

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES



BETWEEN:

MARTHA JAOMIE

Petitioner

-and-

ALOOKIE JAOMIE

Respondent

Divorce Proceedings

Heard at Frobisher Bay, N.W.T. January 31, 1978

Decree Nisi issued

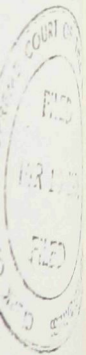
Reasons for Judgment by:

The Honourable Mr. Justice C.F. Tallis

Counsel on the Divorce:

Miss S. Green, for the Petitioner

Mr. E. Johnson, for the Respondent



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ORAL REASONS FOR JUDGMENT OF
THE HONOURABLE MR. JUSTICE C. F. TALLIS

In this particular matter, there will a decree nisi for dissolution of the marriage between the petitioner and the respondent, such to be made absolute at the expiration of three months unless sufficient cause be shown why it should not be made absolute.

It is further ordered and adjudged that the Minutes of Settlement filed in the within action as Exhibit No. 6 be and the same are hereby approved. It is further ordered and adjudged that the said minutes of settlement are to be incorporated into the formal decree nisi. In the event that the parties cannot agree as to the form of the decree nisi, leave is reserved to apply to the court to settle the form

of the decree nisi.

Before concluding this case, I would like to say without reservation that I appreciate everything that counsel and the parties have tried to do in this particular case, and I appreciate the attitude that has been taken by Shoovenai. As Mr. Johnson, speaking on her behalf quite properly pointed out, I am sure that she has given the instructions that she has after giving the matter her most anxious consideration; and I have no doubt that there is always a great deal of emotion involved in decisions of this kind.

Naturally, I reiterate what I said before and that is that I hope that the people involved in this matter continue to work together, bearing in mind that really what they are doing is for the best of their children. When I say their children, I use that in a broad sense because I am sure that everyone here in the families have made sincere efforts; and when I look back over the home study, I recognize that there was a grandmother who intervened when the youngsters were sick, when their mother was sick; and later when the grandmother passed away, Shoovenai became involved, and it is my hope, and I say this very sincerely, that you all continue to get along. I realize there may be times when people get a little upset with one another, but things are really never that bad that you have to be nasty to one another.

With that in mind, I would hope that if the occasion presents itself when Shoovenai would like to visit the youngsters, Martha, that you would be the first one to welcome her and make them available to her. If they would like to visit back with her over here, I would hope that you wouldn't be rigid about it and say no, you can't, unless you get an order of the Court. Courts will make orders if they have to, but you can work out a much better arrangement amongst yourselves than any Court can impose on you.

The Court having to make a final order in which the t's are crossed and the i's are dotted, if I may use that term, in laying down things in very rigid and precise terms often makes it very, very difficult for people, because up here travel is costly and sometimes you may get a chance to catch a ride somewhere if you know you can see the youngsters, and then when you get there, you are met with the answer, well, there is nothing in the Court Order that says you can. You leave with a pretty disappointed feeling that you have made a trip for nothing, even though you have tried your best to do what you think is right.

I really do hope that you will all continue to work together as you have here; and I think that both of the lawyers here today would be the very first to recognize the interests of the youngsters, and by their conduct they have demonstrated that they too have the interests of the children at heart and they are not using this case to get

a major family fight going; on the contrary, they have dealt with it on the footing that they would like to see you all deal with it on a very friendly basis.

I don't always make remarks like this at the end of a case, but this was one that certainly called for it, and I did so on that basis.

NO. 6101 0000

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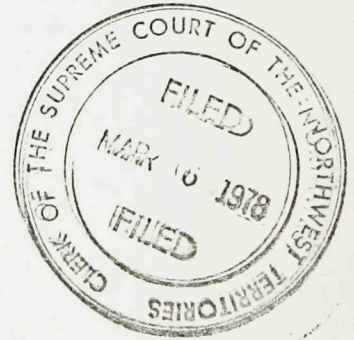
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