/900 and are not holders of surface rights within the meaning of section 8 of the Territorial Lands Act, R.S.C. 1970, Chapter T-6 with respect to the lands comprising the Baker Lake Area.

DELIVERED at Toronto, this 11th day of April, 1979.

FASKEN & CALVIN,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario. M5K 1C1

TO: Messrs. Golden, Levinson,
Solicitors for the Plaintiffs.

AND TO: Attorney-General of Canada.

E. Cominco's Statement of Defence and Counterclaim

STATEMENT OF DEFENCE OF
COMINCO LTD.

(Filed the 11th day of April, 1979)

1. Cominco Ltd. admits the allegations contained in paragraphs numbered 6, 7, 8, 9, 10, 13, 14, 21 and 22 of the Fresh As Amended Statement of Claim but except as herein otherwise expressly admitted, this Defendant does not admit any of the allegations contained in the Fresh As Amended Statement of Claim and puts the Plaintiffs to the proof thereof.

2. This Defendant denies the allegations contained in paragraphs numbered 5, 12, 15, 16, 17, 18, 19, 23, 26 and 27.

3. This Defendant admits that it has dealt with the Inuit Tapirisat of Canada for certain limited purposes but denies that it has ever dealt with the Inuit Tapirisat of Canada with regard to exploratory impacts affecting the Baker Lake Area.

4. This Defendant holds mineral claims and prospecting permits with respect to lands situate within that area which the Plaintiffs have designated in their pleadings or on discovery as comprising the "Baker Lake Area", which claims and permits have been issued to it pursuant to The Canada Mining Regulations. This Defendant also has been issued land use permits for the purpose of carrying on exploration activity in the Baker Lake Area, pursuant to The Territorial Lands Act, and The Territorial Land Use Regulations.

5. This Defendant denies that the Plaintiffs have rights of use and occupancy, real property rights or any other rights enforceable at law in respect of the lands where this Defendant holds the aforementioned claims and permits.

6. This Defendant admits that any claim to such a right by the Plaintiffs would not be in respect of estates in realty as recognized in paragraph 12 of the Fresh As Amended Statement of Claim but otherwise denies the said paragraph 12.

7. If the Plaintiffs or their ancestors have ever had any rights in respect of the lands in the Baker Lake Area, this Defendant denies that such rights, if any, are paramount to the Statutes of Canada and the Regulations promulgated pursuant thereto and pleads that this Defendant is entitled to exercise the rights accorded to it pursuant to the aforementioned claims and permits notwithstanding any alleged rights of the Plaintiffs.

8. In any event, any rights which the Plaintiffs or their ancestors may have had in respect of the lands in the Baker Lake Area, have been lost or abrogated or extinguished in that first, the lands have been dealt with by the Crown as a sovereign in a manner which is inconsistent with the subsistence of such aboriginal rights, and secondly, the sovereign authority has elected to exercise complete dominion over the lands in question.

9. This Defendant admits that it has conducted mineral exploration activities in the Baker Lake Area pursuant to the aforementioned claims and permits as alleged in paragraph 11 of the Fresh As Amended Statement of Claim. It intends to proceed with the exercise of its right to explore for minerals as entitled to by the terms of all claims, prospecting permits and land use permits granted to it under prevailing legislation.

10. This Defendant is not aware of all attempts by the Plaintiffs to obtain community control over land use activities as alleged in paragraph 20 of the Fresh As Amended Statement of Claim. However, it states that all such attempts have been resisted by the Government of Canada as the governmental authority having sovereign authority over such lands and, in particular, by the exercise of its authority to issue the aforementioned claims and permits.

11. This Defendant denies that any activity undertaken by it or likely to be undertaken by it in the future has or will cause any harm to wildlife as alleged in paragraphs 20, 23 and 25 of the Fresh As Amended Statement of Claim. Any harm, if any, to wildlife caused during the period referred to in the Fresh As Amended Statement of Claim is the result of natural or other causes, outside the control of and independent of the activities of this Defendant. This Defendant's exploration and other activities are subject to close regulation, control and monitoring as provided for in the applicable regulations developed by the Government of Canada with a view to protecting wildlife, which regulations this Defendant has always taken care to observe. This Defendant has conducted itself in all its operations with care to avoid causing any harm to such wildlife.

12. This Defendant specifically denies that the mineral exploration activity carried on by it or to be carried on by it in the future has or will cause irreparable harm as alleged by the Plaintiffs in paragraph 25 of the Fresh As Amended Statement of Claim, and pleads that the mining exploration and related activities of this Defendant will contribute positive economic benefits to the Baker Lake Community.

13. This Defendant states that this Honourable Court has no jurisdiction to grant the relief claimed by the Plaintiffs in paragraph numbered 28(b) of the Fresh As Amended Statement of Claim.

14. This Defendant therefore submits that the Plaintiffs' action should be dismissed without any order as to costs in respect of this Defendant.

AND BY WAY OF COUNTER-CLAIM:

COMINCO LTD.

Plaintiff
(By counter-claim)

- and -

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAT, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGNAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEE, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QUYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIYAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH GUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Defendants
(By counter-claim)

By way of Counter-Claim, this Defendant repeats the allegations contained in the Statement of Defence and counter-claims for a declaration that:

- (a) lands contained within the area designated by the Plaintiffs as "Baker Lake Area" are territorial lands within the meaning of the Territorial Lands Act, R.S.C. 1970, Chapter T-6 and are "public lands" within the meaning of the Public Lands Grants Act, R.S.C. 1970, Chapter P-29 and as such are subject to the Canada Mining Regulations (P.C. 1977, 3149);
- (b) the Inuit resident in the Baker Lake Area do not have "rights previously acquired" within the meaning of Section 29(11) of the Canada Mining Regulations, S.O.R. 77/900 and are not holders of surface rights within the meaning of section 8 of the Territorial Lands Act, R.S.C. 1970, Chapter T-6 with respect to the lands comprising the Baker Lake Area.

DELIVERED at Toronto, this 11th day of April,
1979.

FASKEN & CALVIN,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario. M5K 1C1

TO: Messrs. Golden, Levinson,
Solicitors for the Plaintiffs.

AND TO: Attorney-General of Canada.

F. Western Mines' Statement of Defence

STATEMENT OF DEFENCE OF
WESTERN MINES LIMITED

(Filed the // day of April, 1979)

1. Western Mines Limited admits the allegations contained in paragraphs numbered 6, 7, 8, 9, 10, 13, 14, 21 and 22 of the Fresh As Amended Statement of Claim but except as herein otherwise expressly admitted, this Defendant does not admit any of the allegations contained in the Fresh As Amended Statement of Claim and puts the Plaintiffs to the proof thereof.

2. This Defendant denies the allegations contained in paragraphs numbered 5, 12, 15, 16, 17, 18, 19, 23, 26 and 27.

3. This Defendant admits that it has dealt with the Inuit Tapirisat of Canada for certain limited purposes but denies that it has ever dealt with the Inuit Tapirisat of Canada with regard to exploratory impacts affecting the Baker Lake Area.

4. This Defendant holds mineral claims and prospecting permits with respect to lands situate within that area which the Plaintiffs have designated in their pleadings or on discovery as comprising the "Baker Lake Area", which claims and permits have been issued to it pursuant to The Canada Mining Regulations. This Defendant also has been issued land use permits for the purpose of carrying on exploration activity in the Baker Lake Area, pursuant to The Territorial Lands Act, and The Territorial Land Use Regulations.

5. This Defendant denies that the Plaintiffs have rights of use and occupancy, real property rights or any other rights enforceable at law in respect of the lands where this Defendant holds the aforementioned claims and permits.

6. This Defendant admits that any claim to such a right by the Plaintiffs would not be in respect of estates in realty as recognized in paragraph 12 of the Fresh As Amended Statement of Claim but otherwise denies the said paragraph 12.

7. If the Plaintiffs or their ancestors have ever had any rights in respect of the lands in the Baker Lake Area, this Defendant denies that such rights, if any, are paramount to the Statutes of Canada and the Regulations promulgated pursuant thereto and pleads that this Defendant is entitled to exercise the rights accorded to it pursuant to the aforementioned claims and permits notwithstanding any alleged rights of the Plaintiffs.

8. In any event, any rights which the Plaintiffs or their ancestors may have had in respect of the lands in the Baker Lake Area, have been lost or abrogated or extinguished in that first, the lands have been dealt with by the Crown as a sovereign in a manner which is inconsistent with the subsistence of such aboriginal rights, and secondly, the sovereign authority has elected to exercise complete dominion over the lands in question.

9. This Defendant admits that it has conducted mineral exploration activities in the Baker Lake Area pursuant to the aforementioned claims and permits as alleged in paragraph 11 of the Fresh As Amended Statement of Claim. It intends to proceed with the exercise of its right to explore for minerals as entitled to by the terms of all claims, prospecting permits and land use permits granted to it under prevailing legislation.

10. This Defendant is not aware of all attempts by the Plaintiffs to obtain community control over land use activities as alleged in paragraph 20 of the Fresh As Amended Statement of Claim. However, it states that all such attempts have been resisted by the Government of Canada as the governmental authority having sovereign authority over such lands and, in particular, by the exercise of its authority to issue the aforementioned claims and permits.

11. This Defendant denies that any activity undertaken by it or likely to be undertaken by it in the future has or will cause any harm to wildlife as alleged in paragraphs 20, 23 and 25 of the Fresh As Amended Statement of Claim. Any harm, if any, to wildlife caused during the period referred to in the Fresh As Amended Statement of Claim is the result of natural or other causes, outside the control of and independent of the activities of this Defendant. This Defendant's exploration and other activities are subject to close regulation, control and monitoring as provided for in the applicable regulations developed by the Government of Canada with a view to protecting wildlife, which regulations this Defendant has always taken care to observe. This Defendant has conducted itself in all its operations with care to avoid causing any harm to such wildlife.

12. This Defendant specifically denies that the mineral exploration activity carried on by it or to be carried on by it in the future has or will cause irreparable harm as alleged by the Plaintiffs in paragraph 25 of the Fresh As Amended Statement of Claim, and pleads that the mining exploration and related activities of this Defendant will contribute positive economic benefits to the Baker Lake Community.

13. This Defendant states that this Honourable Court has no jurisdiction to grant the relief claimed by the Plaintiffs in paragraph numbered 28(b) of the Fresh As Amended Statement of Claim.

14. This Defendant therefore submits that the Plaintiffs' action should be dismissed without any order as to costs in respect of this Defendant.

13. This Defendant states that this Honourable Court has no jurisdiction to grant the relief claimed by the Plaintiffs in paragraph numbered 28(b) of the Fresh As Amended Statement of Claim.

14. This Defendant therefore submits that the Plaintiffs' action should be dismissed without any order as to costs in respect of this Defendant.

DELIVERED at Toronto, this 11th day of April,
1979.

FASKEN & CALVIN,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario.
M5K 1C1

Solicitors for the
Defendant Western Mines Limited.

TO: Messrs. Golden, Levinson,
Solicitors for the Plaintiffs.

AND TO: Attorney-General of Canada.

G.Urangesellschaft's Statement of Defence

STATEMENT OF DEFENCE OF
URANGESSELLSCHAFT CANADA LIMITED

(Filed the day of April, 1979).

1. Urangesellschaft Canada Limited admits the allegations contained in paragraphs 6, 7, 8, 9, 10, 21 and 22 of the Fresh As Amended Statement of Claim but except as herein otherwise expressly admitted, this defendant does not admit any of the allegations contained in the Fresh As Amended Statement of Claim and puts the plaintiffs to the proof thereof.

2. This defendant holds mineral claims and Prospecting Permits with respect to lands in the vicinity of Baker Lake which claims have been issued to it pursuant to the Canada Mining Regulations. This defendant also has been issued Land Use Permits for the purpose of carrying on exploration activity in the Baker Lake area, pursuant to the Territorial Lands Act, and the Territorial Land Use Regulations. This defendant has carried on exploration activity in the vicinity of Baker Lake and intends to continue such activity pursuant to Statutes enacted by the Parliament of Canada and Regulations issued pursuant thereto.

3. This defendant does not admit that the plaintiffs have rights of use and occupancy, real property rights or any other rights in respect of the lands where this defendant holds the aforementioned claims and permits.

4. Further, this defendant denies that the rights of the plaintiffs, if any, are paramount to the Statutes of Canada and the Regulations promulgated pursuant thereto and pleads that this defendant is entitled to exercise the rights accorded to it pursuant to the aforementioned claims and permits notwithstanding any alleged rights of the plaintiffs.

5. This defendant specifically denies the allegations contained in paragraphs 14, 15, 16 and 17 of the Fresh As Amended Statement of Claim and pleads that the lands in respect of which this defendant holds claims and permits are vested in Her Majesty in Right of Canada, that such lands

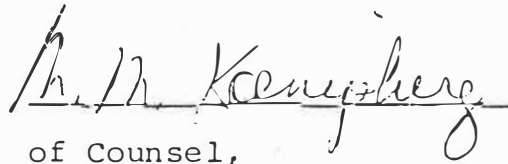
and the use thereof are subject to the provisions of the Territorial Lands Act, the Territorial Lands Use Regulations and the Canada Mining Regulations pursuant to which this defendant holds the afore-mentioned claims and permits.

6. This defendant specifically denies that the mineral exploration activity carried on by it in the Baker Lake area and the continued mineral exploration activity by this defendant has caused or will cause irreparable harm, or any harm, to the plaintiffs, as alleged in the Fresh As Amended Statement of Claim, and put the plaintiffs to the strict proof thereof.

7. This defendant pleads that this Honourable Court has no jurisdiction to grant the relief claimed in paragraph 28(b) of the Fresh As Amended Statement of Claim.

8. This defendant therefore submits that the plaintiffs action, insofar as it relates to the lands in respect of which this defendant holds claims and permits as aforesaid, should be dismissed without an order as to costs.

DATED at Toronto this 11th day of April, 1979.


of Counsel,

McCarthy & McCarthy,
P.O. Box 48,
Toronto-Dominion Centre,
Toronto. Ontario.
M5K 1E6.

Solicitors for the Defendant
Urangesellschaft Canada Limited.

TO: Golden, Levinson,
Suite 1908,
108 Richmond Street West,
Toronto. Ontario.

Solicitors for the Plaintiffs.

AND TO: The Attorney General of Canada,
24th Floor,
Toronto-Dominion Bank Tower,
Toronto. Ontario.

H. Noranda's Statement of Defence

STATEMENT OF DEFENCE OF NORANADA
EXPLORATION COMPANY LIMITED (NO
PERSONAL LIABILITY)

(Filed the day of April, 1979).

1. Noranda Exploration Company Limited (No Personal Liability), admits the allegations contained in paragraphs 6, 7, 8, 9, 10, 21 and 22 of the Fresh As Amended Statement of Claim but except as herein otherwise expressly admitted, this defendant does not admit any of the allegations contained in the Fresh As Amended Statement of Claim and puts the plaintiffs to the proof thereof.
2. This defendant holds mineral claims with respect to lands in the vicinity of Baker Lake which claims have been issued to it pursuant to the Canada Mining Regulations. This defendant also has been issued Land Use Permits for the purpose of carrying on exploration activity in the Baker Lake area, pursuant to the Territorial Lands Act, and the Territorial Land Use Regulations. This defendant has carried on exploration activity in the vicinity of Baker Lake and intends to continue such activity pursuant to Statutes enacted by the Parliament of Canada and Regulations issued pursuant thereto.
3. This defendant does not admit that the plaintiffs have rights of use and occupancy, real property rights or any other rights in respect of the lands where this defendant holds the aforementioned claims and permits.
4. Further, this defendant denies that the rights of the plaintiffs, if any, are paramount to the Statutes of Canada and the Regulations promulgated pursuant thereto and pleads that this defendant is entitled to exercise the rights accorded to it pursuant to the aforementioned claims and permits notwithstanding any alleged rights of the plaintiffs.
5. This defendant specifically denies the allegations contained in paragraphs 14, 15, 16 and 17 of the Fresh As Amended Statement of Claim and pleads that the lands in respect of which this defendant holds claims and permits are vested in Her Majesty in Right of Canada, that such lands and the use thereof are subject to the provisions of the Territorial Lands Act, the

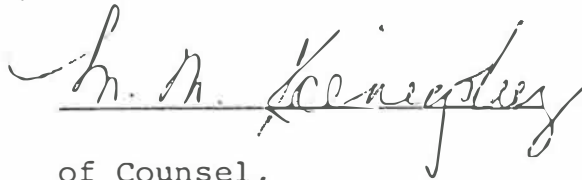
Territorial Lands Use Regulations and the Canada Mining Regulations pursuant to which this defendant holds the afore-mentioned claims and permits.

6. This defendant specifically denies that the mineral exploration activity carried on by it in the Baker Lake area and the continued mineral exploration activity by this defendant has caused or will cause irreparable harm, or any harm, to the plaintiffs, as alleged in the Fresh As Amended Statement of Claim, and put the plaintiffs to the strict proof thereof.

7. This defendant pleads that this Honourable Court has no jurisdiction to grant the relief claimed in paragraph 28(b) of the Fresh As Amended Statement of Claim.

8. This defendant therefore submits that the plaintiffs action, insofar as it relates to the lands in respect of which this defendant holds claims and permits as aforesaid, should be dismissed without an order as to costs.

DATED at Toronto this 11th day of April, 1979.



of Counsel,

McCarthy & McCarthy,
P.O. Box 48,
Toronto-Dominion Centre,
Toronto. Ontario.
M5K 1E6.

Solicitors for the Defendant
Noranda Exploration Company
Limited (No Personal Liability).

TO: Golden, Levinson,
Suite 1908,
108 Richmond Street West,
Toronto. Ontario.

Solicitors for the Plaintiffs.

AND TO: The Attorney General of Canada,
24th Floor,
Toronto-Dominion Bank Tower,
Toronto. Ontario.

I. Essex Minerals' Statement of Defence

STATEMENT OF DEFENCE

1. This defendant admits the allegations contained in paragraph 1, 6, 7, 8, 9 and 21 of the Fresh as Amended Statement of Claim, but does not admit any of the other allegations therein contained.
2. This defendant takes no position on the allegations contained in paragraphs 2, 3, 4, 5 or 12 of the Fresh as Amended Statement of Claim.
3. This defendant is a company incorporated under the laws of the State of New Jersey and carries on the business of minerals exploration in the Baker Lake area and elsewhere.
4. This defendant is the holder of a prospector's licence issued pursuant to the Canada Mining Regulations, SOR/77-900 for the Northwest Territories. Pursuant to the rights granted by this licence, this defendant conducts prospecting activities throughout the Northwest Territories.
5. This defendant is also the holder of approximately 386 claims recorded pursuant to the Canada Mining Regulations referred to above. This defendant also holds permits to prospect land pursuant to the said Regulations in the Baker Lake area. By reason of its activities in the area, this defendant is required from time to time to apply for land use permits pursuant to the Territorial Land Use Regulations, SOR/77-210. Such permits are issued, upon proof of the compliance with the Regulations, by the Engineer designated pursuant to the Regulations, and subject to terms and conditions as set out in section 31(1) of the said Regulations, if necessary.
6. The lands mentioned in the Statement of Claim are territorial lands as defined in the Territorial Lands Act, R.S.C.

1970, Chapter T-6, as amended, and such lands, insofar as they have not been alienated by Crown grant, remain the sole property of Her Majesty the Queen in Right of the Dominion of Canada.

7. The Territorial Lands Act and the Regulations passed pursuant thereto are valid and subsisting enactments of the Parliament of Canada, and as such govern the subject lands.

8. The aboriginal rights, if any, possessed by the plaintiffs or any of them, cannot supersede the rights acquired by this defendant to conduct its activities upon the subject lands in accordance with the licences, permits and claims possessed by it as stated above. Further, any rights which the plaintiffs may have are subject to the prior right of Her Majesty the Queen in Right of Canada to deal with Crown land by legislation or otherwise, and to grant further permits or licences to this defendant or others. This defendant is entitled to exercise its activities upon the subject lands in accordance with applicable legislation or regulations, unfettered by the plaintiffs or any of them.

9. This defendant denies that the Canadian Bill of Rights, R.S.C. 1970, Appendix III applies to the legislation in issue in this action.

10. This defendant therefore submits that Judgment should not be given for the plaintiffs in this action affecting the rights of this defendant as asserted herein.

DELIVERED at Toronto this 6th day of March, 1979
by Messrs. Campbell, Godfrey & Lewtas, P.O. Box 36, Suite 3600,
Toronto-Dominion Centre, Toronto, Ontario M5K 1C5, solicitors
for the Defendant.

J. Plaintiffs' Reply and Defence to Pan Ocean's Counterclaim

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)



B E T W E E N :

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAU, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALIUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEL, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QIYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH QUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE ENGINEER DESIGNATED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 4 OF THE TERRITORIAL LAND USE REGULATIONS, SOR/77-210, AS AMENDED, THE DIRECTOR, NORTHERN NON-RENEWABLE RESOURCES BRANCH OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE MINING RECORDER AND THE DEPUTY MINING RECORDER FOR THE ARCTIC AND HUDSON BAY MINING DISTRICT, THE ATTORNEY GENERAL OF CANADA, URANGESELLSCHAFT CANADA LIMITED, NORANDA EXPLORATION COMPANY LIMITED (NO PERSONAL LIABILITY), PAN OCEAN OIL LTD., COMINCO LTD., WESTERN MINES LIMITED AND ESSEX MINERALS COMPANY LIMITED

Defendants

REPLY AND DEFENCE TO COUNTERCLAIM

1. The Plaintiffs repeat their allegations contained in their Fresh as Amended Statement of Claim.
2. The Plaintiffs submit that this defendant has no entitlement to claim relief by way of counterclaim in this action by reason of the Order of Mahoney, J. of March 29th, 1979.
3. The Plaintiffs submit that the defendant's counterclaim be dismissed without any order as to costs.

DATED at Toronto this 30th day of April, 1979.

GOLDEN, LEVINSON,
Suite 1908,
101 Richmond St. W.,
Toronto, Ontario.

Solicitors for the Plaintiffs

TO: FASKEN, CALVIN,
Suite 3000,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario.

Solicitors for the Defendant.

Service of a Process by a
deputy clerk
dated this 13th day of

May 1979
FASKEN & CALVIN

Solicitors for Pan Ocean Oil Ltd

over

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)

B E T W E E N :

THE HAMLET OF BAKER LAKE,
BAKER LAKE HUNTERS AND
TRAPPERS ASSOCIATION, INUIT
TAPIRISAT OF CANADA,
et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT, THE
ENGINEER DESIGNATED BY THE
MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT PURSUANT
TO SECTION 4 OF THE TERRITORIAL
LAND USE REGULATIONS, SOR 77/210,
AS AMENDED, et al

Defendants

REPLY AND DEFENCE TO COUNTER-
CLAIM OF PAN OCEAN OIL LTD.



GOLDEN, LEVINSON,
Suite 1908,
101 Richmond St. W.,
Toronto, Ontario.

Solicitors for the Plaintiffs.

K. Plaintiff' Reply and Defence to Cominco's Counterclaim

Defense to Claim of Ownership 1-1028-18

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)



B E T W E E N :

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAK, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARN'LUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEL, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QIYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH QUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE ENGINEER DESIGNATED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 4 OF THE TERRITORIAL LAND USE REGULATIONS, SOR/77-210, AS AMENDED, THE DIRECTOR, NORTHERN NON-RENEWABLE RESOURCES BRANCH OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE MINING RECORDER AND THE DEPUTY MINING RECORDER FOR THE ARCTIC AND HUDSON BAY MINING DISTRICT, THE ATTORNEY GENERAL OF CANADA, URANGESSELLSCHAFT CANADA LIMITED, NORANDA EXPLORATION COMPANY LIMITED (NO PERSONAL LIABILITY), PAN OCEAN OIL LTD., COMINCO LTD., WESTERN MINES LIMITED AND ESSEX MINERALS COMPANY LIMITED

Defendants

REPLY AND DEFENCE TO COUNTERCLAIM

1. The Plaintiffs repeat their allegations contained in their Fresh as Amended Statement of Claim.
2. The Plaintiffs submit that this defendant has no entitlement to claim relief by way of counterclaim in this action by reason of the Order of Mahoney, J. of March 29th, 1979.
3. The Plaintiffs submit that the defendant's counterclaim be dismissed without any order as to costs.

DATED at Toronto this 30th day of April, 1979.

GOLDEN, LEVINSON,
Suite 1908,
101 Richmond St. W.,
Toronto, Ontario.

Solicitors for the Plaintiffs

TO: FASKEN, CALVIN,
Suite 3000,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario.

Solicitors for the Defendant.

Service of a true copy herof
admitted this 1st day of

May 1979
FASKEE & GALVIN

Solicitor for Cominco Ltd.
M.R.

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)

B E T W E E N :

THE HAMLET OF BAKER LAKE,
BAKER LAKE HUNTERS AND
TRAPPERS ASSOCIATION, INUIT
TAPIRISAT OF CANADA,
et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT, THE
ENGINEER DESIGNATED BY THE
MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT PURSUANT
TO SECTION 4 OF THE TERRITORIAL
LAND USE REGULATIONS, SOR 77/210,
AS AMENDED, et al

Defendants

REPLY AND DEFENCE TO COUNTER-
CLAIM OF COMINCO LTD.



GOLDEN, LEVINSON,
Suite 1909,
101 Richmond St. W.,
Toronto, Ontario.

solicitors for the Plaintiffs.

L. Pan Ocean 's Reply to Plaintiffs ' Defence to Counterclaim

IN THE FEDERAL COURT OF CANADA

(TRIAL DIVISION)

BETWEEN:

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAT, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGNAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEE, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QUYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH GUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE ENGINEER DESIGNATED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 4 OF THE TERRITORIAL LAND USE REGULATIONS, SOR/77-210, AS AMENDED, THE DIRECTOR, NORTHERN NON-RENEWABLE RESOURCES BRANCH OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE MINING RECORDER AND THE DEPUTY MINING RECORDER FOR THE ARCTIC AND HUDSON BAY MINING DISTRICT, THE ATTORNEY GENERAL OF CANADA, URANGESELLSCHAFT CANADA LIMITED, NORANDA EXPLORATION COMPANY LIMITED (NO PERSONAL LIABILITY), PAN OCEAN OIL LTD., COMINCO LTD., WESTERN MINES LIMITED and ESSEX MINERALS COMPANY LIMITED

Defendants

REPLY TO DEFENCE TO COUNTER-CLAIM
AND JOINDER OF ISSUE

1. The Plaintiff by Counter-Claim, Pan Ocean Oil Ltd., repeats its allegations contained in the Statement of Defence and Counter-Claim and joins issue with the allegations contained in the Defence to Counter-Claim.

2. The Plaintiff by Counter-Claim denies that the Order of Mahoney, J., dated March 29, 1979, prohibits a claim for relief by way of Counter-Claim in this action.

DATED at Toronto, this 10th day of May, 1979.

FASKEN & CALVIN,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario.
M5K 1C1

Solicitors for the
Defendant and Plaintiff
by Counter-Claim,
Pan Ocean Oil Ltd.

TO: GOLDEN, LEVINSON,
Suite 1908,
101 Richmond Street West,
Toronto, Ontario.

Solicitors for the Plaintiffs.

AND TO: ATTORNEY GENERAL OF CANADA,
Toronto-Dominion Centre,
Toronto, Ontario.

IN THE FEDERAL COURT OF CANADA
(TRIAL DIVISION)

THE HAMLET OF BAKER LAKE,
BAKER LAKE HUNTERS AND TRAPPERS
ASSOCIATION, INUIT TAPIRISAT OF
CANADA, et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT, THE
ENGINEER DESIGNATED BY THE
MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT PURSUANT
TO SECTION 4 OF THE TERRITORIAL
LAND USE REGULATIONS SOR/77-210,
AS AMENDED, et al

Defendants

REPLY TO DEFENCE TO COUNTER-CLAIM
AND JOINDER OF ISSUE
OF PAN OCEAN OIL LTD.

FASKEN & CALVIN
Box 30
Toronto-Dominion Centre
Toronto, Ontario M5K 1C1

Solicitors for the Defendants
PAN OCEAN OIL LTD.,
COMINCO LTD.,
WESTERN MINES LIMITED

Service of a true copy hereof
admitted this 15th day of

Miss
L. P. ... for R. Davis
Deputy Attorney General
Solicitor for *Canada*
J. A. McDonald

7

M. Cominco 's Reply to Plaintiffs ' Defence to Counterclaim

IN THE FEDERAL COURT OF CANADA
(TRIAL DIVISION)

BETWEEN:

THE HAMLET OF BAKER LAKE, BAKER LAKE HUNTERS AND TRAPPERS ASSOCIATION, INUIT TAPIRISAT OF CANADA, MATTHEW KUNUNGNAT, SIMON TOOKOOME, HAROLD QARLITSAQ, PAUL UTA'NAAQ, ELIZABETH ALOOQ, TITUS ALLUQ, JONAH AMITNAK, FRANCIS KALURAQ, JOHN KILLULARK, MARTHA TICKIE, EDWIN EVE, NORMAN ATTUNGALA, WILLIAM NOAH, MARION PATTUNGUYAQ, SILAS KENALOGAK, GIDEON KUUK, OVID KINNOWATNER, STEVEN NIEGO, MATTHEW INNAKATSIK, ALEX IGLOOKYOUAK, TITUS NIEGO, DEBRA NIEGO, STEPHEN KAKIMAT, THOMAS ANIRNGNIQ, MARGARET AMAROOK, JAMES UKPAQQAQ, JIMMY TAIPANAK, MICHAEL AMAROOK, ANGELA KRASHUDLUAQ, MARGARET NARKJANERK, JOHN NARKJANERK, ELIZABETH TUNNUQ, MARJORIE TARRAQ, HANNA KILLULARK, WILLIAM K. SCOTTIE, EDWIN NIEGO, MARTHA TALEROOK, MARY IKSIKTAARYUK, BARNABAS OOSUAQ, NANCY SEVOQA, JANET IKUUTAQ, MARJORIE TUTTANNUAQ, LUKE TUNGNAQ, JAMES KINGAQ, MADGE KINGAQ, LUCY TUNGUAQ, HATTIE AMITNAK, MAGDALENE UKPATIKY, WILLIAM UKPATIKU, PAUL OOKOWT, LOUIS OKLAGA, H. AVATITUUQ, LUKE ARNGNA'NAAQ, MARY KAKIMAT, SAMSON ARNAUYOK, EFFIE ARNALUAK, THOMAS KAKIMAT, MATHEW NANAUQ, JOHN NUKIK, BILL MARTEE, MARTHA NUKIK, SILAS PUTURIRAQTUQ, DAVID MANNIK, THOMAS IKSIRAQ, ROBERT INUKPAK, JOEDEE JOEDEE, JOHN AUAALA, HUGH TULURIALIK, THOMAS N. MANNIK, SILAS QUYNK, BARNABUS PERYOUAR, BETTY PERYOUAR, JOAN SCOTTIE, OLIVE INNAKATSIK, SARAH AMITNAK, ALEC AMITNAK, VERA AUAALA, GEORGE TATANIQ, MARY TAGOONA, JAMES TERIQANIYAK, JOHN IQSAKITUQ, SILAS KALLUK, HANNAH KUUK, HUGH UNGUNGAI, CELINA UTA'NAAQ, MOSES NAGYUGALIK, MARY IQAAT, LOUIS TAPATAI, HAROLD ETEGOYOK, SALLY IGLOOKYOUAK, MARJORIE AQIGAAQ, MATTHEW AQIGAAQ, MONA QIYUARYUK, WINNIE OWINGAYAK, SAMSON QUINANGNAQ, ELIZABETH GUINANGNAQ, HATTIE ATTUTUVAA, PAUL ATTUTUVAA, MARION ANGUHALLUQ, LUKE ANGUHALLUQ, RUTH TULURIALIK, IRENE KALURAQ, CHARLIE TOOLOOKTOOK, THOMAS TAPATAI, ELIZABETH TAPATAI, B. SCOTTIE, MARY KUTTICQ, JACOB MARRIQ, LUCY KOWNAK, A. TAGOONA, CHARLES TARRAQ, VIVIEN JOEDEE

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE ENGINEER DESIGNATED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT PURSUANT TO SECTION 4 OF THE TERRITORIAL LAND USE REGULATIONS, SOR/77-210, AS AMENDED, THE DIRECTOR, NORTHERN NON-RENEWABLE RESOURCES BRANCH OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE MINING RECORDER AND THE DEPUTY MINING RECORDER FOR THE ARCTIC AND HUDSON BAY MINING DISTRICT, THE ATTORNEY GENERAL OF CANADA, URANGESSELLSCHAFT CANADA LIMITED, NORANDA EXPLORATION COMPANY LIMITED (NO PERSONAL LIABILITY), PAN OCEAN OIL LTD., COMINCO LTD., WESTERN MINES LIMITED and ESSEX MINERALS COMPANY LIMITED

Defendants

REPLY TO DEFENCE TO COUNTER-CLAIM
AND JOINDER OF ISSUE

1. The Plaintiff by Counter-Claim, Cominco Ltd., repeats its allegations contained in the Statement of Defence and Counter-Claim and joins issue with the allegations contained in the Defence to Counter-Claim.

2. The Plaintiff by Counter-Claim denies that the Order of Mahoney, J., dated March 29, 1979, prohibits a claim for relief by way of Counter-Claim in this action.

DATED at Toronto, this 10th day of May, 1979.

FASKEN & CALVIN,
Box 30,
Toronto-Dominion Centre,
Toronto, Ontario.
M5K 1C1

Solicitors for the
Defendant and Plaintiff
by Counter-Claim,
Cominco Ltd.

TO: GOLDEN, LEVINSON,
Suite 1908,
101 Richmond Street West,
Toronto, Ontario.

Solicitors for the Plaintiffs.

AND TO: ATTORNEY GENERAL OF CANADA,
Toronto-Dominion Centre,
Toronto, Ontario.

IN THE FEDERAL COURT OF CANADA
(TRIAL DIVISION)

THE HAMLET OF BAKER LAKE,
BAKER LAKE HUNTERS AND TRAPPERS
ASSOCIATION, INUIT TAPIRISAT OF
CANADA, et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT, THE
ENGINEER DESIGNATED BY THE
MINISTER OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT PURSUANT
TO SECTION 4 OF THE TERRITORIAL
LAND USE REGULATIONS SOR/77-210,
AS AMENDED, et al

Defendants

Service of a true copy hereof
admitted this 15th day of
May 1978
at Abbotsford B.C.
Deputy Attorney General
Solicitor for Canada
per: J. McDonald

REPLY TO DEFENCE TO COUNTER-CLAIM
AND JOINDER OF ISSUE
OF COMINCO LTD.

FASKEN & CALVIN
Box 30
Toronto-Dominion Centre
Toronto, Ontario M5K 1C1

Solicitors for the Defendants
PAN OCEAN OIL LTD.,
COMINCO LTD.,
WESTERN MINES LIMITED

DATE DUE

DATE DUE			

A
CAN 7
1.01
BRIEF

HAMLET OF BAKER LAKE
ET AL & MINISTER OF IAND
ET AL

C IAND Fed Ham 1979 v.18

In the Federal Court of Ca
00064-2304 02-0011720