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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 COMMENCING AT 9.40 a.m. 17 OCTOBER, 1985

MR. GRANT: We'll go on the record then. You've been sworn on oath on this commission Evidence and you are still under oath, do you understand that?

And you, as an Interpreter, have been sworn to translate. You are still under oath to translate to the best of your ability from Wet'suwet'en to English.

EXAMINATION IN CHIEF BY MR. GRANT (continued)

Q Mr. David, you described to us the funeral feast and when you received the name Maxlaxlex and the pole raising feast that you held to raise the pole in your yard; do the Wet'suwet'en people hold feasts for other reasons?

THE INTERPRETER: He said that three feasts are held, after the third feast everything is completed and whatever is done remains with you for the rest of your life.

BY MR. GRANT:

Q Are these the three feasts held when a chief dies?

A Yes, it is when a hereditary chief dies it is announced at a feast and this is done for the rest of the chiefs life.

Q You also described what I will refer to as a shame feast that was held. Are there feasts for other purposes, such as weddings amongst the Wet'suwet'en?

A There used to be feasts for weddings and again this is to set things for the life of people involved.

Q Did you attend any of the old feasts for weddings?

A I've attended many of the feasts when people got married and the feast is to kind of meeting lunch for the bride, and to this day hasn't been happening as much as in the past.

Q Did your clan hold such a wedding feast at any time that you remember?

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A Yes, many have and I went through the process as well.

Q Where was the marriage feast for you held?

A HagWilget old church.

Q And how old were you when that happened?

A I can't remember offhand, somewhere in around 20 or 25 years old.

Q Did you have to do anything for your wife's parents before you married her:

A I did many things for my inlaws. I hunted for them, gave them meat and I was working, I made money, I gave the money to my wife and my wife gave it to her parents.

Q Were you ----

A I just remembered, we got married in 1913 and my son Moses was born in 1914.

Q What was your wife's name, what house was she in, and what clan was she in?

A My wife's name was Miriam Dennis, she was from the Kilwoneetz clan. She is from the same house as Mrs. Lucy Namox who is Gooklat.

Q DO you remember Alfred Joseph coming and talking to you about marriage?

A Yes, I told him everything.

Q This was when he was a researcher with the tribal council, is that right?

A Yes.

Q Now, I'm going to read to you something that you said to him about marriage and I would like you to tell me if this is correct. You said when the Wet'suwet'en get married and leave their home that is final. The girl's parents and the man's parents have meetings before the marriage, they prepare an agreement and only then the girl is allowed to leave them.

MR. MILNE: You want to have this interpreted now?

MR. GRANT: I'll give it to him to interpret.

MR. MILNE: Okay.

BY MR. GRANT:

Q Now, do you remember telling that to Alfred Joseph, and is that correct?

It's this section that I've marked in red.

THE INTERPRETER: Okay. He said that is right and there is no way I can change what I said in here.

MR. MILNE: You have put something to the Witness and you will be giving me a copy of that as well?

MR. GRANT: No, I put an excerpt to the Interpreter.

MR. MILNE: That's not the way in which you framed it

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Previously. You have basically put a statement to him and asked him whether or not it's correct. I'm entitled to see that statement and in fact I think I'm entitled to the entire statement to see if there is anything else which would bear upon or qualify that portion read.

MR. GRANT: I note your comments.

THE WITNESS: The interviews I did with Alfred, it is all written down and what I have said will remain with tribal council, and when you ask me further questions about what I told Alfred I get confused.

BY MR. GRANT:

Q When the chiefs in the old days decided whether or not to allow their sons or daughters to marry what did they look for in terms of the proper woman for their son to marry?

A When man and woman want to marry the parents of both the man and the woman have a meeting. They discuss thoroughly whether they are meant for each other and if it is agreed upon by both parents then the marriage is allowed.

Q At any of the wedding feasts that you've been at, including your own, did your parents, your father, or your wife's parents talk about the territories that each of you would be able to use?

A When we got married both our parents, our aunts and uncles met and after they said that it was okay to marry, we got married and we had no trouble after this.

MR. GRANT: I'm afraid he may not have....

Q Did anyone talk about the territories of your house or your wife's house at the marriage?

A My wife's uncle -- Francis Lake John said that I could use my wife's hunting territory which is called Nanika. This was done at a feast that was held here, Francis Lake John got up and announced it at a feast. My brother-in-law also got up and said that I could use my wife's hunting territory.

MR. GRANT: Is he finished?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q When you say your brother-in-law was this your wife's brother?

A My wife's uncle. Alexander.

Q IS that always the rule with the Wet'suwet'en that you have the right to hunt on your wife's territory?

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A This is how it has been done in the past and it is still happening today where the man can hunt in his wife's territory. When I use my wife's territory any game that I shoot or any money I make from the furs this is all spent at a feast that my wife would put up. It is how things were done in the past and it is still happening today even if some of the younger people don't understand the system. Our young people are scattered all over the place and no one is teaching them the ways because they're scattered all over the place.

Q IS your wife's territory around what we know as Nanika Lake?

A It is near Nanika Lake but more towards Ootsa Lake.

Q When did you last use your wife's territory?

A I can't remember the date when I last used the territory but it was after my wife's uncle Alexander died, I never went back there. I continued to use my own territory.

Q Did Alexander have a last name and what was it?

A Alexander Stevens.

THE INTERPRETER: He continued on to say that ever since Alexander died he hasn't gone back to his wife's territory.

THE WITNESS: After this I continue to farm near Topley. There's a creek near Topley which bears my name. It's called Johnny Creek and it's on a map.

BY MR. GRANT:

Q You attended a funeral feast in Burns Lake a few weeks ago, is that right?

A A few weeks ago, yes I did.

Q Whose funeral was that? Whose house put on that feast and for whom?

A Skaxllee name was passed on and that is why the people were invited to the feast.

Q Was that a Wet'suwet'en feast?

A They're people from, the Babine people.

Q But they are Wet'suwet'en?

A We are all one group known as Wet'suwet'en but we live in different villages.

Q What clan was that feast put on by?

A Gitdumskanees.

Q Is it correct that you were seated along the side with your clan?

A Yes, that's correct.

Q You were seated, just as you have described to us at one of these sessions, with the other chiefs beside you, is that right?

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A Yes, they did.

Q And Pat Namox sat in front of you?

A Yes, he sat in front of me. And he sits in front of me at a feast in Moricetown as well. If I should die, Pat Namox will move back to my chair.

Q How were you invited to this feast: Did people come to your house?

A people from Burns Lake came to the house they were wearing their uniform --

THE INTERPRETER] -- or another word for that would be regalia

THE WITNESS: -- and they all came to the house. They spoke to me and after they were done I got up and I spoke to them. When they were here, I gave them some money and when I went to Burns Lake they gave my money back plus interest, and that is how it has worked from the past and it still happening today. They did the same throughout the village. They went to all the high chiefs, invited them, and the people who were invited gave them money and this was returned to them with interest.

BY MR. GRANT:

Q What is this tradition called about them coming to the village and personally seeing each high chief?

A Waganadeex.

Q For the record that is W-A-G-A-N-A-D-E-E-X.

A In the very old days when people went out to invite people to potlatch; they would stay in these people's homes for six days. The men and also the women.

THE INTERPRETER: This process that he described was like a short marriage for six days and those wives who could not bear children would sometimes bear children within that six days.

THE WITNESS: This happened to Abraham Nikal whose wife could not bear children, was within that six days the ladies that came to invite him, one of the ladies --

THE INTERPRETER: -- how can I say this --

THE WITNESS: -- one of the ladies was fertilized and this was one way of Abraham getting a son.

MR. GRANT: Ask if he is finished?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q How old were you approximately when that ----

A Maybe ten years old but I distinctly remember it happening, and there is many people that know

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about that.

Q Did you ----

A Abraham and I were playing in my dad's house. My dad would sing his song and through listening to my dad, both Abraham and I learned the song that goes with Smogelgem.

Q This is a Abraham Nikal?

THE INTERPRETER: Yes.

THE WITNESS: You learn the song at my dad's house.

BY MR. GRANT:

Q When these people came from Burns Lake, did you sing any song or perform any dance, or do anything else as well as give them money:

A When they come I did not sing I spoke to them and while I was speaking to them I played the rattle.

Q Aside from the repayment of the money you gave -- how much money did you give to them and how much money did they return to you?

A I gave them each \$5, there was three of them, and when I went to Burns Lake I received my \$5 back from the three plus \$5 interest.

Q Aside from that money were you given any other money at the Burns Lake feast as a witness to that feast?

A When this person that received a name collected money, he collected quite a bit of money and those that travelled on the road to Burns Lake, depending on their status, their name status, they were given anywhere from ten to \$20 for witnessing the taking of the name.

Q Aside from money were you given anything else at that feast?

A I received a lot of grocery goods and I still have 20 lbs. of sugar left. This is how they do things in the past, and it's still happening today.

Q Did you receive that sugar and those groceries because you were a chief?

A Yes. This is another way of counting how many people were invited.

Q DO you know how much money was collected by the house and the clan? And how much was distributed at that feast?

A I can't remember the exact amount but it was quite a bit of money. There was about a ton and a half sugar and all that was bought by the clan to be distributed to the witnesses. The same with the grocery goods. All the clan would bring in some to be distributed.

Q Who received the name Skaxllee at that feast?

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Q I can't remember the person's name, but it was witnessed by all the high chiefs in the house.

Q What house and what clan was the person in who received that name at the feast?

A He was Gitdum and he came from Kasga or Grizzly House.

Q K-A-S-G-A. Did young girls receive names at that feast?

A Yes, young women also received names and the names are usually given to the husband, who has high rank, and the names don't go to just anyone.

Q Were the names given to these young girls children's names?

A It is not children's names, it is high chiefs names.

Q Do you know why they were given those names?

A These ladies that received names, they lived the good life, they're fairly well off, and they have been brought up right, and the names just don't go to anybody.

Q Did they dance in the feast with money in their hair?

A Yes.

Q Is that part of the Wet'suwet'en tradition?

A Yes. We do the same as they do because we are all one.

Q There were gravestones or headstones that were unwrapped at the feast; was it the father's side of the person who died who unwrapped those gravestones?

A Yes. That is what happened. They're Bezageelzutgitnee and they were also paid for doing that chore. When they do things it is done for a lifetime and it will never stop. It will continue on.

Q Many people came in and they danced with blankets on or leather like moose-skin, and they threw that down in front of the chief; how were those people related to the chief who was putting on the feast?

A The people that came in to dance with the blankets and the moose hide and the money, these people are called Andamanuk.

Q A-N-D-A-M-A-N-u-K for the record.

A They're kind of lifted up to show their status.

Q Are they from the father's side of the chief who died?

A These people that came in to dance are people from the clan -- they're all from the clan on the female side.

Or the wife's side.

Q I'm sorry, maybe I misled on the question. They're from the clan from the wife's side and the chief that died was -- that is the wife's side of the chief who died?

THE INTERPRETER: Come again?

MR. GRANT: You have said these people are from the wife's side; is this the wife of the chief who died?

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A These people who are called Andamanuk are dancing to help this person who is taking on the Skaxllee.

Q I think I have confused you with my questions, I'll try to be more clear.

You said they're from the wife's side, does this mean that they are the spouses of the people of the Gitdumskanees clan?

THE INTERPRETER: All these people that come in to dance are married to either the Gitdumskanees man or Gitdumskanees woman.

MR. GRANT: Thank you, Johnny.

THE WITNESS: Peter Alfred's wife came in to dance because she's married to Gitdumskanees. Her husband is Gitdumskanees.

BY MR. GRANT:

Q Did those people provide -- the blankets they threw down, were those blankets given by the Andamanuk to the clan who put on the feast?

A These Andamanuk that come in to dance with these blankets or moose-hides, it is theirs, they've bought themselves, but it is given to the clan and when the expenses are paid back, the blankets and moose-hides is used to add on as interest. In the old days, about 100 hundred years ago, the Andamanuk would come in with rifles, canoes. These would be used as interest to pay to people in the other clans. I've seen this happen in the Skeena River area.

Q At the Burns Lake feast a week and a half ago there was a rifle given by Andamanuk, wasn't there?

A Yes.

Q Now, did you see Michael McDonald, who's the video operator here today, at that feast using his camera?

A Yes, I seen him...focusing his camera. He took pictures of people walking around and where they were seated and they might know now how the system works.

Q That feast was held at the hall, the community hall at Burns Lake, of the Babine band, is that right?

A Yes.

THE INTERPRETER: He said it's their own hall, Indian hall.

BY MR. GRANT:

Q In your clan is it correct that you, Maxlaxlex, Gitdumskanees and Wah Tah Kwets discuss matters before one of the chief speaks at the feast?

A Yes, this is how it is done and in Burns Lake I did not get up to speak because I was feeling very weak and

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therefore I didn't speak.

Q Did Gitdumskanees or Wah Tah Kwets speak?

A We did not speak at the feast.

THE INTERPRETER: He says there were too many people there and there was a person by the name of Dick Alec who spoke about the particular name that was given away and he told the stories that went with it.

BY MR. GRANT:

Q What clan was Dick Alec in?

A Dick Alec Indian name is Hohn and he is from the Laksilyu in Burns Lake. Alec Joseph used to have that name, and now Dick Alec has that name and he is the head chief of the Laksilyu in Burns Lake and that is why he spoke at that feast.

Q Did he speak for you as well?

A Yes, he spoke for all of the Laksilyu. When I die pat Namox will speak.

Q You have described on previous times here about your blanket and about the crests on your poles. Do you have an amakloo or head-dress?

A I had one and they're all gone now.

Q Do you have a rattle?

A I had one and that is gone too.

Q What netseyeee was shown on your amakloo? That netseyeee refers to crests.

A It was a human figure, human face figure.

Q Did it cover your face?

A Yes, up to my neck.

Q Does anyone else in your house own a nulwass or rattle?

A Yes, there's many Laksilyu who had the rattles. Some have been lost, and there's some who still have rattles.

Q You said that you shook a rattle when these men came from Burns Lake; whose rattle was that?

A It was Wagtahdeexx own rattle. Had bear design on it.

Q These are people from Burns Lake?

THE INTERPRETER: From Burns Lake.

BY MR. GRANT:

Q Aside from the things you have shown to is, is there any other regalia that belonged to your house?

A NO.

Q I meant ----

THE INTERPRETER: He says he's finished now.

BY MR. GRANT:

Q I say that exist today, that is what I was referring to?

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A No.

THE INTERPRETER: He said he's got one but it's one the children use to play with.

MR. GRANT: I notice you seemed to be a bit tired Johnny, do you wish to take a bit of a rest now or can I go for a few minutes more, or do you want to stop?

THE INTERPRETER: He said he's very tired and he would like to quit.

MR. GRANT: We'll adjourn this commission Hearing. Go off the record.

--- OFF THE RECORD DISCUSSION

EXAMINATION ADJOURNED UNTIL 9.30 a.m. 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/lre-Oct. 21/85 B.C.S.R.A. #263

NOTE: Transcript of evidence continues on the following page, #37.

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VICTOR WILLIAM JIM,
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JOHN DAVID,
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testifies as follows

---- UPON RESUMING AT 9.50 a.m., 18 October, 1985

MR. GRANT: We'll go back on the record. This is a continuation of the examination on commission Evidence which was adjourned yesterday. Johnny David, the Witness, is still under oath, as is The Interpreter with respect to translation.

--- OFF THE RECORD DISCUSSION

MR. GRANT: There was a problem with the sound, so just to put on the record, Johnny David, the Witness, and the Interpreter are still under oath and this is a continuation of a Commission Evidence which was adjourned yesterday morning when Johnny became tired.

EXAMINATION IN CHIEF BY MR. GRANT (continued)

Q A few weeks ago on this Commission Evidence you sang some songs outside which were performed at the time of the pole raising, as I recall. Could you tell me what these songs tell your people about the power and strength of your house:

A That is how things are done when the pole is raised, has been done in the past and still continuing today.

Q At the feast when you took the name Maxlaxlex were your netseyeee performed? That's N-E-T-s-E-Y-E-E-E

A Yes, I did and the crests are on my blanket and my jug.

Q And there's-a performance that goes with those crests?

A Yes.

MR. GRANT: Just for the record, I am just asking the Interpreter this question; to explain that word netseyeee: would you translate netseyeee as meaning performance of the crests?

THE INTERPRETER: Netseyeee is the crest.

BY MR. GRANT:

Q Why were these performed at your feast?

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A That is how it is done traditionally. Everybody witnesses the crests on your totem poles and on your blanket.

MR. GRANT: Just again to clarify, when you are saying the word crest, Interpreter, that's the same as the Wet'suwet'en netseyeee?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q Yesterday I asked you if you had rights to hunt on your wife's territory after you married her; I would like to ask if your marriage to your wife also gave you rights to hunt on her father's territory?

A Yes.

Q Was your wife's father Old Dennis?

A Yes.

Q Was the territory that he used known as the Kilwoneetz territory?

A Yes.

Q Can you explain the relationship between Old Sam, the man from whom you took the name Maxlaxlex, and Old Dennis, your father-in-law?

A They were brothers.

Q When you received your chief's name at the feast, Maxlaxlex, did anyone speak of the territories of your house and about your fishing sites?

A Yes. Some chiefs spoke about the territories and if a person is not feeling well or is too old someone else is appointed as trustee.

Q Is this trustee of the territory?

THE INTERPRETER: Trustee of the territory.

BY MR. GRANT:

Q Was Jimmy Michell the person who spoke about this at your feast?

A Yes, he was the one that got up and spoke at the hall.

Q And his Wet'suwet'en name was Samaxsam?

A Yes.

Q Did he say who had the rights to use your territory or your fishing holes?

A Samaxsam mentioned that I had the right to use the territory. When I got my name he also had a feast.

Q He then took the name of Samaxsam at the same time?

A Yes. He was older than me that was why he did the speaking and he knows the histories of our people.

Q As I recall, the feast occurred at the death of Old Sam; do the Wet'suwet'en have a system in which there is

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Succession of the territory from one chief to another, without a break?

A Yes, it does.

Q Did you receive the right to the territory at the time of the death of Old Sam? On the death of Old sam?

A Yes. When the feast happened he mentioned that I would get the territory and all the other chiefs in the feast hall were there to witness it.

MR. GRANT: The "he" mentioned, is he referring to Jimmy Michell?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q Has your house ever lost territory because another house paid for the burial of a chief in your house?

A If a person is too old, a person who is worthy is put in and it isn't given to just anyone. Has to be a person who is worthy.

MR. GRANT: I'm not certain he understood my question.

Q Are there circumstances amongst the Wet'suwet'en where a house cannot afford the cost of burying a chief so people from another house help pay for the cost of that burial?

THE INTERPRETER: He said that the wife's husband's relatives help pay for expenses and that is how things are done.

MR. GRANT: YOU said the wife's husband, did you mean the chief's husband?

THE Interpreter: Yes.

THE WITNESS: And the people that help pay the expenses are the ones that are called Andamanuk.

BY MR. GRANT:

Q Your house ever gained any territory because the people of your house helped pay for the burial of a chief of another house?

A No. The only people that help are the wife's husband's relatives. They're the Andamanuk.

MR. GRANT: YOU say again the wife's husband's relatives. Do you mean the chief's husband's relatives?

THE INTERPRETER: The chief's, husband's relatives.

MR. GRANT: He's referring to Andamanuk, which he explained yesterday.

THE INTERPRETER: Yes.

BY MR. GRANT:

Q Is it correct that the Andamanuk have rights to use their spouses territories and fishing sites?

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A Yes, that is right. That is why the men and the women who are married to certain clan are able to use their spouses hunting or fishing sites.

Q Okay.

A The people that were called the Andamanuk, depending on how many feasts they attend, how much money they put out, the people there witness these occasions and the people are able to determine how high this Andamanuk person will be in the feast hall. The husbands of the wives are also allowed to go to the hunting territories and do their hunting, and whatever they receive from the hunting territory is brought back to the feast hall where it is distributed, and sometimes they are allowed to use the territory.

As this process continues, the more the Andamanuk contributes the stronger his name will become in the feast hall. This Andamanuk, once he builds up his or her name in the feast hall, when a person dies he is the person that is sent out to invite people to feasts and when he does this he's increasing the strength of his name in the feast hall.

Since I am one of the elders in the community and I know the ways of our people, I am usually invited to go around to bring the person, who is called the Waneeyeh, which means the person who goes around to invite other people to feasts for his clan.

I also do this with the Gitksan people I go there to invite them and they know me, and since they know I know the ways of our people, most of them usually come. I know the words that are used for inviting people. I know all the songs and this is why I get invited to invite people to feasts. Even when I go to Burns Lake, even if it's a different clan than mine, I'm usually invited along to act as the official inviter to feasts.

At the feast, if it is a clan that is different than mine, at the feast the hosting clan amongst themselves will decide how much I will be paid as hereditary chief for inviting people for them. That's it.

Q To clarify one point that you made. You said that the more the Andamanuk contributes the stronger his name will become in the feast hall, are you referring to the name of the Andamanuk or the name of the chief for whom he's contributing?

A When the Andamanuk helps out at the feast in terms of money or bringing meat from the hunting territory, the Andamanuk is building up his or her own name.

Q Does this still go on today that the Andamanuk who help

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the feast have the rights to use the host territories of their spouses?

A Yes. That is still happening today and anytime one of these Andamanuk enters the house, the wife serves them food or tea.

Q Do the people that use your territory today contribute at the feasts of your house?

A Yes they do. This is the how the Andamanuk build up their name.

Q Is it correct that in the Wet'suwet'en system the chief's name goes with the territory? That is they are linked: Your name is linked to the territory that you hold?

A Yes, the name and the territory go together. That was how it was done in the old days.

THE INTERPRETER: He is describing the land that hereditary chiefs hold today has been logged. There is no more trees and where are hereditary chiefs to go trapping:

THE WITNESS: NOW the timber has been removed and the squirrels and other animals have nothing to feed on and we don't have anywhere to go trapping. They had done the same with the salmon, they give it to us in little bits.

In the Babine area, the Indian people from there had their own fence and then they came along and took it away and now they use it for counting salmon.

About three or four years ago three trucks came from prince Rupert. They told the Indian people that they can't take anymore salmon and they loaded up the trucks and took it to prince Rupert where it was sold. That is how they look at us. They have taken the trees away and now we want the stumpage money.

Q You said that they took the -- the Indian people had a fence at Babine and they took it away, are you referring to people from the Government of Canada or British Columbia?

A Yes, the Fishery people, the people who look after salmon.

MR. MILNE: When?

BY MR. GRANT:

Q Do you know when that happened?

A I can't remember the exact date but when they came, three or four of the women grabbed the Fishery officer and dumped him in the water and let him out.

Four chiefs from Fort Babine and Old Fort had gone to Ottawa to straighten this matter up and when they came back, those three or four women, who had dumped the Fisheries officer, the husbands were arrested. These

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three of four husbands of the women were sent to jail in Vancouver and Father Cocola arranged for the chiefs to go to Ottawa. When they were going to court -- or when they went to Ottawa, Father Cocola had prepared the chiefs. There's a large container of silver and a large container of gold and he informed the chief from Old Fort not to take silver and gold, that if they took the silver and gold, they would take all their lands. The chiefs did not accept the silver and gold, therefore they did not lose their land. That is how it was told to me.

Q Was this silver or gold in Ottawa or was it brought to them here?

A In the Ottawa courthouse. And that's how it was told.

Q Who told you about this?

A The chiefs themselves told me this. The Old Fort dyee -- and dyeez is another word for -- the daughter of the Old Fort dyee had some correspondence and she lost it.

Q Is dyee a name of a chief or is that the name for chiefs?

A Dyee is person who looks after the land and whatever on behalf of the people.

Q DO you recall the names of any of these four chiefs?

THE INTERPRETER: He remembers the names -- Big George dyee, William Dzu'k' who's a chief, and he couldn't remember the third name.

MR. GRANT: Did he say where they went on the way to Ottawa? He didn't say their route to Ottawa?

THE WITNESS: They went from here by steamboat to Vancouver and from Vancouver to Ottawa and they went by railroad.

BY MR. GRANT:

Q Do you know if this trip happened in your lifetime?

A Yes, I was alive, I was big. My father was going to go with them but he was quite a ways out in his hunting territory at North Bulkley.

Q You described this history that happened at Babine, did the people here in Moricetown use a fence or other methods of fishing that were stopped by Fisheries?

A In our village they used the gaff and the gonzay which is the fish trap and the fence was the one that got the Babine people in trouble.

Q Did the Fisheries stop your people from using the fish traps in Moricetown?

A They did not prevent us from using the gonzay. It was just that the people that used the fish trap had all died off. When Louey Tommy had his fish trap in the canyon, whatever fish he took out he distribute it to the people

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and if the people he distributed it to wanted to pay him for that salmon it was up to them to do that at the feast. Blair McDonald was the person in charge of looking after the salmon and all he did was prevent children from going into canyon area.

Q Was he with Fisheries?

A Yes. He was one of the better persons from Fisheries.

Q Was there anything wrong in the Wet'suwet'en tradition for people to pay -- what's the name here, Louey Tommy for the fish that he gave them?

THE INTERPRETER: Would you repeat that?

BY MR. GRANT: Was there anything wrong for people paying Louey Tommy for fish, in the Wet'suwet'en tradition?

A There was nothing wrong with it, it was fine. The people themselves would give him money, he did not ask for it. When he had his fish trap in the canyon, I helped him.

Q Did he use a specific fishing site in the canyon?

A He used his own fishing hole.

Q Did he have a chief's name and did that fishing hole go with that chief's name?

A Yes, the name -- the fishing hole went along with his chief's name.

Q What was his chief's name?

A His chief name was Wah Tah Kwets.

Q Was Louey Tommy the only person that used the fish trap in the canyon while you were alive?

A Yes, was only Louey Tommy. The ones that had fish traps on the other side had all died off.

THE INTERPRETER: He said he's getting tired.

MR. GRANT: We'll go off the record for a moment.

--- OFF THE RECORD

MR. GRANT: Go back on the record. We were off the record and I want to pUt on the record what he just said.

For the record, we just went off the record and the Witness, Mr. David, was explaining the drum that's behind him and is beside his blanket. That is a drum that appears to have a dog on it. It'S a circular drum, which is obvious from the video, and he was indicating that the crest on that drum belongs to Kela.

Q Is that correct?

A Yes.

THE INTERPRETER: He ask that Kela stand beside him so that she can be pictured with him.

MR. GRANT: Yes, Go off the record for a moment.

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--- OFF THE RECORD DISCUSSION

MR. GRANT: On the record.

For the record Mabel Sam Crich, who is now standing beside John David, has been present in the room although of course she's not giving evidence. She hasn't been here on any previous day of the examination and Johnny David, the Witness, requested that she stand beside him.

Q I understand that this is Kela whom you have referred to on this commission, is that right?

A Yes.

MR. GRANT: Mr. David wanted to record for the record that she's here.

THE WITNESS: The name Kela as near Topley. There's a lake called Sunset Lake, there are two graves there, and one is the grave of Kela and his brother. Thank you.

THE WITNESS: The white people have taken the area where the two graves are.

MR. GRANT: Does he wish to go on? Okay.

Q IS this the Kela who held the name before Mabel or was this a Kela from an earlier time who is buried there?

--- OFF THE RECORD

THE WITNESS: The name Kela has been passed on through five people and the sixth person now holding the name Kela is Mabel Sam.

Q Is it the person sixth before Mabel Sam who is buried at Sunset Lake?

A Yes, the first Kela is the one that is buried at Topley.

MR. GRANT: I'm asking the Interpreter, did he give the names of those people before Mabel Sam and if so could you ----

THE INTERPRETER: Yes he did. I've got....

MR. GRANT: You can ask him again.

THE INTERPRETER: I've got it.

MR. GRANT: Go ahead.

THE INTERPRETER: The five people previous to Mabel Sam was ----

MR. GRANT: This is the first one?

THE INTERPRETER: The first one. After Kela was Big Thomas Nikal. The third person who held that name was Thomas Holland. The fourth person was Jim Holland. The fifth person to hold that name was Mabel's mother, Rose Sam, and the sixth person to hold this name is Mable Sam Crich.

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MR. GRANT: JUST go off the record for a moment.

--- OFF THE RECORD DISCUSSION

--- SHORT RECESS

MR. GRANT: On the record.

Q Before the break this morning I asked you if your name Maxlaxlex goes with your territory and you said it did; can you tell us where the territory is that goes with the name Maxlaxlex?

A The area that went with my name is in the copper River area. I also did some hunting and trapping in the area known as North Bulkley. And Kela's territory is in the Telkwa River area.

Q Is your territory also known as the Kilwoneetz territory?

A Yes, it is known as the Kilwoneetz territory and not just anyone is allowed to go into your territory.

Q Is Kilwoneetz a Wet'suwet'en name for the copper River?

A Yes. There's some copper in the area and that is where the white man got the name from, copper River.

Q Did you visit the Kilwoneetzen territory with Marvin George?

A Yes, went by helicopter.

Q Do you recall driving into the Kilwoneetzen territory with me?

THE INTERPRETER: Yrs. He says he remembers going out there with you. He has been on so many trips and he really get's confused with all the names and trips.

BY MR. GRANT:

Q That was in September of this year, that you drove out there with me?

A Yes.

Q DO you recall showing me and the other people on that trip, the boundaries of the Kilwoneetzen territory?

A Yes, I showed them the territory.

Q Now, in the Kilwoneetzen territory is there a place known as Six Mile Flats where your mother's people used to live?

A Yes, there is a place called Six Mile Flats and is a grassy area.

Q Was there a big longhouse there of your people?

A Yes. There was a longhouse there and Paul and his wife know where the longhouse was. David Dennis has showed Paul and Dora where the place was. David Dennis was raised under the roof of the longhouse.

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Q Did you see this house when you were a small boy?

A No, I didn't. The only thing I saw was the ashes from the fire that burned the house down.

Q Did the White people that came into that area burn the house down?

A Yes, it was the white men. The prospectors, people that are looking for minerals.

Q can I refer to your mother's people as the Kilwoneetzen people?

A Yes, they can be referred to as the Kilwoneetzen people. My mother and my grandparents were all brought up there.

Q And Old Sam?

THE INTERPRETER: And Old Sam.

BY MR. GRANT:

Q What time of the year -- what part of the year would the Kilwoneetzen live at Six Mile Flat?

A Usually in the summer months and through the fall, and when the snow flies that is when people move back here.

MR. GRANT: I think he may have answered, I'm not jUST clear.

When did the people move back, when the snow flies?

THE INTERPRETER: Yes.

MR. GRANT: They lived up there in the summer months?

THE INTERPRETER: In the summer months.

MR. GRANT: And the early fall?

THE INTERPRETER: Yes.

BY MR. GRANT:

A Yes.

Q Did the people hunt and fish in the Kilwoneetzen territory in the summer and early fall?

A Around 15th August they would go into the Kilwoneetzen territory for salmon and for mountain goat and other animals. When the snow gets too deep in the mountains that is when we come back here.

Q When you refer to when they came back, did they come back to live in Moricetown or in Hagwilget?

A The Kilwoneetzen people would come back to the village in, Moricetown and to Hagwilget.

Q Did you -- you told me earlier that Old Dennis, your father-in-law, was Old Sam's brother; did Old Dennis trap and fish and hunt in the Kilwoneetzen territory?

A Yes, he did.

Q Did you hunt, trap and fish there with Old Dennis?

A I did not go with him as I was at a different territory. After he went blind David Dennis and I would go to the Kilwoneetzen territory to hunt and trap. The money that

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We made off the furs and the meat, we gave to Old Dennis. That is how we did things. David Dennis is an elder here and he knows the things he does about the territory from his father, Old Dennis. He is too old today to speak about the Kilwoneetzen territory. Old Dennis was blind for 35 years. During that time David Dennis and I hunt and trapped for Old Dennis.

Q David Dennis was Old Dennis' son, is that right?

A Yes, his son. My wife's brother. That is how business was done and what I am telling you now, I have not made it up.

Q Did you start trapping with David Dennis for Old Dennis after you were married?

A It was after.

Q Did you stop when Old Dennis died?

A After Old Dennis died, David Dennis continued to hunt and trap the area, and David had leased or loaned --

THE INTERPRETER: -- he can't remember exactly how it happened

THE WITNESS: -- it was leased to white people.
people.

BY MR. GRANT:

Q Did you hunt and trap there after Old Dennis died?

A I continued to hunt and trap with David Dennis and after David Dennis got old and could not walk any longer the story goes that it was leased or loaned to a white person.

Q Did David Dennis build a cabin on the Kilwoneetzen territory while you were trapping and hunting with him?

A Yes, he did build one at Six Mile Flat and I showed you when we went there.

Q That cabin is still standing?

A It is still there, you guys saw it.

Q I understand what I saw, but you have to say it for the record.

NOW, is it correct that the people, the Kilwoneetzen had feasts at Six Mile Flats when they lived up there?

A They did not have feasts in the Kilwoneetzen territory. They had feasts when they came back here.

Q Do you recall a history of a man who was killed by a grizzly bear when he left the longhouse at Six Mile Flat?

A There is a foot trail leading from Six Mile Flats, it is about one or two miles. Along the foot trail there's a creek that comes from the mountain, that is where this man was killed. They told him not to go alone but he did, and they found his body about two or three days

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later and his body was decomposed by the grizzly bear.

Q Was Old Dennis a teenager when this happened?

A Yes, he was a young man when that happened. It was a long time ago.

Q Did Old Dennis or David Dennis show you where this happened?

A My uncle Jonas had taken me up there and showed me. There's some marks on the trees.

Q Were these blazers that they marked where he died?

THE INTERPRETER: He said that the trail was marked with blazers.

BY MR. GRANT:

Q Where did this foot trail lead to from the Kilwoneetzen territory?

A The trail led to Moricetown and he was killed when he was on his way back to Moricetown.

Q Does the Kilwoneetzen territory go as far as McDonnell Lake?

A The territory does go up into McDonnell Lake. You remember we stopped at a creek and the creek down is all Kilwoneetzen territory, the area above the creek belong to the Kitsegukla people.

There is a chief from Kitsegukla, his name is Big John who lived at Tseetsaytuk, and he was the boss of the territory above the Kilwoneetz. There's an area they call Lead Canyon and that is where the area starts that belongs to the people from Kitsegukla.

THE INTERPRETER: He wants to stop now because of his throat.

MR. GRANT: We'll adjourn now. Off the record.

--- OFF THE RECORD DISCUSSION

--- RECESSED FOR LUNCH AT 11.35 a.m.

--- UPON RESUMING AT 2.00 p.m.

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:

Q You showed this Creek, which is the boundary of the Kilwoneetzen, to myself and the other people that were there in September, is that correct?

A Yes, that is the place.

Q Where does the boundary -- that is the far boundary when you go down to the McDonnell Lake, isn't it?

Q Yes, that is the far boundary. The area above the creek

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belongs to Big John.

Q Where is the boundary on this side of your territory? Is it at a creek and if so do you know the name of the creek?

THE INTERPRETER: Below?

BY MR. GRANT:

Q When you're starting to drive into the territory, where does the boundary start for your territory?

A There's a little mountain in behind Hudson Bay Mountain, on the west of Hudson Bay Mountain, and there's a lake, the name of it is Guksan Lake and that is where the boundary starts.

Q Does your territory go as far as the Telkwa River?

A Yes, where the boundary is.

Q Now, this small mountain that you referred to, on the west side of Hudson Bay Mountain, is it known as the CUT BOX or Cutoff Box Mountain in Wet'suwet'en?

I'll try to pronounce the word and I'll give the spelling. K-H-E-N-E-G-A-S-X-G-U-N-X-G-U-T.

THE INTERPRETER: He's described on this piece of paper, Hudson Bay Mountain would be here. There's a smaller mountain here where there is the lake, that is called Guksan Lake, and McDonnell Lake is in this area. This whole area is known as the Kilwoneetz area and the area above that belongs to the Gitksan people.

Q Are there Wet'suwet'en names for the creeks and the mountains in your territory?

A They all have Wet'suwet'en names and the white people have names as well for these creeks and rivers and mountain peaks.

THE INTERPRETER: The area behind Hudson Bay Mountain, the boundary he described, belongs to the Gitksan and they also have names of their own.

--- OFF THE RECORD DISCUSSION

MR. GRANT: GO back on the record.

Q Is there a mountain within the territory, near Hudson Bay Mountain, that would be known as cutoff Box Mountain?

A Khenegasxgunxgut, that's it.

Q Now, there is a creek within your territory that goes near the road to McDonnell Lake which is known as a creek where the salmon come up?

A The name of the creek is called Kloktuktulgwes.

THE INTERPRETER: That is salmon jumping the falls.

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--- OFF THE RECORD

BY MR. GRANT:

Q Is there another creek which has a name which refers to lots of salmon in the creek?

A Below or above the McDonnell Lake area, in this direction, the Gitksan people own the territory and they have their own names for the rivers and the mountains. One mountain is called Wonsamoos and this mountain can be seen from Kitsegukla. When you're driving along Highway 16 it is past Khenegasxgunxgut, you see the peaks, the white people have named that the Seven Sisters and in their own language the mountain is called Wonsamoos.

Q Is it one of those peaks or is it all of the peaks?

A All the seven points.

Q Is the area that we talked about at Six Mile Flat called Kilwoneetz kloohkut?

A Yes.

Q Did people from Gitsegukla come there to trade with Kilwoneetz people?

A When the salmon are running all the Gitksan people would gather at Six Mile Flat and prepare their salmon, and once they're done they go back to their own villages.

Q To be clear, the Skeena River people would come there and fish with the Kilwoneetz people:

A Yes. They all fished for salmon as one and, once they have enough salmon, the Gitksan people would go back to their own villages and there was no trouble between the Gitksan people and the Kilwoneetz.

Q The Gitksan people never claimed the Kilwoneetz territory as their own?

A NO, they didn't. All they came was for the salmon.

Q When the people fished there, would they catch them by fish traps?

MR. MILNE: Which people?

THE WITNESS: They used sharp stick with hook on it and it was easy for them to get the salmon since the water table would be quite low.

BY MR. GRANT:

Q Did the Kilwoneetz people and Gitksan people fish the same way there?

A Yes, they did. They also were able to speak to each other.

Q Did they speak in both Wet'suwet'en and Gitksan or did they only use one of the languages:

A Our people were able to speak both languages. My mother,

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my grandmother, and even when I was young I spoke the language and I've forgotten most of the Gitksan language.

Q Is it correct that this territory which is held by Maxlalex was held by Old Sam before you and was held by Old Sam's uncle before him?

A Yes, that is how it went. Old Sam's uncle had the name Maxlalex, and Old Sam had it after his uncle., and after Old Sam died I was given the name.

Q Besides fishing did people trap for small animals with baskets in the Kilwoneetz territory?

A They used guns to hunt the animals and whoever was the chief of the territory, he was given a portion of the meat and the chief of the territory would distribute it amongst the people as he wished.

Q Is there a creek called Willow Creek in that area, and if so, what is its Wet'suwet'en name?

A Kloncheetoygikwuh. That refers to the lake being near the grassy area and the creek coming. The white man gave the name Willow Creek since the creek comes from the part where there's willows.

Q When you drive down to McDonnell Lake on the road and you see McDonnell Lake, you can see to the west of McDonnell Lake a mountain and it's on the Kilwoneetzen side of Willow Lake. Is there a Wet'suwet'en name for that mountain?

THE INTERPRETER: He is asking directions from the lake. From where the lake is.

Q If you are at the end of the lake, at the Kilwoneetzen side, the mountain would be on your left side, if you're looking at the lake, on your left side and a little behind you.

A South?

Q Yes, south.

THE INTERPRETER: He says there's a mountain here, and along here, and one here, and the one that's here, he doesn't know the name.

MR. GRANT: No, the one I'm talking about.

Q This is the lake and you're at the Kilwoneetzen end of the lake, the mountain on this side?

Q The middle one is Kelzil. That is second mountain, Klooguseye Mountain. Cars can drive up that mountain now.

MR. GRANT: JUST for the record, the description was given from standing at the end of McDonnell Lake and although I don't want to be bound by this, if this lake is a long lake -- and this is what I don't want to be bound by -- we'll assume that the lake goes in an east-west direction

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and you're at the east end, if that's the description, the use of Johnny's hands and the interpretation given is that you are talking about the mountains along the south side of McDonnell Lake?

Let's go off the record for a moment, just so I can explain what I'm saying.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.

For the record,,the description that was given and the names of the mountains that were given were based on Johnny David standing on the Smithers end of McDonnell Lake, facing McDonnell Lake. From that end, I believe counsel and I can agree for this purpose that would be where the road comes down from the Smithers side.

JUST to put that position in some geographical context, Smithers would be behind Johnny David as he's facing the lake and the Hudson Bay Mountain would be on his right side and to his rear.

The mountains that he has described would be the mountains along McDonnell Lake on the left side as he's facing the lake.

Q What is the Wet'suwet'en name for McDonnell Lake?

THE INTERPRETER: He says he knows the name but he has forgotten.

MR. GRANT: Okay.

THE WITNESS: Tsayxingls is name for McDonnell Lake.

MR. GRANT: T-S-A-Y-X-I-N-G-L-S.

Q Now, in that same position as you are, looking at these same mountains at the south side, is it correct that at the far end of the lake is Big John's territory?

A That area I described belongs to the Gitksan people and Big John had a big cabin built in that territory.

Q When you say "area I described", are you talking about the far end of the lake?

THE INTERPRETER: The far end of the lake.

BY MR. GRANT:

Q There is a ranch on the Smithers end of McDonnell Lake called the Copper River Ranch; is that in the Wet'suwet'en territory?

A Jeff or Jess Iceman was the first farmer that moved there. Later was somebody, Mr. Garden. Yes, it is within Kilwoneetzen territory. He did not trap, he just put up the farm.

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Q coming back towards the Smithers area within the territory, is there a lake called Dennis Lake and, if so, is there another Wet'suwet'en name for that lake?

A Tsilgutznaytie, that means road leading into Dennis Mountain. Tsilgutznaytiebun, that is also name of lake.

Q That's T-S-I-L-G-U-T-Z-N-A-Y-T-I-E-B-U-N. Is it correct that Tsilgutznaytiebun is Wet'suwet'en for lake:

THE INTERPRETER: Yes, it is.

BY MR. GRANT:

Q You talked earlier when Kela was standing behind you, about the territory where Kela was buried; is there a Wet'suwet'en name for that territory?

A Alxkat.

Q A-L-X-K-A-T for the record. Of course, I was referring to an earlier Kela.

A Alxkatbun.

Q I understand that Kela is in your house, is this correct?

A Yes.

Q Do you have authority within Kela's territory as Maxlalex?

A Yes, I'm able to speak on the territory and as a young man I also trapped the territory.

Q You've described one territory next to the Kilwoneetzen is Big John's territory; do you know what his Gitksan chief's name was?

A I don't know his hereditary chief's name.

Q Was he a hereditary Gitksan chief?

A Yes, he was hereditary chief in the village of Tsaytseetsuk. He was the moo'tie for there, which means that he was the person who overlooks the affairs of that village.

Q What is the Wet'suwet'en word you used?

THE INTERPRETER: Moo'tie.

MR. GRANT: For the record, just to be clear, there was reference to this village earlier today and the spelling would be T-S-A-Y-T-S-E-E-T-S-U-K and that was referred to this morning. For the record, I would like to make the correction. That is the way it should be spelled.

Q What other Wet'suwet'en house had territories around the Kilwoneetzen territory you have described and who were the chiefs?

THE INTERPRETER: Maybe I phrased it wrong -- he said there was no people that were immediately close by.

MR. GRANT: Okay.

Q Who held the territory next to Maxlalex, on the south

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side of Maxlaxlex territory?

THE INTERPRETER: Which direction is south: He said west side was Gitksan.

MR. GRANT: Yes.

THE INTERPRETER: This side, the east side belonged to the Wet'suwet'en.

MR. GRANT: Yes. Does he know which Wet'suwet'en chief held the territory to the east of his territory?

THE WITNESS: Gyoluget. Gyoluget who lives in Smithers. The whole area near the Smithers area all belongs to Gyoluget. There's a station near Topley, there's a creek that runs by there, that is the boundary for Gyoluget, and the area above that belongs to -- belonged to Tye David which now belongs to Woos.

BY MR. GRANT:

Q I'm sorry, I wasn't clear, does Woos have territory immediately adjacent to Maxlaxlex or is it territory beyond Gyoluget's territory?

A Gyoluget's traditional territory is adjacent to Maxlaxlex.

Q And Woos is:

THE INTERPRETER: Woos further east.

MR. GRANT: Of Gyoluget?

THE INTERPRETER: Of Gyoluget.

BY MR. GRANT:

Q Who holds territory to the north of Maxlaxlex?

He has said that Gyoluget is on the east side and Kilwoneetzen on the west side, so who would be north of them?

A The area north of the areas I've described belongs to Peter Alfred's wife's grandfather and is now in the name of Wah Tah Keg'ht. And Henry also has that name.

Q That's W-A-H T-A-H K-E-G-'-H-T for the record.

HOW long ago did David Dennis stop trapping in the Kilwoneetzen territory? And hunting?

A Ever since he was not able to walk and when he was feeling sick.

Q HOW long has it been since you have trapped or hunted in that territory yourself?

A A long time, ever since I was unable to walk and I got too old.

Q So is it correct you trapped and hunted there until you became too old?

A Yes, that is correct. I trapped with David Dennis. David Dennis is alive but is unable to talk because of

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his advanced age.

Q Does Maxlaxlex own fishing sites in the Kilwoneetzen territory?

A Yes, they are.

THE INTERPRETER: He does have fishing spots there but he lets other people use it and doesn't say anything about it.

BY MR. GRANT:

Q Do you let people from your house use those fishing sites?

THE INTERPRETER: He let anyone who wanted to prepare salmon, to smoke it, go up there and use it.

BY MR. GRANT:

Q Can you tell us some of the people who use those fish sites now?

A I don't know.

Q DO you have fishing sites or a fishing site in the Moricetown Canyon as Maxlaxlex?

A Yes, there is, on this side of the river.

THE INTERPRETER: That would be....

BY MR. GRANT:

Q Did you go with Alfred Joseph and other researchers to show them those fishing sites a few years ago?

A Yes.

Q Did your house use fish traps either here or in the Kilwoneetzen territory?

A In the -- people prior to us did use fish traps but in my time people from my house did not use fish traps.

Q Did they use those fish traps in the site in the Moricetown Canyon?

A I can't recall. It was Gitksan used the fish trap the most.

MR. GRANT: Go off the record for a moment please.

--- OFF THE RECORD DISCUSSION

MR. GRANT: On the record.

Q Who WOULD have the authority in your territory to decide who uses that territory? Is it only Maxlaxlex or is it all the members of your house?

A They would ask whoever was the head of the territory. The people would ask him if they could hunt in his territory. The same with the Andamanuk people.

Q Who? The Chief Or the house members or both are

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Considered the owners of your territory?

A That is correct. The people who are the Andamanuk can also use the territory. The territory is for the benefit of all the people in that clan.

Q I am not certain whether there is something missed in the question or the answer but I gave him three options: who were the considered owners of the territory -- the chief, the members of the house or both the chief and the members of the house?

THE INTERPRETER: He explained again what he had explained earlier where people from the clan, people from the spouses clan or people from spouses where there is a husband or wife are also able to use the territory.

Then he went on to say that when the person is going to be taking the chief's name, he is allowed to go out into the territory and hunt and trap. When he takes on the name he distributes the meat amongst the witnesses. And the territory belongs to the chief.

BY MR. GRANT

Q Now, has the Kilwoneetzen territory always belonged to the house which Maxlaxlex is in?

THE INTERPRETER: I'm lost here.

MR. GRANT: can you read that question back?

THE REPORTER: Question: "Now, has the Kilwoneetzen territory always belonged to the house which Maxlaxlex is in?"

THE WITNESS: Yes, the territory belonged to the Kilwoneetz all that time.

BY MR. GRANT:

Q Did this belong to the Kilwoneetz long before the white man came?

A Yes, the territory belonged to the Kilwoneetz long before the white man and since the white man came they have destroyed everything.

Q Did the fishing site of Maxlaxlex at Moricetown belong to Maxlaxlex before the white man came?

A Yes. The fishing hole in the Moricetown canyon belonged to Maxlaxlex long before the white people came and now everybody is using it.

Q Was the Alkut territory of Kela always held by Kela?

A Yes, it belonged to Kela all this time.

Q This morning you told us that an ancestor of Kela is buried at this lake; before that person was alive was there a Kela?

A Yes, there was a Kela for a good many years.

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Q Before the Kela who is buried?

THE INTERPRETER: Before the Kela was buried. Let me re-ask that. I got mixed up here.

MR. GRANT: Let me just -- I'll re-phrase the question for you.

BY MR. GRANT:

Q You talked about six Kelas this morning and you talked about one who was buried at this lake, before the Kela who was buried, was there another Wet'suwet'en Kela?

A As far as I can remember is from the Kela that is buried in Topley and the way our system works there's probably more Kelas before my time.

Q Okay.

A I'm telling you the truth and while Kela before Mabel was alive Mabel took on that name.

Q Are you finished? Okay, so there would -- is it your evidence that there would be Kelas before the white man came and those Kelas had control over their Alkut territory?

A In the very old days these names have been carried on, and some are even buried in their territories, and some were cremated, and these names have been carried on for generations.

Q Is that the same with Smogelgem?

A Yes, the same. It is the same with our other hereditary names, not anybody can just come in and take a name. These hereditary chiefs names are not given to just anyone. Some people have been brought up to take on these names.

Q Was any part of Kilwoneetz territory or the Alkut territory given as compensation by some other house or clan to Maxlaxlex and Kela?

YOU want her to re-read it?

THE INTERPRETER: Yes.

THE REPORTER: Question: "Was any part of Kilwoneetz territory or the Alkut territory given as compensation by some other house or clan to Maxlaxlex and Kela?"

THE WITNESS: No, this was not given by anyone. It was the people who had these names prior to us who have handed them down.

BY MR. GRANT:

Q Is there any other territory of Maxlaxlex or Kela other than Kilwoneetz or Alkut?

A There's -- Kela has some territory in Topley area and

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also Telkwa River area. We do not hold land in any other territory.

Q And the Topley area is the one known as Alkut, just to be clear?

A Alkut, yes.

Q Is there a name for the Telkwa River territory?

A That just goes by Telkwa. Old Sam looked after the area near Telkwa River.

THE INTERPRETER: Old Sam looked after the territory near Telkwa River area.

THE WITNESS: The Telkwa River area was looked after by Old Sam and Old Dennis, Joe Nass and myself, Maxlaxlex, and now the land has reverted back to Mable Sam who is Kela.

This is done right and you can never reverse that.

MR. GRANT: He's finished?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q IS the territory at the Telkwa River, is that close to the Kilwoneetz territory?

A I mentioned all the mountains, Telkwa River on one side and copper River on one side.

Q So the territories you are talking about are right beside each other, is that right?

THE INTERPRETER: Kilwoneetzen and Telkwa River?

MR. GRANT: Yes.

THE WITNESS: Yes, they were side by side. We hunted and trapped in the same area.

BY MR. GRANT:

Q Are there any other territories which Maxlaxlex or Kela gave away as compensation in the old days?

A It does not seem that way but now white men are trying to take the land.

Q I notice from what we've talked about that you know the names of many of the places in the Kilwoneetz territory; is this part of your role as a chief, to know the names of the mountains, the lakes and creeks on your territory?

A Yes, it is because I am hereditary chief.

Q YOU talked about Kela's pole outside and the netseyeee on Kela's drum, is her pole and her netseyeee connected to her territories? That is, does she own all three?

A Yes, all the things we mentioned belong to Kela.

Q How are the netseyeee and the pole connected to her territory: What is the relationship between those and her territory?

A The dog crest belongs to Kela. Gitdumskanees is on top

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of the pole, the human figure. There are some of my crests on that pole.

Q All right. I would like to ask you a few questions about how you used your land in the old days, when you were younger. could you tell me what animals you hunted and trapped in the spring in the old days and where you did that?

A Me'dzee -- caribou -- is what I hunted for in the spring, and the meat was smoked and dried.

Q Was that in the Kilwoneetz territory?

A Yes.

Q M-E-'-D-Z-E-E-.

What animals if any did you hunt in the summer, in the old days?

A There were many animals we hunted and ones that were fat. I did this in my territory and that was for feeding myself and others.

Q Did you trap marten and beaver in your territory when you were younger?

THE INTERPRETER: Marten, you've got me!

--- OFF THE RECORD

THE INTERPRETER: Oh yes.

THE WITNESS: It is this time of the year that we start trapping for beavers and marten, and other animals.

BY MR. GRANT:

Q can you tell me what you other animals trapped for?

A Some of the other animals were nawus --

THE INTERPRETER: -- which is timber wolf --

THE WITNESS: -- nastl --

THE INTERPRETER: -- which is wolverine --

THE WITNESS: -- and all the other animals that happen to be in that territory.

BY MR. GRANT:

Q You described that you hunted some animals in the olden days, in the summer and you said you hunted the fat ones; can you tell me some of the kinds of animals you hunted in the summer time?

A Some of the animals we hunted in the summer who were fat was the says --

THE INTERPRETER: -- the bear --

THE WITNESS: -- latlada --

THE INTERPRETER: -- which is deer --

THE WITNESS: -- me'dzee --

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THE INTERPRETER: -- which is caribou --

THE WITNESS: -- --

THE INTERPRETER: -- which is rabbits.

BY MR. GRANT:

Q Did you do any trapping in the summer?

A No, I didn't. JUST went after the animals.

Q What animals do your people hunt nowadays in the territory?

A Nowadays, they hunt and trap for all the animals I mentioned before, the ones that are fat.

Q Did you hunt or trap in the winter months in the old days?

A I started trapping when I got strong.

Q What animals did you hunt and trap for in the winter in the old days?

A In the early days we hunted or trapped for me'dzee when there was no deer and --

THE INTERPRETER: -- I believe was the marten --

BY MR. GRANT:

Q Were there other -- sorry?

THE WITNESS: -- and a lot of other animals.

A Around 1907 the white man came and the game warden began to give the traplines to their own white people which had originally belonged to us. And the game warden told the white people, you see any Indians crossing into your territory let me know and I will arrest them.

That is how these people looked at us also during this time as they were taking our traplines, also began blasting the beaver dams which reduced the number of beavers.

During the same time there were many horses and the white man came --

THE INTERPRETER: -- and he refers to Dutch people --

THE WITNESS: -- and they came and they began to eat the horses which again reduced the number of horses in the territory. There were a lot of horses and they were all gone.

Our traplines were all gone. The resources on our territories, the trees, were all gone. That's it.

BY MR. GRANT:

Q Just to clarify when this happened, you say this was in 1907 so this would have been when you were a young man or actually a boy, is that right?

A Yes, I was a child. After 1907 we began to lose

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everything.

MR. GRANT: Johnny, you've outlasted some others today. The lawyer for the Province has to go back to his office. He assumed we would be finished or that you would want to stop earlier, so we're going to adjourn today because he has to get back to his office for some other commitment.

THE WITNESS: What I am telling you now, I have not made it up. What I am telling you now I've learned from my elders from the early days.

I told you about how we were treated by the white man. The game wardens had sticks which they threatened US with, similar to the stick I have behind the door.

The trees that they have taken off our territory, the government has been receiving the money and they're putting it in their pockets -- now we want the stumpage fees. We want the stumpage fees from all the traplines they have logged.

Where do they get the money to be driving nice cars, to have a railroad system or to be flying in the air? This is our money that they're using and I am walking on my feet.

In the old days these people that trapped each territory, they protected the trees in the blocks so that the animals would flourish. Now the government has trapped all our territories and *hey have all the money and the way they treat us, they throw us little bits and pieces of things to eat. That's it.

MR. GRANT: I would like to ask one brief final question.

Q IS Hudson Bay Mountain within your territory or is it in another territory?

THE INTERPRETER: Within whose territory?

MR. GRANT: Within Maxlaxlex's territory.

THE WITNESS: The area behind Hudson Bay Mountain is within my territory. Where they used to have the ski jump, all that area is in Gyoluget's territory.

MR. GRANT: As I said before, the lawyer representing the province here, Mr. Milne, has made other commitments and so he has requested that we adjourn early today, so we're going to adjourn now.

THE INTERPRETER: He is asking what time you want to start tomorrow:

MR. GRANT: Eight thirty.

THE INTERPRETER: Eight thirty, fine.

--- EXAMINATION ADJOURNED AT 3.40 p.m. UNTIL 8.30 a.m.,
19 OCTOBER, 1985.

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I hereby certify the foregoing 25
pages 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/lre-Oct. 22/85 B.C.S.R.A. #263

NOTE: Transcript of evidence continues on the
following page, #63.

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

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

OFF THE RECORD DISCUSSION

--- UPON RESUMING AT 8.50 a.m., 19 October, 1985

MR. GRANT: This is a continuation of the Commission Evidence
Hearing which we adjourned yesterday afternoon.

EXAMINATION IN CHIEF BY MR. GRANT (Continued)

Q I was asking you yesterday about some of the animals that
were harvested, Johnny; can you tell me what fish you
harvested in the spring time and where you harvested them
from?

A In spring the people would fish for testlee --

THE INTERPRETER: -- testlee is another word for steelhead --

THE WITNESS: -- when the ice melts people go to lakes and fish
for the fish that are in the lake.

BY MR. GRANT:

Q Would this be trout?

THE INTERPRETER: Lake trout.

BY MR. GRANT:

Q Did you fish in lakes like McDonnell Lake?

A Yes. There is various kinds of salmon in McDonnell
Lake. Then in the winter is when we eat the steelhead.
We set nets for under the ice.

Q Would this be in the river or in the lakes?

A Yes, at the-outlet of the lake.

Q What fish did you harvest in the summer months, and where
did you harvest them from?

A They would set nets and they would get testlee --

THE INTERPRETER: -- that's the steelhead --

THE WITNESS: -- buguy --

THE INTERPRETER: -- which is lake trout --

THE WITNESS: -- And sabay --

THE INTERPRETER: -- which is Dolly Varden.

MR. GRANT: I am not sure, did he say where these fish?

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THE INTERPRETER: McDonnell Lake.

THE WITNESS: Sagwendax.

THE INTERPRETER: Which is Wet'suwet'en name for McDonnell Lake.

BY MR. GRANT:

Q Did you fish in the summer months in the Moricetown canyon as well?

A Yes.

Q What did you fish for there?

A In the Moricetown canyon we fished for k'aas which is the spring salmon; tsamon which is the pink salmon; tylook which is the sockeye; and stelkay which is the eels.

Q People still fish at the Moricetown canyon now, is that right?

A Yes.

Q Do people still fish at McDonnell Lake and in the Kilwoneetz River for these other species that you were talking about?

A Yes, some people still do get salmon from there. Nobody prevents them going there.

Q Did you fish in the fall time and, if so, where and for what species?

A We did fish in the autumn and this was for some of the stronger salmon that were spawning some were turning red.

THE INTERPRETER: And he mentioned that they were the older ones.

MR. GRANT: Where did he do that fishing?

THE WITNESS: Same area, McDonnell Lake. Where they did most of the fishing was in the Kilwoneetz territory.

BY MR. GRANT:

Q Was most of this fishing by gaffing or did you use fish traps or other means to catch fish up there?

A They use gaff hooks which were about six or seven feet in length.

Q Did your mother's people fish the Kilwoneetz territory the same way as you fished, from before your time?

A Yes they did because it belonged to them.

Q DO you, know. if this fishing went on before the white man was here?

A Yes, they did fish for salmon ever since they were born.

MR. GRANT: Ever since who was born, I'm sorry?

THE INTERPRETER: Ever since our people were born.

BY MR. GRANT:

Q Did you have berry grounds in your territory, in the

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Kilwoneetz territory and, if so, did you use those berries and what kind of berries were they?

A Yes, our people did have berry patches in their territories and they were that much more valuable when the tahkee --

THE INTERPRETER: -- which is the huckleberries --

THE WITNESS: -- were ready for picking.

BY MR. GRANT:

Q What time of year was that?

A The area near Dennis Mountain is where a lot of huckleberries were picked, and people from Babine also came to pick the huckleberries. This would be around the month of August.

Q Do you have a name in Wet'suwet'en for the month of August?

A Yes. Buningasxkas is for the month of AUGUST. This refers to the small birds being born and they're unable to fly and they're just running around on their legs.

Q B-U-N-I-N-G-A-X-K-A-S for the record is the spelling of that month.

Aside from the huckleberries, did your people harvest other plants in the old days?

A The huckleberries were dried on a rack, about two or three feet long. They were dried for the winter months.

THE INTERPRETER: Stuck for the words for "other plants".

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

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.

THE INTERPRETER: Aside from the huckleberries, did your people harvest other plants in the old days?

THE WITNESS: Berries that were picked was nawus --

THE INTERPRETER: -- which is the soapberries --

THE WITNESS: Some of the other --

THE INTERPRETER: -- and blueberries, the Wet'suwet'en word for that is yintoewee'.

THE WITNESS: These berries were dried and these berries were used whenever there was a feast.

BY MR. GRANT:

Q Were there particular places in your territory where you would pick huckleberries or soapberries or blueberries?

A The area on the other side of the Hudson Bay Mountain where all the berries grew.

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A Yes, on the slopes of the mountain.

Q Are these berries still picked by the Wet'suwet'en people today?

A Yes.

Q Are they still used at the feast today:

THE INTERPRETER: What was your question?

THE REPORTER: Question: Are they still used at the feast today?"

THE INTERPRETER: He said they're one of the mountains near Hudson Bay was called Kengitlow't. That's the area near Dowdey, about five-six miles from here.

THE WITNESS: That area belonged to Mrs. Peter Alfred, who's known as Dzee, and when the berries would ripen she would invite all people from the village to go pick berries.

BY MR. GRANT:

Q Before Mrs. Alfred held that name, did the previous Dzee also do that and invite the people from the village to go and use the berry grounds?

A Yes, they did. This was Madalyn's predecessors, they did the same thing as she had done. It went quite a ways back.

Q Was this done before -- did the people pick berries and use these berries at the feasts from the time before the white man came to this area?

A They did harvest the berries long before the white man came.

Q Did you and your mother's people use any plants and pick plants for medicine purposes?

THE INTERPRETER: He's got to get a sample of plant medicine.

MR. GRANT: Go off the record.

--- OFF THE RECORD

THE INTERPRETER: He's lost it.

MR. GRANT: On the record.

THE WITNESS: There's one plant, that's called the 'koonyay. It grows near the mountain. The roots of that plant is used for medicinal purposes.

THE INTERPRETER: I just can't remember the English name for that plant.

MR. GRANT: JUST for the record, I understand that when Johnny left he had some of this plant and he went to look for it and he can't find it now?

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THE INTERPRETER: Yes.

BY MR. GRANT:

Q What is that plant used for? Curing what ailments or can it help people?

A This 'koonyay plant, the roots are separated or crushed and it is used for your back, and it is also used to clean your guns. Our people also use it for good luck charms.

THE INTERPRETER: He says if you miss an animal with your gun, you take this plant and you pass the root through the barrel three times, and after this process, it brings you luck and you should not miss another animal with that gun.

BY MR. GRANT:

Q Has this plant been used by your people in these ways since before the white man came?

THE INTERPRETER: He said they did use it before the white man came, and he gave an estimate of at least 500 years that it's been in use.

BY MR. GRANT:

Q When you say 500 years you mean a very very long time?

A Yes, and we are still using it today.

THE INTERPRETER: He said he wanted to show you guys but he can't find it.

MR. GRANT: possibly he will be able to find it some time before we're through.

THE WITNESS: Yes.

BY MR. GRANT:

Q Did the people use this plant before time of guns to help them in their hunting?

A It was used before the gun was introduced. If this plant is touched by people who are not lucky, if they touch this plant they would get ill.

Q In the days before the arrival of the white man, did your people use cedar or other trees from your territory?

MR. MILNE: Mr. Grant, I think I should just mention for the record at this point, you're asking questions for periods obviously before the Witness was alive. His only possible answer could be what other people have told him. If that answer is being offered for the truth of the statement then you're entering into a hearsay area. I raise that now, for the record, in that there may

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be some objection taken when the evidence is being introduced at trial.

MR. GRANT: Your objection is noted.

BY MR. GRANT:

Q In the days before the white men, did you harvest trees or use wood from trees for any purposes?

A The bark from the balsam tree was used for medicinal purposes, as well as the spruce which in our way we call wa'tsoo. Again the bark was used for medicine. The Devil's Club which --

THE INTERPRETER: -- he had described earlier --

THE WITNESS: There is another plant that grows in the swamp back in behind us. It is called gaxlowk. This is a very dangerous plant, and only people who know how to use it should use it. When they eat this plant it brings them great luck. This last plant, when a person is going to go hunting, he would take some of this plant and this plant would bring him luck during his hunt.

Q This is gaxlowk?

THE INTERPRETER: Yes.

MR. GRANT: Is he finished?

THE INTERPRETER: Yes. He said he will remember some more as we go on.

BY MR. GRANT:

Q You indicated in your answer Devil's Club, and the answer was Devil's Club which you described earlier -- is this the plant you didn't translate earlier?

THE INTERPRETER: Yes, it was.

MR. GRANT: What was the Wet'suwet'en word for that:

THE INTERPRETER: 'Koonayay.

BY MR. GRANT:

Q Now, did you use trees for other purposes other than what? you have described where you used the bark of certain trees for medicinal purposes? Did your people use them for other purposes? For example, building or using them to make tools or to make weapons?

A Besides using the bark for medicine, some of the trees we used for building smokehouses. We have used the trees in this way for many years. We did it in our time so did the people before me. The winter when our people go trapping and snow gets too deep, they would place logs in that manner and they would cover these logs with the branches and these would be half buried. These were called "half buried branch houses".

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THE INTERPRETER: He also mentioned that these branches were all facing down this way on both sides.

MR. GRANT: Yes.

THE WITNESS: When it snowed, the water would not run into the building, it would run off the branches.

MR. GRANT: Is this the type of construction that he was looking at that you've drawn:

Q That the Interpreter has drawn? For the record?

A Yes.

MR. GRANT: Okay.

THE INTERPRETER: And he said that he has used this structure himself as well.

MR. GRANT: For the record, the Interpreter has in giving the explanation of this drawn on a plain piece of paper a diagram which is triangular in shape and it assists in describing what the Witness is describing. I would like to have it marked as an Exhibit as he has put it to the Witness and it assists in explaining what the Witness has described.

MR. MILNE: No problem.

MR. GRANT: Go off the record for a moment.

--- OFF THE RECORD DISCUSSION

--- EXHIBIT NO. 2 - Pencilled diagram of half buried branch house.

MR. GRANT: For the record we have marked this diagram as Exhibit No. 2 on the commission Evidence of Johnny David and the Wet'suwet'en word for this structure is alxbainya -- that's A-L-x-B-A-I-N-Y-A -- can we describe this as a half buried branch house used in the winter months?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q We interrupted you, Johnny, to mark that Exhibit. My question was: what you had used -- your people had used trees for aside from medicinal purposes in the old days, before the arrival of the white man?

MR. MILNE: For the record, I'm not opposed to you leading on that. If you want to ask him if he used trees for this or that, that's fine.

BY MR. GRANT:

Q Is there any other purposes that he can recall at this point in time?

THE INTERPRETER: He described how our people had to fell

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trees before metal was introduced. They used the form of a rock which was shaped in the wedge and they would chip away at the tree till it fell.

When the tree was felled, they would light fires underneath it to get them to the length they were required and this wood was used for heating purposes.

Q Did your people use cedar bark to make necklaces in the old days?

GO off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GRANT: On the record.

THE WITNESS: Yes, they did. Used it for necklaces as well as for headbands.

MR. GRANT: Off the record for a moment.

--- OFF THE RECORD

MR. GRANT: On the record.

THE INTERPRETER: He is describing how the cedar bark was woven, something like this, and it was worn around your neck as well as around your head. It was red and this was used by the kaxluhxhkm.

BY MR. GRANT:

Q Can you explain what that means?

A The headband is called deesgut' and it's red in colour, and that's used by the kaxluhxhkm and some of this regalia can be seen at Gitksan.

Q Was the necklace and headband of cedar bark, were they woven. That is braided?

A Yes, it was braided and some were the width of your hand.

Q Did you ever see this being used yourself in your lifetime?

A Yes, I did. I watched them.

Q As far as you know, were they used from the time before the white man came?

A Yes, they were used before the white man came and since they have come we don't use it as much.

Q I've asked you -- Mr. Milne has reserved a right to object to things you talked about before your lifetime -- I've asked you on many occasions this morning about what was done before your lifetime and before the white man came.

DO you want to translate that before I go further?

When you talk about what your people did before the

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time of the white man, were you told or taught these things by other people?

THE INTERPRETER: He said the business we are talking about is very important.

THE WITNESS: Before I was born, this disguise was used. After I became strong enough I watched the people use it. It was used all along the Skeena River. When I came old enough my father made me one and I joined them. This disguise along with that all went the blanket.

THE INTERPRETER: He's getting tired.

MR. GRANT: Let me follow through.

Q The Wet'suwet'en people and the history of the Wet'suwet'en was taught by word of mouth from one generation to another, isn't that right?

A I was taught by my mother, my father, my uncle, Old Sam. They taught me the old ways of our people. They told me the history that I am telling you now, and what I am telling you now, I have not made it up.

Q Old Sam would have been told those things by his uncle and so on back in time, is that correct?

A Yes, his uncle before him would have taught him.

Q In those days your people did not write down their history, is that right?

THE INTERPRETER: He said that in those days our people did not write, and he has asking me whether he should tell the story about Father Morice introducing the writing system.

BY MR. GRANT:

Q Okay, but the question I am asking you is: as I understand, before Father Morice, your people did not write and they did not write the history down?

A No. The school teacher came from the coast, he came to Hagwilget. The village was down by the river in the canyon. He came to my father's smokehouse, and that is where he began teaching our people. That house was called misdzi'ah or Owl House.

That is when Father Morice came, he was a Frenchman, and he came in and he watched this teacher trying to teach our people. He used the slate board. He talked for a long time and our people couldn't understand him.

Then Father Morice grabbed the slate boards, broke them in pieces, and the schoolbooks that were in the smokehouse, he threw them out. After he was done, he grabbed the school teacher and threw him out. One of our people gathered up the books and packed it down. After Father Morice cooled down, he told the people in the smokehouse being taught by this teacher that this teacher

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is a devil, don't listen to him.

Even though Father Morice told them not to listen to this teacher, some of our people did learn and one was pa Namox's father. The reason Father Morice chased the teacher away from here was because he did not want our people to learn, he wanted to push his religion on us. That's it.

Q I understand this happened at your father's smokehouse at HagWilget?

A Yes. Down in canyon.

Q Was your father there when this happened?

A Yes, he was.

Q Did this happen ----

A And they were just young men at the time.

Q Was this before you were born?

A Yes, way before he was born.

Q Your father told you what had happened?

A I was told by my father as well as pat Namox's father.

Q Who was pat Namox's father?

THE INTERPRETER: Alfred Namox.

THE WITNESS: Through his learning his children learned the ABC's.

BY MR. GRANT:

Q Through pat Namox's father's learning?

A He encouraged his children.

Q Who did?

THE INTERPRETER: Alfred Namox encouraged his children to learn the ABC'S.

BY MR. GRANT:

Q Do you remember how old you were when you first saw a white man in here? That is, first saw a white man yourself?

A The telegraph wires came through here in 1901 but I had seen white people before this, maybe five years before 1901.

Q Did your people use trees to make their totem poles before the arrival of the white man?

THE INTERPRETER: He said that our people made poles from these trees long before the white man came, and he threw out about 100 years before they came.

BY MR. GRANT:

Q Did your people use wood or trees to make houses other than the alxbainya that you've already described before the white man?

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A Yes. The trees were used for houses long before the white man came and they split the logs which was used for part of the buildings. There was a wooden wedge about so long ----

MR. GRANT: can yoU describe that:

THE INTERPRETER: About two feet long.

THE WITNESS: Wooden wedge that was used to split the logs. And the bark from these trees, which is called gilluy', was used for the roof.

MR. GRANT: JUST to clarify, was the bark called gilluy' or the trees?

THE INTERPRETER: The bark was called gilluy'.

MR. GRANT: Okay.

THE WITNESS: It was very similar to the way we use tarpaper today. They were strong, for the smokehouse. The logs were cut into two feet lengths to heat the house, the smokehouse in the winter.

Q What kind of trees were used to build the smokehouse?

A They used all species of trees.

THE INTERPRETER: He mentioned two, which is birch, and kandew, that is jack pine.

BY MR. GRANT:

Q Was Cedar USed as Well?

A Yes. They used all kinds of species for firewood.

Q Were the trees split when they were standing up or were they cut down first?

A Yes, the tree was felled first then split.

Q How did you people fell the trees in the old days?

A I was told before my time, the tree was chipped away at until it fell and after the Hudson's Bay company came they introduced the ax.

Q Are you finished? Okay.

What did they use to chip away the tree? What kind of tools?

A Dayweetz.

THE INTERPRETER: DayWeetz is rock which is shaped into a wedge.

BY MR. GRANT:

Q Did your people get the trees that they used from their house territories, such as Kilwoneetz, Kela's territory, and the other chiefs' territories?

A They used the trees wherever they could get them.

Q Was this the same in the days before the white man came?

A Yes.

Q Did your people always take the trees from the territory

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or did they go to the Gitksan territory to take trees?

A They used the wood as one people. The Gitksan and the Wet'suwet'en, they would all work together as one and use the wood.

Q DO your people still use trees from the land today for building the smokehouses, for making the poles and for firewood for the smokehouses?

A Yes. They're still doing that and they don't prevent or argue with each other about the trees.

Q When your people want trees for these purposes do they go to the Forestry to get licenses to cut their trees?

THE INTERPRETER: He said now, sometimes we do go to the Forestry to get license for woods hut in the old days we didn't have to.

BY MR. GRANT:

Q When the people of your house get wood today, do you know if any of them go to Forestry?

A When the white man came, he fence off the lands and when we had to make wood, we had to get a permit in order to make wood for ourselves. It was like that around here, as well as in North Bulkley. The white people did not like us cutting down their trees. They fenced it off and claimed it as their own.

Q Who do you say now has the right to the trees on your territory in Kilwoneetz, your people or the white people that have moved there?

A The land should be used by us. It belongs to us and it shouldn't be used by the white man.

Q Have you ever been compensated for trees that were taken by the white man from your territory?

A No-one has compensated me yet. I have mentioned this to Forestry people on several occasions and they have just told me to wait.

Q You talked about the people using a dayweetz or rock ax, where would they get the stone or the rock for those axes?

A I don't know where they got the rock from but I have seen it. They probably made it themselves and some of these wedges you can see at Gitksan.

Q Did your people use particular rocks to make arrowheads in the old days?

GO off the record for a moment please.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.

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THE INTERPRETER: Can you repeat the question please:

THE REPORTER: Question: "Did your people use particular rocks to make arrowheads in the old days?"

THE WITNESS: DayWeetz was used, they were chipped on the ends and those were used for -- chipped rocks -- they were used for arrowheads. They way they chipped it, they used another rock. For the bow and the arrow part, they would use the species that grows near where Thomas George used to live.

THE INTERPRETER: I know what it's called but I can't remember it.

MR. GRANT: Is there a Wet'suwet'en word he used?

THE WITNESS: Gitsugun?

THE INTERPRETER: That's used for the arrow and bow.

MR. GRANT: Is this a type of wood?

THE INTERPRETER: It'S a type of wood.

THE WITNESS: Some of them are a good size.

BY MR. GRANT:

Q You say this was gathered from where Thomas George used to live, where was that?

A JUST east, about five miles east of Telkwa. The area is known as pencil Mountain. That's the name that is given by the white man.

Q Is there a Wet'suwet'en name for that mountain?

A Tutdeenah, and the white man calls it pencil Mountain. That is the mountain you see near where Thomas George used to live.

Q Is there a Wet'suwet'en name for the rock, the type of rock that was used for the arrowhead?

A Beez. They're very difficult to find. It'S difficult to work with and sometimes shaped like a knife. It is wrapped around the arrow portion and it is made strong and this is used to kill me'dzee or caribou.

Q You said this rock was hard to find, did the Wet'suwet'en people dig in the ground for this rock?

A They were chipped from -- they had to be chipped out and it is very difficult to do. This was in the early days and I don't know where they went to get this rock.

Q Would they use the same kind of rock to sharpen these arrowheads or would they use a different kind of rock to sharpen them?

A Different kind of rock is used to sharpen the point.

Q Do you know where those rocks were obtained from?

A These rocks are found just anywhere, and the rock has to be flat and that's what is used to sharpen.

Q Did your people use things like clay or red ochre in the

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old days?

Do you want to go off the record?

THE INTERPRETER: Yes.

MR. GRANT: Off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GRANT: On the record.

BY MR. GRANT:

Q Did people use clay in the old days?

A Yes, they did use it.

THE INTERPRETER: Tsel'ste -- I think I pronounced that wrong.

Tsel'ste, that's a berry. He said that we still use

MR. GRANT: Go off the record.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go on the record.

For the record, it was noted by Mr. Milne, and I agree, I should put on the record why we've gone off the record on numerous occasions this morning. Many of these words are technical terms and the Interpreter is requesting assistance for the correct phrase for these technical terms, such as clay or species of trees or for that reason that we are going off the record so he can consult with another Wet'suwet'en person to try and get the correct pronunciation so the Witness is not confused.

Q Now, I believe my question was; did your people use clay in the old days? And, if so, what for?

A This clay was mixed with sand and it was used to paint the houses.

Q Where did you get this clay from?

A From various areas and wherever it is found, it is mixed. They also use this for a stove and also the pipe that goes up. It was built the same way the brick chimneys are built today, and they would last a long time.

Q Did you see any of these stoves in your lifetime?

A Yes, I did. My own father had built one, and the people

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before him had done this as well.

MR. GRANT: JUST for the record; before the last break you had asked him about the clay and you indicated that he had interpreted what you were saying was about a berry. Now, is there a Wet'suwet'en word for a berry that's very close to the Wet'suwet'en word for clay?

THE INTERPRETER: Yes there is.

MR. GRANT: What is that?

THE INTERPRETER: Tsel'ste which is cranberries. the word is very close to how you say clay.

MR. GRANT: For the record those words: the word for clay is T-S-A-S-T-E-'-L; the word for cranberry is spelled T-S-E-L-'-S-T-E.

THE WITNESS: This clay stove when it is built, rocks are used and clay is put around these rocks, and it is built up until it reaches the roof and when the house burns down this remains standing. It was jUST like cement.

THE INTERPRETER: He said that's it.

BY MR. GRANT:

Q Did your people use paint and did they take things from the ground to make paints with?

A There's a plant, wild rice or kungalx and wilgus, which is a wild rhubarb, these were used for food.

Q They were used for food?

THE INTERPRETER: . They were used for food.

BY MR. GRANT:

Q Did you have places in the Kilwoneetz territory where you took these from?

A Yes, over territory, and these plants grow in many parts of the world and people use them for food.

Q Did your people trade those plants with other Indian groups?

A People knew of these plants and they would pick them themselves and use it for food.

Q Did they trade them?

A And the other people used it the most and I did as well. There's still a lot of it around.

Q I raised the question earlier and I'll ask it again: did you use paints?

I'm not sure we got an answer to that question?

THE INTERPRETER: NO, we didn't.

BY MR. GRANT:

Q Did you use any materials from your territory or did your people or your mother's people use materials from your

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territory to make paints? That is, for colours?

A The plant that grows near a swamp, called yinsaylx, the bark of that is where -- the fungus from these plants are....

----- OFF THE RECORD

THE WITNESS: The fungus from these plants are dried, and made into a powder, and it is mixed and used for paint.

BY MR. GRANT:

Q What is that paint used for?

A This paint is used for painting the designs on the houses.

Q Would these be the crests?

A Yes, the crests.

Q Was the paint used in the old days by the people to paint themselves in preparation for certain ceremonies or for war or for other reasons?

A Yes, there was. Before they would dance they would streak it on their face and on their forehead.

Q Did they use any materials from the ground for paints as well? Like clay?

A No, they did not use clay for paint.

Q Did they use other materials from the ground for paint?

A No, just the barks from the trees.

Q Do you know what kind of trees those were that they used that fungus from?

A I have forgotten the name of the species but it comes from a tree and feels like rubber. Gibsco.(?)

Q And this is ----

A They heat it up and then they pound it and it becomes a powder. They would add water to it and it is just like the paint that we use today. They use this to paint the ammeelow'k, which is your head piece.

Q Did you see this being used in your lifetime?

A Yes, I did. This paint that I'm telling you about is found in the Nadina River area, near the lake. Nadina Lake. You can still find it today.

Q Was this paint used in the old days before the white man arrived?

A Yes. We knew about this for a long time.

MR. GRANT: We're going to adjourn the examination at this time, for the record - does he have more to say on that, answer?

THE WITNESS: I would like to about mining: The Indian people found the minerals --

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THE INTERPRETER: -- he mentioned Dowdy mine --

THE WITNESS: -- my father had found some minerals. My father would show these rocks to the white people and they would say this is no good and they would leave. A year after they would start up the mines. This is how they started Dowdy mine. This is not the only time white people have told Indian people these rocks are no good. This is how the white man has been lying to us. That's all.

MR. GRANT: We will adjourn now and will endeavour to complete the Discovery next week, starting next Thursday afternoon.

--- EXAMINATION ADJOURNED AT 10.40 a.m. UNTIL 1.30 p.m.
25 OCTOBER, 1985.

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/lre-Oct. 22/85 B.C.S.R.A. #263