

TRIAL EXHIBIT 74B - 24 & 27 September, 1986

Extracts from COMMISSION EVIDENCE of JOHN DAVID, Volume II

INDEX TO EXHIBITS

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Photograph of Totem Pole dated October 25, 1976 by National
Museum of Canada Stamp, negative No. 59526, Page 22.

REPORTER'S NOTE:

Wherever Laksilyn appears in this transcript it should be spelled
LAKSILYU.

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DAVID, J.
In Chief
Mr. Grant

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

JOHN DAVID,
Witness called on behalf of the
Plaintiffs, previously sworn,
testifies as follows:

---UPON RESUMING AT 9.00 a.m. 26 September, 1985

MR. GRANT: On the record then. For the record, this is the continuation of the examination of Johnny David which adjourned one week ago on September 20th, and Johnny has been sworn in his own language, in Wet'suwet'en. The Interpreter, Victor Jim, has also been sworn in his language to translate from Wet'suwet'en to English and into English from Wet'suwet'en.

The other persons present are Mike McDonald who is doing the video work; Veronica Harper the Court Reporter; Antonia Mills who is here to assist by writing out Wet'suwet'en words for the Reporter; Don Ryan who is here as one of the people assisting Mike McDonald; John Milne who is here as counsel for the Defendant, and myself, counsel for the Plaintiffs.

EXAMINATION IN CHIEF BY MR. GRANT (continued)

Q Last week, just before we adjourned you performed one of your dances and songs out in front of your totem pole; could you tell me when that song and dance are performed in Wet'suwet'en feasts?

A I sing my song and I dance to the song whenever there is potlatch. You can't tell when exactly potlatch is going to be.

Q The song that you performed last week, and the dance, what did they signify?

A The songs and dances happen whenever there's a feast and that's how we have been doing it.

Q Who owned that song and dance?

A It belongs to me and that's my dance. Further to what is saddened by an occasion, and the song and dance are performed to lift the spirits of the people. It is done by all the clans.

Q Does each chief have particular songs and dances which belong to them?

A Yes, the hereditary chiefs each have their own songs

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and dances, and when someone is saddened they perform their dances.

This is our Indian law.

Q Would you perform that dance only at the feast of Laksilyn?

A Yes. It is only done at the Laksilyn feast and this is all the chiefs.

Q Would you only perform it at a funeral feast or would you also perform that dance at a pole-raising feast?

A Songs and dances are performed when someone dies or when a pole is raised. The pole is like telling a story about our people.

Q You also showed us the poles in front of your house and I understand one is the pole of Maxlaxlex and the other the pole of Kila. You referred to the fact, I believe it was Gitdumskanees was on those two poles; why is his figure on the bottom of Maxlaxlex pole?

A Because that is the law of our people. Figures not put on there for any reason. Serves the purpose and Gitdumskanees is referred to as mountain.

Q Is Gitdumskanees on the pole of any other chiefs in the Laksilyn clan?

A He is on the other poles of the Laksilyn but not the other clans.

Q You also showed the otter and the dog crests on your pole; is the otter crest on the pole of any other chiefs in the Laksilyn clan?

A The otter and the dog are only on the Laksilyn pole.

Q Are they ----

THE INTERPRETER: And he said that Johnny was boss of the Laksilyn.

BY MR. GRANT:

Q Are they only on the pole of Maxlaxlex?

A The figures are on my pole and I am the boss.

Q Does the otter crest relate to the territory of the Maxlaxlex?

A The otter crest comes from our hunting territory which we own.

Q Is this crest a very old crest or was it something that Maxlaxlex acquired recently?

A The crest has been in existence for many years, many years before I came along.

THE INTERPRETER: And he said it's been in use for a lifetime. In Hagwilgate where Old Sam is buried on his headstone you see the figure of the otter.

BY MR. GRANT:

Q Did the otter crest exist before Old Sam in the earlier Maxlaxlex days?

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A Yes, they use the crest before Old Sam and people before him as well.

Q So the crest existed long before the white man came?

THE INTERPRETER: He said yes, hundred years before the coming of the white man. Okay, he said that Old Sam used it.

He could remember the age, between 80 and 90 and the uncle before Old Sam was about 90. Now he's using it and that gives you an idea of how long it's been used.

BY MR. GRANT:

Q Last week, you showed the otter crest on your blanket and it's hanging up on the wall there behind you. Is that the crest that's on the wall behind you, on your blanket, that is the otter crest?

A Yes. Yes, it is the otter crest.

Q Is there a particular history with the otter crest that you know?

A Yes there is. The people act out the movements of the otter and amongst our people the otter is considered a very dangerous animal.

Q That is, the otter is considered dangerous amongst your people?

A The otter takes on the form of the human and again attaches itself to a male or female and once he does that, the people would lose their mind and just go anywhere.

Q Is there a history of this happening on any occasion a very long time ago?

A The person whose name I took over, Old Sam, it happened to him, and it took our people a long time before they finally rescued him from the grasp of the otter.

MR. GRANT: Just for the Interpreter, he referred to some grabbing?

THE INTERPRETER: Yes, they had to tie him down.

MR. GRANT: Tie who down?

THE INTERPRETER: Tie Old Sam down so he wouldn't injure himself.

BY MR. GRANT:

Q You know the otter dance and you have performed it at the feasts?

A Yes. Doesn't matter when we perform the dance. The otter is a very dangerous animal and people who laugh at it will be affected the most. And the otter may be considered a devil.

THE INTERPRETER: And he doesn't want to speak about that any more. He said all the other animals in the forest our people have no problem talking about. Those animals, the otter, they don't like talking about it because it's so dangerous.

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BY MR. GRANT:

Q Does anybody hold the crest of a caribou?

A Peter Alfred's wife has the caribou crest.

Q Is she a Laksilyn?

A Yes.

THE INTERPRETER: Then he described a pole that is in Hagwilgate on the way to the graveyard. You see a figure on top and that is the figure of the caribou.

BY MR. GRANT:

QWhose pole is that?

THE INTERPRETER: He said it was Madalyn's uncle's pole.

BY MR. GRANT

QWhat was Madalyn's uncle's Indian name? Feast name?

THE INTERPRETER:Then Johnny said Madalyn's name is now Dzeek, her feast name. And his children's blankets all have the caribou crest on their blankets.

MR. GRANT:I'm sorry, whose children?

THE INTERPRETER:Madalyn's children.

MR. GRANT:Okay.

THE INTERPRETER:And it's similar to this blanket but with the caribou crest on the back.

MR. GRANT:You're indicating his own blanket for the record?

THE INTERPRETER:Yes.

MR. GRANT:That's on the wall?

BY MR. GRANT:

QJust for the record, the blanket on the wall, that is the same blanket as you were dancing with last week?

Is that right?

AYes.

QWhat was the feast name of Madalyn Alfred's uncle who owns the pole at Hagwilgate?

A I didn't mean the totem pole, I meant the gravestone of Madalyn's uncle in Hagwilgate.

QOh, Okay.

AWhich had the caribou crest. It is on the way to the graveyard at Hagwilgate.

Q I asked what his name was?

A That was Madalyn's uncle's name and that is the name that Madalyn now holds. Dzeeh.

QFor the record D-Z-E-E-H. Does anyone hold a crest of the skunk?

A That is the crest of Peter Alfred.

QWhat clan is he in?

AHe is Gitdumskanes and at the hall you will see the

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plaques of all the crests of our people.

THE INTERPRETER: He asked me, if you have time, to open the hall to show you the crests of our people that are on the wall at the community hall. He is describing all the crests that are on the walls and some haven't been done properly but you can recognise the crests.

MR. GRANT: Did he just go through the list of the crests around the walls now? Did he just tell you which they were?

I am asking you whether he did that or not?

THE INTERPRETER: Yes, he did.

MR. GRANT: Because I would like you to translate what he said then and that is, if you have to ask him to do it more slowly.

THE WITNESS: Where we sit, above us you could see the otter crest and to the left of that crest you see the frog crest. Then on the two walls are the ones that belong to the Beaver and Fireweed Clan on this wall.

MR. GRANT: The first wall you referred to is one of the long walls along the side:

THE INTERPRETER: Along this side.

MR. GRANT: And the second wall, where there was the two crests is the end wall?

THE INTERPRETER: Yes. He said if you go the hall he'll show you.

MR. GRANT: Okay.

THE INTERPRETER: Then you can put it right. He said to bring the video camera in and film the crests.

MR. GRANT: Then he can describe them when we're in the hall?

THE INTERPRETER: Yes.

MR. GRANT: Can we go off the record for a moment?

--- OFF THE RECORD DISCUSSION

MR. GRANT: We can go back on the record. You don't mind if I lead a little, just to get into the area?

MR. MILNE: Not at all. Not at all.

BY MR. GRANT:

Q Last time you told us that Jimmy Michel announced your name at the feast when you got the name Maxlaxlex; did Jimmy Michel get a name at that feast as well? If so, what was the name he got?

A Yes, he got the name Samaxsam.

Q That's S-A-M-A-X-S-A-M for the record.

Do you know the history of the name Samaxsam and how it came to the Wet'suwet'en people?

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A Yes, it came from the Nass River.

Q Could you tell us that history and what happened?

THE INTERPRETER: I don't know if I can remember all that he said.

MR. GRANT: You should stop him as he goes along. Tell him it will take time to interpret.

THE WITNESS: The name came from the Nass River. It is given to Old Tiljoe's uncle, and after a period of ten years that name was given to Old Sam, and that was when I received the name Maxlaxlex.

MR. GRANT: You want to ask him the same question again?

Are you finished?

THE INTERPRETER: Yes.

BY MR. GRANT

Q The first Wet'suwet'en to get the name Samaxsam, was that before Old Tiljoe?

A It was during the time when Old Tiljoe was alive. Old Tiljoe and Jimmy Michel went to Kitsegukla.

Q Who gave the name Samaxsam to them?

A There is a chief from Nass River who is in Kitsegukla when Old Tiljoe and Jimmy Michel went to Kitsegukla and that was when the name was given to them.

Q Had there been a dispute or killing of a Wet'suwet'en by someone from the Nass?

A Old Tiljoe's brother was killed in the Nass and Old Tiljoe went to avenge the death of his brother. This was when he was given the name. Jimmy Michel ran through the village on a pair of snow shoes and Samaxsam was notified that Jimmy Michel was in town to avenge his death -- to avenge old Tiljoe's brother's death. When Samaxsam found out that Old Tiljoe and Jimmy Michel were in town called a feast, and Old Tiljoe and Jimmy Michel were also invited, where a song and a head-dress were given to Old Tiljoe. The head-dress was painted red, red cedar bark. The song he sung is Samaxsam that was given to Old Tiljoe along with the name.

THE INTERPRETER: And he acted out the part where he is using the spear.

MR. GRANT: Who would use the spear?

THE INTERPRETER: The dancer.

MR. GRANT: That is the song that Johnny just sang that you're referring to?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q Is that sung in Wet'suwet'en?

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A That song that I just sung, it is sung in the language of the Nass River people.

THE INTERPRETER: And I don't know the translation of it. It doesn't have Wet'suwet'en words?

THE INTERPRETER: No.

BY MR. GRANT:

Q I would like to move back. You said that the name was given because Old Tiljoe's brother was killed; who killed him and why?

A Halfway between Kitwancool and the Nass River there was a grave marker of Old Samaxsam, who was the size of this table, and on this big log was a big stone and that was knocked over. When the two people had come to this grave marker, they were playing around on it and it tipped over and Samaxsam avenged this by killing one of the We'suwet'en and it was (n't?) Old Tiljoe's brother that knocked this rock over, but somebody else. There was Samaxsam uncle whose grave was marked with this big tree and this rock.

Q You said there were two Wet'suwet'en, was one of those Wet'suwet'en that was around the market Old Tiljoe's brother?

A It was not Old Tiljoe's brother who knocked the rock over, it was people from

THE INTERPRETER: Pointing in that direction

THE WITNESS: the people from there they have gone back and Old Tiljoe's brother was coming through that area and he was the last person going through and he was killed.

BY MR. GRANT:

Q Can you describe this marker? Was it a rock on top of a log or was it a rock with some wooden markers in it?

A It was big rock similar to what you see in the graveyards today.

Q Did it have wooden markers in it?

THE INTERPRETER: He said I don't know. It is over hundred years ago.

BY MR. GRANT:

Q You said that some people from "over there" knocked this rock over, were they from the Babine?

A These people from this area and my father has seen the rock and that was how he described it to me.

THE INTERPRETER: His father had seen the rock when he was a young man. He had told Johnny, that is what he is telling us now.

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BY MR. GRANT

Q Do you know if this marker was also a marker of the border of the Nishga territory?

A I don't know whether that was the boundary marker but I knew it was marker for grave.

THE INTERPRETER: And he would like somebody to find the location where that stone is and he would like to see it as well.

BY MR. GRANT:

Q Was Old Tiljoe alive when you were young?

A Yes, and they had brought his body back to Joe Nass' house over here.

MR. GRANT: They brought Old Tiljoe's body back?

THE INTERPRETER: Yes.

THE WITNESS: And when Old Tiljoewas buried I spoke at the feast, as well as Jimmy Michel.

BY MR. GRANT:

Q Is that when Jimmy Michel took the name of Samaxsam?

A Yes. That was the same time he got the name of Samaxsam.

Q Was the song of Samaxsam that you just sang, was it sung at that feast?

A Yes. Everybody witnessed. And the regalia that he used was also shown at the feast but I don't know where they are now.

THE INTERPRETER: He said that he is getting tired.

MR. GRANT: Can we go off the record for a moment please?

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:

Q You have told us that your father was Smogelgem or Chief David, is that right?

A Yes.

Q And Smogelgem held territory on the North Bulkley, is that correct?

A Yes, he did own territory where we had been in North Bulkley where he was brought up as a child.

Q You have indicated that you moved there from Moricetown soon after you were born and you were raised there?

A Yes, I was born there and then later on we moved to North Bulkley.

Q Just so we understand, the land that we are talking about, can you describe it in relation to Houston or Perow or Topley, which are three towns in the area now?

A The area we are talking about is where we have been

THE INTERPRETER: He is talking about us and Don, Tanya, and I asked him further how far from Houston and he said it's about 11 miles east of Houston the area we are talking about.

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BY MR. GRANT

Q How big an area is Smogelgem's territory there?

A It's a big territory but it's just a small area that -- cleared an area that my father, Smogelgem, lost.

Q At some time when you're rested we'll talk about the big area but I would just like to ask you now about this small area. Was this on -- did he say how far it was from Houston?

THE INTERPRETER: He said it was 11 miles from Houston.

MR. GRANT: Is that on the other side of Houston?

THE INTERPRETER: East.

BY MR. GRANT:

Q Can you tell me what your father did on that land?

A He did a lot of trapping. He did some haying and I personally know where all his traps were.

Q Now, did you grow up on the area where he was haying?

A Yes. I was brought up in the area where he did his haying and I know all the areas where he did his trapping.

Q Did he have a house or farm there?

A In the area of North Bulkley my father had a big smoke house and when he died the white people burnt it down and they kicked me off the land.

Q Can you tell us how old you were when that happened approximately?

A My dad died in 1908 and must have been around 30 or 40, and I got a letter from Mr. Loring, who was the Indian Agent at Hagwilgate. I received a letter from him telling me to get off the land and he was going to give me some acreage in Hagwilgate which he never did.

Q Do you still have that letter?

A No I don't have it any more. The area around the present ballpark in Hagwilgate, he had promised me 160 acres and I helped survey that land. I asked Mr. Loring if he was going to give me that 160 acres in Hagwilgate and he said to wait a while. He said the land commissioner from Ottawa was coming and that they would give you the 160 acres in Hagwilgate. I was never given the land. The land commissioners never came and Mr. Loring lied to me. About two years later Round Lake Tommy was given a letter from Mr. Loring where he was kicked off his land and Round Lake Tommy was given some property just next to the community hall.

Q In Moricetown?

THE INTERPRETER: He's pointing to the area down here which is the area near the community hall.

MR. GRANT: For the record, that's in Moricetown.

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THE WITNESS: Round Lake Tommy, he was very good man, worked hard, and when he was kicked off his land some of the non-Indian people took Round Lake Tommy to an area east of Houston where he was given a small portion of land. The non-Indian people were angry at Mr. Loring for treating Round Lake Tommy in a deceiving manner.

BY MR. GRANT:

QWhere was Round Lake Tommy's land that he was thrown off?
ARound Lake area where the present community hall is situated is where Round Lake Tommy had his home.

QWhich community hall?

THE INTERPRETER: Round Lake community hall.

MR. GRANT: Okay.

THE WITNESS: Round Lake Tommy's father died in Round Lake and he is buried not too far away from the area I just described.

BY MR. GRANT:

QYes? What happened? Go ahead.

AHe even -- Round Lake Tommy's father was buried on his land. Mr. Loring still kicked him off his land similar to the way he kicked me off my land.

QDid you ever go back to your father's land to see what had happened?

AYes, I have been back to the -- to North Bulkley, I was there with you guys ----

THE INTERPRETER: He's referring to Don and myself, the film crew and Tanya.

THE WITNESS: I have talked about it for many years, there seems to be nothing I can do.

BY MR. GRANT:

QWhen did you first go back there after you got the letter from Mr. Loring?

AI went back immediately because I was doing my trapping in that area.

QWhat had happened when you first went back there?

AThey never talked to me or anything about the territory. They knew I was trapping on the territory. It was only the cleared farmland that was taken from my father.

AWhen you back there to trap, was there somebody living on that cleared farmland?

A When I went back Mr. McGuinness was living on the property that my dad had cleared.

QHow many years was that after you had left? After you

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had moved off it with Mr. Loring?
THE INTERPRETER:He said it was a long time.

BY MR. GRANT:

QYou said a few minutes ago that you were getting tired,
about 15 minutes ago, would you like to stop now and
rest?

THE INTERPRETER:Yes, he said he is getting tired and would
like to rest.

MR. GRANT:Go off the record.

THE INTERPRETER:He said he has told you everything that
he knows.

MR. GRANT:Go off the record now.

---OFF THE RECORD DISCUSSION

---EXAMINATION ADJOURNED AT 10.25 a.m. UNTIL TOMORROW.

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-Oct.12/85B.C.S.R.A. #263

NOTE:Transcript of evidence continues
on the following page, #14

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---UPON RESUMING AT 9.00 a.m., 27 September, 1985

MR. GRANT: This is the continuation of the examination of Commission Evidence of Johnny David which was adjourned yesterday, September 26th, because Johnny was getting tired. The same persons are present as were present yesterday.

EXAMINATION IN CHIEF BY MR. GRANT (continued)

QI asked you about the east in which you obtained your name and I would like to know under Wet'suet'en laws does anyone call out your name when you received it and, if so, how are they related to you?

AWhen I got my name all the hereditary chiefs from the other clans would call my name.

MR. GRANT:They did call his name?

THE INTERPRETER:They did call his name. They would go right around the feast hall.

BY MR. GRANT:

QIs there a Wet'suet'en tradition called Niggiyotsi which relates to your father's clan?

aThere is a system in Wet'suwet'en which is called Niggiyotsi and it is where all the high chiefs are called around the hall. They mention your name and say something about your crest. It is only the high chiefs that are called to do this. When the high chiefs holler out the names they are given some money for witnessing it, and it's like signing your name on a piece of document.

QAre they also given food and other gifts at the feast?

AThe ones that holler out hte names are given money and for all the other people in the feast hall food is distributed to them.

QDo you know how much money was given out when you received your name Maxlaxlex?

THE INTERPRETER:He said money is spent when you receive a name, and then I asked him if he spent a lot of money and he answered that he did. Couldn't remember the amount. He said that if somebody there named ne then he would receive some money.

BY MR. GRANT:

QWhen these chiefs call out your name do they relate it to their name and refer to your crest?

AThey mention his name and then something to do with his crest. They are paid what amount is decided by the people.

MR. GRANT:I'm sorry, they're?

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THE INTERPRETER: They are paid the amount that is agreeable to the people who came there.

BY MR. GRANT:

Q Are they paid a different amount depending how high a chief they are?

A The chiefs with the bigger names are given more money than the ones with the smaller names.

Q Were the only two names given out at your feast, Maxlalex and Samaxsam?

A Yes, just the two names.

Q Did they talk about your territory at the time of your feast?

THE INTERPRETER: When he got his name, along with the name went the territory.

MR. GRANT: Was that announced at the feast:

THE INTERPRETER: When he got his name he was given the area around Copper River. And the whole hunting territory is shared by the clan except for the fact that the head chief is the one that decides who goes on there.

BY MR. GRANT:

Q Is he the one who decides who goes on the territory?

A Whoever is the head of the hunting territory can decide who hunts and traps in that territory and if other people want to go there they would have to come and see him, the head chief, to get the okay to hunt there.

MR. GRANT: When you say "him" your're referring to Johnny?

THE INTERPRETER: Referring to Johnny.

He also talks about the area he had at North Bulkley and his father's trapping land in the North Bulkley area.

BY MR. GRANT:

Q Who provides the money at the feast to give out to the chiefs?

A The people from the clan all put in money and a certain amount is set aside for witnessing of the name and that is the money that is distributed to the high chiefs.

Q When you're referring to people you're referring to the Laksilyn?

A Yes, Laksilyn, we all help one another.

Q Are the people who put the money in the same people who have rights to use your territory?

A The people from Laksilyn could use the territory with permission from head chief, and this is how it has been done in the past, and this is the same system of helping when someone has died and the casket needs to be paid for. Even when a small child has died they are treated in the same manner as a adult where money is collected.

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and expenses paid for.

QWhen Old Sam died what relations of his were responsible for obtaining or making the casket and preparing him to be buried:

ANot just the family puts in money, it's the whole clan. They all put in money so that he gets a decent burial.

QIs the Beaver Creek area in your territory?

AMcDonnell Lake is here, Beaver Creek runs this way and my territory is on this side of the lake.

QOn the side opposite Beaver Creek?

AYes.

MR. GRANT:And he said something about Kitsegukla?

THE INTERPRETER:The McDonnell Lake area belongs to Big John from Kitsegukla.

BY MR. GRANT:

QWas Old Dennis Wet'suet'en and, if so, which clan?

A Old Dennis was my uncle and he was from Laksilyn clan.

Q Did Old Dennis get the rights to use Beaver Creek area?

A Yes. Beaver Creek area was given to Old Dennis.

QCan you tell us why? Who gave it to him and why?

A Big Charlie from Topley Landing and given Beaver Creek area to Old Dennis since Old Dennis has spent a lot of money on Old Charlie's brother at feast.

QWas the Beaver Creek area, did it originally belong to Big Charlie?

AYes, it did belong to him. His brother had died, Old Charlie's brother had died ----

QBig Charlie's brother?

ABig Charlie's brother had died and Old Dennis had spent a lot of money on him at the feast.

QJust to be clear, Big Charlie gave Old Dennis the rights to use the Beaver Creek area?

AYes.

QFor how long did Old Dennis have those rights? Would they go on to Johnny or any of the other people in his house or clan? Or did they stop when Old Dennis died?

AHe used it for many years and Jack Joseph, who was a strong head chief, after Old Dennis had died he took over the territory.

QWhat clan was Big Charlie in?

ALaksilyn clan. Old Dennis was his half brother and that was why he was given the territory.

Q Did Old Dennis use that territory while you were alive?

A Yes, I seen him using the territory and David Dennis and I also walked the territory. Old Dennis went blind, was blind for about 35 years, and David Dennis was the person who did most of the trapping in this territory.

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Q Now, was the territory that David Dennis trapped in including the Beaver Creek area?

A Yes, it was Beaver Creek area and all the money that he made from the furs, that money was given to his father, Old Dennis

Q Were you alive when Big Charlie gave Old Dennis the rights to the Beaver Creek area?

THE INTERPRETER: Would you repeat that again?

MR. GRANT: Were you alive when Big Charlie gave Old Dennis the rights to the Beaver Creek area?

THE WITNESS: Yes.

BY MR. GRANT:

Q Was it given to him at a feast?

A He was given probably at the feast, I wasn't there but everything is done according to our Indian law.

Q If it is done according to Indian law, is it given at the feast?

A Yes, it was announced at a feast.

Q Was any name given to Old Dennis along with the territory?

A Just the territory was given to him, he already had a name, and I was a small boy when this took place. What I am telling you now is information Old Dennis told me. Old Dennis was a strong Christian and he did not lie to other people and it is his words I am telling you now.

Q What was Old Dennis' chief's name?

A Since he was a strong Christian he had an Indian name before -- since he was a strong Christian he just used his European name which was Dennis Clark.

Q Was his Indian name Dikyannualat?

THE INTERPRETER: Can I see the spelling?

THE WITNESS: His name was I forget that name.

BY MR. GRANT:

Q You're reaching out, maybe you can tell us what that means?

THE INTERPRETER: He is describing the name. The name means Grizzly clawing away at tree.

MR. GRANT: Before you translate is he giving any sort of explanation or just talking about ----

THE INTERPRETER: He's just talking about some people.

MR. GRANT: Can we just go off the record. I just want to know what this is about.

--- OFF THE RECORD DISCUSSION

MR. GRANT: We can go back on the record now.

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Q You gave an answer on the record and it was translated off the record, and just to summarise you were referring to some other people you would like to be here when you talk about Smogelgem. I did indicate yesterday we would be asking about Smogelgem's territory and depending how well we do today, we'll probably do that when those other people are present.

Okay, I would like to ask you about the feast at which the pole outside your house which you described on this Commission was raised. Your pole, that is the pole of Maxlaxlex, was carved by Thomas George, is that right?

A Yes, it was Thomas George who did all the carvings on the totem pole.

Q And Thomas George was the husband of Mary George?

A Yes he was the wife of Mary George.

QHusband?

A Husband of Mary George and since Mary George could not carve the pole, Thomas George carved the pole and when the moneys were paid for carving the pole, all the money went to Mary George.

Q Mary George was related to your father, Smogelgem?

A Mary George was my father's grandchild. That is how the business is done.

Q Just to clarify that, is that the Wet'suwet'en tradition that your father's relations are responsible for carving your pole?

A Yes, they are the ones, yes. And Thomas George's sons are alive today, Leonard George and Andy George.

Q And Leonard George presently holds your father's name Smogelgem?

A Yes he does.

Q Is the Wet'suwet'en word for the responsibility of the father's relations to carve the pole called Wastyelgilsut?

A Yes, that is right.

Q That is spelled, for the record, W-A-S-T-Y-E-L-G-I-L-S-U-T.

A It's right, if I want anything done I go to Thomas George's children. That is why I want them here

THE INTERPRETER: Pointing at Peter.

THE WITNESS: so Peter can listen.

BY MR. GRANT:

Q Your father was in the Gitumden clan?

A No, Laksamshu.

Q What was the name of his house?

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A He was from the owl house.

THE INTERPRETER: Misdziya, which is translated owl house.

THE WITNESS: The people from the owl house who are related to my dad, when Leonard and Andy are here I want to mention all those names and have them written down so that they know who all my relatives are.

BY MR. GRANT:

Q Now, referring back to your pole raising, before you actually arranged to have the pole carved, did you announce this at a feast?

A Yes, it was mentioned at the feast and the pole was taken four miles west of here, up the mountain following one of the creeks, and it was brought down here to this site here when it was carved.

Q Do you know the name of that creek?

A There's a small creek or spring comes from under the ground and where that spring is directly behind near the mountain is where the pole is taken from, and in the spring many people went up there and brought it down and they were paid for bringing the pole down.

Q Is there a name for that particular ceremony of cutting the tree in Wet'suwet'en?

A It is called dikanteztsias -- it means tree falling over.

Q D-I-K-A-N-T-E-Z-T-S-L-A-S

MR MILNE: Can I get that again?

---OFF THE RECORD

BY MR. GRANT:

Q Is a song sung and the history told when a tree is cut down?

A Yes, before the tree is felled the song is sung with the drum called tegul and it took many people to bring it to the road.

Q Who actually cut the tree down for your pole?

A The person I hired to fell the tree is dead and I can't remember his name.

Q Would it have been a relation of Thomas George?

A The person that was hired to fall the tree was Dick Naziel, and he is from the Gitumden clan.

Q When was the pole raising feast?

A It is marked on the top of the totem pole, 1948.

Q Why did you as Maxlaxlex raise the pole?

A When I got Maxlaxlex I got the totem carved to pay for Old Sam's name that I have now.

Q Is that the completion -- you said last time there were

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three feasts, is the pole raising feast the completion of the feasts in which you get your name?

AYes, that is the final feast for getting the name.

QWhere was the pole carved?

Aright in this area. Thomas George.

QWas there a special ceremony when the pole was brought from the mountain to this area here? You're indicating by your hosue.

AOnce Thomas George peeled the bark off, songs were sung.

QWere those the songs of your clan or Thomas George's?

THE INTERPRETER:He was having trouble remembering it ans so I asked him if it was the song from the Laksilyn clan and he said it was.

BY MR. GRANT:

QWas that the same song you sung outside when you performed outside last week?

AYes, it was the song that was sung.

QFor the record, I am referring to the song that was performed on these Commission hearings outside by his poles.

QIn the process that I just described it is done right throughout the Sikeena River area.

QBefore the pole was carried down the mountain, did Thomas George sit on the pole and sing songs?

AWhen it was brought here is when he sat on the pole and sang the song.

QDid you invite other people here when that was donw?

AYes, I invite the people to come.

QWould those have been people from other clans in this village and your own clan?

AYes, all the people from all the clans brought the pole here.

QDid it include people from other villages like Kispiox, Hazelton and Kitsegukla?

AYes, there are people from Kispiox, Hazelton, as well as some of my relatives from Fort Babine. They stayed in the old log house that was next door.

QHow long was the ceremony here when the pole came down the mountain?

AIt took them two weeks to carbe the pole. After the pole was completed I invited people to the hall where I paid for it.

QDid the other people in the Laksilyn clan help you?

AYes, all the Laksilyn clan helped me even the small children who put in their little quarters.

ADid you invite people from other villages to that feast?

AYes. I wear my blanket and went around to the different villages and invite people and they all showed up.

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Q Is that what is supposed to be done under Wet'suwet'en laws? A
Yes, that is how it is done and Jimmy Michel went around
with me.

QWhat is that called in Wet'suet'en?

A That is called Wuyaniyay, which means inviting people.

QW-U-Y-A-N-I-Y-A-Y

THE INTERPRETER:He said now you can speak our language!

BY MR. GRANT:

QHow long did the feast last for your pole raising?

AIt was all done in one night when everybody went back
to their homes.

QBefore the feast was the pole actually raised? If it
was, could you tell us how it was raised?

AWhen the pole was laying on the ground ropes were put
on it in three different directions and people were sing-
ing while they were pulling it up.

THE INTERPRETER:He said everybody had a good time.

BY MR. GRANT:

QIs this the way all Wet'suet'en pole raisings are done?

AYes, and the Skeena River people do the same.

QWas there an old pole of Maxlaxlex that you used as a
model for this pole?

AYes, there was one pole many years before this one.

QDo you remember a pole -- you also have the pole of Kila
up in your yard, was that raised at the same time?

Q Kila pole was raised just recently whereas mine was
raised before that.

QWas there an old pole of Kila located somewhere else
that you remember?

A There is a pole in the canyon area in Hagwilgate, just
the one pole but now we have the two poles to represent
that one.

Q I'm showing you a photograph of two poles, could you
take a look and see if you recognise either of those
as the pole of Kila?

THE INTERPRETER:While he was looking at it he asked me if
there was a figure of a man and I told him this pole
did, and he said that is the pole of Kila. It is only
one but now we have two poles to represent this one pole.

MR. GRANT:You're indicating, for the recrod, the pole on
the right hand side of the picture with the figure of
a man on the top. That may be marked as Exhibit 1 on
this Commission please. Off the record.

--- OFF THE RECORD DISCUSSION

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---EXHIBIT No. 1 - Photograph of two totem poles,
dated October 25, 1976 by
National Museum of Canada stamp,
negative No. 59526.

MR. GRANT: Back on the record. We have now marked as Exhibit No. 1 a photograph of two poles that has the National Museum of Canada stamp on the back, dated October 25, 1976 and negative number 59526, for the record. At this time I only have one copy of that photograph but in due course will provide copies to counsel for the Province.

Q Do you know when the pole of Kila 1 in Exhibit No. 1 was raised?

A I don't know, I probably wasn't even born.

Q Did you ever see that pole when you were alive? In the photograph?

A No, I did not see during my life. People have just told me about it.

Q I take it from your question that you recognise that pole of Kila's because of the crest of Gitdumskanees on the pole?

A Yes, Gitdumskanees is on top of the Laksilyn clans' poles.

THE INTERPRETER: He was saying that Gitdumskanees and Hag Wil Negh some of the head chiefs from Laksilyn. All the people in the back row are head chiefs.

BY MR. GRANT:

Q You have described that back row when we went through that chart?

A Yes.

Q Now, was a song made for you at the time of your pole raising?

A Yes, the song was made for me but I have forgotten the song. Alec Michel was the one who made the song for me.

Q What clan is he from?

A He is from the Gilserhyu.

Q G-I-L-S-E-R-H-Y-U for the record. Was a feast dish made for your feast when your pole raising occurred?

A There is just a pot that was put there and that's where the money went in.

Q Do you recall a dish with a dog on one end and a frog head on the other end?

A Yes. The dog dish was carved by Thomas George for both Kila and I.

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QWas this done at the time before the pole raising?

AIt was after the raising of the pole.

QDo you have that dish now?

THE INTERPRETER:He says -- I asked him if he had the dish and he said yes, in the the storage house. And the crest on the pole is the dog -- on the dish one is the dog and one end is the frog.

BY MR. GRANT:

Q Who holds the crest of the dog?

A Mabel Sam, who is Kila, who holds the dog crest.

QDoes the frog head refer to your clan of Laksilyn?

AYes. That frog belongs to all the Laksilyn clan.

MR. GRANT:Maybe go off the record for a minute.

---OFF THE RECORD DISCUSSION

MR. GRANT:Go back on the record.

QFor the record, you have instructed the people here to get the dish which is now in front of you; is this the dish you were talking about?

A Yes. It's the dog plate we call it.

QPrior to this dish being made was there another one that was used in the old days by Kila and Maxlaxlex

ABefore this one there was another one shaped like a boat and on the end the dog crest and on the back the frog crest.

QWas the other one bigger than this one?

AYes, a lot longer than this. It was about ten feet long and all the berries were put in there, and this is where the people dipped their berries from the feast.

QThe bigger dish was used at feasts, is that correct?

THE INTERPRETER:Yes.

BY MR. GRANT:

QNow on the side to the camera there are frogs, three frogs -- you want to turn it around -- and also on the other side and three frogs; can you tell us why those three frogs are on both sides?

AThe frogs are painted on these, the crests that belong to the Laksilyn, and this bowl is used to put in the money, and the money from here is what is used to pay the people in the feast hall.

QHave you used this bowl at the feasts of Maxlaxlex or Laksilyn?

AIt used it once not too long ago.

QOn the side closest to you at the end is what appears

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to be a dog, is this the dog that you were referring to when you described the crest of Kila?

A Yes, this is the crest of Kila.

Q On this other side is a frog -- just turn it -- what appears to be the head of a frog, is that the frog you were referring to earlier?

A When Thomas George carved this he was paid \$40.00. That was paid by myself and Kila.

Q Did Thomas George carve it because he was related to your father and in the same clan? I'm sorry, his wife was.

A Because Thomas George was related to Logalgut Row Sam, because he was related to them, it means it is not

Q It means what?

THE INTERPRETER: Thomas George logalgut rose means Thomas George is related on -- related to Rose.

MR. GRANT: On which side?

THE INTERPRETER: On the father's side.

MR. GRANT: Could you just stand it up so there's a sense of the size. Okay. Go off the record.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.

THE INTERPRETER: He said you did the right thing by taking the picture of it. If there is ever to be a feast of great importance, this would be taken out where the money would go in. He said he's tired now, he's spoken long enough.

MR. GRANT: Could you ask him, I will stop after one or two more questions. I just want to finish this section then I will stop.

Q Behind you is the blanket that is your blanket you wore last week; was that blanket made by Mary George?

A Yes, Johnny and Mary George and lexalzut.

MR. GRANT: Translate that? What does that mean? Is she on his father's side?

THE INTERPRETER: Yes, she is on his father's side.

BY MR. GRANT:

Q Again, is that the Wet'suet'en tradition that your relations on your father's side to make your blanket?

A Yes it is. That is the same system with the Skeena River people, yes.

Q Do you want to stop for today or do you want to take a break for ten minutes and then go for a little longer?

THE INTERPRETER: He said to finish it and he wants to go to bed.

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MR. GRANT: We'll stop now and he can go to bed. Go off the record now.

THE INTERPRETER: Next time he is speaking about father's side coming.

MR. GRANT: He wants to speak about his father's side and he wants them to be here.

--- OFF THE RECORD DISCUSSION

--- EXAMINATION ADJOURNED AT 10:45 a.m. SINE DIE

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-Oct.14/85+B.C.S.R.A. #263