

*
IAND OTT

COMM NWTGOV YK

JULY 11/73 4:00 HRS

H.B.ROBINSON, ESQ.,
DEPUTY MINISTER OF INDIAN
AND NORTHERN AFFAIRS,
OTTAWA, ONTARIO.
KIA OH4

RE: CAVEAT CASE IN SUPREME COURT NORTHWEST TERRITORIES TUESDAY,
JULY 10, 1973.

FOURTH AND LAST WITNESS JULY 10 WAS CHIEF ALEXIS ARROWMAKER, CHIEF OF
DOGRIB BAND AT FORT RAE. THREE WITNESSES WERE HEARD JULY 11 A.M.-
CHIEF ANDREW STEWART, CHIEF OF AKLAVIK BANK OF LOUCHEUX TRIBE.
CHIEF HYACINTKE ANDRE, CHIEF OF ARCTIC RED RIVER BAND: CHIEF
DANIEL SONFRERE, CHIEF OF HAY RIVER SLAVEY BAND.

THE EXAMINATION AND EVIDENCE OF THE CHIEFS FOLLOWS A PATTERN AND IS
LARGELY REPETITIOUS. EACH CHIEF IS IDENTIFIED: GIVES HIS AGE:
STATES HOW LONG HE HAS BEEN CHIEF: DESCRIBES THE WAY OF LIFE, BOTH
PAST AND PRESENT, OF HIS BAND: IDENTIFIES THE LAND HIS BAND HAS
HUNTED, TRAPPED AND FISHED IN: EMPHASIZES THAT SOME STILL
LIVE OFF THE LAND: STATEMENT THAT HIS BAND, TRIBE OR ANCESTORS HAVE
NEVER SURRENDERED OR SOLD ANY OF THE LAND. EVIDENCE IS THAT INDIANS
HUNTED AND TRAPPED IN ENTIRE WESTERN PORTION OF NORTHWEST TERRITORIES
IT WAS DECIDED TO HEAR ANTHROPOLOGICAL WITNESSES, REGISTRAR AND
OTHER WITNESSES IN YELLOWKNIFE, AUGUST 20 TO 23. HOPEFULLY THAT WILL
CONCLUDE THE EVIDENCE.

WHEN COURT RECONVENED JULY 11 P.M. THE JUDGE MADE A STATEMENT
TO THE FOLLOWING EFFECT: CONFUSION WAS ARISEN IN THE NEWS MEDIA RE
THE ROLE OF AN AMICUS CURIAE. MR. BRAND IS NOT REPRESENTING THE
GOVERNMENT OR THE CROWN. HE IS A FRIEND OF THE COURT: WHOSE ROLE
IS TO ASSIST THE COURT IN THE ABSENCE OF ONE PARTY WHOSE INTERESTS
ARE CONCERNED. IT IS ANALAGOUS TO A PERSON APPEARING IN PLACE OF
AN INFANT. THE TERM IS EXPLAINED IN RE PEHLKE: (1939) 4D.L.R.
725. THE JUDGE THEN PURPORTED TO QUOTE FROM THAT CASE. I HAVE
CHECKED THE CASE REPORT AND CANNOT FIND THE QUOTED PORTION. I WILL
OBTAIN A TRANSCRIPT AND FORWARD IT TOMORROW.
IT SHOULD BE NOTED THAT MR. J.R.SLAVEN IS APPEARING AS COUNSEL
FOR THE COMMISSIONER OF THE NORTHWEST TERRITORIES AND ALSO AS
COUNSEL FOR THE REGISTRAR OF LAND TITLES AND IS RECEIVING HIS
INSTRUCTIONS FROM THE COMMISSIONER OF THE NORTHWEST TERRITORIES.

STUART M. HODGSON
COMMISSIONER OF THE
NORTHWEST TERRITORIES

*
IAND OTT

•
IAND OTT

COMM NWTGOV YK

JULY 30/73

H B ROBINSON, ESQ.,
DEPUTY MINISTER

RE CAVEAT CASE JULY 27/73

REFERENCE IS MADE TO THE CAVEAT PROCEEDINGS BEFORE JUDGE MORROW. COURT RECONVENED AT SNOWDRIFT ON JULY 27 AT 10 :30 AM. INTERPRETER WAS TOMMY LOCKHART AND THE ONLY WITNESS WAS PIERRE MICHELL, AGE 83. THIS MAN GREW UP IN YELLOWKNIFE AND AFTER HIS CHILDREN MARRIED HE MOVED TO SNOWDRIFT. HE WAS WITH HIS FATHER AT RESOLUTION WHEN THE TREATY WAS SIGNED. AT THAT TIME THE PEOPLE WERE PROMISED PROTECTION AS LONG AS THE SUN ROSE AND SET. THERE WAS NO CHIEF AT THE TIME DRYGEESE WAS APPOINTED. HE REMAINED CHIEF FOR 6 YEARS. THE TREATY PROCEEDINGS APPARENTLY TOOK 5 DAYS. THE INDIANS WERE RELUCTANT TO TAKE THE MONEY AS THEY DID NOT TRUST THE WHITE MAN. THE FIRST PAYMENT OF TREATY MONEY WAS 12 DLRS BUT THE NEXT YEAR THE TREATY PAYMENT WAS 5 DLRS. THE PEOPLE TOOK THIS AS EVIDENCE THAT THE WHITES DO NOT KEEP THEIR WORD.

THEY HAD A BIG MEETING FOR 3 DAYS ABOUT THE REDUCED PAYMENT. THE BISHOP WAS THERE. THE CHIEF DIDN' T WANT TO TAKE THE MONEY AS HE FELT THERE MIGHT BE SOME TROUBLE IN THE FUTURE. NOTHING WAS SAID ABOUT LAND AT THE TIME OF THE TREATY. NOTHING WAS SAID ABOUT RESERVES OR ABOUT GIVING UP THE LAND. THE GOVERNMENT SAID THAT IF THE PEOPLE DID NOT TAKE THE MONEY THERE WOULD BE SOME SORT OF TROUBLE. THE CHIEF SAID GOD GAVE US THIS LAND AND THERE SHOULD BE NO CHANGE. THE GOVERNMENT INSISTED THAT THE PEOPLE TAKE THE TREATY MONEY WHICH WAS DONE AND PAID AT RESOLUTION. THIS WITNESS WAS IN POOR HEALTH AND WAS VERY DEAF SO THAT IT WAS DIFFICULT TO OBTAIN A DESCRIPTION OF WHAT TOOK PLACE DURING THIS TIME.

COURT ADJOURNED AT 11:30 AM.

S M HODGSON,
COMMISSIONER

COMM NWTGOV YK

•
IAND OTT

*
IAND OTT

COMM NWTGOV YK

JULY 31/73

H B ROBINSON, ESQ.,
DEPUTY MINISTER

RE CAVEAT CASE IN THE SUPREME COURT OF THE N W T MONDAY MORNING,
JULY 30/73

4 WITNESSES WERE HEARD AT FORT RAE. THE FIRST WAS A 64-YEAR OLD WOMAN ELISE MORPHY, THE DAUGHTER OF CHIEF MORPHY WHOSE NAME APPEARS ON TREATY 11. HER TESTIMONY DESCRIBED THE CIRCUMSTANCES SURROUNDING THE SIGNING OF THE TREATY AS TOLD TO HER BY HER FATHER. HE SIGNED ON THE UNDERSTANDING THAT NOTHING WOULD BE CHANGED BY THE TREATY. THE WITNESS SHOWED THE COURT THE MEDAL THAT HER FATHER RECEIVED AT THE TIME OF SIGNING.

THE SECOND WITNESS WAS CHIEF ALEXIS ARROWMAKER, CHIEF OF THE DOGRIB BAND AT FORT RAE. HE HAD PREVIOUSLY GIVEN TESTIMONY ON JULY 10 AT YELLOWKNIFE BUT WANTED TO REPEAT HIS EVIDENCE SO THAT ALL HIS PEOPLE COULD HEAR. HE SAID THAT THE SIZE OF THE TRIBE HAD INCREASED SINCE THE TIME OF THE TREATY AND THE LAND WAS ''KIND OF SMALL FOR THE PEOPLE TO USE''.

T

HE THIRD WITNESS WAS 85-YEAR OLD HARRY BLACK, A MEMBER OF THE DOGRIB BAND WHO WAS PRESENT WHEN THE TREATY WAS SIGNED AT FORT RAE. HE SAID THERE WAS NO MENTION OF GIVING UP LAND, BUT HE RECALLED THAT IT WAS PROMISED THAT NO LAWS WOULD BE CHANGED.

THE FOURTH WITNESS WAS FATHER AMOURONS^{our} WHO HAS LIVED AT FORT RAE SINCE 1951. HE WAS SWORN AS AN INTERPRETER FOR THE PURPOSE OF CLARIFYING TESTIMONY OF EARLIER WITNESSES RESPECTING NAMES OF PEOPLE AND PLACES. HE MENTIONED THAT THE WORD ''TREATY'' IS TRANSLATED INTO DOGRIB BY THE EXPRESSION ''THE GIVING OUT OF MONEY''.

S M HODGSON,
COMMISSIONER

COMM NWTGOV YK

*
IAND OTT

*
IAND OTT

COMM NWTGOV YK

JULY 31/73

H B ROBINSON, ESQ.,
DEPUTY MINISTER

RE CAVEAT HEARING IN THE SUPREME COURT OF THE N W T
TUESDAY MORNING, JULY 31/73 - FORT LIARD

THE COURT HEARD TESTIMONY FROM TWO WITNESSES, INTERPRETED FROM
SLAVEY BY WILLIE MCLEOD.

THE FIRST WITNESS WAS DANIEL LOMAN. THE CHIEF OF THE FORT LIARD
BAND. HE TESTIFIED THAT THE PEOPLE OF NAHANNI BUTTE AND TROUT
LAKE ARE MEMBERS OF THE FORT LIARD BAND AND DESCRIBED THE HUNTING
AND TRAPPING AREAS USED BY HIS PEOPLE. SOME GO AS FAR AS THE
YUKON AND INTO BRITISH COLUMBIA. HE HAD NEVER HEARD IT
SUGGESTED THAT THE FORT LIARD INDIANS HAD SOLD THEIR LANDS,
HOWEVER THE OIL COMPANIES WORK ON THE LAND WITHOUT ADVISING THE
INDIANS.

THE SECOND WITNESS WAS A 74-YEAR OLD MEMBER OF THE FORT LIARD
BAND, PHILLIP SEYA. HE WAS IN FORT LIARD WHEN THE
TREATY WAS SIGNED BUT HAD NO CLEAR RECOLLECTION OF THE EVENT.

S M HODGSON,
COMMISSIONER

COMM NWTGOV YK

*
IAND OTT