MACKENZIE VALLEY PIPELINE INQUIRY

IN THE MATTER OF THE APPLICATIONS BY EACH OF

- (a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS CROWN LANDS WITHIN THE YUKON TERRITORY AND THE NORTHWEST TERRITORIES, and
- (b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS CROWN LANDS WITHIN THE NORTHWEST TERRITORIES FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION, OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Old Crow, Y. T. July 11, 1975.

PROCEEDINGS AT COMMUNITY HEARING

Volume 14

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Gas Pipeline Lim-

ited;

Mr. Ron Veale for Council of Yukon

Indians;

Mr. Glen W. Bell for Northwest Terri-

tories, Indian Brotherhood and Metis As-

sociation of the

Northwest Territo-

ries;

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1	Old Crow, Y. T.
2	July 11, 1975.
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4	(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)
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6	THE COMMISSIONER: Well,
7	ladies and gentlemen I will call the meeting to order.
8	MR. SITTICHINLI: Now that
9	the meeting is in order, we want the Minister to say a
10	word of prayer before we begin.
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13	(REVEREND WATT ASKS BLESSING)
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18	THE COMMISSIONER: Well,
19	ladies and gentlemen, I am Judge Berger, and I am
20	conducting an inquiry to consider what the impact will
21	be of the pipeline that Arctic Gas wants to build to
22	bring natural gas from Alaska and the Canadian Arctic
23	to markets in the south.
24	I am holding hearings in
25	every community in the Mackenzie Valley, the Mackenzie
26	Delta, and the northern Yukon. I want to hear from the
27	people of Old Crow, the native people who live here,
28	the white people who live here, the old people and the
29	young people.
30	I want to know what you think,

what you have to say about this pipeline that Arctic Gas wants to build. I have invited representatives of Arctic Gas here today so that they can listen to what you have to say. We have the C.E.C. here today also, so that people in the north and throughout Canada can listen to what you have to say.

Canada and the United States have a great appetite for oil and gas, that is why the Government of Canada is considering this gas pipeline, but before the government decides what to do, they want to know what you think about it, that is why they have sent me here.

I was here last month in Old Crow; on my way here, I travelled along the coast and then over the mountains, I saw the Porcupine River caribou herd on its way to the coast, on its way to the calving grounds. I saw the Old Crow Flats and I visited many of you at your camps when you were hunting muskrat there last month. When I visited the Flats, I saw more caribou, moose and thousands of birds. I have seen the land where you live and now I want to know what you have to say about what the pipeline will mean to you, to your family and to your lives.

I will ask your chief to speak first of all.

CHIEF JOHN JOE KAYE, Sworn:

THE INTERPRETER: First of all I want to say this spring when you made the visit to the people in the Crow Flats, you seen how they make

their living. Because of that, I know you will listen to the people because you have seen how they make their living already.

You have seen many, many lakes in the Crow Flat, big lakes and all lakes, people use them all. Our grandfathers, ancestors, have brought us up in that area. When people trap in that area they get all kinds of fur, rats, mink, fox. Not only in that Crow Flat where the lakes are, but wherever people go out to do their hunting and trapping in the Yukon Territory around old Crow.

You have seen many creeks in this area, in your travel, there is lots of fish in them creeks. The fish run out of them creeks and we generally catch them when we are here. When the caribou are around, people go out and hunt them any place around Old Crow , nearby Old Crow , and also go hunt moose we go up the Porcupine River to hunt the moose.

Since I was young or born, I was raised in this part of this country by my dad, Big Joe. Many years ago around in 1930's, the people used to go out, hunt caribou and trap marten. And around the 1st part of November when it's open season for trapping, they go out and stay out until Christmas, They gather -- they come in here into this Old Crow settlement during Christmas and have their little holidays and then they would go out again.

And after New Year when they do go out again, they generally take their families with them to go out hunt caribou and to make dry meat.

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Then they would come into town during Easter again. After Easter season is over, they would move out to the Crow Flat to hunt rats. Most of them they stay out in the area, rat area, until close season which is about the 15th of June, and then they would -- some of them would stay back in the lakes and they would go down to the river by dog packs. They would make their boats and that's how they come down to the settlement here. And then they would stay in the settlement here during 10 the summer and in August, generally in August when the caribou would show up on the mountains here. When the 12 caribou show up on the mountains here, they would go 13 out and hunt and make dry meat and the reason it's for 14 that reason that we don't want the pipeline nearby. 15 There are also good country bears up on this mountain, 16 and if the pipeline happened to be near around these 17 country or this mountain up here, and if something 18 happened to the pipeline, then a lot of our country 19 will be destroyed. 20 The reason we mention these 21 22 is because we wait for our young generation. If something happened to the pipeline, it will not only 23 destroy the land, but also the rivers and lakes. There 24 are many countries at this Porcupine that we use to 25 make our living out of it, especially like for beavers 26 that we have up the river. 27 28 That's all I would like to 29 say now, but later on I would say some more.

THE COMMISSIONER: Thank you

1	very much, Chief.
2	(WITNESS ASIDE)
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5	PETER NUKON Sworn:
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7	THE COMMISSIONER: Yes, you
8	can translate your own statement, if you wish, or have
9	the interpreter do it, whatever.
10	THE WITNESS: First of all, I
11	would like to say that we are glad to welcome you here
12	My name is Peter Nukon.
13	Judge Berger, I want to tell
14	you that my people thank you for coming to Old Crow to
15	listen to us. I hope you will know when you are in Old
16	Crow how strong we feel about our land. I am going to
17	talk to you about one problem that pipeline will bring
18	to Old Crow, that is the problem of forest fires.
19	Wood is very important to the
20	people of Old Crow. They use wood to build our houses.
21	Last winter we cut more than 800 logs. We are now
22	building two houses, two garage and one workshop. With
23	the logs we cut last winter, this made jobs for us last
24	winter when we cut the logs and also this summer with
25	the building. The people of Old Crow use wood to heat
26	our homes, and heat our school.
27	Last winter our people cut
28	600 cords of fire wood for the old people and the
29	school This made jobs for many of our people. On top of
30	that, we all cut our own fire wood. As you can see when

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you flew in your plane to Old Crow, much of our land has no trees on it. The trees grow along the rivers and around the lakes. We know that it takes a tree many years to grow in this country, some people say sometime it's 200 years. So I hope you understand, Judge Berger that the Old Crow people consider our trees to be very valuable. We were happy when the Forest Branch of the Indian Affairs put a man in Old Crow to help us. This man would be able to report any fires to Whitehorse quickly so the fire could be put out before it could become too big and burn too many of our trees. On Tuesday, we were told by a pilot that there was a small forest fire at Fish Lake. It took the forestry -- he took the forestry man out to see it. When he came back he reported it to Whitehorse. He was told there was no money in the this year's budget to fight this fire because that land was priority 4. We would like to know who decided this Fish Lake was priority 4; the people of Old Crow say that all of our trees are priority 1. We called the Assistant Commissioner in Whitehorse. He said they would fight the fire. Then when we called him again he did not say they would fight the fire. We don't understand why forestry put a man in Old Crow if they are not going to fight the fires. They tell us that the forestry building that Indian Affairs built in Old Crow cost 60

or \$70,000.00. We wonder why. The forestry man is

our friend but now he is ashamed because his Department will do nothing. This is not right. 2 Judge Berger, we want Arctic 3 Gas to stand up and tell us who is going to put out the 4 forest fires, the fires that will start if the pipeline 5 breaks. We do not want them to tell us that the pipe 6 line won't break. We have lived here long enough to see 7 8 many things go wrong with white men's projects. We know it will break some day, somehow. We are told that when 9 the pipeline breaks, a fire may start; now who is going 10 to fight it? Is Arctic Gas going to call our forestry 11 man so he can report it to Whitehorse, and then he is 12 told it is priority 4, so there is no money. Is Arctic 13 Gas going to have their own forest fire department? Are 14 they going to patrol the pipeline to look for fires 15 when they start? Does Arctic Gas own a fire bomber? 16 These are just some of the questions I have about the 17 pipeline. That is all I have to say for now. 18 19 THE COMMISSIONER: Thank you. Do you want them to answer those questions now or later 20 21 on? 22 THE WITNESS: Later on, sir. 23 THE COMMISSIONER: Okay. I would like that statement 24 to be marked as an Exhibit to form part of the 25 permanent record of the Inquiry. 26 27 (STATEMENT OF PETER NUKON MARKED AS EXHIBIT C-62) 28 29 30 THE COMMISSIONER: Thank you

1	very much, Mr. Nukon.
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4	(WITNESS ASIDE)
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6	LAZARUS CHARLIE, Sworn:
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8	THE WITNESS: My name is
9	Lazarus Charlie.
10	THE INTERPRETER: My name is
11	Lazarus Charlie. Judge Berger, I am glad you have come
12	to our village to listen to us. We are the people of
13	Old Crow and I remember many things that have happened
14	during my life here in Old Crow, and that is what I
15	want to tell you about. This land that we are living
16	on, our ancestors have lived on it, same as we are
17	living on it and growing on it today. When I was young
18	I remember well that many people used to live away up
19	the Porcupine. My uncles, who have lived up in that
20	area at that time, they all done very good trapping in
21	that country. The people that were living here in Old
22	Crow also went out into the Crow Flats, amongst the
23	lakes, and done their fur trapping.
24	I remember places where the
25	people made their living at that time. They didn't have
26	very much a lot of times. They go out to hunt, but
27	there's nothing to get and many times people didn't
28	have too much to work on.
29	Now later on in the year when
30	it warms up and time to go out hunting rats, that's the
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28 29 1 be safe for the land.

time that everybody go out into the Crow Flats, among the lakes to hunt rats. Now this spring, Mr. Berger, when you was out amongst the rat lakes or the Crow Flat, you seen how the people make their living by hunting. Everybody that was up there and seen you, Mr. Berger, they were very happy that you made that visit to their camps. When we go towards the Crow Flats to hunt rats, we have a road that is going over the mountain here, and that is where I hear that the pipeline is going to come through, which we don't like. Now, not too far up, they call it the Little Flats, I suppose you seen it today, Mr. Berger, as we were coming down just above the Crow River, there is a bunch of lakes there which they call the Little Flats. He said, I understand that is where the pipeline is going to run up near them lakes and from them lakes, there are creeks running out which have fish running out of them creeks. He says if the pipeline, if the proposed pipeline would go up in that area, and if something happened to that pipeline, it breaks, then all that land in there, the land and the lakes and the creeks will be all destroyed. And he says sometime £ ire do break out in that area, and it happened to be that a fire broke out on the pipeline again it will not

it's a land where we have been born and brought up. Now

We use this land very much,

1	because we like our land, we don't want the lakes and
2	the creeks and the rivers to be spoiled, and especially
3	our caribou and be destroyed especially by fire.
4	Judge Berger, this is all I
5	would like to say to you.
6	THE COMMISSIONER: Thank you,
7	very much, Mr. Charlie.
8	(WITNESS ASIDE)
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12	
13	JOHN ROSS TIZYA, Sworn:
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18	THE INTERPRETER: Judge
19	Berger, me too, I would like to say a few words. Now
20	you have come here to listen to us, to the problem that
21	we bring before you. This land, our great grandfathers
22	or ancestors have lived on it for many years, and now
23	today we are living on it and we expect that our
24	children and their children will be living on this
25	land.
26	Now, about the caribou. The
27	caribou is our main food for this part of the country,
28	and we know that the caribou migrate every year. It
29	goes down to where they have their calves in the
30	spring, and then during the winter they migrate up
ı	

 towards the timber line and it's a main thing that we live on in this part of the world, and if something happened with this pipeline, this proposed pipeline that they would have in this area, if anything happened to that pipeline, it would destroy many places where this caribou migrates each year.

We have been living on this land for a long time, especially depending on the caribou, and we still depend on the caribou today, not only for ourselves, but for our children, and we use it very much. In the spring when we go up into the Crow Flat, we still depend on it, we get the meat and we dry the meat, to use it whenever we are in need of the meat.

Another thing which we use very much in this part of our country is fish. Now, we hear a lot again about this pipeline, we understand that it's going' to cross rivers. Now, the river here in many places are shallow and if it wasn't put right the way it should be, it might break, and if it does break, it will destroy a lot of our fish.

Now, many years ago, like for the first white people that came into our country, especially the trappers, in those days, us Natives didn't know very much about poison, but these white people did and they used poison, which destroyed part of our country where we are living now.

Many years after that the oil companies have come into our country in this area, and they have been spoiling a lot of our land in which we live now.

1	Now, the proposed pipeline,
2	they come into our country and we know that it will
3	destroy this land where we live now, and that is the
4	reason why nobody is in favour of it. For myself, I am
5	not in favour of the pipeline. We know that it will
6	destroy a lot of our country on which we live a e now.
7	It would even make it hard for us to get our meat which
8	we live on.
9	This is all I have to say to
10	you now, Judge Berger, because there is so many people
11	that would like to speak also.
12	THE COMMISSIONER: Thank you,
13	Mr. Tizya.
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15	(WITNESS ASIDE)
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17	STEPHEN FROST Sworn:
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19	THE WITNESS: Judge Berger,
20	ladies and gentlemen, my name is Stephen Frost. I want
21	to start off by saying that I have an awful lot of
22	feeling about this land that I was brought up on.
23	THE INTERPRETER: This is
24	Steven Frost, Mr. Judge Berger, and ladies and
25	gentlemen.
26	THE WITNESS: I am not going
27	to say very much to start off, maybe later on I'll say
28	more, but we do understand that the United States
29	and Canada have a strong appetite for gas. Myself I am
30	just not too sure, I think about a lot of things. I

think in terms of jobs but Mr. Berger, I'm sure that it 1 would be very sad for us to see our nice, green country 2 destroyed and we think a lot of it. 3 I know very little about what 4 a pipeline will do, except from what I've heard from 5 different people and seen a little bit of it, Old Crow 6 T is one of the very few last places that -I don't know 7 the word for it, sort of unspoiled and in times of 8 money, like jobs, well I think there will always be 9 jobs we have. We have always made out and we make a 10 nice living. Most of us -- most of us have a lack of 11 education and sometimes that's not everything, but we 12 are really afraid to see the long effect after the 13 pipeline is built, there is no more jobs, but the 14 pipeline is still there and everything else is spoiled. 15 16 What I mean by spoiled is we can't hardly -- could see so many people coming into 17 this small community here if this pipeline is going to 18 go, we think there might be two routes that they would 19 like to put it, we are not sure, but we are fighting 20 for them not to put it near Old Crow because it's so 21 22 close to Old Crow, I know where it's going to go, it's about probably not more than eight air miles from Old 23 24 Crow. 25 THE COMMISSIONER: North of Old Crow. 26 THE WITNESS: -- north of Old 27 Crow and there will be no more Old Crow as it is now. 28 The other route, I think, goes up near -- gets north of 29 here again near the cost, but again that's a breeding

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ground for caribou and whatnot. A lot of us think that
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   when they built the Alaska Highway, they did a lot of
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   damages there and I-don't want to be asked what kind of
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   damages, because I'm not good at answering questions
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   but since the Alaska Highway is already there, why
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   can't they put it there?
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                              THE COMMISSIONER:
                                                 Excuse me,
   Mr. Frost. You're saying why can't they take the pipe-,
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   line from Prudhoe Bay south to Fairbanks and then along
9
   the Alaska Highway to southern Canada and the United
10
   States?
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12
                              THE WITNESS:
                                            Yes, I couldn't
   quite explain it like that, but that's what I meant.
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   Now, I should say that I don't know what the people
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   think about it on that side, but --
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                              THE COMMISSIONER:
                                                 Well we
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   are going to -- I am going to hold a hearing in
   Whitehorse on August 11th. We'll start August 11th and
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   we'll hear what the people there think of bringing the
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   pipeline south to Fairbanks and then along the Alaska
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   Highway to southern Canada and the United States But
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22
   I'm certainly interested in hearing your views on it
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   too.
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                              THE WITNESS:
                                            I Pretty near
25
   ran out of something to say now, so I think I will let
   somebody else talk and maybe I'll talk again.
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                              THE COMMISSIONER: Fine,
28
   thank you, Mr. Frost.
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                              (WITNESS ASIDE)
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PETER LORD Sworn: 1 2 I would like to 3 THE WITNESS: say first to Judge Berger to come up to Old Crow to 4 listen to us and I would like to thank everybody to 5 give me an opportunity to say a few words. 6 7 I am sorry I didn't mention my name there, my name is Peter Lord, born in Old Crow, 8 9 brought up in Old Crow. First, number one, I would 10 like to say a few words about the country that we live 11 on. It's north of Old Crow, and this is in the Crow 12 Flat area. The reason why Old Crow people have so many 13 concerns about Crow Flats, the Crow Flats is the 14 migrating ground for caribou, and also it's a breeding 15 ground for moose in summer, moose goes into Crow Flat 16 17 in summer to breed up. And also we use it for 18 muskrat it is a good breeding ground for muskrat, and 19 it's a good breeding ground for fur bearing animals 20 such as fox, lynx, mink and sometimes marten, 21 22 wolverine. They say that it's many streams, such as those little tributaries that run through the lake, all 23 carry fish, and it's a very good spawning place for 24 25 fish in the summer. All fish goes up Crow River 26 and into the little creeks and up to the little lakes. 27 28 This is the reason why the 29 people talk so much about Crow Flats is that it's so close to the town. they can always load up their

toboggan, dog team and move right into Crow Flats. If the caribou is there and they are going to trap up there, it's only a day from here with a dog team and then they could start going in different direction in Crow Flats where they could trap and have their own trap line from the other people.

Well, this is as much as I will say about Crow Flat and other parts, we put it as number two, it is up the Porcupine River from here to - probably to Whitestone Village, this is mainly for timber. It is good timber, that's the only place we get timber up river now, we are pretty well cleaned out for timber surrounding the Old Crow area here, and they use it for building, probably it is not only for 20 years but beyond that. The children that's going to live for the future with a right to protect this country also for timber, and also it's a good breeding ground for animals such as marten, lynx and wolverine, and it's moose country, that's where most of the moose stay in the winter time.

We use all this land, everybody use it and whatever is in it, the Old Crow people needs what's in this land, and supposing if the pipeline goes through here, near Old Crow, that's going to bring a lot of jobs to some people. There probably won't be very many Old Crow people get jobs on this, but the money will be in Old Crow, some of that money will be spent in Old Crow and it is going to bring quite a bit of money in Old Crow.

Right now today, the way the

people live right now, they don't make too much money, it's very few who have jobs to make money and other people have part time jobs, maybe a couple of jobs at a time like that and the rest is all trapping, hunting and fishing.

I do think that the people are still happy the way they live right now. And perhaps if the money they are spending in Old Crow during as long as the job lasts on this pipeline project, the people will be happy too, making money and spending it, but after that is gone, the people will, be gone, and the people who made the big money will probably go back down south and say good-bye to Old Crow, that's all the money they would take to the good country when they made it and said good-bye to their good friends.

I do think that after all the job is done, supposing the pipeline goes through here, all the jobs will be done and there will be nothing left. That made the people happy but after there is nothing left, there is very few old Crow people who is going to stay, because there are sad things that will come to Old Crow.

Perhaps the young people, after they have seen all this activities near Old Crow, and then nothing left behind, and this place with what few people are living there now, would be just like a ghost town to them and they would feel very sad. They are going to have to leave, where there is more activities going on, going into cities.

We have a school here in Old

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Crow, after they get through Grade 8, then the children go to Whitehorse. They will probably go up to Grade 9 and Grade 10, after they go through that, some of them go through Vocational School, but still they know they have got a good country up here, the parents are here, and most of them come back to their home.

Now, the reason why I said the kids are coming back to Old Crow is because they know they could make their living out of the land here. Now, when the young boy come back from school from 10 Whitehorse, he's in Grade 10, but he quit school 11 because he likes to come home, he feels sad about his 12 home, but the country is still here and home, and he 13 knows that he could take a boat, set of fish net go 14 three or four miles out of town, he's sure he's going 15 to get something to eat. 16

When the caribou come, he could take a boat upriver and kill a few caribou, all he needed is a pot to boil the meat and a frying pan, that's all he needs, and he can -- they don't go hungry.

This is the reason why we would like to keep our country like this, without so many people coming to the country and starting pipelines and bringing good things into the village and then leave everything bad, nothing left for the rest of the people in Old Crow. And I do think the native people in Old Crow are very happy the way they are, the way they are living right now.

And I would like to say we

don't like to cut our friends' throat way down south 1 and make them sad, we don't make them happy because we 2 don't like the pipeline near Old Crow, the cheapest way 3 they could build their pipeline. We don't want to have 4 people have hard feelings against us because we only 5 have the right to protect ourselves and our children in 6 7 this country. I would like to bring up to 8 Judge Berger that we had a three year project here. 9 Renewable Resources was up 10 here studying the caribou and we know how the caribou 11 reacted, all this period of three years, they didn't 12 stay a whole year's time but they stayed here from the 13 1st of March until the last part of October. And we 14 know the caribou have done a lot of travelling, they 15 run all summer long, they travel until late in 16 December, the caribou settle somewhere else. The 17 caribou didn't stay near Old Crow. 18 19 The reason why I bring this up is that we know we already had effect with the 20 caribou when there was too much traffic for the animals 21 22 and start chasing them all over the country. 23 Now I suppose there's a pipeline and there's a lot of people up here in this 24 area here, probably they are going to disturb some 25 animals such as caribou, moose, because these animals 26 that live in this country never heard much of this kind 27 of noise and it is probably going to disturb the 28 animals and start leaving the country. 29 The last word I would say, the 30

people in Old Crow are very few and most of them are 1 2 closely related together and when a few white people come in they are very friendly with the people, but 3 supposing 2 or 3,000 or 10,000 people start to mix up 4 around here, then nobody is going to care for each 5 other, sister or brother, cousin or not, big traffic and 6 a lot of people, crowded, people who don't care too much 7 for each other. All this is going to happen. Again I say 8 thank you to -- for Judge Berger to come up and listen 9 to Old Crow people and myself and thanks very much for 10 giving me the opportunity to make a speech this long. 11 Thank you. 12 13 THE COMMISSIONER: Thank you, Mr. Lord. 14 15 16 (WITNESS ASIDE) 17 18 19 THE COMMISSIONER: I think we are tout half-way through the afternoon, so maybe we 20 21 will just take 5 or 10 minute break and just get a little fresh air for a few minutes. 22 23 24 25 (PROCEEDINGS ADJOURNED) 26 27 28 29 30

1 2 3 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT) 4 THE COMMISSIONER: Ladies and 5 gentlemen, I think we will call our meeting to order 6 7 and those of you who wish to say something will have that opportunity this afternoon. 8 I thought that what we would 9 do is we'll just carry on now until 5 o'clock, and at 5 10 o'clock we will stop for supper and then we will come 11 back at 8 o'clock tonight and hold the hearing tonight 12 for as late as you want me to remain, and then we will 13 start again tomorrow afternoon at 1 o'clock and go till 14 5 tomorrow afternoon and then come back at eight 15 o'clock tomorrow night and go along tomorrow night 16 17 until we have to go to bed. So, we'll just carry on now 18 then till about 5, if that's all right. 19 Would you swear this witness. 20 21 please? 22 CHARLIE PETER CHARLIE, Sworn: 23 24 THE WITNESS: Judge Berger, I would like to say a few words of what both women and 25 men are saying, I would like to put in a little piece 26 at the same time. 27 28 THE INTERPRETER: 29 Berger, everybody is talking about the land, our land on which we live for many years. We know that this 30

land which we are living on now, it's because we worry about what's going to become of it, because of the project that's coming on it, and we don't want our good land to be destroyed.

Now, as we are talking about this land, our land, we are very happy to live on it, same as our ancestors did many years in the past. They were happy to be born and raised in this land, and how they made their living out of this land. We want same way with the land that we live on today.

Now, not only for ourself, but for our younger generation in years to come. row, for many years, as we live on this, our land, nobody have come around too much, and nobody have told us how we should make our living out of the land that we are living on.

We have been born and raised on this land and have learned to make our living out of this land. We live to be a very happy people, we were not told how to be happy, the way we should make our living. For many years, as we have lived on this land, as we say we are happy. Now today through the many changes that is coming upon us now, we see lots of good things and we get these good things, and no matter how good we look after these good things that we get now-a-days, it spoil on us very fast, or break down on us.

Now, this land that we live on, as far back as I remember, it's still always the same. Now, through the changes of the project that is

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coming into this land, we don't want it to be broken 1 down by what is coming into this, our good land. 2 Our younger generation, it 3 will be in the time of our younger generation, when 4 this proposed pipeline would be coming through and then 5 things would be very hard to get. I suppose the young 6 generation will say this was one time a good land for 7 our fathers, now it's not the same as what it used to 8 9 be in the past. Now, today because of this 10 proposed pipeline coming through our country, we worry 11 about what will happen to our younger generation, and. 12 that is the reason why I don't want the pipeline. 13 Now, many years ago in the 14 old days as we call it now, everybody in this, that 15 lived on this land were all happy people. They share 16 with one another, they had no grudge against one 17 another, but now-a-days through the changes that have 18 come upon us now, we see it very different. Now we 19 don't like to see everything worse to come into our 20 21 good land. 22 Many years ago again, and for 23 many years now, ever since the white people have come amongst us, they make rules for us to live by, and 24 through these rules if we go by the rules that they 25 give to us, they made lots of promises through these 26 27 rules that they make for us to live by. Now, in the early days 28

when they done that with us, we didn't understand

too well. All we understood was to say "Yes",

and it's too often that we have said "yes", on this matter.

Now, as we are getting older, we think of all that has happened in the past and also for the years to come. Now we hear about this pipeline, this proposed pipeline coming into our land, we don't like it but still we don't say too much about it, but we all are thinking about what would happen.

You see this Crow Mountain just back of the town here, Judge Berger, what used to be a hunting place for the people here, and to find out w1 I mean is to go up there and you will see all the antlers what is left behind, it is just white with them up on that mountain, the horns. Well, we understand that the pipeline is going to be only eight miles, from here, so if it does come through that distance, 11 the caribou will not be seen again as they did in the past around this mountain here.

People used to move up there when the caribou come, to make dry meat, to make good food, the food that they love, and also it's a great place to get wild berries, which also, they love very much. The place that I'm telling you about on this mountain that you see from here is not the only place; all the way up the Porcupine, there are many hunting places that the people have been for many years, and that is where this proposed pipeline is going to be, according to what we see on the map.

Now, the people are worried about that, because it's going through their hunting

ground and they are not going to be hunting if the pipe, line goes through their hunting grounds.

Now, today we have schools and we have our young children, young people go to school, but whatever they try to sell to the school during holidays, we are trying to bring them up to where we know that our parents have taught us to make our living, the way that they were also taught to make their living off the land.

There are many times when we take our young people out to show them how we hunt and how we make our living out of the land. They are very interested and they ask many questions of how we have made our living out of the land that we live in. This is the reason why that we want to talk very strongly about our land, what is going to become of our land.

When an Indian don't like what he hears is going to happen to his land, he talks a lot, he likes to he understood what he is talking about, of the land that he loves very much.

Now, this Crow Flat where we hunt our rats, it's a very good place. It's an easy place to make a living, even if you don't know how to hunt. If you are put there on the Crow Flats, all you have to do is set your traps and put it on the flat or on the grassy spot around the lake edge, and you will catch rats, and that is how easy it is for a child even a child that has no one to teach them how to make a living out of the land.

That is the reason why the Old

Crow people talk a lot about that Crow Flat. I started trapping with my father on the Crow Flat ever since I was eight years old. In those days, my dad used to live way up the Porcupine, up around Johnson Creek, that's where we used to live. In those early days when I was just a young kid, my parents, my dad and his two brothers and their father, they used to live way up in Johnson Creek and that's where they done their fine fur trapping, and also hunted moose. And since I was eight years old, I learned by my dad how to make a living out of the country and I have done that all my life until just a few years when I got a job here in the school.

And for that reason, I know very well how to go about knowing what a person would need to make his living off the land. I have a big family, and a lot of them are grown up now and are beginning to understand about how to make their living, but still I worry about the years to come, how they would make their living off the land.

Now today we hear a lot of this proposed pipeline coming through our land here. Now because of the way we talk about it, this will make us happy in the years to come, when our children are all grown up. So that is the reason why today we are all trying to talk as much as we can about this propose pipeline, because we want everything to be in favour to turn out good for our children in years to come.

There is another thing too about this pipeline; if after it was put there, and

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it happened that we have an earthquake, this will damage the pipeline, and by the pipeline getting damaged, it will affect a lot of the good land. What will happen then? This is what we are trying to let you know, Judge Berger, that if anything happened to this pipeline, that is what worry us now-a-days, and so that is why we are trying to tell you what may happen to this proposed pipeline. Now, this is all I would like to say to you at this time, but I may want to say some 10 11 more to you again. I have got some 12 MR. VEALE: questions, Charlie Peter. If the pipeline were built in 13 Old Crow, there would be camp of men near Old Crow. 14 What do you have to tell the judge about that? 15 16 THE INTERPRETER: Charlie Peter Charlie said that he didn't feel that it would be 17 very good, because like our young people today, that 18 the people here, the parents are trying to train them 19 the right way, that if a camp come near or a camp near 20 to this village, it may cause a lot of problems to what 21 22 these people here are trying to train their young 23 people. Well Charlie 24 MR. VEALE: Peter, maybe you could tell what kind of problems. 25 THE INTERPRETER: He said the 26 main problem would be alcoholic, alcohol. Today they 27 get only one plane once in a while and still they get 28 lots of alcohol coming into the Territory, or the area. 29 Young people are that close with this pipeline, they

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-- there will be roads coming into, along the pipeline, and this will make lots of traffic and it will bring lots of people and-it would also bring a lot of alcohol which would be given to the young people, both boys and girls, and this would cause a lot of problems for many families. MR. VEALE: Charlie Peter, I would like to ask if you remember when the winter road came through Klo-Kut, maybe you could tell the judge about that? THE COMMISSIONER: someone could point out Klo-Kut for my benefit, before we go any further. MR. VEALE: Now, Charlie Peter, do you remember when the winter road came through Klo-Kut and if you could tell the judge about it. THE INTERPRETER: when the road came through a few years back, this-through this Klo-Kut, he says they hit the river not too far up here, where the animals were on the river and that is where they came and hit the Porcupine, and from there, the foreman came down here and visited them in the school here in the furnace room, and that's where they mentioned about just where they hit the river and also where this old camp was many years ago. They hit the Porcupine, it was a stopping place for many people many years ago, because it's a place where the caribou migrate across the river, and that's where they used to hunt caribou by -- mostly by spearing them or shooting them with a bow and arrow,

and so it's not just few families that have lived there, but many families, and it used to be a great stopping place for the people of this north land.

He says that is where they hid the river and so they said that is where they would cross the river. The people here didn't want that old stopping place to be disturbed so they told them that further down the river would be a good place to cross because it's not deep water, but still they didn't listen and they went and crossed that river where that old stopping place was.

He says there are many people working there now, they are digging up things that the people lived with many years, many years ago, by losing it or forgetting it and that is what they are working on right now. They got several people working up there.

Now, by finding what they are working with now, they know how long ago that these people have lived there. The foreman in that camp, the people here wants him to be here so he could give or help out in the date how long that this stuff has been in that ground.

MR. VEALE: He will be coming. Charlie Peter, you might also tell the judge about Caribou Lookout and Caribou.

THE INTERPRETER: Further up the river, where they call the Caribou Lookout, where they watch for caribou. Now, this is during -- after break-up, spring time that these people do that. Now, this was done by people many years ago, but today he

says we are still doing that, but today we go up by scow and kicker, we go up there and hunt caribou the same way the people did, but I don't believe it's not the same way, because Peter, I think he use rifle. In the old days he used to spear them, but they still do, that's what the old people done with spears, they go and hunt meat to put up for the spring, spring time.

MR. VEALE: Charlie Peter, maybe you could tell the judge about this map that is behind him, about the people who made it.

THE INTERPRETER: Now this map here that you see was made by a person named Bob Sharpe. John Stager and Bob Sharpe, which were working with the people around this part of the country. There was four of us, there was Neil and Charlie and Peter Charlie and Peter Lord here that were asked to help to make this map.

He said we a lot of work to make this map here, what you see. Now, the map is made across to Rampart where the Alaska line is and all the way up the Porcupine. Now, we also put the names on the map of what the places were called. Many different names and many different places. You will find out by the numbers that we have on the names and places on the map and it took a lot of work to maker what you see here.

The four of us that make this map, there were some younger - he mentioned three more names, went over this map and wrote down -- had to write down all the names that you see here on the side,

and probably the numbers too, that is on the map. 1 Before your visit, Judge 2 Berger, but as we were preparing for your visit, that 3 map was mentioned, to have a map up during your visit 4 here, that this map was mentioned, which was made by 5 the natives here, the people here, and so that's how 6 that we got this map up to show you what we have done, 7 and also to show you what we are talking about on the 8 land. 9 Now, we are having it up now, 10 but after this inquiry is over, we want to give you 11 this map which was made by the people of Old Crow. 12 THE COMMISSIONER: Well that 13 would be very useful to me and to the Inquiry to have 14 this map. I notice that -- can I ask a question? 15 16 I notice that all of the places that have been given names in the English 17 language, have names already in the Loucheux language. 18 There are quite a few places that have names in the 19 Loucheux language, but no names in the English 20 language. Is that because the people that prepare the 21 22 official maps haven't yet chosen English names for those places? Do you know? I appreciate that it's --23 THE INTERPRETER: The answer. 24 he says there are a lot of places we know the name of 25 the places, because it's our country and we know it 26 from away back, so we know the name in our own language 27 but we don't exactly know the meaning of it in English. 28 M'hmm. 29 THE COMMISSIONER: 30 THE INTERPRETER: So that is

the reason why we just put the name that we know, we 1 don't put down the name if we don't know. 2 3 THE COMMISSIONER: Well, I understand; the point is that you gave names to all of 4 the places, these lakes and rivers and hills and 5 mountains because the people used them, have used that 6 7 land and all of those places for many years, I understand that. 8 THE INTERPRETER: 9 Yes. MR. VEALE: Charlie Peter. 10 you also sometimes go into the school and teach younger 11 children. Could you tell the judge about that? 12 13 THE INTERPRETER: For the past four years I have been teaching the children here 14 in the school, and mostly in their own language, and 15 what I would teach them in their own language, I would 16 17 write it on the blackboard and from there they would put it into their books of their own language. 18 19 And that is the way I have been teaching that. After they have put it in their 20 book, only then I would go back and tell them what it 21 22 means, the meaning of the language that I have put on 23 the blackboard for them to put into their books. 24 And many times too, between that I tell them some of the very old time stories that 25 I know of. Now, I notice from this last winter, when I 26 start writing down on the blackboard of the words that 27 I have been trying to teach them, I see -- I notice 28 that they read them just as soon as they see it written 29 on the blackboard.

1	I try and help them in many
2	ways to learn and through my teaching theme I give them
3	I ask them to ask questions, so in that way I would
4	want them to ask me what they want to know, and they
5	are willing to do this and ask questions about what
6	they want to learn.
7	That's all.
8	THE COMMISSIONER: Thank you,
9	Mr. Charlie.
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11	(WITNESS ASIDE)
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13	WILLIAM SMITH, Sworn
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15	THE COMMISSIONER: Would you
16	like to sit down?
17	THE WITNESS: I prefer to
18	stand up, if you don't mind, sir.
19	THE COMMISSIONER: I think it
20	is about 4:30 and I understand Mr. Smith's presentation
21	will take a little while, so I should say that I think
22	Mr. Smith is the last person that I will hear this
23	afternoon, but we will adjourn about 5 and we will back
24	here at 8 o'clock tonight and I'll hear others then,
25	and of course tomorrow afternoon and tomorrow night as
26	well.
27	And I have been asked to say
28	that the Co-op will be open from 5 o'clock to 6 o'clock
29	tonight, so that I guess that's good news, I don't
30	know, I'm sure it must be.

PETER LORD, Sworn as 1 2 Interpreter: 3 MR. SMITH: My name is William Smith, I am a resident of Old Crow. I appear, 4 although I am married to Tabetha Kiakavitchik (?) 5 Smith, I appear on this occasion on my own behalf, and 6 I appear to put before the Commission information in 7 the form of documents and my observations and 8 conclusions based on these documents which touch upon 9 the question of sovereignty, property and possession of 10 the lands in which the applicant seeks to acquire 11 12 interests. It's my thought that this, 13 these facts -- this information which I hope to lay 14 before the Commission clearly will -- may take a place 15 and have some value in the deliberations leading to the 16 17 report they give to Mr. Buchanan. I think the best point for me 18 to start is with the debates and I will put this in 19 evidence, Mr. Commissioner, debates of the House of 20 Commons of the Dominion of Canada, fifth Section, Third 21 22 Parliament, 41 Victoria 1878 Volume 5, Second Volume of the Session, and this has to do with the northerly 23 boundaries of Canada, the northerly boundaries of 24 Canada, and when I use the word "Canada" in this 25 appearance, Mr. Commissioner, I use it in the strict 26 sense, the sense in which it is presented in Section 4 27 of the Act of 1867. Canada is Canada as constituted by 28 the provisions of this Act. 29 30 So we are concerned here with

the northerly boundaries of Canada. Mr. Mills, who I presume at that time was the Secretary of State in Mr. McDonald's cabinet, presents to the Commons, four resolutions, and I will read these into the record, if I may. I have not a second copy of this document or I would lay it before you.

First, the first resolution,
"The doubt exists regarding the northerly and
northeasterly boundaries of the Northwest Territories and Rupert's Land transferred to Canada
by order of Her Majesty in Council, 22nd June,
1870, incorporating the Territories of the Hudson's Bay Company and the Northwest Territories
of Canada".

I make a slight interpolation here, a parenthetical insertion. I believe Mr. Mills was in error because the Statute, the British North America Act, 1867, Section 146 admits the Northwestern Territory and Rupert's Land and in the litigation which has been instituted, we will be insistent that the language of the Statute be used. This is a parenthetical interpolation.

Resolution number 2,
"That the discovery and working of minerals in the vicinity of Cumberland Sound
has recently been reported and other matters have been transpired which make it
important that all doubt respecting the
jurisdiction of Canada, all of those
parts of British North America, should be

1	removed with as little delay as possi-
2	ble".
3	Resolution 3.
4	"That correspondence has taken place
5	on the subject between the Government
6	of Canada, the Government of the
7	United Kingdom of Great Britain
8	and Ireland which, through the
9	Right Honourable Secretary of
10	State for the colonies has inti-
11	mated",
12	intimated
13	"willingness to transfer to the Do-
14	minion of Canada all the territories
15	in question and has invited the ex-
16	pression of the views of the Govern-
17	ment of Canada respecting the propri-
18	ety of legislation for that purpose".
19	I stress here the words "has
20	intimated willingness to transfer". The point that I am
21	driving at, or the message which I desire to leave with
22	the Commission is that the transfer has not transpired.
23	In other words, the government has expressed a
24	willingness to transfer something to the Dominion of
25	Canada which, as of the Order-in-Council of 1870, had
26	not been transferred to Canada.
27	The fourth resolution is,
28	"It is expedient that the right of Can-
29	ada to all British North America
30	and the islands adjacent thereto, not

including the Province of Newfoundland, 1 should be placed beyond question and 2 that the offer of Her Majesty's Govern-3 ment to transfer the said territories 4 5 to Canada be accepted". 6 Once again, the intimation is that the transfer has not been made, the Government of 7 Canada is expressing its willingness to accept a 8 transfer of these lands beyond the northerly limit. 9 10 "That to avoid all doubt in the mat-11 ter, it is desirable that an Act of 12 the Parliament of the United Kingdom 13 of Great Britain and Ireland should 14 be passed defining the northeast-15 erly, northerly and north-westerly 16 boundaries of Canada as follows: 17 That is to say, on the east side of 18 the Atlantic Ocean, which boundary 19 shall extend towards the north by 20 Davis Straits, Baffin Bay, Smith 21 22 Straits, Kennedy Channel, including all the islands in and adjacent 23 thereto which belong to Great Brit-24 25 ain by right of discovery or otherwise. 26 27 On the north, the boundaries shall be --" 28 29 On the north, the boundaries shall be --30

so extended as to include the entire continent to the Arctic Ocean and all islands in the same. Westward to 141 meridian west Greenwich, and on the northwest by the United States Territory of Alaska".

I underscore in this resolution the words "On the north, the boundaries shall be so extended as to include the entire continent of the Arctic ocean", from wherever the boundary may have been in their minds, they want now to extend it further.

"That the Parliament of Canada on the transfer of the beforementioned territories being completed shall have the authority to legislate for their future welfare, good government and have the power to make all rules and regulations respecting them the same as in the case of other territories and in the Parliament -- and the Parliament of Canada expresses its willingness to assume the duties and obligations consequent thereunto".

In Resolution 6, I underscore the words, "On the transfer of the beforementioned territories being completed". These are the resolutions and in his statement to the Parliament, Mr. Mills go on to say, and I will not read the whole testimony but I will read certain portions which sustain the point I'm trying to make, that there is

ond".

doubt and that certain territories of Her Majesty's
British North American possessions, were not aggregated
ad admitted into and included in Canada by the Orderin-Council of 1870.

He would observe, Mr. Mills
would observe that the boundaries of Canada on the
northeast and northwest were not wholly defined. Again
he says,

"The boundaries of the northwest were
never very clearly known and the
boundaries of Rupert's Land were only
given in the Charter which conferred
this country and the Hudson's Bay Company in the time of Charles the Sec-

Mr. Mills goes on, he proposed by this resolution to take the necessary steps to have these territories which he delineated in his resolution, have these territories transferred to Canada and to remove all doubts with regard to our exact limits at the north and northwest.

The thrust again that I am making, the thrust here is that this is a proposal, there is an extent in the Canadian -- in the northwest of Her Majesty's British North American possessions which was not made a part of Canada, Canada by the Order-in-Council of 1870.

I proceed in this document to the testimony of Sir John A. MacDonald. Sir John A. says -- he had read last night, the papers la-2d on the

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table. These are the documents relating to the oil
1
   correspondence referred to before between the Colonial
2
   and the Government of Canada.
3
                              THE COMMISSIONER:
4
                                                 What year
5
   did Sir John make his statement that you are about to
   read, what year was that again?
6
7
                              THE WITNESS:
                                            This is May 3,
8
   1878.
9
                              THE COMMISSIONER:
                                                 Was he
   then Prime Minister?
10
                                            Prime Minister,
11
                              THE WITNESS:
   Sir John A. was Prime Minister at that time.
12
                              He states in this document,
13
   he had read last night the papers laid on the table. He
14
   thought that the Ministry had acted with due discretion
15
   in laying them before the House in a semi-confidential
16
   way. The less publicity was given them, the better,
17
   because there were suggestions in them which might be
18
   used against us if they fell into unfriendly hands.
19
   Therefore, the government had acted prudently. The
20
   implication there is that -- the implication that I
21
22
   derive from this, from my observation here is that it
   might have been the common, understanding that by the
23
   act -- the Order-in-Council of 1970, all of British
24
   North America beyond the Rupert's Land possession, the
25
   Hudson's Bay Company possession was included or
26
   admitted into the union, but in fact this may not have
27
   been so, and it is my opinion that this is why Sir John
28
   A. MacDonald stated that, as you will see if you this,
29
      these resolutions were presented to the Parliament
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1	in the last day of the session, I think, and Mr.
2	Mitchell of Ontario had been complaining that he had
3	not had a chance to read the papers tabled, why the big
4	rush. It appeared to him that we are sneaking it
5	through, and I have just read Mr. MacDonald's response
6	and it is well-to keep this matter privy.
7	In other words, if this
8	territory was not a part of Canada, we better get it
9	attached. before somebody finds out about it.
10	Now, I will present this
11	evidence.
12	THE COMMISSIONER: That will
13	be marked as an Exhibit.
14	
15	(RESOLUTIONS MARKED AS EXHIBIT C-63)
16	
17	THE WITNESS: The Senate
18	this was transferred to the Senate. And the Senate was
19	prepared to consider the address to Her Majesty
20	forwarded to them by the House of Commons, and this is
21	the address that they were concerned.
22	
	"Most gracious Sovereign, we your Maj-
23	"Most gracious Sovereign, we your Maj- esty's most dutiful loyal sub-
23 24	3
	esty's most dutiful loyal sub-
24	esty's most dutiful loyal sub- jects, the Parliament of Canada? the
24 25	esty's most dutiful loyal sub- jects, the Parliament of Canada? the Commons and Senate of Canada in Parlia-
24 25 26	esty's most dutiful loyal sub- jects, the Parliament of Canada? the Commons and Senate of Canada in Parlia- ment assembled, humbly beg
24 25 26 27	esty's most dutiful loyal sub- jects, the Parliament of Canada? the Commons and Senate of Canada in Parlia- ment assembled, humbly beg leave to approach your Majesty

1	aries of the Northwest Terri-
2	tories",
3	and I insert in parentheses here, In my estimation
4	this is an inaccuracy, it should state as in the language
5	of the Act, the Act of 1867, the Northwestern Territo-
6	ries.
7	"The northerly and northeasterly
8	boundaries of the Northwest Terri-
9	tories and Rupert's Land trans-
10	ferred to Canada by your Majesty
11	and by order of Your Majesty in
12	Council of the 23rd of June, 1870
13	incorporating the territories of
14	Hudson's Bay Company and the
15	Northwest Territories with Canada
16	n
17	I was disregarding that.
18	"That it is expedient that the
19	right of Canada to all British
20	North America and the islands ad-
21	jacent thereto, (not including the
22	Province of Newfoundland') should
23	be placed beyond question, and the
24	offer of Your Majesty's government
25	to transfer the said territories
26	to Canada be accepted.
27	That to avoid all doubt in the
28	matter, it is desirable that the
29	Act of an Parliament of the United
30	Kingdom of Great Britain and Ireland

1	should be passed, defining the north-
2	easterly, northerly, northwesterly
3	boundaries of Canada as follows",
4	and the territorial delineation is the same.
5	Now, the point, I would put
l	this in evidence as well.
6 7	chis in evidence as well:
l	/ TOUDNALS OF MUE SENAME 1979 MOTUME VIT MADVED AS
8	(JOURNALS OF THE SENATE 1878, VOLUME XII, MARKED AS
9	EXHIBIT C-64)
10	MUE MIMMECC. I have now and
11	THE WITNESS: I turn now, and
12	I will present this in evidence, I have a copy of this
13	if you wish to take it.
14	(COURT RECORDS, ISLE OF WIGHT, JULY 31, 1880, MARKED
15	AS EXHIBIT C-65)
ا م ،	
16	
17	THE WITNESS: The address
17 18	accepted or approved or agreed to, the Motion
17 18 19	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons
17 18 19 20	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn
17 18 19	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons
17 18 19 20	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn
17 18 19 20 21	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is
17 18 19 20 21 22	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle
17 18 19 20 21 22 23	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His
17 18 19 20 21 22 23 24	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His Most Excellent Majesty, Court President, Lord Steward,
17 18 19 20 21 22 23 24 25	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His Most Excellent Majesty, Court President, Lord Steward, Lord Chamberlain, and this is the text of the
17 18 19 20 21 22 23 24 25 26	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His Most Excellent Majesty, Court President, Lord Steward, Lord Chamberlain, and this is the text of the instruction:
17 18 19 20 21 22 23 24 25 26 27	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His Most Excellent Majesty, Court President, Lord Steward, Lord Chamberlain, and this is the text of the instruction: "WHEREAS it is expedient that all Brit-
17 18 19 20 21 22 23 24 25 26 27 28	accepted or approved or agreed to, the Motion presenting the proposed address by the House of Commons to the Senate was agreed to by the Senate, and I turn now to what the result of the address was. And this is an Order-in-Council at the Court of Osborne House, Isle of Wight, the 31st day of July, 1880, present the His Most Excellent Majesty, Court President, Lord Steward, Lord Chamberlain, and this is the text of the instruction: "WHEREAS it is expedient that all Brit- ish Territories and possessions in

which are not already included in the 1 2 Dominion of Canada", and I halt once again parenthetically to stress 3 the fact that there exists Territories , Posses-4 sions and islands which are not already included 5 in the Dominion of Canada. This instrument, and I 6 7 go on to say, "These Territories and Possessions 8 which are not already included 9 in the Dominion of Canada should, 10 (with the exception of the colony of 11 Newfoundland and its dependencies,) be 12 annexed to and form part of the said 13 Dominion". 14 Of the said Dominion, I stress this. 15 16 I skip a paragraph and I go on to the -- I skip a paragraph in the instrument, Mr. 17 Commissioner and I proceed to the effective section: 18 19 "AND WHEREAS Her Majesty is graciously pleased to accede to --" 20 MR. COMMISSIONER: Like, Mr. 21 22 Smith. Everything that -- all the people who are speaking here today is taken down and of course that 23 applies to you as well. Could you just go a bit slower 24 25 when you are reading these documents so that the court reporter can get it down. 26 27 THE WITNESS: 28 "AND WHEREAS Her Majesty is graciously 29 pleased to accede to the desire ex-30 pressed in and by the said address",

which has been presented in evidence, 1 "Now therefore it is hereby or-2 dered and declared by Her Majesty 3 by and with the advice of Her Most 4 Honourable Privy Council as fol-5 lows: From and after the 1st day 6 7 of September, 1880, all British Territories and Possessions in 8 North America, not already in-9 cluded within the Dominion of Can-10 ada , "and all adjacent islands 11 thereto, "and all islands adjacent 12 to any of such Territories or Pos-13 sessions shall, (with the excep-14 tion of the colony of Newfoundland 15 and its dependencies) become and 16 be annexed to and form part of the 17 said Dominion of Canada and become 18 and be subject to the laws for the 19 time being enforced in the said 20 Dominion insofar as such laws may 21 22 be applicable thereto". 23 Now, I have indicated in my opening remarks to you, Mr. Commissioner, that I am 24 bringing forth material which I think bears on the 25 sovereignty, the property and possession of these 26 lands through which the proposed pipeline will , I 27 bring to your attention, in view of the fact that 28 the address desired from Her Majesty, an Act of 29

Parliament which would define specifically certain

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limits of Canada, Canada by the wording of the Act
1
   of 1867 is the union.
2
3
                              Now, I will turn to -- I will
   turn to the British North America Act of 1867, Section
4
5
          "It shall be lawful..."
6
   and I won't read the whole thing, but I'll say it.
7
          "It shall be lawful for Her Majesty to admit",
8
   and I am sorry, I have not got a copy of this
9
                              THE COMMISSIONER: Carry on.
10
                              THE WITNESS:
11
          "It shall be lawful for her Majesty to
12
          admit into the union",
13
    "admit into the union", I stress the language. This is
14
   the language of the instrument,
15
          "...Rupert's land and re northwestern Terri-
16
17
          tory".
   Now, this language is restrictive; there's no, I can't
18
   find it in my mind to interpret this a' being synonymous
19
   with the words.
20
          "It shall be lawful for Her
21
22
          Majesty to admit into the union
23
          all the rest of British North
          America except the Provinces of
24
          Ontario, Quebec, Nova Scotia,
25
          New Brunswick, British Columbia.
26
          Prince Edward Island and Newfound
27
          land".
28
29
                              This is restrictive, her
   Majesty in this instrument, the Act of 1867, is
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permitted by Parliament, authorized by Parliament to admit into the Union, the Northwestern Territory and that must be envisaged as an entity, "the Northwestern Territories". The language doesn't say north of the Hudson's Bay Territory, Rupert's Land it doesn't say that, it specifies the Northwest Territory and Rupert's Land may be admitted on address and all the rest of it. Now, in contra-distinction, and to indicate and prove the fact that there is extent in British North America, something that we not 10 included under the terms of Section 146, we have this 11 instrument here, everything not included -- not 12 included in the Dominion, in the Dominion. It doesn't 13 say "admitted to the union", it says "included within 14 the Dominion". 15 16 Now, I make a crucial point here. As of the date of the issue of this instrument 17 there is a distinction between Her Majesty's Dominion 18 of Canada and the Union of Canada. By this 19 instruction, a piece of Her Majesty's British North 20 American territory is aggregated, it's a territorial 21 aggregation, the territories previously comprised in 22 the Union of Canada. This is a territorial 23 aggregation. This is an annexation, but the terms of 24 annexation are very loose. The only thing Her Majesty 25 gives to Canada, if you can say gives it to Canada, 26 she hasn't given Canada anything. All she says in this 27 instrument which is a prerogative act, this is a 28 prerogative act, Her Majesty simply decrees that this 29 new piece which previously had not been included in

the Dominion, is by this instrument, aggregated to the 1 territory and what was a part of, an unstyled part of 2 British North America now becomes a part of a styled 3 Her Majesty's Dominion of Canada, but 4 there is nothing -- it is not, this territory is not 5 admitted to the union, and Her Majesty simply decrees 6 by this, that the laws this territory, this newly 7 aggregated territory shall become and be subject to 8 the laws for the time being in force in the said 9 That says, Her Majesty says that that 10 bundle of laws in force within her Dominion of Canada 11 as of 31 July, 1880 are now the laws of this 12 previously lawless, if you wish to put it that 13 way, unincluded territory. She does not 14 constitute the Parliament of Canada as a legislative 15 authority. 16 The address by the Parliament 17 of Canada asked Her Majesty, by act of Imperial 18 Parliament to constitute the Parliament of Canada as 19 thc legislative authority for this territory, but Her 20 Majesty acceded to the desires expressed, but not to 21 22 the extent and not in the manner that the government of Canada had wished, to preserve it as -- and clarify and 23 strengthen its status as a British possession she 24 annexed it to the Dominion of Canada, but that does not 25 say that she put it under the jurisdiction of Her 26 Majesty's officers in Canada. There is no inkling here 27 of a beneficial interest. I see nothing in here that 28 gives Canada a beneficial interest. I see nothing in 29 here that makes Parliament, gives Parliament the right

to legislate for this. I see nothing in here that 1 constitutes Her Majesty's officers in Canada, in Canada 2 3 as --THE COMMISSIONER: You say it 4 was an imperfect transfer of ownership and sovereignty 5 of this land, is that it? 6 7 THE WITNESS: I don't say that at all, I say that this land, by virtue of the 8 Royal Proclamation, the Royal Proclamation --. 9 got it somewhere, the Royal Proclamation divides Canada 10 into three sovereignties. The Royal Proclamation 11 divides Canada into three sovereignties, Quebec, 12 Rupert* Land and a Royal Preserve, a Royal Preserve, 13 and this is a residuary provision here. All -14 THE COMMISSIONER: You mean 15 the Royal Proclamation of 1763? 16 17 THE WITNESS: The Royal Proclamation of 1763, yes sir. The Royal Proclamation 18 of 1763 constitutes three sovereignties, Quebec -or 19 recognizes three sovereignties, Quebec, Rupert's Land 20 and all the rest, all the rest of my British North 21 22 American possessions, except the middle Atlantic proprietorships and colonies, All of that is reserved 23 unto Her Majesty, she took it unto her sovereignty, 24 25 protection and Dominion. She reserved it unto herself, 26 and she reserved it unto herself as a Royal Reserve 27 28 for the Indians, and she prohibited entry to any of her subjects, and she says in fact, none of my governors 29 shall grant patents -- patents for land 30

or pass warrants of survey beyond the bounds of their 1 commission under any pretense whatsoever, under any pre-2 tense whatsoever, so we have three sovereignties. 3 Now, the Act, and I put 4 this in evidence, the Act for Regulating the Fur 5 Trade, George IV, C. 66, 1821. I put this in 6 evidence and a reading of this, a reading of this 7 once again will indicate that the Parliament of 8 Great Britain recognized three sovereignties. 9 says in there that "it shall be lawful for Her 10 Majesty to issue a licence for monopoly trade", in 11 the Indian -- and the language of the instrument --12 in the Indian That is the territory -- and once 13 again we have a residual, a residuatory provision. 14 This licence,., exclusive fur trade is valid in all, 15 of British America except Canada and Rupert's Land, 16 so there again a reiteration of three sovereignties 17 with the portion of British North America north and 18 west of Rupert's Land is a reserve, a royal reserve 19 and it's a reserve in which all rights, and this 20 Lord Watson, this comes from Lord Watson in St. 21 Catherines Milling and Lumber. 22 23 A reading of Lord Watson's decision in St. Catherines Milling and Lumber will 24 indicate that in this Indian -- in the territory 25 reserved -- the territorial reserved by her unto 26 herself for the use of the Indians within that 27 territory the rights are divided two ways only between 28 Her Majesty and the Indian people. There is no third 29 party, and the lands that have not been ceded or sold

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is what I mean to say. Within that royal reserve,
1
   and that is the land of north of Rupert's Land, that
2
   would be the Athabasca, Mackenzie, Porcupine River,
3
   Yukon River drainage, within that land which is
4
   reserved until Her Majesty, she reserves it for
5
   herself, but she bestows it -- possession of it,
6
7
   possession of it on the Indian people, as long as they
   have not ceded -- ceded unto her or she has not
8
   purchased their interest.
9
10
    (ACT FOR REGULATING FUR TRADE GEORGE IV c66 (1821)
11
   MARKED AS EXHIBIT C-66)
12
13
                              THE WITNESS:
                                            What I say now
14
   is this land has not been acted upon except
15
   proprietorial manner, except by the Royal Proclamation
16
   of 1763, and I quote in here, in this respect, Campbell
17
   versus Hall, 1774, Chief Justice Nansfield, in this
18
   decision refers to the Royal Proclamation u 1763 with
19
   respect to the newly acquired possessions of Her
20
   Majesty, acquired by the Paris Treaty of February, 1763
21
22
   as the first and material instrument, That instrument
   and this instrument. The Order-in-Council -- of 1880
23
   are the only Royal instruments bearing upon the
24
   territory north of Rupert's Land, that is to say,
25
   Athabasca, Mackenzie, Porcupine River and the
26
   Yukon River. There are no others.
27
28
   instrument that I have presented in evidence, the
   Act for Fur Trade, this grants a fur-trading
29 l
   right, but there is no proprietorship granted
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here, the proprietorship that Hudson Bay had was 1 restricted to that granted by Charles the 2nd, in 2 the charter to the Company. 3 Now, the question comes out 4 now, the question now arises, what is the geographical 5 location and extent of the Northwestern Territory, 6 7 granted that Her Majesty by Order-in-Council of July the 23rd, 1870 says this: 8 "That Parliament of Canada shall have 9 full power and authority to legislate 10 for the future welfare and good govern-11 ment of the Northwestern Territory". 12 There is no question that Parliament and Her Majesty of-13 ficers of Canada have legislative authority and T execu-14 tive authority in the Northwestern Territory and in 15 Rupert's Land. 16 17 But now we come to the question: What is the geographical location and extent 18 of the Northwestern Territory, and I point out here, I 19 will point out here that in the conferences leading 20 Confederation, in the Quebec conference, the London 21 22 conference, in the draught, those -- the resolutions accepted in those conferences, the word "Northwestern 23 Territory" only applies -- occurs. In other words, let 24 me put it this way. The words "Rupert's Land" never 25 The words "Rupert's Land" never occur, and in 26 this document here, which I will - I don't know how to 27 present this, put this in evidence, but I would like to 28 put this in evidence and maybe I can refer to it. 29

THE COMMISSIONER: Go ahead.

1	THE WITNESS: It's called
2	"The Struggle for Responsible Government in the North-
3	West Territories, 1870-1897", "written by Lewis Herbert
4	Thomas, who was provincial activist of Saskatchewan and
5	it was written, published by University of Toronto
6	Press, 1956. He has something to say about this, in
7	this matter.
8	He says here as I have been
9	saying, and as has been said in the Parliamentary
10	debates, the boundaries of the two areas had never been
11	authoritatively settled, that is the Northwest
12	Territory and Rupert's Land.
13	I will read a page 6 out of
14	this document, part of page 6:
15	"There are several important features
16	of this Section of the Act",
17	and this is Section 146 that he is referring to.
18	"In the first place, the existence of
19	two different territorial units in
20	the northwest was recognized.
21	Rupert's Land, the domain of Hudson's
22	Bay was recognized and the Northwest-
23	ern Territory. This distinction had
24	not been observed
25	in the Quebec resolutions of 1864, or
26	the London resolutions of 1866, and
27	more significant, did not appear in
28	the earlier drafts of the British
29	North America bill prepared by the
30	London conference".

In other words, for three 1 2 drafts in the proposed conference, the words "Rupert's 3 Land" do not appear. "This last minute change was a 4 stratagem of William MacDougall, the 5 leading advocate of expansion to give 6 recognition to the Canadian conten-7 tion that there was an area separate 8 from Hudson's Bay domain which if not 9 already by virtue of Canada Explora-10 tion Act was at least not legally 11 possessed by the company". 12 Now, we are at the point 13 here where the Government of Canada has authority over 14 a territory, a territory somewhere in British North 15 America which is defined by the term "the Northwestern 16 Territory and Rupert's Land", but in no document in 17 which I can find is this -- is the geographical 18 location and the extent of this territory defined, so 19 we have the Government of Canada now in the position 20 by virtue of -- by virtue of acts in the -- this 21 22 portion of the country, we will say Porcupine River, the Yukon River, the Mackenzie River and the 23 Athabasca drainage, we have the Government of Canada 24 performing executive acts and the Parliament of Canada 25 legislating, but if I step up and I say "Yes, but this 26 is an assertion of authority and I don't like what 27 you're doing, now prove to me or show to me in such a 28 way that you have the authorities and powers which you 29 are exercising here".

1	Now, this is the position we
2	are at and I will I won't take only a moment, sir,
3	We have formulated this we have formulated this
4	question in the form of an application for declaratory
5	relief filed in the Federal Court of Canada. If you
6	wish it, I haven't got it, but here is the document by
7	which the Clerk of the Court served it on the Deputy
8	Attorney-General of Canada.
9	THE COMMISSIONER: No, you
10	keep that.
11	THE WITNESS: I'll keep that.
12	Now, if you will allow me I
13	have no copy of this either, just a rough draft, but I
14	will it is substantially what is presented and I
15	will read it if you will allow me.
16	THE COMMISSIONER: Well you
17	are really in that -
18	THE WITNESS: Well
19	THE COMMISSIONER: "- in that
20	proceeding begun in the Federal Court, seeking a
21	declaration that the Parliament of Canada has no
22	jurisdiction over the region where we are now, is that
23	it?
24	THE WITNESS: I won't read
25	this, but I will go one step further and then I will be
26	through.
27	THE COMMISSIONER: All right.
28	THE WITNESS: This document
29	was filed, and it's between Tabetha Kiakavitchik (?)
30	Smith and Her Majesty the Queen. It was filed on

the 12th, 12th day of May, it was served on the 12th 1 of May, on the Deputy Attorney-General of Canada. 2 the 11th, according to Federal Court Rules, we are 3 liberty to apply for a default judgment. 4 the Attorney-General of Canada has not appeared to 5 enter a defence. We have moved the Federal Court to 6 give us an order in default of pleadings, and this 7 is the order we are seeking and this will answer 8 9 your question. THE COMMISSIONER: Fine. 10 THE WITNESS: They are asking 11 that the Court order and adjudge that the defendant, 12 not having shown that the lands in the Northwestern 13 Territory admitted into the Union of Canada by and in 14 the Order-in-Council of the 15th of July, 1870, extend 15 northward beyond the northern height of land of the 16 North Saskatchewan River-English River-Churchill River 17 drainage, and in view of that fact, the plaintiff is 18 entitled to relief in the form of a declaration by the 19 court that the acts complained of are not intra vires 20 Her Majesty acting in her right of Canada and to 21 22 clarify I should specify the acts complained of, if you will allow me. 23 24 THE COMMISSIONER: All right. 25 THE WITNESS: Complained of in Section 7 of the Statement of Claim. 26 27 THE COMMISSIONER: 28 THE WITNESS: Acting in Her Majesty's behalf by virtue of the power of executive 29 Government of Canada vested in Her Majesty by the Act

of 1867, certain officers of Her Majesty's Government 1 2 of Canada have. (a) Taken possession of land between 3 Dawson City on the Yukon River and 4 Fort MacPherson on Peel River near 5 its junction with the Mackenzie 6 7 River by causing the construction of a highway. 8 (b) Taken possession of land near the 9 junction of the Old Crow River 10 with the Porcupine River by 11 causing the construction of an air 12 strip, facilities for its 13 maintenance. 14 (c) Granted licences and rights to 15 seek, produce, procure and possess 16 17 minerals in lands of the Porcupine drainage to the benefit of Canada 18 and the grantees. 19 20 And she claims that these activities injure me by 21 22 disturbing my peace of mind and reducing the pleasure I was taking from my life when these activities began. 23 And that is the substance of it, and if you will allow 24 25 me to recap for one second THE COMMISSIONER: All right. 26 27 THE WITNESS: -- the message I desire to leave with you, Mr. Commissioner, is that 28 in view of the fact that your -- part of your 29 assignment or responsibility is to assess the economic

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impact of this application, if we are sustained in this
1
   action and get this order, it will appear that the
2
   Governor General has no authority to grant, nor any
3
   other officer of Her Majesty's Government of Canada,
4
   any authority to grant the application for lands in fee
5
    simple or title by notification sought by the
6
   applicant, and if this should happen, any title granted
7
   would be defective and should people, commercial people
8
   throughout the area as happened in Alaska, commit
9
   themselves to expenditures based on the assumption that
10
   Her Majesty's Government of Canada has a valid
11
   authority here when it may not have, there may be
12
   serious economic consequences.
13
                              Thank you, sir.
14
                              THE COMMISSIONER:
15
                                                 Thank you,
   Mr. Smith. I think that --
16
17
                              THE WITNESS:
                                            Can I say one
18
   more --
19
                              THE COMMISSIONER:
                                                 Yes.
                              THE WITNESS:
                                            In view of the
20
21
   fact that this, these lands are yet, in my opinion,
   prerogative lands, in, other words, these lands have
22
   not been acted upon in the royal domain, not the public
23
   domain. In view of this fact, and the fact
24
   that these lands are still under the protection,
25
   sovereignty and dominion of Her Majesty, feel
26
   that the Indian organizations, and I am a sincere
27
   believer in the belief that there should be a
28
   sovereignty established for them and by them,
29
   but in view of this presentation here, my
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feeling is that they are applying to the wrong
2
   authority.
3
                              THE COMMISSIONER: All right,
   I think I have got it.
4
                              Well thank you, very much.
5
   Mr. Smith. It's 20 after 5:00 and I think we will top
6
   for supper, and in view of the technical nature of Mr.
7
   Smith's presentation, I really don't think that we can
8
   ask Mr. Lord to translate it. It's on the record, Mr.
9
   Smith, it's a part of the permanent record of the
10
   proceedings of the Inquiry, and it's a matter that Mr.
11
   Carter, one of the lawyers for Arctic Gas and who's
12
   here will be able to take up with his client and one
13
   that Mr. Veale, who is here representing the Indian
14
   Brotherhood -- I mean the Council of Yukon Indians,
15
   will be able to take under advisement, and it is also
16
17
   there for my own consideration.
                              THE WITNESS: Can I add the
18
19
   court number?
20
                              THE COMMISSIONER:
                                                 Yes,
21
   please do, yes.
22
                              THE WITNESS:
                                            It's -- so
23
   that it's going to be available for whoever wishes to
24
   get --
25
                              THE COMMISSIONER:
                                                 Yes,
26
   please do.
                              THE WITNESS:
                                            This is Federal
27
   Court, this is filed in the Ottawa Registry of the
28 l
   Federal Court, Court Number T-1514-75, Tabetha Smith
29
    versus Her Majesty the Queen.
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1	THE COMMISSIONER: Right.
2	Thank you, Mr. Smith, so I don't think it will be
3	necessary, Mr. Lord to translate that presentation by
4	Mr. Smith, and we will adjourn until 8:00 o'clock
5	tonight and we will hear the other people then and I
6	hope you are all back here at 8:00 o'clock and we will
7	have some supper in the meantime.
8	
9	(WITNESS ASIDE)
10	
11	(PROCEEDINGS ADJOURNED)
12	
13	
14	
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(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT) 1 2 THE COMMISSIONER: Ladies and gentlemen, I think we are ready to proceed and so w(W.4 3 will just -- we will just go right ahead. Would you 4 5 swear Mr. Abel, please? 6 7 CHARLIE ABEL, Sworn: 8 9 10 11 12 THE INTERPRETER: Ladies and 13 gentlemen, I will call his name out, Charlie Abel and 14 Mr. Berger, I want to say a little bit too, but first 15 of all I want to thank you for your visit and your 16 17 staff here to Old Crow people. I also want to thank the 18 people from MacPherson who are visiting us here at this 19 time. Everybody is now taking turn and talking about 20 whatever they want, and I am very happy about it. 21 22 Now, this afternoon I see as 23 the people bring their briefs before you, it's mostly older people but I heard at MacPherson there are also 24 young people that brought briefs before you and I would 25 like to see it done here too. I like to hear from the 26 young people because most young people are well educated 27 more than the older people, but it's hard to make them 28 l talk at times. The older people, we talk, it's not that 29 we think we know more, but we like to see the young

people come out and talk their minds too because we know that they got more education than us older people.

But Mr. Berger, there aren't many of our northern people now and they have talked to you mostly on this pipeline matter and we would 11 to see more people talk to you on this pipeline matter-r because we all want to talk about the pipeline in the same way. But you have many more places to go to, also Whitehorse in the Yukon Territory and there, there's people there too that will also bring their briefs before you so that you will know pretty well all what the people of this northland are thinking about their land.

There have been a lot of talk about this pipeline, and you heard a lot of/talk about it too, but as for myself, I would like to see this land claim be first settled and then afterwards, the pipeline. We talk about our land, our land in which we were born and brought up. We love our land, because long before us, for many years, our ancestors they have been living on this land and made their living on this land and that is the reason why we talk so much about our land now-a-days.

For a long time now as we natives live on our land, whenever the government want to do anything, any kind of work, any kind of project in our land, they go ahead and do it, even if we say anything, it don't matter a bit to them.

Many years ago at this
30 Porcupine, and ran all the way up, right up to Johnson

Creek, there have been a lot of people working as trappers and they have made good living, every one of them that went out into the bush to make a living.

There haven't been much people here in Old Crow all this time, and as you see for yourself, there's a lot of land in this Yukon Territory, the places that I have just mentioned just now, but there was lots of room for everybody to work on to make their living out of all them good lands.

I suppose I was about the only one that worked in that area at the Porcupine River up to Johnson Creek for ten years I worked and made my living out of that good land. Many times when

I work up in that country, I worked from here and I go,

times I had to walk ahead of my dogs to break trail for

them, and until I get up to where the cabin, where my

I travel with my dog team and it wasn't easy, many

Later on, I still work in there but I went up there not with dog team but with aeroplane, I had a partner at that time. Now, that land where I was telling you about, nobody go in there now for many years, it's kind of empty, but we depend on that land, because some day there might be nothing much to hunt on this Crow Flat, it might turn out to be no rats and then we will work on that land where I was telling you about up the river.

To live on this land around here, it's not always easy to make a life, sometimes we find it very hard. Now, we never grow rich on this

land but as we grow up and learn to work and make our living off the land, we live very happy and that's the way I've been ever since I learned to make my living off the land.

The older people that you see here in this room now, we all know this land because we have been born in it and raised up in it and we all know where to go if we want to make our living off the land. This afternoon as I was listening to the brief that was brought before you, everyone mentioned that they don't want a pipeline. Now this is because they know that the pipeline project will bring in many white people, and the people there will be some good people and a lot of bad people too, and that is what is their worry, that's why they mentioned the pipeline.

When I was young, I remember that the government gave the people \$5.00, that's treaty money. -Now when you get things for \$5.00 it wasn't very much. Now since then, the government have helped with Family Allowance, and also with old age pension, but the way the price of things are now today, you don't get very much for what we get from the government.

Now, as you see on the map where the proposed pipeline it's going to run, it's not too far from here and I know if the pipeline goes through where the line is, many people is against it, and I agree with them, and it also -- as it show where it's going to go over the mountain and to the people on Peel River area, it doesn't look too good.

know the people over there, they live mostly on fish 1 and the way it looks, that the pipeline will spoil a 2 lot of their fishing areas in that part of the land. 3 As I remember, that the oil 4 company showed up around here since 1954, ever since 5 then there have been working, especially on these 6 seismic lines, and they are destroying a lot of good 7 land that they are travelling on. 8 I used to trap up the river 9 during that time and I saw the way they worked. 10 had their blades down and tore up more of the road 11 wherever they went and where in the spring time, 12 wherever they went, it is more like a creek and in that 13 way they spoiled a lot of good land where we used to 14 trap. All the way up this Porcupine River. 15 companies have work for seismics, and you can see their 16 lines I all over the land that they have travelled on. 17 What they done in that land where they work with the 18 they never once told any of the native people of the 19 project that they were going to work on. 20 21 I know that on the other side in the Northwest Territory, the seismic people work the 22 same way as they did on this in the Yukon. Now, since 23 they have worked in this land of ours, the caribou are 24 beginning to travel around where they never migrate 25 before. They migrate in different places rather than 26 what they used to in the old days. 27 Before then we knew where to 28 expect caribou at the time when the caribou is 29 migrating. We never seen no caribou all winter. The ice

have broken up, only then did 1 2 the caribou come and that's the reason why we have meat 3 today. Wherever you have been 4 travelling, you have heard people talk about land, that's 5 because no matter wherever people are all the way up the 6 Mackenzie Valley, and also over into the Yukon Whitehorse 7 and all around in that area, people are still living out 8 in these lands and they know where their places are from 9 away back many years, where they can depend on the land 10 for their living. They found gold way back in 1898 over 11 in the Yukon, Dawson. Now only the white people got the 12 benefit of that gold, no Indian got anything out of it. 13 Now this happened many years ago. 14 This is all I have to say now, 15 Mr. Berger, but probably tomorrow I may come back and 16 17 talk some more again. 18 THE COMMISSIONER: Thank you very much, Mr. Abel. 19 20 (WITNESS ASIDE) 21 22 THE COMMISSIONER: I think I should say that the two ladies here who have the masks, 23 are just repeating what everyone says who speaks, and it 24 goes onto a tape and then it can be typed up when we get 25 back to Yellowknife, and then it is in the form of a 26 book, all typed up, so that I can read it and re-read it 27 and have a chance to study what you've said, and to make 28 sure I won't forget it. So that's why these ladies have 29 these masks on.

1	JOHN MOSES, Sworn:
2	·
3	THE INTERPRETER: He didn't
4	mention his name but his name is John Moses.
5	THE WITNESS: John Moses.
6	THE INTERPRETER: Now he
7	says, I am very glad, I am very glad that you have come
8	here to listen to us, and to listen to what we have to
9	tell you.
10	So I want to tell you some of
11	the things that have happened away back many years so
12	and I will try and tell you right up-to-date. He says,
13	further up on the other side of the Crow Flat along the
14	foot of the mountains, there are places for corrals.
15	Now, this is where people used to make their living by
16	this by these corrals. At that time, the people had
17	only bow and arrow and they had for axes, stone axes.
18	This they did during the time of the caribou migrating,
19	that they stay with the corral and get their meat by
20	driving the caribou into the corral and shoot them with
21	a bow and arrow and also they have snares on these
22	corrals and that's how that they get their caribou and
23	dry the meat and then later on they come down to Crow
24	Flat where there is a lots of creeks to hunt their fish.
25	It's the way that the old
26	people used to make their living until later on, and
27	then later on people live a little easier because they
28	start getting guns, fish nets, steel traps and all
29	
30	the things that they need to hunt with. Ever since then

the things that they need to hunt with. Ever since then until today, we still do hunt with the same kind of the things that they had then.

Now, to have all them things to hunt with, you will have to have something to hunt, and they like the way they make their living by hunting, and that's why they have all these things to hunt with and they don't want to see the end of the things they have, and the things that they are hunting for.

Now, the white people in their! own land, they have -- a lot of them have their own land and that is where they get their money from is because they have land which they can use and they make money with. Here, we too, the Crow Flat, is just like a farm or a land that we own, where we can go and make a living from.

Now, today there's a lot of talk about this proposed pipeline coming through this part of our land here near the Crow Flat. The reason why that we don't want the pipeline is that because of the land that we know for many years and have lived on and the land where we make our living from. We want to see the pipeline go some other way and then we wouldn't talk that much about it.

And also we want this land claim to be settled first before we have any more to say on the pipeline.

Mr. Berger, there are many others want to talk and this is all I would like to say to you at this time.

1	THE COMMISSIONER: Thank you
2	very much, Mr. Moses.
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4	(WITNESS ASIDE)
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6	MRS. PETER CHARLIE, Sworn:
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8	THE INTERPRETER: Mr. Berger,
9	this is Mrs. Peter Charlie, and now although I am an
10	old woman now, I would like to speak to you a little,
11	and I hope that you will listen to me.
12	I would like to tell you
13	about how I was brought up when I was a child. She
14	says I am not young any more, I am very old, and I
15	remember how the people made their living when I was
16	brought up as a child. The Hudson's Bay were in at
17	that time and later on they left. They left because I
18	don't think they were doing too good at that time, but
19	when they were in this land when they first started,
20	that was the only way that people used to get anything
21	that they want.
22	This was done even before I
23	was born. This is told by my dad. I was born 1894.
24	There was, as I remember, when I was growing up, that
25	because of no trader in the country here, people didn't
26	have a very easy time, but still there were people here
27	that made their living out of the land.
28	When they get lots of caribou
29	they used the skin for their clothing. She remembers
30	they even make bone needles to make their tents with.

Now, it went like that for many years until 1904 but a person by the name of Katchlow(?) put a trading post here, and at the same time the whalers were down at Herschel Island and they wintered there and people from here would go down with what fur they catch to buy mostly ammunition.

Since Katchiow had started a trading post at the Rampart, then only then did we see more of the white man's stuff. Before then, she remembers that the people used to live off the country and they travel all over, mostly in the Crow Flats. In those days, the people didn't have traps like they do now. They knit some kind of a net with babish and that is what they catch the rats in.

Now, because of this trader Mr. Katchlow coming in, brought also trappers and these trappers, because of price of fur that they went into the Crow Flats and really hunted out the area. Now, the land was not very good to trap on for many years, that it's different now. For a long time, they had white trappers working in the Crow Flat areas, but later on it was through the help of the R.C.M.P. that they were able to put a stop to it, and since that time no white man has trapped in the Old Crow Flat.

That white man trader started to bring in fish nets and also traps, steel traps. Many creeks that run off the mountains that run into the lakes and also into this Crow River, and that is what brings the fish into our area here now. The fish are mostly from the lakes that run into the Crow River.

1	And that is what we are living on now.
2	Now, she hear about this
3	pipeline but she doesn't she is not in favour of the
4	pipeline. Now these older people, mostly live by
5	caribou meat. Now, this winter there was no caribou
6	and they were all very hungry. Now, there have been
7	school now for many years on the Northwest Territory,
8	there was schools in Hay River, in the Yukon there were
9	schools around Carcross.
10	Now, it's only a few years
11	now that we have schools here in this part of our
12	country, and we don't like to see everything
13	spoiled.(_d J. just by the pipeline coming into our
14	country.
15	Mr. Berger, this is all that
16	I would like to say to you at this time.
17	Thank you.
18	THE COMMISSIONER: Thank you,
19	Mrs. Charlie.
20	(WITNESS ASIDE)
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22	MRS. JOHN CHARLIE, Sworn:
23	
24	THE INTERPRETER: This is Mrs.
25	John Charlie and she says that first of all I would like
26	to say a few words to thank you for coming to visit us
27	and to listen to us and also she is very happy about the
28	visitors coming from these other places, like from
29	MacPherson, the Peel River and also in the Yukon area,
30	she says I am very happy to see everybody gathered

together here which she is very pleased with.

Many years ago, she remembers that people have lived all their life, people have their living in this part of the world, country, and they always had someone as a leader, which we call chiefs today. Now, these leaders would tell what the people would do in the way of making their livelihood in the country.

She remembers, she remembers at that time they didn't have very much and whenever they went out hunting, and when they do kill what they want, they don't even lose a drop of blood, that's how much they want to keep everything. And this they don't use it by themselves, no matter how little they knew, everything is shared with everybody, to be happy. Even how little they get at times, they would share it with everyone, old people, young people, as much as they could get out of it. Sometimes they find it very hard to make a living and when they do this, they even shared by cutting up the skin into small pieces, and sharing it with everyone in the camp.

There used to be a lot of people around this part, this country, and they all had different places where they would make their living. There was a lot of people all around this Porcupine River in different places but she said her Dad always made his living in the Crow Flats. When her Dad was in the Crow Flats, he didn't have everything to make an easy living with, everything that he made a living with in that area, he had to make his own. He had to

make his own fish nets out of willows, more like a trap -- he had to build fish traps and through the fish traps, that's where he catch the fish in this willow net.

Now, he built the some kind of net, he makes the same kind of nets to catch the rats with too. When they had a camp in the flats there it was fish that they lived on mostly and they can't live on one sort of food all the time, like fish, they get tired of fish and then they would try and get other kind of animals, mostly caribou if they could. Now, to have this caribou, they had to go to the mountain country and around there when there's no caribou, again they would have a hard time to get food, so they would set snares for these mountain squirrels, as we call them, with sinew thread, and that's how that change d their diet of food as they go around hunting in their land.

A lot of times they have very hard time to get caribou, so sometimes they have to try and get these squirrels, which wasn't too easy to get, but whatever they get, they share with everyone. A lot of -- the way the people make their living in the old days, which I will tell you about, which wasn't easy at times, that they watch for these caribou, mostly in the fall by these corals that they had up there, and they keep them in good shape because it was the only way that they expect to get food for the coming winter.

She can remember how these

corrals were built. They were built so that if the animal enters into this corral, there would be no way for the animal to get back out. They had even a hard time to get the animal into these corrals. The way the people were that's the only way they could make the grubstake for the coming winter, so they really try hard and they generally get what they want out of these corrals, good killing on these corrals. The first thing they do is that they built kind of a big wooden shack and that's where they store the meat so that everybody will have a share of what there is in that storeroom.

They even had a leader for these corrals, it not only belonged to one family but several family, and the leader share enough for each family.

She says I remember which happen when I was growing up and lived with my parents until later on, that I got married with a person that come up from up down the Yukon River, and then I had a home of my own, I had my own children and also I had -- I adopted some children to look after, and this is the story that I wanted to tell you.

THE COMMISSIONER: Well maybe we will just, ma'am, we will just take a little break here for 5 or 10 minutes. Would that be all right?

And we can stretch our legs for a minute and then you can tell us the rest of your story.

(PROCEEDINGS ADJOURNED)

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNED)

THE COMMISSIONER: We will call the meeting to order again, and Mrs. Charlie, I apologize for adjourning in the middle of your statement, but it was getting quite warm in here and I thought we needed a bit of fresh air.

Would you carry on in your

9 own way now?

THE INTERPRETER: She wants to tells us a little story of a very smart man that she had ha known, called Charlie Tetlichi, When this old man went out hunting or trapping, he didn't have a dog team, he just had one dog and she -- this dog had a little kind of a caribou skin sleigh which it pulls along with? this old man.

So that old man went out trapping or hunting, he never went out - he didn't have a sleeping roll or a tent to live in, he just built himself an open fire, whether it was winter or summer and that's where he went around hunting and trapping. And when he went out trapping, he didn't have no steel trap, all he done was build wooden traps which we call dead falls, that's the kind o trap that he worked with.

When this old man went out trapping, although he trapped with just only dead falls he kill a lot of fur, and this -- when he catch a frozen marten, he put the marten under his shirt so it would thaw out. So when he come in the evening to camp,

in his open camp, well by that time these frozen marten 1 that he put under his shirt would be thawed out and then 2 he would skin them. He did this way up at the head of 3 the Porcupine River. He also had a very smart woman, 4 These are his boys, Alfred Tetlichi and she was 5 also married to one of them boys, John Tetlichi. 6 7 And we have one here, Peter Charlie, but he is really Peter Tetlichi. 8 remembers after she was married to John Tetlichi 9 that there was lots of caribou right on this hill 10 that you see up here on Crow Mountain, and she went 11 up and hunted caribou and dried the meat before they 12 went up to Johnson Creek. They hunted here and 13 there, so that's -after that put up the meat, they 14 hauled the meat down off the mountain with dog team 15 and after they got ready they went up the river. 16 This was after freeze-up that they went up the 17 river, from here they went overland to where Alfred 18 Tetlichi was, that was at Johnson Creek, that's 19 quite a distance from here overland, It took quite 20 awhile to get up to where Alfred Tetlichi was at 21 22 Johnson Creek. 23 So after I get up at Johnson Creek, we didn't stay too long and then went and start 24 trapping. We had a lot of dry meat for dogs, there was 25 lots of rabbits at that time so every time we camp, 26 that was the first thing we done was to set rabbit 27 snares for dog feed. Sometime it wasn't too easy to go 28 out in a long distance like that, but then other times 29 we ran into caribou and when we do run into caribou,

well that help out a lot on the trip and in that way we were able to go along distance to trap. And a lot of times too we run into a big bunch of caribou and whenever we run into a big bunch of caribou, well, we try and get all we can and sometime we would dry meat and bring back heavy loads.

Now, these Tetlichi brothers that were trapping up in Johnson Creek, they all in different directions and sometimes it take the a long time to run over their trap lines. Then in tie spring, after they are through with their winter trapping, they move back down here and over to the Crow Flats to trap, to hunt rats or to trap rats And after trapping rats, they make boats up in the Crow River and then come down here for the summer season.

Now, I haven't any more and that's where I make my living all my life out of this land and now today I want the same thing for my children and the rest of my people., to carry on the way I have made my living all my life. These young people now-days, they are used to a life of what we have n this land, and so even though they go to school and get education, they are always willing to come and live the same as we did.

All these years, as I lived in this land, almost every year I see the caribou migrate in the same way. They go down in the ring, up to around the coast line to have their calves and then in the month of August, again they migrate up

coming from the coast. She says that's the way she's 1 seen things that gone by in the past. 2 Now, she hear about this 3 pipeline, proposed pipeline coming through this land. 4 She says that probably it might cause a lot of problem 5 or the people that are living in this land, and now she 6 is old and she just don't feel right about what is 7 coming into the land. It's a very cold country because 8 it gets so cold at times, they see that even the ground 9 cracks, the same as the ice on the river and lakes and 10 they crack up because of the cold weather. 11 She says that the way she see 12 the ground crack at times, even if they put the 13 pipeline under the ground, just because this ground 14 crack, something may happen to the pipeline and if the 15 pipeline get broken, it will destroy the land. 16 17 Now, Mr. Berger, this is all I may come back again tomorrow. 18 I have to say. 19 THE COMMISSIONER: Thank you, Mrs. Charlie. 20 21 22 (WITNESS ASIDE) 23 24 CHIEF ELJAH SMITH, Sworn: 25 THE WITNESS:. 26 Mr. Berger, I want to clarify some of the 27 ladies and gentlemen. positions that the C.Y.I. has been taking. 28 worked with these people for the last few years, and. 29 they have been continuously in a mix-up of some project

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that is going around disturbing the way of their lies Now, I am going to make this statement very short. When I first started with them, they were interfered by the oil companies. We had an awful time to get Chretien to put out some of these oil companies that were interfering around the Crow Flats. Today, they are facing the same problem again with the oil companies, which is the gas pipeline. And I think you have heard a great deal of them today, and I myself, the council for the Yukon Indians, will 10 presenting you a strong brief on their behalf at the Whitehorse meeting. 12 Thank you very much, sir. 13 THE COMMISSIONER: Thank you. 14 thank you, sir. Mr. Smith has given evidence before, a 15 statement before us before. 16 17 18 (WITNESS ASIDE) 19 THE COMMISSIONER: 20 There were 21 some questions that Mr. Peter Nukon asked a little 22 while ago. Maybe this would be a good time for Arctic Gas to answer those questions. 23 Now, Mr. Peter Nukon asked if 24 Arctic Gas was going to patrol the pipeline to look for 25 fires; he asked whether Arctic Gas owned a fire bomber; 26 he asked whether Arctic Gas was going to have its own 27 forest fire department, and he asked who was going to 28 fight a fire if it started when the pipeline broke. I 29

think those are the questions you asked.

1	MR. NUKON: Yes.
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3	THE COMMISSIONER: Do you
4	want to translate those and then we will ask Arctic Gas
5	to answer them? Can you translate those?
6	THE INTERPRETER: Yes, I will
7	try.
8	THE COMMISSIONER: Mr.
9	Carter?;
10	MR. CARTER: Sir, I will have
11	Mr. Rowe answer Mr. Nukon's questions.
12	THE COMMISSIONER: Mr. Rowe?
13	Yes, you had better come forward here and be sworn and
14	you can sit at this seat.
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16	DOUGLAS ROWE, Sworn:
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18	MR. ROWE: In Attempting to
19	answer Mr. Nukon's questions, I may change the order
20	around a little bit, it would be perhaps more clearly
21	explained that way.
22	Mr. Nukon asked if Arctic Gas
23	will patrol the pipeline to determine fires or other
24	events which might affect the pipeline. It is indeed
25	the intent of Arctic Gas to patrol the pipeline as
26	often as they deem it necessary, and this is current
27	practice on most other pipelines which are installed.
28	The pipeline would be pat-rolled
29	by aircraft, and also by people walking on foot. The
30	idea of the patrol would be to determine any detrimental
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effects which might cause damage to the pipeline or if there were fires which may have been incurred. times when the- company would propose not to patrol the pipeline would be during certain periods where there would be environmental sensitivities, for during the fall staging of the snow geese on the north coast, should the coastal route be employed, the geese are very sensitive to overflights by aircraft and Arctic Gas would not patrol this pipeline while the geese were moulting on the north slope. In the event of a break in the pipeline, which is very infrequent with the technology which is employed today, but should there be a break there would also be a possibility that there would be a fire at the same time. When there is a fire like this at a pipeline break, usually it doesn't start the surrounding grounds on fire, because it burns very high, up in the air, it doesn't burn on the surface of the ground, but the gas goes up and it burns in the air. THE INTERPRETER: Could you just explain a little bit on the natural gas and liquid gas, could I say that ---- to say that the fire would be up in the air? MR. ROWE: To answer Mr. Nukon's question about equipment, fire bombers in particular but fire fighting equipment in general, the company will have fire fighting equipment which would

work in the particular type of terrain where this

1	equipment was stored.
2	THE INTERPRETER: You have
3	this fire equipment stored?
4	MR. ROWE: There would be
5	different equipment for different regions.
6	This equipment would be used
7	to fight fires in conjunction with the local forestry
8	personnel or whoever else might be involved in fighting
9	the fires, it would be a cooperative effort.
10	Not only would the company
11	intend to try and contain fires which were caused
12	should a break occur in the line, but also they would
13	be interested in fighting any fires, no matter how the
14	were caused, which were in the region of the pipeline.
15	In response to the specific
16	question about the fire bomber, the aircraft that is
17	used to fight these fires, I doubt very much that
18	Arctic Gas would own such an aircraft but would
19	probably lease one at such times as it was needed.
20	I think that covers the quest
21	ions, Judge Berger. I could elaborate on the pipeline
22	breaks a little more if people were interested.
23	THE COMMISSIONER: Well Mr.
24	Nukon didn't ask about that, in fact he said he didn't
25	want to hear about that, he wanted to know what
26	happened if it broke and a fire resulted.
27	MR. ROWE: Mm-hmm.
28	THE COMMISSIONER: I think you
29	have covered that. I should say that I Mr. Nukon
30	said we do not want them to tell us the pipeline won't
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1	break. He went on to say that he wanted to know at
2	would happen if it did.
3	MR. ROWE: Okay.
4	THE COMMISSIONER: Thank you,
5	Mr. Rowe.
6	(WITNESS ASIDE)
7	KENNETH NUKON, Sworn:
8	
9	THE WITNESS: Excuse me, I
10	forgot my name. My name is Kenneth Nukon.
11	THE INTERPRETER: Now, he
12	says I don't know you people name very well, but ladies
13	and gentlemen, I would like to say a few words at this
14	time.
15	It's hard for me to speak but
16	as I am here now, everyone is saying what they want, so
17	I am going to do the same thing, I am going to try and
18	say something that I want to say at this time. And
19	again I want to say, we are all about the same.
20	There's lots of silly Indians and there's lots of silly
21	white man. He doesn't live in town too much, he always
22	stay out of town.
23	Now, he stays a little way up
24	the river, I suppose you have seen his camp just a few
25	miles up the river, that's where he stay.
26	THE COMMISSIONER: We saw it
27	on our way here this morning. Chief John Charlie of
28	MacPherson pointed it out to us.
29	THE INTERPRETER: So he
30	says we have heard of your visit on the matter of

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the pipeline and this has made him come to think. heard a lot about pipeline, but he says he never seen anything like it so he don't know the meaning of a pipeline yet. He said he always think that in the month of July is a very good month, because we are all gathered here now in the month of July, we find it very warm in here at times so we all go out and still find it warm out there and it's not like that all the time.

Later on in the year, especially during the month of November, everything, wouldn't be the same as what it is today, it would be different. Because of this many changes in the season of the year at times we find it very hot. He says for myself I don't find it easy all the time. At times I find it very hard to make a living.

Now, this is my boy, Peter Nukon, who spoke a little while ago. When he was growing up, I didn't find things too easy even at that time. In those days we were not looked after like what it is today. He says we have to work very hard as natives of this country to make our living. Now, the white people have their own country outside and they come into our land, they bother us, they work in our land and this make it much harder for us to make our living out of our own country.

The reason why I say this is not that because I think too much of myself. Now this 28 I say again it's not for myself but for the sake of my young children. He says we call this pipeline two

different ways; one of them English and one in our own 1 language. He says no matter how you call it, he said I 2 don't like it to be around here. 3 Now I live about 20 miles up 4 river here from town, and I see these people that -the 5 fishery people that tag the fish and they tell me 6 whereabouts they tag fish, it's up in the Crow Flat. 7 THE COMMISSIONER: Tag fish? 8 9 THE INTERPRETER: Tag fish. They mark them --10 THE COMMISSIONER: 11 Yes. THE INTERPRETER: -- with 12 tags and he says I am catching everyone of them fish up 13 in my place. He says he doesn't know exactly 14 whereabout they put these tags on them, but then they 15 get into the Crow River and come down the river and 16 17 once they hit the river, they go up to my place where I catch them all. 18 19 Now, as we are here now, the weather is good and everything seems to be all right. 20 21 Now we may think that's the way it is all the time but 22 very shortly now we know that the cold weather will be coming and then we go out and get busy and try and 23 store up for what we need during winter, which we find 24 it very hard to do at times. It's not always that easy 25 to get along in this country. 26 Now, if we don't do anything 27 and when the cold weather comes, we will really feel 28 the cold, then we would say it's too cold. We don't 29 wear shoes like what we wear right now all winter.

Even sometimes we put on fur clothes, we freeze some 1 2 parts of our body. 3 Mr. Berger, this is all I have to say now. I may come back and talk some more 4 5 tomorrow but right now if I talk more, I might get mad. THE COMMISSIONER: Thank you 6 7 very much, Mr. Nukon. MR. VEALE: Mr. Berger, we 8 have a number of statements to be read. Some people 9 are present, should they come up and be sworn and then 10 Peter Nukon read their statements for them? 11 12 THE COMMISSIONER: Miss Hutchinson where they are and then she will go 13 where they are seated and swear them. 14 MR. VEALE; We have a statement 15 from Neil McDonald who can't be with us at this time and 16 Peter Nukon will read that into the record. 17 THE COMMISSIONER: 18 certainly. This will be treated as an unsworn 19 submission in the same way as the Inquiry treats 20 unsworn submissions that are received from many people. 21 22 So I am anxious to hear it, just as if Mr. McDonald 23 were here. MR. PETER NUKON: 24 "How the pipeline will affect the Old Crow people, and the Old 25 Crow area. We all know before the white man came some of 26 the people that had caribou fence wait for the caribou to 27 come. When the caribou comes they try to get all they 28 can and dry their meat during the summer and some of the 29 people on the rivers where the fish trapped, fish

all they can after the people have run short of food. They all start travelling south in the winter.

There are times when the caribou is scarce and have to return or go out to the Crow Flats for rats. They are away at the time when they used to hunt rats, they go along the shore and tap the ice as they go along by bone chisels. When there is a hollow sound , that is where the rats run away out to the lakes. They make a round hoop and they net it and when the rats come out, they pull the rat out and sometimes they get many and sometimes not so many.

"So when the people are starving, that is their last resort, the Crow Flats. Some years ago, there ale some assessment workers and they had some boys from Old Crow who worked with them and they did some dynamite work around the lakes while looking for oil and a lot of dead fish were found. And when the pipeline goes through north of Old Crow, they will be polluting the rivers and the lakes and that will destroy the fish and the run of caribou, with all the noise and that it would make more scarce the caribou. 'Not only that, with all the people who are going to work on that pipeline what will become of the young people. This is the main reason why we people of Old Crow do not want the pipeline to run through our country.

THE COMMISSIONER: That statement will be marked as an exhibit and form a part of the permanent record of the proceedings of the Inquiry.

1 (STATEMENT OF NEIL McDONALD MARKED AS EXHIBIT C-67) 2 3 ALFRED CHARLIE, Sworn: 4 5 6 THE INTERPRETER: Judge Berger, ladies and gentlemen. Before the oil company 7 8 came in this country to do their -- get ready for oil and doing some, seismic work, he said the country 9 through the area around here wasn't marked that much. 10 He said you have probably flown over that country today 11 and saw some of that seismic work and a lot of marks 12 through that country. 13 Before we find out they were 14 doing any damage to our land, he said they come as far 15 as Crow Fiats, that's when the people found out they 16 were doing the damage to the country. He said he also 17 worked three different times, three winters there, he 18 had been working for the oil company and he know quite 19 a bit of what kind of work they are doing in this 20 country. Not only they are scraping the ground up with 21 22 bulldozers, but they are also blowing dynamite in the 23 ground. He said one time they started 24 writing letters out for complaining about the damage 25 that the oil company had done in this country, so they 26 finally got some people from Old Crow to stay with 27 those people, one in each camp from old Crow to look 28 after them, what kind of work they are doing so they 29 could report back to the people in Old Crow.

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And he said some of these camps, he said, after the oil company left the country, they left all the empty gas drums all over the place, they didn't clean up their camps. Some of those empty drums were open in half, some of them half full of oil or gas like that and spilled around the ground. some of these places, he said, there's a little creek running into the lakes and some of the drums have been left close to the lake so the oil was running into the lake. And he said one time he went to a meeting and talking about Crow Flat, he said he would like to tell you a little story about Crow Flat now. One time he said he went to Whitehorse to a meeting about this Crow Flat, and he said there were a lot of people in that meeting from different places. At that meeting, the people asked him to -- they wanted to hear what the Old Crow people think so they told him to make a speech, they want to hear from him. He said it was very hard for him because he didn't have the education and he never talked in a crowd of people like that before and it was very hard for him at that time. He talked quite a bit about Anyways, he said he mentioned to those Crow Flat. people, he said before the oil company come to Crow Flat, he asked those people, he needs lots of help. And he said at that time he told those people that if people start to come to Crow Flat to drill for oil and do their seismic in Crow Flats, they will probably

mess up the place, and then probably if they strike oil under Crow Flat or something, that everything will be messed up, and when everything is finished, they are going to leave the mess there and say good-bye to everybody, that's all. Probably they wouldn't even say good-bye to some of the people.

So he said he mentioned to those people that time, the people in Old Crow, he said that ground you are after up there, it would only fit inside my hand here, the Old Crow people make their living out of that and he said you people, why you have to come and beg for some of that ground so much? He told those people, some of you are working -- some of you are government people, you make money, you put money in the bank. And he said people don't do that, they don't put money in the bank but when they want to make money, they use Crow Flats for a bank, they go back there to trap and hunt muskrat so they use it as a bank.

From that time on, he said, the oil company did stop coming up here, they didn't go asking for Crow Flats any more or came up here any more. And he said that when he saw the Minister of Northern Affairs, Chretien, and Chretien asked him, why you people in Old Crow don't want nobody to come to Crow Flats. He said the people are after oil, looking for oil, wanted to find oil. But Chretien told him, he said supposing the oil company finds oil under Crow Flat, they are going to give us the royalty from that oil they found.

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food.

Chretien told him that it was 1 2 impossible, so he told Chretien that it's very impossible for me to give up my ground for the people 3 who's looking for oil too. 4 And now he wants to say 5 6 something about the land claims. He is thinking very strongly about the land claims. He said he is thinking 7 about the pipeline and he don't even think about the 8 pipeline. He says he doesn't even like to talk to 9 someone about the pipeline, that's how much he don't 10 like to see pipeline coming through near Old Crow. 11 He says he heard lots of good 12 things about pipeline from different people from the 13 oil companies, and he said we already heard good things 14 about the pipeline and other things but we don't hear 15 16 no bad things, everything is going to be perfect. he says there's going to be trucks, there's going to be 17 bulldozers and other vehicles that travel over the 18 land, and all these travel by power, oil power and gas 19 power and they will be refueling different places and 20 21 they are going to spill a lot of oil on the ground, 22 nobody's mentioned that to us. There's vegetation grow over this again and the animals that roam the land come 23 across this place and start feeding on this. 24 25 pollute the water with it. 26 Perhaps fish will get sick Suppose we eat fish like that and 27 from this too. 28 people don't expect to live healthy with that kind of

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4	He said our main food in Crow
5	Flat is muskrat too, when we trap muskrat and
6	supposing we eat sick muskrat from this polluted water,
7	and he says rats, they feed from under the lake, their
8	food grows under the water and they feed on this.
9	Supposing the weeds from underwater grow this and then
10	I this animal gets sick and the people start eating
11	them.
12	He said he is very happy to
13	have a talk with you here, and you will probably be
14	here for another day and he said perhaps if he had h
15	anything more to say by that time, he probably will say
16	a few words again.
17	THE WITNESS: Thanks very
18	much.
19	THE COMMISSION: Thank you,
20	very much, sir.
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22	(WITNESS ASIDE)
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24	THE COMMISSIONER: It's about
25	11 o'clock, and I think it would be the best thing to
26	stop now for today, and we will start again tomorrow at
27	1:00 o'clock.
28	Before we adjourn today, let
29	me thank you for the map that was discussed -this map,
30	the Loucheux map of the Old Crow country. Miss
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Hutchinson, that should be marked as an Exhibit, and 1 made a part of the permanent record of the proceedings 2 of the inquiry. You can mark it and leave it up on the 3 wall until we leave Old Crow. 4 5 6 (LOUCHEUX MAP OF OLD CROW COUNTRY MARKED AS EXHIBIT 7 NUMBER C-68) 8 THE COMMISSIONER: And I want 9 to thank Chief and members of the council and Chief 10 Elijah Smith and the others who spoke today. 11 y found what each of you had to say interesting, and 12 helpful to me. My job is to listen to what you've got 13 to say, and I find that I am learning a great deal from 14 all that you have told me. 15 So, maybe you would translate 16 17 that, Mr. Lord. THE INTERPRETER: Yes. 18 19 THE COMMISSIONER: We have been asked to announce that there is going to be a 20 21 dance at the community hall tonight and all of us on 22 the C.B.C. and the Inquiry are glad to know that, because we like going to dances. Some of the people 23 that travel with me stay up all night dancing, so we'll 24 see you at the dance tonight at the community hall and 25 then we will come back here to continue the hearings at 26 1 o'clock tomorrow. 27 28 29 (PROCEEDINGS ADJOURNED) 30