

2-74

MICHELL, B. & J.
In Chief
Ms. Mandell

VICTOR WILLIAM JIM,
Wet'suwet'en Interpreter,
Previously Affirmed.

BAZIL MICHELL and
JOSEPHINE MICHELL, witnesses
called on behalf of the
Plaintiffs, previously
Affirmed, testify as follows:

--- UPON COMMENCING AT 9.40 a.m. , 3 APRIL, 1986

MS. MANDELL: This is the continuation of the Commission Evidence of Bazil Michell and Josephine Michell. The date is April 3rd, 1986 and present is Victor Jim, Wet'suwet'en Interpreter. Beside Victor, to his right, is Veronica Harper, the Court Reporter. Beside Veronica is Tonia Mills who is helping with the Wet'suwet'en words, Myself, Louise Mandell, lawyer, and beside me is Geoff Plant representing the Attorney General; and Mike McDonald is working the video.

I would like to confirm on the record that according to the agreements reached on earlier Commissions, Josephine and Bazil both will be capable of answering the questions subject to Josephine being available also for cross-examination.

MR. PLANT: Also, I think the preferred method of proceeding is that Bazil should exhaust his memory first before Josephine answer the question.

MS. MANDELL: Good morning, Bazil. are you awake? Everyone is still under oath. I would like to remind both Josephine and Bazil of that, also you, Victor. Do they understand that?

THE INTERPRETER: Yes.

EXAMINATION IN CHIEF BY MS. MANDELL (contd)

Q Bazil, how did you feel when your family was asked to leave Barrett Sake and the cabins were burnt?

A Even though we were young, we were really hurt by what was done to us. Our people had cleared the land and white people just moved in and chased us off the land. We weren't very happy about it. The white people that worked for the government just went home after we were chased off our land and we were left to die because we had to live in tents in sixty below weather. It wasn't right what they did to us.

Q Do you know of any other homes of other people who were

MICHELL, B. & J.

In Chief

Ms. Mandell

burnt down at the same time or around the same time by the white people?

A The other people that lived on their territories they were not kicked off their land. Like Old Mooseskin Johnny but the people who were living directly behind the Village of Moricetown were chased off their lands.

Q Who were those people?

A It was my uncle, Johnny Austin, Old Bill and charlie.

Q What happened to their houses?

A They were all burnt to the ground.

Q Do you know who burnt them?

A It was the white people that moved on to the lands.

Q Did the people -- Johnny Austin and the people that you've talked about who lived behind the tracks in Moricetown, those people have horses?

A The people that were chased off the land all had many horses as well as cows.

Q When they were chased off the land what happened to those animals?

A The animals were moved to the area where the present Full Gospel Church is on to reserve land. The horses were fed from fields that were on the reserve. Also some hay was made on the swamps -- near the swamps.

Q Had the people who -- Johnny Austin and the people who lived with him, had they also cleared land in the places where their homes had been burnt?

A Yes, they did.

Q Do you remember how much land had they cleared? Just approximately?

The area was quite large. If you would go up behind the tracks you see cleared land, that's the land that they cleared.

Q Did anybody besides your dad, Lame Arthur Michell and Naziel go to jail during that time for engaging in fights with the white people?

A No, it Was my father.

Q What happened to your family when your father was in jail? When my father was put in jail we were fairly young at the time and we stayed in Hagwilget and we survived on salmon that was given to us by other people.

Q Did your father tell the family any stories, or tell to you any stories about what his life in jail was like?

A He didn't tell me about his experiences in jail but we used to go down to Old Hazelton and watch him work. They had them working on the streets.

Q Did you have a chance to talk to your dad when he was working?

2-76

MICHELL, B. & J.

In Chief

Ms. Mandell

A No, I was unable to talk to him because the police was watching them at all times while they were working.

Q Was that during the spring or summer, winter or the fall?

A It was during the summer, around the July month.

Q Do you remember when traplines were first registered in your territory?

A It was after my father and George Naziel's father were put in jail. can't remember the exact number of years after they were put in jail.

Q Before we go on to this line of questioning, could you ask -- Bazil, how did your father, Lane Arthur Michell, get his name?

MR. PLANT: I think we have that.

MS. MANDELL: Do we?

MR. PLANT: Yes.

MS. MANDELL: Let me carry on and ask:

Q Did you register the Hattakumex territory as a trapline?

A Yes, we did register the territory and Josephine was a big girl by then.

Q Whose name did you put the trapline in, in the registration system?

THE INTERPRETER: When it was first registered it was registered under Bazil and his mother. At that time, Josephine said that everybody was getting their traditional lands registered and they had no choice but to register. Afterwards Josephine was added as well as Elsie Hart and Lizzette Naziel.

MS. MANDELL: All right.

Q Josephine said they didn't have a choice but to register, what did you think would happen if you didn't register your trapline?

A We were told that we would be unable to trap, hunt and trap, and that was why we registered the trapline.

Q Who told you that?

A The people who worked for the government.

Q Was there a meeting held among the Wet'suwet'en chiefs or did the government person doing the talking come to you personally?

JOSEPHINE: They didn't call a meeting with the Wet'suwet'en as a group, they went individually to each land owner.

MR. Plant: Victor, I wonder if when Josephine gives an answer you could indicate that the answer came from Josephine.

BY MS. MANDELL:

Q Did this person come and talk to you about registering your trapline after your family had been removed from Barrett Lake?

2-77

MICHELL, B. & J.
In Chief
Ms. Mandell

A it was after my father was kicked off the land.
THE Interpreter: and Josephine said that she was aware of these people coming around at that time.

BY MS. MANDELL:

Q Josephine, you say you were aware of these people, which people are you thinking about?

JOSEPHINE: I think it was people from the game warden. They wore uniforms similar to what they wear today.

Q Did your experience at Barrett Lake influence your decision to register your trapline?

A Yes.

Q In what way?

A after we registered the territory they quit bothering US.

Q Were you the first Hattakumex chief to register Hattakumex territory as a trapline?

A yes.

Q Are the boundaries Of your trapline the correct boundaries of Hattakumex territory?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Josephine said that when it was first registered it was registered under Bazil and his mom, and that later on it was -- Josephine's name was added as well as Lizzette Naziel and Elsie Hart. Esther Mack, Johnny Mack's first wife.

BY MS. MANDELL:

Q Are the boundaries that are registered as the trapline the correct boundaries of Hattakumex territory?

A Yes. The boundary was the correct. Went from Beamant to just passed Toboggan Lake where Adam's Igloo is. That whole area we registered.

Q Does the trapline combine Hattakumex and Kowaycan territory or just Hattakumex territory?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Bazil said that the territory was just Hattakumex territory. There is some other territory at Maxam Lake that ne said belongfd to Maxam Tom, Seymour Tom, Antoine Tom and his mother. Bazil said Seymour Tom Michel Tom.

Josephine said that the area at Maxam Lake would have been given to Elzie, who took the name Yahalee.

2-78

MICHELL, B. & J.

In Chief

Ms. Mandell

The name Yahalee belong to Maxam Tom's mother. She was going to complete the feast for the territory but she died.

BY MS. MANDELL:

Q Who has taken that name now?

JOSEPHINE: Ron.

THE INTERPRETER: Is it Okay I give the last names? They only give me the first names becaUse they know I know them.

MR. PLANT: As long as you know, and so long as that's clear that's fine.

THE INTERPRETER: Ron Mitchell will be taking the name.

By MS. MANDELL: .

Q Bazil, what authority do you think the Province has over your trapline?

A The territory belongs to me. Prior to myself getting the territory, . it was my relatives, Sam Stayce and Tas Las who owned the territory, and it doesn't belong to the white man.

Q In the old days did your father tell you, or did you see how the Wet'suwet'en people showed respect for the boundaries of each other's territory?

A In the earlier days people respected each other's boundaries.

THE INTERPRETER: Josephine indicated that their line would go like this and you would -- you never crossed over into another person's territory.

BY MS. MANDELL:

Q Is there -- what is the proper way for someone to cross over and pass over the territory of some other chief or some other clan?

JOSEPHINE: Whenever a person from another clan or house wants to go on someone's territory he would ask permission of the owner and the owner would go with him on to the territory to hunt and trap.

MS. MANDELL: Yes.

JOSEPHINE: Part of the catch would be given to the owner of the territory.

BY MS. MANDELL:

Q Who has the right to use Hattakumex territory today without getting the permission of Bazil, yourself?

A Josephine and I have the territory registered and it is the young people who trespass on our land without asking US.

2-79

MICHELL, B. & J.

In Chief

Ms. Mandell

Q For how long have these young people been trespassing?

A I don't know how long this has been going on but people have been stealing traps from Josephine, and this has been happening as well to Madeline Alfred who's been missing traps on her territory.

Q Would you say the problem has been -- of the stolen traps, would that be within the last five years?

THE INTERPRETER: Bazil said that it's probably within the last five years that traps have been missing.

Josephine said that she has several lines in this territory and up close to the mountain, the area where they logged. Last summer -- last year, Lizzette and Josephine checked one line of traps and some were missing.

BY MS. MANDELL:

Q Do you know of a story where any person was killed on Hattakumex territory for trespassing?

A Tas Las killed a person with a branch, wrapped it around the person's neck and killed him. I can't remember who he killed.

Q How is Tas Las related to you?

A It's my grandfather.

Q Although you don't remember who the person was, do you remember from where he came?

THE INTERPRETER: Bazil couldn't remember, then Josephine remembered that he was Nutseni.

BY MS. MANDELL:

Q Where is Nutseni from?

JOSEPHINE: They come from the east.

Q Is it Wet'suwet'en?

JOSEPHINE: They're probably from the area around Williams Lake

B Is there a song telling about that trespass?

JOSEPHINE: Yes, there is.

Q Can you sing it for us?

(JOSEPHINE: SINGS THE SONG)

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

MS. MANDELL: Victor, can you translate the words to that song?

THE INTERPRETER: The main words to the songs goes 'Nutseni, what's hurting you', and I can't translate the rest. But that's the main thrust of the song.

BY MS. MANDELL:

Q Who has the rights to sing that song?

2-80

MICHELL, B. & J.

In Chief

Ms. Mandell

JOSEPHINE: The hereditary chiefs would sing that song. The occasion to sing that song would be when Elsie Hart got killed. That song is supposed to be sung by Wah Tah Keght
THE INTERPRETER: Po you want the name for Wah Tah Keght? The English name?

MS. MANDELL: Yes.

THE INTERPRETER: Henry Alfred.

BY MS. MANDELL:

Q Who taught you the song. Josephine?

JOSEPHINE: I learned the songs from my father. I had -- I knew many songs but I've forgotten some of them.

Q Is the song which you just sang to us different from the Kowaycan song?

--- OFF The RECORD DISCUSSION IN WET'SUWET'EN

JOSEPHINE: The song I just sang is different from Kowaycan. Kowaycan song belongs to Bazil. Bazil paid for that song.

BY MS, MANDELL:

Q In the old days was killing a usual way to handle trespassers?

A yes, they did.

Q Bazil, have you ever confronted a trespasser on your territory face-to-face?

A NO, I haven't. They hide on us.

Q Have you ever hunted a trespasser?

A NO.

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

MS. MANDELL: What did he say?

THE INTERPRETER: No, I don't hunt for them.

BY. MANDELL: Are they not good to eat:

Q Did you ever go looking for one because you thought there were trespassers on your territory who you wanted to find?

A No.

Q You mentioned a problem which has developed in the last few years of young people trespassing and stealing the traplines, is there any way in the feast hall today to deal with the problem of trespassers?

A In the old days people were very strict about people trespassing on their lands. It doesn't seem so today. People are getting better at sneaking around and we've talked to the game warden about but they have been Unable to catch anyone trespassing.

2-81

MICHELL, B. & J.

In Chief

Ms. Mandell

Q Is there any -- are the chiefs doing anything to -- let me phrase it this way. Is there any -- Bazil, can you see any way to use the feast hall to deal with the problem of these trespassers?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: Many of the hereditary chiefs are now talking about what they should do about the people who are trespassing on their lands, and Sylvester William has been having the same problem. He's been going out to try and catch someone, and the name Roy Morris keeps popping up.

BY MS . MANDELL :

Q Are the hereditary chiefs talking among themselves informally or have any meetings taken place to talk about the problem?

A Some of the hereditary chiefs have been talking informally about resolving this problem. Up to now nothing has happened. Some of Christine Holland's relatives are still alive and they re the ones that should be talking about the territory near Houston, and I don't know what will happen.

Q When the hereditary chiefs make a decision what to do about the trespassers, will that decision be spoken about in the feast hall?

A Yes, they would. If they got together they would mention this at the feast. It is really up to Warner and his family to talk about the area east of here.

Q Is that an area of particular problem?
Yes, it is.

MR. PLANT: Warner?

THE INTERPRETER: Warner William.

JOSEPHINE: Katherine Michell. Doris Michell. Tina Morgan.
Tommy Holland.

THE INTERPRETER: These are the people who should be getting together and talking about Sylvester William's territory.

MS. MANDELL:

Q Can you tell us, are there any feasts which may be used to help deal with the trespass problem?

A In the old days then potlatches were for many occasions and a lot of money would be spent but now most of the feasts are paying for funeral expenses.

Q What is a shame feast?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

2-82

MICHELL, B. & J.

In Chief

Ms. Mandell

JOSEPHINE: In Wet'suwet'en it is called Klonelsas. These feast are held when the high chief is bloodied up or when there is a heated argument between two chiefs.

BY MS. MANDELL:

Q Has anyone in your family held a shame feast in recent times?

JOSEPHINE: Last summer Lawrence Michell had a shame feast, and before that was Tommy Michell.

Q COULD either a shame feast or potlatch be used to deal with the trespass problems?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: For people trespassing on other people's territory that could be dealt with through a shame feast or a feast. In the old days people used to get killed for crossing into other people's territory. Today we can't kill anyone because we can't see them!

BY MS. MANDELL:

Q The shame feast that Lawrence held this year, how was Lawrence related to you?

JOSEPHINE: He's my son.

--- OFF THE RECORD

BY MS. MANDELL:

Q Is there a particular way that a shame feast has to be done in order that it's done right?

JOSEPHINE: People are invited similar to a normal feast. Lawrence passed out some materials to the guests and also he shook hands with the person that hit him. Again, when this happens it's like wiping the blood off your face.

THE INTERPRETER: She also said, this is why hereditary chiefs are never allowed to talk crazily against other people. Not allowed to talk behind other people's backs, and you allowed to look after yourself, not to get into fights, otherwise this is what happens, you have to put up a shame feast.

BY MS. MANDELL:

Q Did anyone watch over Lawrence's shame feast to say that it had been done properly?

JOSEPHINE: The people who overlooked the feast were Lawrence's uncle, Char:ie Austin, Madeline Alfred, Maryanne Austin and Sara Tait.

2-83

MICHELL, B. & J.

In Chief

Ms. Mandell

MS. MANDELL: and What did Bazil just say?

THE INTERPRETER: Bazil just saying he was out of town, he was in Prince George when this feast happened.

BY MS. MANDELL:

Q Bazil, what are the hereditary chiefs doing to draw the young ones into the feast system?

THE INTERPRETER: Josephine is saying that in order for the young people to learn how the feast is done, the young people are allowed to distribute the goods amongst the guests.

BY MS. MANDELL:

Q Is there any movement among the hereditary chiefs to purposely give names to younger people to bring them into the feast system at an early age?

JOSEPHINE: Yes, there are.

Q Do you know Hankie Tait?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

JOSEPHINE: We don't know him to see him but we know about him. He's the one that's taking Tommy Michell's name. We will see how he fares out this summer.

BY MS. MANDELL:

Q How Old is he?

THE INTERPRETER: They don't know.

BY MS. MANDELL:

Q Do you know whether he's a young man, a boy or an older man?

THE INTERPRETER: You're asking me?

MS. MANDELL: No.

THE INTERPRETER: Bazil Says he's going to be my grandfather now, he's getting my grandfather's name.

BY MS. MANDELL:

Q Bazil, is it correct that you could properly call him grandfather?

THE INTERPRETER: Bazil said since he's getting our brother's name he would have to look after myself and Josephine as well .

MS. MANDELL: Did you ask him or did we get an answer if Hankie Tait, s a very young man or older man? Or boy?

THE INTERPRETER: They don't know.

2-84

MICHELL, B. & J.

In Chief

Ms. Mandell

BY MS. MANDELL:

Q Just before we finish this, would the person who hit Lawrence have to give a return feast?

A Not normally but if they want to they can. And the person that hit Lawrence is not a wealthy person therefore he probably would not.

Q When was the feast at which Hankie was given your brother's name?

JOSEPHINE: It was at the feast for Nora Van Tunen.

Q When was that held?

--- OFF THE RECORD DISCUSSION

THE INTERPRETER: 26th March.

--- OFF THE RECORD DISCUSSION

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Bazil is just telling Josephine about a similar system the Gitksan people use when there's a death. They, made him hold a stick when someone had died and he didn't attend the feast but he sent \$30 for being there as a hereditary chief.

BY MS. MANDELL:

Q This feast where Hankie Tait got his name that we've been talking about, was this the funeral feast of Nora whom you described as very i:l in the last Commission Evidence

JOSEPHINE: Yes.

Q Bazil, have you ever consented to somebody else using Hattakumex territory?

A No.

Q Have you ever loaned your territory to another person?

A No.

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: Josephine,s got many grandchildren and so do I, and that's why we can't let other people use the territory

BY MS. MANDELL:

Who is using Hattakumex territory today?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: The people that are using the territory now are Josephine, myself, Lawrence Michell, Trevor Michell, Vern Mitchell, Eddie Michell.

2-85

MICHELL, B. & J.
In Chief
Ms. Mandell

BY MS. MANDELL:

Q Do any of those people hunt and trap for you?

A Yes, they do.

THE INTERPRETER: Josephine said, that's why I taught them to trap.

MS. MANDELL: What did Bazil say?

THE INTERPRETER: Bazil said Albert Michell is going to be killing some beaver for you to dry.

MS. MANDELL: Just letting her know?

THE INTERPRETER: Just letting her know.

BY MS. MANDELL:

Q Will that beaver be used in a feast?

A Yes.

JOSEPHINE: Yes.

Q Which feast is it?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

JOSEPHINE: Depending on how much beaver meat it will be used for three feasts. That will be for Elsie Hart's feast, as well as Tommy Michell and Nora Van Tunen.

BY MS. MANDELL:

Q Are all of those feasts going to come up in the next year.

JOSEPHINE: (In English) This summer maybe.

Q Are all those feasts headstone feasts?

JOSEPHINE: yes.

Q Does beaver have to be used at headstone feasts?

JOSEPHINE: Yes. Beaver meat as well as moose meat, bear meat and whatever kind of meat we can get a hold of.

MS. MANDELL: Would you like to break for a little bit?

THE WITNESS: Okay.

--- SHORT RECESS

--- OFF THE RECORD DISCUSSION

--- PROCEEDINGS ADJOURNED AT 11.50 a.m.
TO BE RESUMED 9.30 a.m. , 4 APRIL, 1986

TRANSCRIPT CONTINUES AT 2-86

2-86

MICHELL, B. & J.

In Chief

Ms. Mandell

VICTOR WILLIAM JIM,
Wet'suwet'en Interpreter,
Previously Affirmed.

BAZIL MICHELL and
JOSEPHINE MICHELL, Witnesses
called on behalf of the
Plaintiffs, previously
Affirmed, testify as follows:

--- UPON COMMENCING AT 9.50 a.m.

MS. MANDELL: This is the continuation of the Commission Evidence of Bazil Michell, April 4th, 1986. Present are Bazil Michell and Josephine Michell. Beside them to the left is Victor Jim, who will be translating; Veronica Harper, Court Reporter, Antonia Mills, who will be helping with the Wet'suwet'en words. Myself, Louise Mandell, lawyer for the plaintiffs, and beside me Geoff Plant, representing the Province, and Mike McDonald is present running the camera.

I have to remind Bazil and Josphine and Victor that you're still under oath. Victor, could you make sure that Bazil and Josephine understand?

THE INTERPRETER: Yes.

EXAMINATION IN CHIEF BY MS. MANDELL (contd):

Q Bazil, who is Philip Austin?

A (In English) Philip Austin is my uncle, he died long ago.

THE INTERPRETER: His uncle who died long ago.

BY MS. MANDELL:

Q Did you ever loan Hattakumex territory to him?

A Yes, I did. Now the white people have set up their homes on there. It's by the lake.

Q What lake is that, that he's talking about?

A Toboggan Lake.

Q Where Was Philip austin s territory?

THE INTERPRETER: Philip Austin,s territory was at Maxam Lake and because of the distance from here Bazil let him trap on his territory.

BY MS. MANDELL:

Q Did you both, you and Philip Austin, use Hattakumex territory at the same time?

A Yes.

2-87

MICHELL, B. & J.

In Chief

Ms. Mandell

Q Did you hunt and trap with Philip Austin?

A No, he trapped by himself.

Q Did Philip Austin have your authority to give any other persons permission to use your territory?

A No, I didn't give him permission for other people to trap with him, and I didn't know he was going to do that when he loaned out part of my territory.

Q Who did he loan out part of the territory to?

A A white man named Slim. They're all dead now, along with his wife.

Q Did you ever speak to Philip Austin about this?

A No, I didn't. The white people all died off and there was no other person using the territory now.

Q Did you hunt caribou on Hattakumex territory or somewhere else?

A Yes. It used to be many caribou in this area.

D Did you ever use anybody else's territory to hunt caribou?

A No.

Q Did Big Seymour ever invite you to his territory to hunt caribou?

A AYes, he did invite us to his territory to get game for meat for ourselves, and he said we could go there any time we wanted.

MR. PLANT: I didn't hear the last part of that?

MS. MANDELL: We could go there any time we wanted.

Q Why did Big Seymour extend his invitation for you to hunt caribou on his territory?

A His wife is from the same clan as we are.

Q Do you remember Big Seymour's feast name?

A Yes, Gyologet.

Q Did you ever incite Gyologet to your territory, to Hattakumex territory to hunt in return?

A He had big enough territory tht he didn't need to hunt in my territory.

Q When did the white people first start to come into Wet'suwet'en territory?

A I can't tell exactly, I was quite a small boy at the time.

Q Was the -- let the record show that this clock has gonged on the twenty minute to the hour for the last month and suddenly it gives us ten chimes on the hour!

Bazil, did the Wet'suwet'en -- did your family hear about white people before your family was kicked off of Barrett Lake?

A I don't think so. I don't know if they were around, I wasn't told before they died.

Q So When your family was kicked off Barrett Lake was that the first time that your family met the white people?

A Yes.

2-88

MICHELL, B. & J.

In Chief

Ms. Mandell

Q Did your mother suggest having a shame feast when your family was removed from Barrett Lake?

A No, she didn't. and I don't want to get kicked out again, not today.

Q Bazil, how did you feel -- maybe go back a little bit before that -- those white people who settled at Barrett Lake, were those the first white people to farm within your father's territory?

MR. PLANT: Do we know that they were farmers?

BY MS. MANDELL:

Q Were those the first people to settle?

MR. PLANT: Do we know they were settlers? all we know, some white people kicked them off.

MS. MANDELL: I think we established as well that they then came and burned down their houses and set up farms.

MR. PLANT: I recall the evidence about burning down their houses but I don't recall evidence about setting up farms.

MS. MANDELL: I think I, I'll leave that in. I think it's in but I don't think it matters to repeat that.

Q When your family was removed from Barrett Lake, did the white people set up their houses and stay there?

A Yes.

Q Do you know who those people were?

A It was Charlie and Ed Barrett, they were brothers. To the west of where Charlie and Ed Barrett settled there was another white man by the name of Mr. Thomson. He didn't talk about anything. He just cleared the land and he didn't tell us to get off our land.

Q Did Charlie and his brother, Ed Barrett, did they trap in your father's territory or did they farm?

A They didn't trap, they just took the land.

Q Do you then know whether -- do you know when the white people came into Hattakumex territory?

A At that time I was unable to read, there were no calendars so I really couldn't tell you exactly when they came.

Q From your own recollection can you recall where the white people started to use Hattakumex territory?

A It was after we were kicked off Barrett Lake and we moved to this present village and at that same time Peter Baziel and his wife were also kicked off the land. That is when they first started to set up settlements all along the territory.

Q Where was Peter Baziel removed? Kicked off?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

2-89

MICHELL, B. & J.
In Chief
Ms. Mandell

THE WITNESS: The area where Peter Baziel and his wife were kicked off their land was around the Snake Road area, on a field.

BY MS. MANDELL:

Q Had they cleared that land?

A Yes.

Q Did they have any cabins on that land?

A Yes, he did and he also had horses.

Q Do you know what Peter Baziel's feast name was?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: Peter Baziel's feast name was Wah Tah Keght.

MR. PLANT: Could I have a translation of everything that passed between Bazil and Josephine?

THE INTERPRETER: They were asking each other whether that was the right person who had that name.

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Peter Baziel's father was Laksamshu.

MS. MANDELL: COULD you say again his feast name?

THE INTERPRETER: His feast name was Wah Tah Keght.

BY MS. MANDELL:

Q Bazil, did you help Peter Baziel to get the feast name Wah Tah Keght?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: Peter Baziel had received the name Wah Tah Keght when he was very young.

THE INTERPRETER: Josephine said that he had another name which was Diltsai.

MS. MANDELL: So what was the answer about whether Bazil helped Peter Baziel in some way get the name Wah Tah Keght?

THE INTERPRETER: He didn't really say yes or no. He just said that he got the name at a very young age, and that Wah Tah Keght stone is at Hagwilget with the caribou on his headstone.

MS. MANDELL: Maybe I can ask him this way.

Q Did the name Wah Tah Keght, was it brought back to the Wet'suwet'en from the Babine?

A No, that name is not brought back. The name was left there because Wah Tah Keght helped someone there so you have two Wah Tah Keghts, one in Babine and one here.

2-90

MICHELL, B. & J.

In Chief

Ms. Mandell

--- OFF THE RECORD DISCUSSION

BY MS. MANDELL:

Q Bazil, did you go with Peter Bazil to Babine when the Babine Wah Tah Keght had died?

A Yes.

Q At that time Was Peter Baziel already Wah Tah Keght?

A Yes.

Q I WOULD like to go back to the time when Peter Baziel was kicked off the Snake Road area by the white people. You were telling us about what other people were starting to use parts of Hattakumex territory and I am wondering if you could continue to tell us where the white people were starting to use Hattakumex territory at that time?

THE REPORTER: Would you like it read back?

THE INTERPRETER: Yes.

THE REPORTER: Question: 'I would like to go back to the time when Peter Baziel was kicked off the Snake Road area by the white people. You were telling us about what other people were starting to use parts of Hattakumex territory and I am wondering if you could continue to tell us where the white people were starting to use Hattakumex territory at that time?'

THE WITNESS: Many of our people own territories throughout this area. Tyhee Lake David had an area near Tyhee Lake.

That was made into a reserve. Also John Baptiste had some territory and he was -- or a reserve was set up for him. Also at Hudson Bay Ranch another reserve was set up.

BY MS. MANDELL:

Q Where were white people setting up in your territory?

A The whole area between Toboggan Lake and this area you can see all the white farmers settling there, and Lizzette Naziel has got a string of traps up behind Doughty, and you can see there that white people have also settled there.

Q Do those white people that have settled in Hattakumex territory, do they trap in your territory or simply farm?

A They just farm, they don't trap.

Q Can you tell us whether it's in recent times or whether it's further back when you were a boy that the white people in the territory mostly came?

A It was during the time when I was a small boy.

JOSEPHINE: The area be*,ind Doughty has just been recently, since people started logging there.

2-91

MICHELL, B. & J.

In Chief

Ms. Mandell

MS. MANDELL: When she says recently, when is that time?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: She's saying about the time that she used to carry us around, when I was a baby.

MS. MANDELL: That would be about 40 years ago? Thirty years ago?

THE INTERPRETER: It would be in the fifties.

BY MS. MANDELL:

Q are there any other parts of Hattakumex territory besides the one Josephine mentioned where they did the logging, that have more recently been settled by the white people?

A The area past Atrill Creek. The people that first settle there are now dead and there s new white people living there now.

Q Can you tell us maybe how many white people would you estimate are now settled in your territory?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: To the best of their knowledge, Bazil said he didn't know the exact number of white settlers living in his territories. Josephine said that at Beamant there one farm there. A place called Twenty Mile, there's another farm. Atrill Creek, there's about three families Just behind Moricetown there s another three families.

BY MS. MANDELL:

Are the farms that you've talked about in your territory established in places which you can no longer use or which you would like to use?

A The areas we would like to use, there s only basically two farmers that won't let us on to their lands to go through their property and that is the one person that lives behind MÖricetown, and the other person is the one that lives past Atrill Creek, he's a Jehovah's Witness. Those two will not allow us to go through their land.

Q Are there any of the farmers who let you or -- are there any of the farmers whose land you continue to use for purposes other than access, such as to still hunt or take resources from those lands?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: There's some that do let us hunt, pick berries

2-92

MICHELL, B. & J.

In Chief

Ms. Mandell

on their properties, and there s one whose husband -- who is the husband of Nora Tait, who just died, he let.s us pick blueberries because his wife was Indian. He doesn't say anything when we pick berries on that property.

BY MS. MANDELL:

Q Are any of the farms located in places which make it impossible for you to continue to fish or hunt or trap as you used to before the farm was there?

A Yes. The area of Trout Creek, the areas have been fenced in and the white people themselves use it for fishing. My father used to set nets there for salmon. People from all over go there now to fish and we're not allowed to. Who tries to keep you away from that area?

THE INTERPRETER: Basil said the white man that

MS. MANDELL: That's one of the farms?

THE INTERPRETER: Yes.

BY MS. MANDELL:

Q What has that white man put on the land that he has occupied?

THE INTERPRETER: Basil said that just white people that come from Smithers to fish there that don't like them to set their nets there because it interferes with their fishing.

BY MS. MANDELL:

Q What building did the white man who occupies that land put there?

A Was Johnny Hines who first bought the property and he built a store on it. The present owner doesn't say much about anything.

Q What kind of fish did you and your family used to take from that lake? From the river, I'm sorry?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Talok which is your

MS. MANDELL: Ask Josephine!

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Sockeye. 'kase is your spring salmon. Day'tsa, coho, and tesslee is your steelhead.

BY MS. MANDELL:

Q What time of the year would your family go to that river to fish those fish?

2-93

MICHELL, B. & J.

In Chief

Ms. Mandell

A About this time of the year. The white people are now coming to Trout Creek to fish.

Q Did your family ever build a cabin or any kind of tent structure there to camp while they fished at Trout Creek?

A We didn't build any buildings on there since it was a short distance.

--- OFF THE RECORD

THE INTERPRETER: Mr. Lackwhalley I mentioned before had let US use a piece of land for haying because we had many horses, cows, pigs and they all ate hay.

MS. MANDELL: Can we just go off the record for a minute?

--- OFF THE RECORD DISCUSSION

--- JOSEPHINE LEFT THE ROOM AT THIS POINT

BY MS. MANDELL:

Q Bazil, you were talking about this farm, where there was use by your family to hay on that farm, whose farm was that?

A It Was the same person who had property behind Moricetown. He owned a store in New Hazelton, or in Hazelton. His name was Mr. Lackwhalley. He let us use both areas for nothing.

Q How did you feel about the white people farming in your territory?

A I feel the white man should work within the fenced area, the area outside they shouldn't trap the animals, that belongs to me.

Q Do you believe that the land fenced off by the white people is their land or is it your territory?

A The farms that they have set up, they have bought off the government. The area outside the fences belongs to us and that is the way I want it.

Q Did you ever give your consent for the white people to settle on your territory?

A It's the people -- the white people that work in the government offices, they're the ones that have been giving the lands and not all white people are bad. Just the ones that Josephine has mentioned. They wouldn't let US on to their lands.

Q Did you ever receive any compensation for these lands

2-93(A)

MICHELL, B. & J.

In Chief

Ms. Mandell

to be given to the white people from your territory?

A No.

Q Even those people that are not bad that you mentioned that live in your territory, did you ever give consent that they should be on your land? Permission, sorry.

A No.

Q When the white people first started to come into your territory do you remember how you felt at the time?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Bazil said we -- I had no choice but -- I had no choice for people moving on to my territory. And not all of them are bad just the ones that Josephine had mentioned, the one passed Atrill Creek who's the Jehovah's Witness. I don't like it when he won't let us on to his property.

BY MS. MANDELL:

Q Have you ever complained to the white people within your territory about their being there?

A No.

Q When the White people first started to come into your territory, did you think you could go to the RCMP or the DIA for protection against them taking your land?

A No.

Q Why didn't you think you could go to those people for protection?

THE INTERPRETER: He said it was the people who worked for the government in Smithers, they would tell us that white people were moving on my to lands. Some promised that they wouldn't hunt or trap outside the fenced areas and that is why we let them settle. There's a Mr. Campbell who just worked on the land and they've moved now, and there's other white People that have moved on there.

BY MS. MANDELL:

Q Did the church have any impact on your reaction to the white man?

A No.

Q Had there been any ministers or priests or members of the church come into your territory at the same time that the settlers were coming?

A Yes.

Q What was the people's reaction to these people of the church?

A The priests when they first came, they came to spread

2-94

MICHELL, B. & J.

In Chief

Ms. Mandell

the word of Jesus and they would -- we would go to Church every Sunday and there was no way that we could talk to them.

Q Did the church people ever talk to you about the white men who were settling on your land?

A No.

--- OFF THE RECORD

--- JOSEPHINE RETURNED AT THIS POINT

MS. MANDELL: We'll go back on.

Q Basil, are there any conditions which you would like to make for any of the white people who settling in your territory? I'm sorry -- who have already settled in your territory or who might in the future?

A The people who set up farms, they should work within the fenced areas. The areas outside the fence belongs to us.

Q Are there any conditions which you would like to set concerning your access to their lands or the lands that they fenced?

A The area that's fenced in, there's nothing much we can do about that since the farmers have bought that off the government. Any area outside the fenced area still belong to us. The creeks that flow through it. We should have access to the salmon. And still fish the way we have in the past.

Q What is your feeling about any new land in your territory which might be opened up for white people to farm?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

JOSEPHINE: They've taken enough land. They've taken all the trees off the land. They shouldn't be setting up any new farms, they should leave it the way it is. We haven't been given any compensation. And they've also disturbed our traps, along our traplines.

MR. PLANT: What did Basil say in answer to that question?

THE INTERPRETER: He misunderstood what I was trying to say. That's why I asked him again what he thought about it and Josephine answered.

MR. PLANT: He didn't have an answer?

THE INTERPRETER: Mo. Do you want me to ask him?

MS. MANDELL: Yes.

THE WITNESS: The areas that we trap should be left alone.

2-95

MICHELL, B. & J.

In Chief

Ms. Mandell

Forestry should be compensating us for the lands they've logged. They've disturbed the areas where we've trapped before. They've lost all the traps that we have had strung along our territory.

BY MS. MANDELL:

Q Are there any of the farms which are presently established which you would like to see brought back into the trapping territory because they're important to the people -- important to your family's use?

A My whole area still belongs to us. The farms that are set up we can't do nothing about.

Q Bazil, has there been any logging in your territory?

A Yes.

Q Where has that logging taken place?

A The Whole Boulder Creek area. You can see it from here, it's all been logged off. Then the Seaton area, it's been logged right off. right down to the river.

Q First of all, with respect to the Boulder Creek area do you know approximately when that logging took place?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: They w\$re asking each other when they could remember logging first started. Josephine thinks it was about 20 years ago.

BY MS. MANDELL:

Q Is that true also for the Seaton area?

JOSEPHINE: Three years ago there were still trees in the Seaton area, and I think it was last year they took all the trees out.

Q Let's talk first about the Boulder Creek area; did you have any -- were you informed by anyone before the logging took place that there was going to be logging in that area

A No.

Q Did you receive any compensation for the trees that were taken?

A No.

Q To this day do you know who did that logging?

A Bill Morris.

MR. PLANT: Bill Morris?

THE INTERPRETER: Morris.

BY MS. MANDELL:

Q Did you or your family use the Boulder Creek area for trapping?

2-96

MICHELL, B. & J.

In Chief

Ms. Mandell

Yes, that's the area Josephine trapped.

Q What animals were able to be trapped from that area?

JOSEPHINE: They hunted or trapped for bear, marten, fox, coyote fisher, lynx.

THE INTERPRETER: And she said there were all kinds of animals in the territory.

MS. MANDELL: It Was a rich trapping territory.

Q Did you personally or anybody in your family lose any traps when that logging took place?

THE INTERPRETER: I have to think about traps again!

JOSEPHINE: Mine and Elsie's traps were all lost and destroyed.

BY MS. MANDELL:

Q How many traps were lost and destroyed?

Off the record a moment.

--- OFF THE RECORD

MS. MANDELL: Okay.

THE INTERPRETER: Josephine said that three areas from Boulder Creek up to this area here. The Boulder Creek area there was about nine dozen lost. Another nine dozen. SO a total of 18 dozen traps were lost from Boulder Creek down to behind Moricetown.

BY MS. MANDELL:

Q Did you ever receive any compensation for those lost trap:

JOSEPHINE: (In English) Nothing.

Q Did you ever report that to the RCMP?

JOSEPHINE: No.

Q Why didn't you ask the RCMP for protection?

JOSEPHINE: How could we tell them anything when they re all lost?

Q The area around Boulder Creek that was logged 20 years ago, has that area grown up to be useful for anything to this date?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Josephine said that two years ago she had strung her traps along Boulder Creek area and they were all stolen, she doesn't know who stole them. So she really couldn't say if the area is rich with animals again.

2-97

MICHELL, B. & J.
In Chief
Ms. Mandell

BY MS. MANDELL:

Q Have the trees grown back?

JOSEPHINE: No, not yet.

Q The trapping which took place -- I'm sorry -- the logging which took place at the Seaton area, did you -- were you informed beforehand that that logging was going to take place?

JOSEPHINE: No.

Q Did you receive any compensation for the logs which were taken?

JOSEPHINE: No.

Q Was that area also a trapping area used by your family?

JOSEPHINE: That was the main area that we trapped, Seaton and

Q What animals -- sorry?

JOSEPHINE: . . . and the area where we set our traps, it seemed like that was the area that they logged.

Q What animals were capable of being trapped in that area?

JOSEPHINE: It was mostly marten that we trapped, and some moos

Q Did you lose any traps when that logging took place?

JOSEPHINE: They were all destroyed.

Q How many?

Josephine: I already told you. I gave you the number.

Q That was the dozens?

THE INTERPRETER: Yes.

BY MS. MANDELL:

Q Did you ever receive compensation for those traps that were destroyed?

JOSEPHINE: No.

Q Have you ever -- have you been able to hunt or trap in the Seaton area since the logging took place?

JOSEPHINE: No.

Q Have you been able to use that area for any other purpose?

JOSEPHINE: What are we going to use since they've destroyed all our traps.

Q Just to clean up some maybe misunderstanding: have you ever been able to hunt or trap in the Boulder Creek area since the trees were cut?

JOSEPHINE: So, we haven't.

--- OFF THE RECORD DISCUSSION

MS. MANDELL: Just so you understand what's happening, Mr. Plan reminds me that he is assuming that Bazil doesn't know any of this information because Josephine's doing the talking. I think what we should do is ask Bazil whether he -- first of all -- just a minute.

2-98

MICHELL, B. & J.

In Chief

Ms. Mandell

--- OFF THE RECORD DISCUSSION

MS. MANDELL: Back on the record.

Q Basil, did you ever personally trap at the Boulder Creek area?

A I trapped the area this side of Boulder Creek up to the mountain. It was up higher. All those traps are gone as well .

Q All right. In the area which you trapped in Boulder Creek this side of the mountain, was there any logging done in that area?

A Yes.

Q Did you lose any traps when the logging was done?

A Yes. There s nothing left.

Q How many traps did you lose?

A This side Of Boulder Creek I had four dozen traps side-by-side so a total of eight dozen. Up in this area behind Moricetown I had five dozen each side-by-side, total of ten dozen. And to the east of Moricetown I had a hundred traps. All those are gone and the Forestry have given me cutting permits to Moricetown Band, and I've asked the people there if they've seen the traps and they say that they haven't seen them.

Q Have you been able, to trap the Boulder Creek area since the logging took place? Or hunt? I'm sorry, trap or hunt?

A NO.

Q Did you use the Seaton area for trapping before the logging?

A Just Josephine had trapped that area.

Q As a result of the logging in your territory, can you say whether or not you've been able to maintain the level of trapping catch both -- whether or not you have been able to catch as much meat and animals before the logging as after it? Over the year?

THE INTERPRETER: Both of them said, how could you trap when everything's been logged off. It's nothing but fields now.

BY MS. MANDELL:

Q Are there any animals which you were able to catch in your territory before the logging which aren't any more coming into the territory?

JOSEPHINE: There aren't as many martens as there used to be.

Q Are there any new animals that have come into the territory since the logging which weren't there before?

JOSEPHINE: I don't know. How could we go back to the area, the area that's been logged.

2-99

MICHELL, B. & J.

In Chief

Ms. Mandell

Q Do you experience -- are there any animals or animal skins or animal meat which you used to be able to take from Hattakumex territory but you don't get enough now?

JOSEPHINE: Most of the animals that we used to trap are less in numbers. The only animals that are plentiful now are the bears that are on the fields. Maybe there's still coyotes around. And some negoesskee. Fox.

Q We've talked about logging and the farms, where your territory has been used by white people without your consent, has there been any other use made of your territory for any other purpose to your knowledge by white people without your consent?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: The area we trapped, they've all been destroyed by logging, there's no more traps. There really is no reason for us to go back to the areas that have been destroyed. There are a few animals in the areas where it hasn't been logged and that is a great distance from here.

BY MS. MANDELL:

Q Today where is the closest available trapping and hunting area to you?

A The closest area is one of the mountains to the north of Moricetown. The area west of there has all been logged off.

Q Is that area north of Moricetown walking distance from the village?

A It's a long distance from here,

MS. MANDELL: For the record, Basil was pointing south but saying north?

THE INTERPRETER: Oh, south.

MS. MANDELL: Right.

Q Did the area which was logged use to be an area which you could get to easily from the village?

A Before the area was logged, we used to be able to walk from here to trap but now it's getting further and further.

Q Did the logging interfere with any of your berry picking areas?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: Basil said that the area that he described earlier was probably the only area that's left that has any berries. And Josephine said the area around Atrill

2-100

MICHELL, B. & J.

In Chief

Ms. Mandell

Creek, Beamant, there used to be a lot of huckleberries but since the area has been logged there aren't as many as before.

MS. MANDELL: Off the record for a moment for a tape change.

--- OFF THE RECORD DISCUSSION

BY MS. MANDELL:

Q Basil, what maintenance do you do within your territory each year to make it possible for you to continue to hunt and trap as you're used to doing?

A We do look after our territories so that there were always many animals and now the American people have been coming into the territory and shooting all the moose and caribou. In order for the animals numbers to remain high we used to only shoot what we needed.

Q Was there any maintenance which you did to your trails?

A In the fall whenever the animals furs were in a good stat that is when we would set our traps.

Q Did you have any restrictions which you placed on yourself if you were hunting beaver, for example? Where there were many beaver in a particular place?

A For the beavers, wherever there were a good number of them, we would only shoot two or three and then moved to a different area so they would continue to flourish.

Q Do you have any restrictions or rules about shooting animals when they're carrying -- when they're mating? Or around the mating season? I don't mean

--- OFF THE RECORD

THE WITNESS: We don't know what conditions the animals are in in the forest. The bears have their cubs when they're hibernating and they don't come out until they're able to get around on their own.

By MS. MANDELL:

Q Are there any seasons of the year when you don't shoot deer or moose?

A During the month of May is when they're having offsprings and that is when we don't hunt them.

Q Are there any seasons of the year when you don't trap?

A During the month of March you take out your traps because the furs of the animals are starting to shed.

Q How long do you leave your traps out?

JOSEPHINE: For one summer you don't set your traps again in order for the animals to continue to grow.

2-101

MICHELL, B. & J.

In Chief

Ms. Mandell

MS. MANDELL: I don't know whether or not Bazil answered the question but I would like to repeat it: whether or not there's any maintenance which Bazil does on the trails within the territory?

THE WITNESS: Wherever we have our traps strungs, we usually carry an axe and we clear the area before we set our traps again.

BY MS. MANDELL:

Q Do you do anything to the underbrush to make it more suitable for -- to attract different animals for food?

THE INTERPRETER: How do you say underbrush?

MS. MANDELL: Maybe underbrush isn't what you do it to. Maybe I should ask this question.

Q Do you do anything to the grasses or to the trees to try to make them tasty to different animals to come in?

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE WITNESS: We use various kinds of bait to trap the animals, the marten, fisher and coyote.

BY MS. MANDELL:

Q Do you take the bait from your territory?

A Yes.

Q What,s COMmonly used for bait?

A Usually use rabbit and salmon, prepare it so that it can be used for bait.

Q Bazil, do you feel that the government had the right to sell your land to the white farmers?

A The government had surveyed the land and considered the land survey as their own. They sold it behind our backs without telling us anything.

Q When you were talking yesterday about the game warden who talked to you about registering your trapline, do you know how the game warden knew to talk to you as Hattakumex about Hattakumex's territory?

A I don t know how they knew it was my territory. Maybe Josephine knows.

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

JOSEPHINE: Don't know exactly how they knew which territories belonged to who. All the people we asked to register their traditional lands, this area, Babine, and to the east. It seems as if the game warden moved into our territory so that they could sell the land.

2-102

MICHELL, B. & J.

In Chief

Ms. Mandell

BY MS. MANDELL:

Q Did the game warden -- do you know, did he approach all the hereditary chiefs about their territory?

THE INTERPRETER: Bazil said that they weren't notified when the government first came and began registering the traditional lands. He doesn't know how they knew who owned what territory. When they first registered the traplines they were told by the government that they will not be allowed to trap and this is why many of them registered their traplines.

BY MS. MANDELL: I think We'll call it a day. Bazil, that you for your patience today.

--- OFF THE RECORD DISCUSSION IN WET'SUWET'EN

THE INTERPRETER: I am just telling them when you guys decide to continue this Commission, I'll just let them know.

--- OFF THE RECORD DISCUSSION

--- PROCEEDINGS ADJOURNED AT 12.10 p.m.

I hereby certify the foregoing to
be a true and accurate transcript
of the proceedings herein, to the
best of my skill and ability.

Veronica Harper (Ms)
Official Court Reporter

:VH-Apr.19/86

B.C.S.R.A. #263