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

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

--- UPON COMMENCING AT 9.45 a.m., 29 JANUARY, 1986

--- OFF THE RECORD DISCUSSION

MR. GRANT: This is a continuation of the Commission Hearing of Johnny David which was last adjourned on December 19th and December 20th, 1985. The Witness, Johnny David, and the Interpreter, Victor Jim, are still under oath. You understand that?
THE INTERPRETER: Yes.

EXAMINATION IN CHIEF BY MR. GRANT (contd.)

Q You recall at your feast Jimmy Michell -- or at a feast, Jimmy Michell was given a name and a territory?
A When people had gathered for the feast Jimmy Michell had spoken for me.
Q Jimmy Michell described that the territory was being passed to you when you received the name?
A When the people had gathered all the business was done then Jimmy Michell mentioned that I was getting the name and the territory. After the business was done I got up so the people could recognize me.
Q Your territory around the Telkwa River was talked about at that feast, was it?
A They had the feast, the Maxlaxlex territory was described and the people were there to witness that.
Q At the feast today are the territories described?
A The same procedure is used as in the past, whoever is taking a name and the territory, if the business is run in the right manner, the chiefs from the various clans get up and say that it has been run okay, and the person is worthy of the name. They all speak to that today.
Q Just one moment. Is it correct that before you received the name Maxlaxlex Jimmy Michell looked after the hunting territory that is now in Maxlaxlex's name?

A Jimmy Michell did look after the territory that he knew I was the heir to Maxlaxlex. When the time came the feast was given and the named territory was given to me.

Q At our last day you described how you are a caretaker for Smogelgem's territory; was Jimmy Michell a caretaker for Maxlaxlex's territory or was he the owner of that territory?

A Jimmy Michell and I together own the territory.

Q Did the Kilwoneetz people trade furs with the Gitksan people?

A The ladies who belonged to the Kilwoneetz would marry into the -- would marry Gitksans and the spouses of the Kilwoneetz ladies were allowed to come into the territory to hunt and trap and there were no problems.

Q Did the Wet'suwet'en people generally in the old days, that is in the time of your father, trade furs with the Gitksan people?

A The people from the Skeena River and the Wet'suwet'en did trade meats from the various animals, and the Gitksan people were also invited to hunt in the territory and so would they. When they went back to their homes, had a feast, they would show the people the meat from the game and say to the people that this is where we got this meat from, so the people could witness it.

Q What kind of furs did they give to the Gitksan people?

MR. MILNE: I am not sure that he did say furs, the word was meats.

MR. GRANT: I'm sorry.

Q What kind of meats did they give to the Gitksan people, and what did they trade for?

A They traded caribou meat, beaver, bear. No, and other game with the Gitksan, and there were no white people who were there. There was no trouble between the Gitksan and Wet'suwet'en people.

Q Now, I asked two questions, the second part of my question was, what did the Gitksan give in return for this game?

A The Gitksan people traded foods that they ate with the Wet'suwet'en and there were no white people to boss the Indian people about how to use the land and how much to take from the land, and there were no problems. At no time were there any white people who would boss the Indian people around.

Q What specific foods did the Wet'suwet'en receive from the Gitksan in those days?

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

THE WITNESS: The Giksan people would give the Wet'suwet'en people seawood, herring eggs and ooligan grease to trade for the various game meats that the Wet'suwet'en would give to the Gitksan.

BY MR. GRANT:
Q Did the Wet'suwet'en trade with particular -- with the same house or clan of the Gitksan when they traded? For example, would Smogelgem's house or tribe trade with a parallel clan or house of the Gitksan?
A There was no particular trading between houses or clans. People traded with each other because they cared for each other and, again, there were no white people to tell us how to trade or who to trade with.
Q Did the Wet'suwet'en also trade with the Nisga people on the Nass and the Tsimshiam people on the coast?
A Yes, the same way.
Q DO you use soap berries today?
A Yes, it is still used today.
Q Was it used in the old days, in your father's and grandfather's time?
A They did as well. That was one of our main staple food.
Q DO you use Saskatoon berries today, and were they used in your grandfather's time?
A The Saskatoon was also used. It was either dried or made into jam.
Q Did you use what is commonly known as low bush blueberries in the old days, and do you use those today?
A It is still used today, and today it is usually jarred.
Q Were they used in the old days?
A It was used in the old days and blueberries were dried.
Q Blueberries are also used today?
THE INTERPRETER: Yes, he said that.
MR. GRANT: I'm sorry.
Q Did you use huckleberries in the old days and are they used today?
A Yes, that was used in the old days and it is still used today, and it is usually jarred.
Q Were any of these kinds of berries traded with the coastal people, such as the Tsimshiam, the Nisga or the Gitksan?
A Yes, all the berries that I mentioned have been used in trade with the Nass River people, the Gitksan and the Tsimshiam.
Q Were all of those berries, that is soap berries, blueberries, huckleberries and Saskatoon, dried before they were traded?

A Yes, it was dried. All the berries were dried, as well as soap berries.
Q Were they dried over a fire or were they dried just in the air or in the open, in the heat of the sun?
A There was a frame about a foot wide and three or four feet long. The berries all would be boiled first, then leaves would be put on a frame and the berry was poured on the leaves, and the fire was lit underneath the frame and the smoke would dry the berries.
Q Were they packed in a special way to be traded?
A The berries once dried would be rolled up and tied together.
Q Were they put in special boxes?
A They were put in wooden boxes and people made sure that the berries were clean, they were not dirty, and they were transported and traded.
Q Did people have -- were the boxes considered one of the units of value? Like, did each box of a particular kind of berries depending on its size have a specific value for trading purposes?

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

THE WITNESS: The berries, once dried, were put in cedar boxes and
THE INTERPRETER: -- and he gave several dimensions --
THE WITNESS: -- these were -- this was from cedar, they were carved and painted, and the inside was like the top of this table, it was very clean, and then when they traded people want boxes as well as berries inside, and there was no specific amount of money that was attached to each box.
MR. GRANT: Did he describe what the dimensions were? I am asking you, as the Interpreter?
THE INTERPRETER: He gave the various dimensions, some that high and some that high, and others quite high.
MR. GRANT: So you're saying ----
THE INTERPRETER: Different size boxes. He is saying they were different sizes again.

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

THE WITNESS: The ooligan grease was transported in the same way. In the cedar boxes.
THE INTERPRETER: He is saying that --
THE WITNESS: -- Don Ryan knows about the boxes I am talking about.

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

THE INTERPRETER: He is saying the cedar was used in the old days to make caskets which people were buried in.

BY MR. GRANT:
Q Where did the Wet'suwet'en people meet the Nisga to trade with them? Did they go to the Nass or did they meet part way between, or did the Nisga come here?
A The Wet'suwet'en would go up the Nass. There was a foot trail near Kitwancool. That is the t[ail they used to go up to do their trading.
Q You described in this Commission the history of Samaxsam and the rock that came off and some Wet'suwet'en were blamed for it; were those Wet'suwet'en on a trading trip to the Nass when that happened?
A Yes, it was during a trading trip that the story of Samaxsam, where the -- Samaxsam's grandfather -- where the rock was tipped over and two people were killed.
Q Where did the Wet'suwet'en trade with the Nisga? Not the Nisga, the Gitksan?

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

THE WITNESS: When they traded with the Gitksan they would meet at HagWilget and smoked salmon was one of the items that was traded. And they would meet at HagWilget.

BY MR. GRANT:
Q Who traded smoked salmon? Did the Gitksan give the Wet'suwet'en smoked salmon or Wet'suwet'en give that to the Gitksan?
A Was the people of the Nass River who would give the Wet'suwet'en smoked salmon, and then Wet'suwet'en would give the Nass River people the foods that they ate.
Q I was referring earlier to the Gitksan ----
A It was the Nass River people who gave the smoked salmon.
Q Okay.
A Not trading with the Wet'suwet'en.
Q Okay. Where did the Wet'suwet'en trade with the coastal or Tsimshiam people? Where did they meet to trade?

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

THE WITNESS: The Tsimshiam people would come down by canoe. They would meet at an area just this side of where the 'Ksan office is now. It's name was Bisgeebul. This is

Where the Tsimshiam people brought their seafoods and the Wet'suwet'en brought their wild game. That is what was traded.

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:
Q Was that across the river from where the 'Ksan office presently is or was it on the same side of the river? I'm referring to the Bulkley River.
THE INTERPRETER: Yes. He said it wasn't across the river, it was this side, on the side where the 'Ksan village is.
THE WITNESS: Southtown would be in this area, and there is a creek that flows through here which is what they call Bisgeebul, Old Hazelton would be here, and that's where the Tsimshiam would come ashore.
MR. GRANT: can yoU from your description -- you have said here and there, are you saying they came ashore on the South Hazelton side or on the opposite side of the river? DO yoU know? Your interpretation?
THE INTERPRETER: He told me it is not on the South Hazelton side, it is on the Old Town side.
MR. GRANT: JUSt for the record, I just want to be clear what sides you are talking about.
Q Did the Wet'suwet'en send specific people to trade? Were there specific Wet'suwet'en chiefs or persons in the house who were responsible to take care of trading missions to this spot?
A There was no particular types of people that were sent. It was the people who had the items to be traded.
Q Did you ever go on any trading missions to the Nass yourself?
A I did not myself but my father did. When he was younger.
Q Did you go on any trading missions up to Bisgeebul?
A I know where the creek is, during my time I did not go there. I was told about this by my father.
Q Did he go up there? Did your father go up there?
A Yes he did. I was not born when the Tsimshiam people would come down and trade. I know where Bisgeebul is, we used to play on the sand there.
Q Was there in your or your father's time a specific thing that was most desired by the Gitksan, Nisga or the Bisgeebul which you had? That is, of all these things you traded, was there something of special value to them?
A There was no particular item that was valued. Berries

and wild game were traded. The Nass River people since they had a lot of salmon would bring a lot of smoked salmon for trading.

Q Do you remember a time when there were caribou in your territories? Either in Smogelgem or Kilwoneetzen territory?

A During my time I remember there being a lot of caribou. My territories was Kilwoneetzen territory and there was some caribou behind this mountain peak, in this direction. JUSt past the power line.

THE INTERPRETER: Then he describes another peak on this side where there was caribou.

MR. GRANT: For the record, from the place where we are in Johnny David's house he and the Interpreter were pointing out a mountain which would be -- which is visible from the window of his house and generally a northerly direction, Of southeasterly direction, I would think. It is on the direction away from the river which , is visible to all that are present here.

Q When the caribou were here did your people hunt caribou and did they trade either the caribou meat or the furs with these other groups we have been talking about?

A The Nass River people, the Gitksans and Tsimshiam people like the meat of the caribou. That's what the Wet'suwet'en traded. The fur was used by the Wet'suwet'en themselves for gloves as well as the webbing for the snow shoes.

Q The fur was used for the webbing of the snow shoes or was some other part of the animal?

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

THE WITNESS: It was the hide of the caribou. After it was dried it was cut into tiny little strips. That was called babiche. That is when it was used for webbing for the snow shoes.

BY MR. GRANT:

Q Was there other things made out of the furs and used by the Wet'suwet'en?

A The hide of the caribou is used for moccasins as well as for tent.

Q Are there caribou in your territory now?

A There are not as many as there used to be. When Alfred Joseph and I through the territory we seen five caribou.

Q That was flying over the entire Wet'suwet'en territory or part of it?

A The area around the head of the Telkwa, that whole area.
MR. GRANT: Is that the headwaters of the Telkwa River that he is referring to when you say head of Telkwa?
THE WITNESS: We flew the whole area along the Telkwa River area, and we landed in a flat area, and when the white man came he start shooting all the bulls. Therefore they were unable to reproduce and there aren't as many as there used to be. They are doing the same with the moose, shooting all the bulls and they're not reproducing, and it is the white man that are doing that.

BY MR. GRANT:
Q There are moose in your territory now, is that right?
A There aren't as many as used to be, most of the moose have been shot by the white people.
Q When the caribou were more common in your territory, were there also moose there?
A When there were many caribou in our territory there weren't too many moose. They started to arrive around 1901, 1902. That is when the moose population started to come to the area. Before that there used to be few moose around. As soon as people seen them --
THE INTERPRETER: -- he mentioned the white people --
THE WITNESS: -- they were shot.

BY MR. GRANT:
Q Did your people after the moose came trade moose furs or moose meat with the Gitksan, Nisga or Tsimshiam?
A Not that much, because all the moose had moved into their territories. And the people mentioned would shoot their own moose.
Q Do you still trade for ooligan grease now?
A When I have friends come from the west we still trade. I give them whatever I have and they would give me seafood. Then the bull moose have all been killed, the Americans have come into the territory and they get license to hunt and they just take the head. Other white people in the area do the same. When the Indians shoot the moose....

--- OFF THE RECORD

THE WITNESS: When the Indian shoots a moose, the game warden is on their backs. And the Indians are scared of the game warden.
MR. GRANT: Is that the answer?

THE INTERPRETER: Yes.

BY MR. GRANT:
Q What kinds -- I'll come back to what you were saying about the moose and the hunting of the moose but right now I would like to continue about this trade for a few more minutes. What kinds of things do you now trade to people from the west for ooligan grease or other things?
A The trading is not as much as it used to be but it still happens. I am talking about Americans shooting the moose, just for the heads.
Q What do you give to the people from the west when you get things from them now?
A We trade various meat from the games that we get and we trade for seafood with them.
Q DO you trade furs or hides still? It should be clear I am not just talking about you individually but you or other people, Kilwoneetzen people?
A The hide of the moose is now used to make moccasins, jackets and other things, and the moose hide itself now is an expensive item to get.
Q DO you know if any of the Wet'suwet'en people trade moose hides to the Gitksan, Nisga or Tsimshiam today?
A Not as much as in the past. people nowadays use moose hide for gloves, jackets, which are sold.
Q DO you still use soap berries?
A Yes, still use soap berries, as well as all the other berries. We ate berries. In the old days they were dried and now they're mostly jarred.
Q Do other people -- do the younger people collect those berries for you today or do you trade for them?
A Some people pick berries for me. I also buy some of the berries from other people.
THE INTERPRETER: He wants to have a drink of water.
MR. GRANT: Okay, go off the record.

--- OFF THE RECORD DISCUSSION

MR. GRANT: On the record.
Q Are the people who pick the berries for you members of your house or your clan?

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

THE WITNESS: Some, mostly ladies pick berries for me, and others from my clan as well as house also pick berries for me.

MR. GRANT: Okay.
THE WITNESS: When the people -- or when the ladies from other clans pick for me, that is paid for in the feast hall.

BY MR. GRANT:
Q DO the Kilwoneetzen people have a specific area where berries were grown or where they harvested berries?
A The area that was best for picking berries was the Dennis Mountain area. People from Babine, Hazelton and here would pick berries up there, and the same was done with the salmon.
MR. GRANT: With the?
THE INTERPRETER: Salmon.

BY MR. GRANT:
Q What kind of berries grew in the Dennis Mountain area which were of particular value to your people?
A The berry that was of some importance to trade was the dagee, which is the huckleberries.
Q Did people burn areas in order to help the berries grow better?

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

THE WITNESS: The fires were usually not started by the people. It was usually by nature. After a two year period is when your berries would start growing well again.
THE INTERPRETER: He also said that people respected the land and they were very careful with fire.

BY MR. GRANT:
Q Earlier on in the Commission, not the last time but probably the time before that, you had referred us to a plant that is at -- the root of a plant which you had, where did you collect that plant? Where did you get that plant from?
A The root that I was going to show you, I couldn't find it. I dug that myself up on Hudson Bay Mountain, near where they ski.
Q That's in the Laksilyu territory, isn't it?
A Yes.
Q Does that plant have special spiritual value to you?
A This root I was going to show you which I can't find, that root is used to clean a gun when it's not shooting straight. You put it through the barrel three times.

And it is also a strong medicine.
Q What is the Wet'suwet'en word for this particular root?
A The Wet'suwet'en word is konyay.
Q What this root -- the root is put through the gun to help the gun shoot straight -- I believe that was the last answer, right.
THE INTERPRETER: Yes.
MR. GRANT: Also for medicinal purposes.
Q Have the Wet'suwet'en used konyay for as long as -- for a long time before the time of your grandfather?
A The root has been used for a long, long time during my father's time and his father's.
Q Were you taught how to harvest this root by your father?
A I observed my father when he dug the root, that is where I learned from. His father taught him and so on back through the years.
MR. GRANT: IS his answer through?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q Does this root generally grow high up in the mountains?
A Yes, usually in the mountain area.
THE INTERPRETER: pointed to this area up around here.
THE WITNESS: YOU could see the leaves on the mountains.
MR. GRANT: Right.
THE WITNESS: Of the root.

BY MR. GRANT:
Q Is it part of the Wet'suwet'en tradition that you would take this root from a place on your clan's territory and each clan, each person who used the root would take it from their clan's territory?
A The root is taken from anywhere you see it. You just don't dig it in particular areas.
Q Yes.
A They belonged to the houses or clans.
Q Are only certain people authorized or have the right to dig this root and use this? Use konyay?
A Everybody use it.
Q Is there any other kind of root that has special spiritual value that grows by the rivers?
A The ones that grow by the rivers, lakes or swamp is referred -- is called xelxtuk. It'S bad medicine. If you don't know how to use it. It'S people who don't know how to use it, people who don't know how to use it pick it and they would get sick.
MR. MILNE: can I have the spelling of that?

MR. GRANT: For the record, it is X-E-L-X-T-U-K.
THE WITNESS: Even I don't use it, it's that bad.

BY MR. GRANT
Q In the old days were certain people trained to learn how to use xelxtuk? Were certain people trained how to use it?
A There is certain people who knew how to use this plant. The only ones that were allowed to use it. My father told me not to use it in my lifetime since you don't know the plant and how to use it.
Q DO you know anyone who was trained how to use it?
A My father used it. There weren't too many other people who knew how to use the plant.
Q What did your father do with this plant, xelxtuk?
A They ate it. They would chop it into small pieces and eat it. There was some very dangerous medicine. Some used it to wash their hands.
Q What would it do when they used -- why would they eat it or use it to wash their hands?
A When the person who uses it to wash their hands they would touch a woman and the woman would get very sick. Others used it to -- for luck when they went out hunting.
THE INTERPRETER: Then he gave an example of myself and my family. He said if I took this xelxtuk and used it I would have to stay away from my wife and my child for a month. If I don't do that I see my wife and child within that month and I will not be lucky.

BY MR. GRANT:
Q DO you know of another poisonous -- another plant that grows around the lake which is very dangerous? I will try to pronounce the Wet'suwet'en name, oxyenikyo?

--- OFF THE RECORD

THE INTERPRETER: He said that's poison.

BY MR. GRANT:
Q Is it used ----
A Oxyenikyo is poison. If horses or cattle who eat it they would die. It grows basically around the edges of the lakes.
Q Was it used by the Wet'suwet'en at all in the old days or now?
A I can't recall how this was used or what purpose it was

Used for. It was really bad poison. The horse and the cows can smell this plant.
Q I wanted to ask you just to clarify the question I asked earlier about your mother. Was your mother quite old when she died?
A My mother was very, very old when she died. My father died when he was 45 years old in 1918.
Q Your mother's name was Suwitsbain?
A Yes, Suwitsbain.
Q Was she given the white name of Monique?
A Monica. She was baptized and married with that name.
Q Your mother had two husbands and her first husband -- did your mother have two husbands?
A My mother had two husbands. First one was Smogelgem.
Q That was your father?
A That was my father. The second one was Alexander.
Q Alexander?
A Alexander Dzibun.
Q Where did she live with Alexander Dzibun?
A They live at Pack Lake, which is near Francis Lake.
Q Did your mother marry Alexander before or after your father died?
A My mother married Alexander after five or six years after my father had died.
Q Your mother died in Hagwilget?
A Yes, she's buried there.
Q JUSt one moment. Did your father or anyone else use his territory for ranching or farming?
A No, they did not use it for ranching or cattle. I was the only one who looked after the land. No one else had brought any animals for my father.
MR. GRANT: For my father:
THE INTERPRETER: For my father.

BY MR. GRANT:
Q So did you use it for ranching or farming?
A My father had many horses on the land. Afterwards I also had horses as well as cattle.
Q Was this on your father's territory?
A Yes.
Q In an area near Perow?
A Yes, near perow. I have been looking after the land as a young man up to now as an old man.
Q Okay. Who ----
A I taught my son Moses the territory, as well as trapping on the territory.
Q When did you farm or raise horses and cattle on your

father's territory and when did it stop?

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

THE WITNESS: As a young man I raised horses and cattle on the land, and my father had raised horses before that.
MR. GRANT: Is that it?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q Did you grow hay on the land for the horses and cattle?
A Yes I did. I grow hay and oats on the land.
Q What did you do with the horses and the cattle that you raised?
A I sold the animals after they started growing old.
Q Were they milk cattle or meat cattle?
A Milk cows. Jersey cows.
Q Did other people in your house or in your clan or in your father's house or his clan help you with your farming?
A People from my clan did the haying and they were paid for it.

--- OFF THE RECORD

BY MR. GRANT:
Q When did you stop farming on this territory?
A It was about -- I quit farming when the hard times came. I sold cattle and horses. It was about 1926.
Q Did any white government agency interfere in any way with your farming on your father's territory?

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

THE WITNESS: There were government people around, and I would send my cows to Rupert to be sold.

BY MR. GRANT:
Q Did any government agency, like Indians Affairs, Of the government agent or anyone else try to stop you from farming on your father's territory?
A No, they did not prevent me from farming. It was the Indian Agent who signed for me. When I got the land, just like the white man.
Q Did the Indian Agent interfere with your farming on your father's territory?
A No, he didn't. I had been on the land as a young man

and was on the land until I grew old.
Q It was my understanding that you were persuaded to move off your farm by somebody, do you remember that?
A It was Mr. Loring, the Indian Agent, who had tried to convince me to move off the land and he had promised me some land in HagWilget which I never got, and he did the same with Round Lake Tommy. Mr. Loring was on the side of the white people.
Q Mr. Loring was the Indian Agent, is that right?
A Yes, he was the Indian Agent. He tried to deceive us by promising us other land so we could move off our lands, and I didn't. I resisted him.
Q How did you resist him?
A When Mr. Loring had promised me land in Hagwilget in exchange for my father's land, that didn't happen. I did not get the land in Hagwilget so I moved back to my father's land. I got the land through pre-emption.
Q This is the land we are talking about that is near Perow?
A Yes, that's the area we are talking about. There is even a creek named after me called Johnny Creek.
Q Johnny David Creek?
THE INTERPRETER: JUSt Johnny Creek. He said it's noted on the map.

BY MR. GRANT:
Q Your land was right near that creek?
A My son Moses had also a house built in one of the corners of my father's land.
THE INTERPRETER: He wants since his son has died now, he wants his grandson peter to have some say about the land.

BY MR. GRANT:
Q You said you got this land by pre-emption, did you ever get any papers saying that you were the owner of any land?

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

THE INTERPRETER: He is saying that he did receive some papers that stated that it was Crown, couldn't remember what word they used, Crown something. That is when he got the land, and which was the land he sold later on.

BY MR. GRANT:
Q Was this land formed into part of the Reserve to your

knowledge?
THE INTERPRETER: Not to his knowledge. He paid taxes the same way white person.

BY MR. GRANT:
Q DO you have any papers relating to this land?
A No.
THE INTERPRETER: He doesn't. He said that we'll look for it some other time.
MR. GRANT: Okay.
THE INTERPRETER: He said I paid into school tax. I've got the papers and we'll look for it some time.

BY MR. GRANT:
Q Did you sell this land at some time later or was it taken away from you?
A I sold it.
Q To who?
A I sold it, they did not take it away.
Q Who did you sell it to?
A Tom Hall is the person I sold it to. They were -- he was the son of a farmer who farmed next to us.
Q What was his father's name?
A Bill Hall. Englishman.
Q DO you recall how much money you received for this land?
A I can't remember, maybe it's $500 or less.
Q JUSt before we complete, I would like to show you some photographs. Do you have your looking glass so you can see them more easily?

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:
Q The first picture I would like to show you appears to be a photograph of yourself in front of the house we are now in; I wonder if you could recognize that picture?
A It'S a picture of the poles outside.
THE INTERPRETER: He says the taller one is mine and the shorter one is Kela.
MR. GRANT: And the taller one is the one on the right hand side, for the record. If that could be marked as Exhibit 12 I believe is the next exhibit number.

--- OFF THE RECORD DISCUSSION

--- EXHIBIT NO. 12 - Small coloured photograph of totem poles.

BY MR. GRANT:
Q I would like to show you another photograph which appears to be a photograph of a totem pole with the numbers on the top 1948; do you recognize that picture?
A Yes, it is my totem pole. Yes, something written on top.
Q Is that the same pole that is presently outside your house and was in the earlier photograph, Exhibit 12?
A Yes, that is the same pole.
Q Is that the same pole that you went outside during this Commission and described the crests on the pole?
A Yes, the same pole.
MR. GRANT: For the record, I believe that was on the first day of this commission, which was September 20th, 1985.
Could that picture of Johnny David's pole, negative number PN3233 of the B.C. provincial Museum be marked as Exhibit 13:

--- EXHIBIT NO. 13 - Large black and white photograph of Johnny David's totem pole, negative number PN3233 of the B.C. Provincial Museum.

BY MR. GRANT:
Q I would like to show you another photograph, negative number PN3918 of the B.C. provincial Museum; can yoU look at that photograph and do you recognize where that is?
THE INTERPRETER: He recognizes it as a picture of the canyon in HagWilget.
MR. GRANT: Okay. can yoU recognize -- go ahead.
THE INTERPRETER: He is describing this picture. You see the cliff here, that is where they get the name from, Hagwilget. Then he said beyond this cliff is the rock that went clear across the river and it was called tse hangel, means split rock.
MR. GRANT: Can that photograph be marked as Exhibit 14 then I'll ask some more questions on it.

--- EXHIBIT NO. 14 - Large black and white photograph of HagWilget Canyon, negative number PN3918 of the B.C. Provincial Museum.

BY MR. GRANT:
Q Now, the rock that you describe, was it in the bottom -- going across the river in the bottom of the canyon?

A This rock I described was in the river bed. It was quite steep and I don't know how the salmon got over the rocks, and I don't know how long the rock was there.
Q DO you recognize any of those buildings in this photograph, Exhibit 14?
A In this photograph the first building belonged to Old Muldoe.
Q For the record, you're pointing to a building that seems to be in the centre of the picture and in the mid ground?
THE INTERPRETER: He said the second one belonged to his father, Smogelgem.
MR. GRANT: That is the one that looks like, then, on the base of the cliff, the left of that first building.
THE INTERPRETER: That was called the Owl House. He can't decipher the other two, each had a name.
MR. GRANT: Okay.
THE INTERPRETER: This pole ----
MR. GRANT: The one furthest to the left of the picture?
THE INTERPRETER: ---- that was the pole that belonged to Old Bill.

BY MR. GRANT:
Q Was that Bill Nye?
A Yes, Bill Nye.
Q And the building you have referred to as belonging to Old Muldoe, is that building here?
A Yes, this is the building at the base of the cliff; that was Old Muldoe's.
Q Does he know -- there appear to be two other poles there, does he know if there were other poles there and, if so, whose they were?
THE INTERPRETER: The first, this one he identified as Bill Nye's pole. The last pole in the photograph ----
MR. GRANT: The one furthest to the right?
THE INTERPRETER: The one that is furthest to the right, belonged to their house.

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

THE INTERPRETER: That was the one with the figure of a man on top. That pole was sold.

BY MR. GRANT:
Q Is that the pole that belongs to Kela?
A Kela's pole was called Kaiget. That was the first pole that was erected in the canyon. There is a figure of a

man on top and that is what you see outside.

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:
Q I would like to show you another photograph of a totem pole, do you recognize that pole?
THE INTERPRETER: He's saying that -- he thinks that this is the pole and he thinks that this is Kela's pole and he thinks these are the ones standing outside.

BY MR. GRANT]
Q I would like you to take another look at that picture. JUSt take a look at it closely, on that pole there seems to be a building behind it, see if you can recognize the location of it?
A (In English) I can't see very good.
Q This photograph has it labelled at the bottom that it is a totem pole at HagWilget, on the face of the picture; now, having told you that, does that help you to identify that pole and where it was? Where that pole was?
THE INTERPRETER: He is asking me if it is a photograph of the pole in the canyon. Then he is recognizing that it's a smoke house beside the pole.

BY MR. GRANT:
Q DO you recognize whose pole that would belong to?
THE INTERPRETER: He said he can't see too clear. Said the figures on the totem pole, I can't see too clearly.
MR. GRANT: That's fine.
Q I showed you one other photograph before we commenced our Examination of a number of people. I would like you to look at it and see if you can recognize any of the people in that picture?
A In this photograph I recognize this man as my uncle. Chief David.
MR. GRANT: He is indicating the man in the -- second from the left holding a broom in his hand.
THE WITNESS: The others probably know who they are but I'm having trouble seeing the photograph clearly.
MR. GRANT: Mark that Exhibit 15 please. That is the National Museum of canada negative number 59520.

--- EXHIBIT NO. 15 - Black and white photograph, National Museum of canada negative number 59520.

MR. GRANT: For the record, I provided photocopies of these pictures I am showing you. On the back of Exhibit 15 there is some other handwriting, which I am showing to Mr. Milne, and I have not referred that handwriting to the Witness and the Witness did not look at it when he examined the photograph.

Possibly we could go off the record for a moment?

--- OFF THE RECORD DISCUSSION

MR. GRANT: Off the record we have had a discussion and the Witness has now gone for two and a half hours or slightly over that and is getting quite tired. By agreement between counsel we have agreed to adjourn this matter over until tomorrow until 10.00 a.m. So this commission is adjourned now.

--- PROCEEDINGS ADJOURNED AT 1.20 p.m.

I hereby certify the foreging 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-Feb. 8/86 B.C.S.R.A. #263

Transcript continues on page 5- 22 which follows.

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

JOHN DAVID
Witness called on behalf of the
Plaintiffs, Previously Sworn,
testifies, as follows:

--- UPON COMMENCING AT 10.00 a.m., 30 JANUARY, 1986

--- OFF THE RECORD DISCUSSION

MR. GRANT: This is a continuation of the Commission that was adjourned yesterday afternoon.

Before proceeding further I have spoken with the court Reporter, and also with Ms. Mills, who is doing the word spelling, and with Mr. Milne, counsel for the Defendant in this case.

It appears that there are some errors in volume III of the commission evidence which are some misunderstandings and may not be able to be corrected.

First of all at page 30 of volume III, at line 41, the answer is given as Gitdumskanees. That answer should read Gitdumden.

At page 34 of the same volume, lines 7, 8, 13 and 14, all refer to Gitdumskanees and again that was a misunderstanding as it should be Gitdumden -- G-I-T-D-U-M-D-E-N.

Finally, Mr. Milne has been courteous enough to look at his notes with respect to page 37, the answer at line 37 reads:

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

The "jug" should be "drum" and that is consistent with Ms. Mill's notes, Mr. Milne's notes and with my own notes.

I would like to make those corrections on the record at this time so that confusion will be economized. I understand Mr. Milne doesn't mind the corrections being put in in this manner.

MR. MILNE: No objection to that.

MR. GRANT: There are also to be errata in that Volume and the Reporter has indicated she will be putting a supplemental sheet in that Volume or the next Volume with respect to the errata.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.

EXAMINATION IN CHIEF BY MR. GRANT (contd.)

Q DO you know who Chief Louie is?
THE INTERPRETER: He wants to know where he lives.

BY MR. GRANT:
Q I understand this is a person that lives at the eastern end of your territory, near Ootsa Lake or Cheslatta?
A Chief Louie is from Cheslatta.
Q DO you remember -- do you know this man?
A Yes, I know him. I've spoken to him.
Q Has he died?
A Yes, he died. His brothers have died also.
Q Who were his brothers?
A His brother's name was Bagee. He became chief after Chief Louie died.
Q When you say he became chief do you mean he succeeded Chief Louie in the Wet'suwet'en tradition? Or in the Indian tradition?
A Yes, it was through the Wet'suwet'en way, he was already in line for this name.
Q DO you know where Chief Louie was buried?
A Right at Cheslatta.

--- OFF THE RECORD

BY MR. GRANT:
Q Is that where his brother was buried?
A Bagee was not buried right at Cheslatta. When people were moved off Cheslatta he was given a piece of land near Francis Lake. He is buried on the land that was given to him.

-- OFF THE RECORD DISCUSSION

BY MR. GRANT:
Q When you refer to Francis Lake, it is commonly referred to on the maps as Francois Lake?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q Did Chief Louie die before the people were moved on Cheslatta?

A Before they were moved off.
Q But his brother died after they were forced off?
A His brother had died after the people were moved from Cheslatta and he is buried on the land that was given to him.
Q Is his brother buried near Grassy Plains?
A Bagee was buried on land that was given to him by the government after they were moved off Cheslatta.
Q What clan was Chief Louie in?
A He is in your clan --
THE INTERPRETER: -- pointing at me, and he said Tsayu Clan.

BY MR. GRANT:
Q Where was Chief Louie's territory?
A He was a chief, his land was around Cheslatta since he was a chief there. His territory ran along Ootsa Lake up near Alf Michell's traditional grounds, and his boundary was Sebola Mountain.
Q Did you say Alex Michell or Alf Michell?
A Alex Michell.
MR. MILNE: And the name of the mountain again:
MR. GRANT: Sebola -- S-E-B-0-L-A.
Q Is any of that territory flooded now by the dam that is near Cheslatta?
A The territory around Cheslatta was all flooded. The village was flooded, the church, the graveyard. When it was flooded bodies were floating downstream. This is how the white people have fooled around with us.
Q GO ahead?
A Roy Morris was there. He managed to remove some of the bodies. The ones that he didn't move, he saw the bones floating downstream. Roy Morris was a witness to this.
MR. GRANT: Has he finished that answer?
Q When you refer to Roy Morris, his Indian name is Woos?
A Yes. He is still alive. Roy Morris was there when it was being flooded and he saw the remains of people who had died many years ago come up with the water. Floating downstream.
Q This all happened when the dam was put in by Alcan and the government?
A Yes, there was a time when Alcan was putting in a dam and I think opened the gates at Skin Dyee territory, and that is where the water came rushing through.
Q DO you know if this flooding included the flooding of Chief Louie's territory or part of that territory?
A His whole village disappeared.
Q You referred to Sebola Mountain earlier, does part of

that mountain belong to Chief Louie's territory?
A Half Sebola Mountain belonged to Chief Louie, and the other half of the mountain belonged to Francis Lake Johnny. All the relatives of Chief Louie have died and I don't know who will be getting the -- whose territory now.
Q You don't know who the successor to Chief Louie is, is that right?
THE INTERPRETER: He wants US to find out who will be getting Chief Louie's territory.
MR. GRANT: Okay.

BY MR. GRANT:
Q Does Caspit hold any part of Sebola Mountain as part of his territory?
A Caspit did not have territory near Chief Louie. His was more the Morice Lake area.
Q Would it be closer to this direction than Chief Louie's? That is, further west than Chief Louie's territory?
A Yes, it's on the west side of Morice Lake.
Q Is Caspit a Wet'suwet'en Chief?
A Yes, he lives here.
Q Was Chief Louie a Wet'suwet'en Chief?
A He was not a Wet'suwet'en Chief, he was from Cheslatta.
Q Is there an Indian name for the carrier people that lived to the east of the Wet'suwet'en?
A Nutseni. Nutseni means people that live east of us.
MR. GRANT: Okay.
THE INTERPRETER: He said the Cheslatta people and people from Anaheim Lake are just about the same people. And they speak the same language.

BY MR. GRANT:
Q Was Chief Louie Nutseni?
A Yes.
Q Was he the Nutseni chief whose territory bordered on the Wet'suwet'en territory?
A Yes, he was and on several occasions he just about had a few problems but, since they knew each other, they would talk it over and there were no problems.
Q Is Sebola Mountain on the boundary between the Wet'suwet'en people and the Nutseni people?
A The Sebola Mountain half is Wet'suwet'en territory, and half is Nutseni territory. I can't see the map too clearly and I can't speak to that.
Q I am not going to ask to show you this map. It'S hard

even for us to see this map.
What chief's territory was on the Wet'suwet'en side of Sebola Mountain? In other words, who owned part of Sebola Mountain from the Wet'suwet'en side?
A Francis Lake Tommy held part of the mountain and Alex Michell held the other half. I don't know who has taken Chief Louie's name and the trap line, I don't know who has got it.
Q Do you know what Alex Michell's Indian name is? Chief name is?
A Anabel's, that's old Indian name. Alex Michell's uncle held that name before.
Q What clan is Alex Michell in?
A Gilserhyu.
Q DO you know what his Indian name means?
A I can't remember. I can't remember what the name means. I think one of Sylvester Williams kids may have the name, I am not too sure.

--- OFF THE RECORD

BY MR. GRANT:
Q Alex Michell has died, has he?
A Yes, he died a long time.
Q Now, the other person you said who held part of Sebola Mountain is Francois Lake Jimmy or Johnny or Tommy? You said Francois Lake Tommy also held part of Sebola Mountain, was he also Wet'suwet'en?
A Francis Lake Johnny. He was Nutseni.
Q Do you know -- I'm sorry, were you continuing your answer?
DO yoU know what clan he was in and what his Indian name was?
A It's a Gitksan name and refer to having your fingers severed.
Q Did he give the name?
THE INTERPRETER: Gojiget.
MR. GRANT: G-O-J-I-G-E-T. Just for the record, I'm giving those spellings as Ms. Mills is writing but I have indicated to her before today started she may want to go back and check them.

MR. MILNE: I appreciate your spelling because it is very difficult for me to phoneticize these.
MR GRANT: She may want to review them and in the transcript they may appear slightly different.
Q Earlier this morning you referred to Skin Dyee's

territory as being flooded when the dam was made; was Skin Dyee a Wet'suwet'en chief?
A He was Wet'suwet'en who lived in Hegwilget.
Q What clan was he in?
A Gilserhyu. He was the brother of Samooh, the name Moses had held, Gilserhyu.
Q You're referring to your son Moses?
A Yes.
Q Do you know what Skin Dyee's chief or Wet'suwet'en name was?
A Gibukun. That refers to a person carrying a stick.
THE INTERPRETER: He sayS that is a Gitksan word.

BY MR. GRANT:
Q DO you know how he got that name, Gibukun?
A No, I don't. It was way before, I just know that he is called Gibukun.
Q Was that a name that he would have received in the feast?
A Yes, he did and he got that name when he was a young child.
Q Was it a name that the Wet'suwet'en used and recognized and has been passed on from Skin Dyee?
A Yes, this name is passed on, and Skin Dyee had died in my presence.
Q JUSt to clarify that, were you present at his actual death or do you remember when he died?
A My wife and I had gone to Skin Lake, Skin Dyee was really sick, he was going out of his mind. Before this he had showed me his territory and gave me the Indian names for the mountain. There is one mountain name that was Nayistendie, that is where he did his trapping. When we came back he showed me all the lakes and their names. Afterwards I was still staying with him and he began to lose his mind. The police came and took him to Vancouver.
Q Did he die in Vancouver?
A Before he got sick I talked to his sons. I told Robert Skin that if they were going to take Skin Dyee to Vancouver to write a paper that if anything should happen to Skin Dyee while he is in Vancouver that they are to send his body by train back to Burns Lake, and that is what they did. When he died the hospital phoned my wife. By phone. After the phone call my wife and I went to Burns Lake to meet the body that was coming by train. From the train we took the body back to the Reserve, and on the box there was a note on there which

said to not open the casket. I wondered why the note was on the casket stating not to open it, so I g0t the screwdriver and opened it and had a look at the body, and there was nothing wrong with it. I checked the body thoroughly and couldn't find anything wrong with it, and he was buried afterwards. I paid for the expenses because he was a half brother of mine.

Q When you opened the casket was the body clothed for burial or did you or your wife have to get clothes for Skin Dyee's burial?

A He was just wearing shirt so clothes were bought for him. He was dressed and buried.

Q Who purchased those clothes?

A Matthew Sam had bought the clothes and the expenses were repaid at the feast. This is how it's been done for years.

Q Was Skin Dyee's sister Samooh?

A Yes, his sister David Dennis' mother.

Q Was David Dennis' mother or David Dennis' wife?

A His mother.

Q It was old Dennis' wife, I'm sorry?

A Old Dennis' wife.

Q I believe you have already indicated to us that David Dennis was your wife's mother? Your wife's father?

A My wife's brother.

Q David Dennis was your wife's brother?

A Yes, my wife's brother.

Q So to summarize, Skin Dyee was your wife's uncle on her mother's side?

A Yes.

Q This is why your wife was responsible for his burial?

A Yes. That is how the business is done.

Q In relation to his funeral and in relation to him you were Andamanuk to him?

A Yes, I was Andamanuk.

Q What house was Skin Dyee in?

A He was Ya'tsalkas, means Dark House.

Q So he was in Ya'tsalkas or the Dark House, is that right?

A Yes.

Q I think, I'm just not sure, I want to check the earlier part of that answer. YOU said Gilserhyu, was that the clan he was in?

A Yes.

Q Was he a leading chief in the Ya'tsalkas?

A Knedebeas, or the main chief of the Dark House.

Q And Samooh and Gibukun stay close to Knedebeas?

A Yes.

--- OFF THE RECORD

BY MR. GRANT:
Q How old were you approximately when Skin Dyee showed you his territory?
A I was getting pretty old, Moses was pretty big boy then. I forget the age.
Q Now, to get to his territory did you cross Francois Lake?
A Yes.
Q Did you go by wagon or by horse or on foot?
A We used the wagon. The area in his territory is called Skin Lake. It'S near Francois Lake.

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

THE WITNESS: There is a mountain near Skin Lake called Tso'o tay, and you go across the lake and that is where his trap line was. His line was four or five miles from Skin Lake. The area and half mountain belonged to him. Now, Francis Skin is looking after the territory. He is Skin Dyee's grandson.

BY MR. GRANT:
Q DO you know what the white people call this mountain? I believe you referred to it as Tso' o tay?
A I don't know the English name for Tso' 0 tay. I don't know what they call it.
Q Aside from Skin Lake are there any other -- first of all, is there a Wet'suwet'en name for Skin Lake?
A The Wet'suwet'en name for Skin Lake is called Netanlii.
Q Are there any other lakes that you know of in Skin Dyee's or Gibukun's territory?
A This is the only name of a lake that I know.
Q DO you know why people called Gibukun Skin Dyee? HOW did he get that name Skin Dyee?
THE INTERPRETER: HOW did he get Skin Dyee?
MR. GRANT: Yes.
THE WITNESS: Skin Dyee got the name from the trapping that he had done. Whenever he trapped he got a lot of skins. AS a result of that he got the name Skin Dyee.

BY MR. GRANT:
Q Do you recall whether there is a lake or mountain that marks the boundary of Skin Dyee's territory?

A There is one lake that is used as boundary and that lake is called Who n duk Bun.
Q DO you know what white people call that lake or do they have a name for it?
A I jUSt know the Wet'suwet'en name.
Q On the other side of the lake is it Nutseni territory?
A Yes, belongs to Wet'suwet'en, there is another lake. In Wet'suwet'en it's called Ma'dzee Bun, which translated into English would mean Caribou Lake.
MR. GRANT: JUSt to clarify with the Interpreter, are you translating Ma'dzee Bun into English to mean caribou Lake?
THE INTERPRETER: Yes.
MR. GRANT: Go ahead.
THE WITNESS: Then that is the, where....

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

THE WITNESS: That is the boundary of where the land of Nutseni begins.

BY MR. GRANT:
Q IS that also on the boundary of Skin Dyee's territory?
A Yes.
Q Do you know which Nutseni Chief has territory right across from these two lakes you have just described, Ma'dzee Bun and Who n duk Bun?
A I don't know who holds the territory near these two lakes.
Q Do you know if the white people have a different name for Ma'dzee Bun?
THE INTERPRETER: He thinks it's -- it might be called Caribou Lake.
THE WITNESS: That's as far as I know about the territory.

BY MR. GRANT:
Q When you say that you mean you don't know the names on the other side of that boundary, is that what you mean?
A All I know belong to Big Louie and now I don't know who is holding it.
Q This is ----
A Francis Skin knows the territory as well as the names.
Q Your son Moses held the name of Samooh, did Skin Dyee talk to your wife about who would get that name, Samooh?
A Skin Dyee had spoken to someone about who he wanted the name to go to.
Q What did he tell -- I'm sorry -- I said your wife, I

Should refer to his sister, Agnes. I may have missed you.
Did Skin Dyee talk to his sister, Agnes, about who would get the name Samooh? .
A He had spoken to Agnes and my wife and he had told them that Samooh should go to Moses David. That is what happened and now Moses is dead.
Q Who held samooh before Moses?
Ask him if he would like to take a break?
A Before Moses my wife held that name.
Q And before your wife did David Dennis hold that name?

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

THE WITNESS: David did not have Samooh, he had the name Satsan.

BY MR. GRANT:
Q Before your wife did her mother Agnes have that name?
A Yes.
MR. GRANT: JUSt to clarify the record, Agnes was Skin Dyee's sister and David Dennis' mother, and was also Johnny David's wife's mother. I've already referred to that, that is how he described it, is that right?
THE INTERPRETER: Yes.
MR. MILNE: JUSt let me summarize that, I jUSt want to make sure I have it right. Agnes is Skin Dyee's sister, David Dennis' mother?
MR. GRANT: Yes.
MR. MILNE: And Johnny David's wife's mother?
MR. GRANT: That's correct.
Q Johnny David's wife was Marion, is that right?
A Yes.
Q And she was David Dennis' sister?
A Yes, David's sister.
Q Marion David. Johnny's mother and father were Agnes Dennis and Old Dennis, is that right?
A Yes, that's right.
MR. GRANT: We had to clarify because some of the people were confused and I didn't want people to misunderstand your answers.
THE INTERPRETER: He said the way I write it down here is the correct way.
MR. GRANT: What he just said to you?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q So I understand Moses held the name Samooh before his mother Marion held the name Samooh, and before her, her mother Agnes held the name Samooh; do you know or were you told who held the name Samooh before Agnes:

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

THE INTERPRETER: He thinks the name of the person who held Samooh before Agnes may have been....

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

THE WITNESS: His name may have been Philip but the headstone is in Hagwilget, and he was the first Samooh.

BY MR. GRANT:
Q Is he the first Samooh -- was he the first Samooh or the first Samooh that Johnny can remember?

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

THE WITNESS: As far as I can remember there is only -- I can only go back to as far as Philip.

BY MR. GRANT:
Q DO you remember a feast at which Agnes received the name Samooh?
A No, I was too young. Old Dennis had told me about his wife getting the name.
Q At the present time is it correct that no one is holding the name Samooh?
A The name hasn't been passed on yet. In July his headstone will be here and that is when the person will step forward to take the name.
Q That's this coming July he is referring to:
A Yes. I had spoken to his son, Peter David about this.
Q Who is the head chief -- is there another chief in the same house as Samooh and, if so, who is that:

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

THE WITNESS: Yes, there are other chiefs who are the head of the house Samooh is from.

BY MR. GRANT:
Q Does this include Knedebeas?

A Yes, Knedebeas is also from that house.
Q Is Goohlaht head chief of that house?
A Yes, same way.
Q Is Goohlaht the head chief of the house or of the whole clan?
A Goohlaht is head of the clan.
Q Between the time when a chief such as Samooh dies and the headstone feast, would the head chief of the house such as Knedebeas or the head chief of the clan such as Goohlaht take care of the territory until a new Samooh was appointed?
A Yes, that is how it is done, and the chiefs in the house they would decide amongst themselves as to who gets the name. Usually look for a person who is well respected in the community and they would decide who gets the name.
Q Who is taking care of Samooh's territory now: Which of these chiefs:
A Samooh's territory is now being looked after by Francis Skin from Ootsa Lake.
Q Is he taking the role of caretaker:
A Robert Skin and his son are the grandsons of Skin Dyee and, as a result, they are looking after the land doing their trapping.
Q Earlier this morning or just a few moments ago we were talking about Skin Dyee's territory, is that the same as Samooh's territory or is it different?
A Yes, it is the territory of Samooh.
Q Does Samooh also have other territories?
A No.
Q Do you know or have you heard of a person called canyOn Creek Tommy?
A Thomas?
Q Canyon Creek Thomas. Yes.
A Her knows, is sitting here right now, Mabel Sam.
Q Did White people try to throw Canyon Creek Thomas off some land?
A Yes, they did try to kick him off his land.
Q DO you recall who that was? What the names of the white people:
A The people who lived next to canyOn Creek Thomas is Jack Carr and his brother Bill Carr, and he was good friends with him and they did not talk about his land. I don't remember....
MR. GRANT: JUSt gO off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GRANT: GO back on the record.
THE WITNESS: I heard that Jean Baptiste was being troubled by the white people but not Canyon Creek Thomas, and that's all I remember.

BY MR. GRANT:
Q His land, do you know a place known as -- called Bulkley valley Road that existed a long long time ago?
A Yes. Wah tie ee kie, means foot path. I was raised around there and I walked it many times.
Q Was Canyon Creek Thomas' land near a place known as canyon Creek on that Bulkley Valley Road or footpath?

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

THE WITNESS: Yes, he had land near Canyon creek and the Wet'suwet'en name is Ken' oo ee Kwah. All the creeks have names all the way down.
MR. GRANT: We need to go off the record for a moment to change the video tape.

--- SHORT RECESS

MR. GRANT: . Go back on the record.

Q You referred earlier that Jean Baptiste was troubled by the white people; was he Wet'suwet'en?
A Yes.
Q can you tell us what you know about what happened to Jean Baptiste and his land:
A Mr. Baptiste had about 160 to 300 acres and he had set up a farm, had cows and horses, and the Indian Agent asked him to move off the land but he defied that order and stayed on the land.
Q What happened when he defied that order?
A He kept resisting the government and they asked him to remove himself from the land. He refused and the government got their own lawyers to try and remove him from his land. The Indian Agent had also asked him to leave the land he was on. He refused, he stay on there. Kept growing hay for his cattle.
The people from the government told him that he was to leave the land, he refused again, so they told him to go somewhere and he dressed and got ready. He had two race horses and he got the fastest one and saddled it up, and he had two revolvers and he stuck them on his sides.

Q There were people who were sent to pick him up, were all lined up, and he came by on his horse and as he neared them he jumped off his horse, pulled his revolver out and stuck it to the head of one of the people and asked him if he wanted them both.

The people who were sent to pick him up talked to him, told him to get off the land. The Indian Agent told him to get off the land but he refused. When he refused they finally gave in and made that land a Reserve.

Q Who finally gave in?

A It was the Indian Agent who made the land into the Reserve.

Q DO you know where that land is?

A Yes, I know. It's on the road on the way to Babine at the bottom of the hill.

Q Is it on the road known as Burnt cabin Road:

A Yes, that's how the white people fooled around with us.

Q Is that land that is now known as the Jean Baptiste Indian Reserve?

A Yes.

Q Go ahead if you have something to say:

A The way the people have threatened Jean Baptiste, that is the same way other white people have threatened our Indian people. The same is done regarding our trap lines, the white people have been taking them.

(In English) That's all.

BY MR. GRANT:

Q Was Jean Baptiste related to Old Sam, Mabel Sam's father:

A No.

--- OFF THE RECORD

BY MR. GRANT:

Q Was Jean Baptiste told that the army was going to come to kill him if he didn't move off his land:

MR. MILNE: It's going to be very hard for this Witness to say what he was told if he wasn't there, so I'm going to make the same objection I have been making throughout.

MR. GRANT: Go ahead,task him the question. he got ready for

THE WITNESS: He was told that, that is why he got ready for them and they didn't bother him. They had all caught all their horses and they were all lined up, and that is when they came to them.

BY MR. GRANT:
Q Was Jean Baptiste in the Gitdumden clan?
A Yes, he was the brother of Tyee Lake David and Peter Pierre, the three of them were brothers.
Q The third name was peter Pierre:
A Yes.
Q What house was he in?
A He came from Kyas ya, Grizzly House.
Q Did he have a chief's name?
A Tyee Lake David had the name Woos, and Tyee Lake was named after him. And the lake is named after him.
Q After Tyee Lake David?
THE INTERPRETER: Yes. He was big chief.

BY MR. GRANT:
Q Did Jean Baptiste have a chief's name and, if so, do you know it: If he can remember the name?
THE INTERPRETER: He can't remember.
THE WITNESS: Skallithx.
MR. GRANT: JUSt before moving into another area I just want for the record to say, before the coffee break we had this morning the Witness went over to speak with Mabel Crich with respect to a name, and I have to come back to that, I believe it was the name of a site. It was with respect to my question relating to Canyon Creek Thomas.
Counsel for the Defendant didn't object and I didn't make any point of it because the Witness was clearly trying to help, appears to have been trying to help refresh his memory. Due to his elderly age I believe both counsel thought it would have been inappropriate to object and try to have the Witness remain.
MR. MILNE: For the record, I would hate to see that as a regular occurrence but it would seem the Witness does recall the names shortly after the question is asked, in any event, but I do agree with what Mr. Grant has said.
MR. GRANT: Thank you.
Q Did the Wet'suwet'en people use arrows in the old days?
A Yes they did.
Q Can you describe what they used to make the shaft of the arrow and the point of the arrow?
A The shaft that was used for the arrow is called tsayx. That is what was told to me. If somebody else tells you they might say another thing.
Q When you say -- I am just clarifying with the Interpreter -- is tsayx, is that the name for the shaft or is that the material that was used for the shaft?

A It is some kind of root that is used to wrap up the shaft.
Q Do you know the name of the plant that that root comes from?
A It doesn't grow on the ground, it's the veins in your arm, it was usually taken from the caribou.
Q IS that made out of -- a rope that is made out of like the tendons of the caribou that is used to tie up the arrow?
A Yes, it is from the caribou and the way they kept it together was the sap from the trees which was used to tie the arrow head to the shaft.
Q Now, did the people use a kind of rock for the head of the arrow?
A There is some kind of rock, I don't know the name for it, I was just told about it and it is a rock similar to material in the glass.
Q It is similar to glass:
A It's not glass but it is white coloured rock.
Q Did the Wet'suwet'en people have special places where they would get this rock in their territory:
A The rock is very difficult to find and that is the material that used for the arrow head.
Q Did your father show you a place where you could get this rock?
A Yes, my father did show me. I don't want to give the location because white people would destroy the rocks if they knew where it was.
Q Did your father and others take this rock out by using other rocks to chip it away:
A They may have used an instrument similar to a knife and the rock was up quite high and it was very difficult to get at, and that's all I know.
Q Did many Wet'suwet'en people know where this rock was, in your lifetime?
A Not too many.
Q As far as you know is this rock still there:
A Yes, the rock is still available. I was told where you could find it and that's all I know.
Q Did your son Moses know where the rock was?
A Yes, he knew where the place was, I told him and that's all I'm going to tell you. One time David Dennis and myself had gone to the location. We parked close by to where the rocks would be found and it started to thunder and we just left.
MR. GRANT: Go off the record for a moment please.

--- OFF THE RECORD (Visitor to see Johnny David)

MR. GRANT: Would you read the last answer please:
THE REPORTER: Question: "Did your son Moses know where the rock was?"
Answer: "Yes, he knew where the place was, I told him and that's all I'm going to tell you. One time David Dennis and myself had gone to the location. We parked close by to where the rocks would be found and it started to thunder and we just left."

BY MR. GRANT:
Q Johnny, I understand you don't want to describe exactly where the location is and I'm going to respect your wish on that, but can you tell us whether or not these rocks are located within Wet'suwet'en territory?
A Yes, my father's territory.
Q That was Smogelgem's territory?
A Yes.
Q Were they located somewhere near Perow?
A Yes, near Perow. If people found out where it was they would destroy the site. I did not see the rocks myself, I was told where it was and people went there and tried to locate the rock, they tried to locate the rock and told me I am telling the truth.
Q JUSt a moment please. IS there a Wet'suwet'en name for Lake Kathlyn, which is a lake near Smithers:
A The Wet'suwet'en for Lake Kathlyn is Tas Dleese, which means boiling rock and it is also referred to as Chicken Lake by white people.
Q Is there a history of that lake?
A Yes.
Q Why it's called boiled rocks:
A I know the story of why it's called Tas Dleese.
Q can you tell us that story?
A In the early days there were two young girls who took off their clothing and began playing in the water. The two young girls had long hair and they held their hair up by a bone which was -- which came from the coast.

They were quite a ways out in the lake, facing the mountain, a big wave came by and a serpent-like creature came up and swallowed the young girls. The serpent had a den near the railroad tracks, where the serpent was located.

There is a person who lived near the lake who heard the cries of the two young girls when they were

Swallowed by the serpent.

About a year later during the winter the person that lived near the lake had made about a thousand moccasins and he invited all the people from the surrounding area, and during the summer all the people had come to the lake, and they walked right around the lake and began building fires with rocks, with hot rocks.

The people had surrounded the lake and began heating up the rocks and someone suggested that they throw the rocks into the lake. So they did this and in about half an hour the lake began to boil. The lake was boiling similar to the way a kettle boils on a stove. The big serpent came floating to the surface. Was all boiled by the hot rocks. When the serpent came floating to the surface the people retrieved it and cut open the serpent. In the stomach of the serpent was found the two bones that the young girls had in their hair. That is why the lake is called Tas Dleese.

NOW, if you look carefully around the lake you can see rocks that are black in colour, they were rocks that were used to boil the water and that is where the lake got its name, Tas Dleese. That is the story of the lake.

Q Was the person who brought the warriors together, was he a Wet'suwet'en chief?

A He was a Wet'suwet'en chief. He was the predecessor of Gyologet.

Q Were the girls who the serpent swallowed his daughters?

A I think they were relatives of Gyologet since they were playing there. That is all I can tell you.

Q Did this happen long before the white man came?

THE INTERPRETER: Thinks it is about 200 years before.

BY MR. GRANT:

A Were the bones the girls wore in their har abalone shell? Off the record for a moment.

--- OFF THE RECORD (Johnny left the room)

MR. GRANT: GO back on the record.

Before you answer the question, the Witness went and got something to indicate what it was, to help him with the answer. Could you translate the answer now:

THE INTERPRETER: When I asked him the question he said he knew what kind of rock or bone it was and he went into the bedroom and came out with this. Inside the circular

is abalone and he is saying that this is expensive.

BY MR. GRANT:
Q Is that the kind of bone or rock that they had in their hair?
A Yes. I don't know what material that is made of this.
MR. GRANT: I believe counsel can look at it but it appears to me this is abalone and I believe Defence counsel can examine it as well.
MR. MILNE: It looks like abalones that I have seen. Definitely a mother of pearl kind of substance. Not to say that the bones were of that, I don't know.
MR. GRANT: No.
MR. MILNE: JUSt looking at the pendant it appears as though that is what the pendant is.
MR. GRANT: He is showing the pendant, we can agree with that.
THE INTERPRETER: He is asking me what white people call this:
MR. GRANT: YOU can say the white people call it abalone.
THE INTERPRETER: It was the same material that he has been describing. It was tied to the back of their hair. That was all they found.

BY MR. GRANT:
Q Is that material, that abalone that you have indicated, is that one of the materials that the Wet'suwet'en traded in the old days with the people from the coast?
A Yes, they did for that and it was very difficult to get and expensive.
Q You described in this history that you gave about Lake Kathlyn that the man, Gyologet, made a thousand pairs of moccasins; why did he make those moccasins and what did he do with them:
A He made those moccasins to give to the people who were going to help with the boiling of the water, and the moccasins called baxkay.
Q Is that the name for moccasins all the time Of when they are made for this purpose?
A The moccasins are called baxkay because it is similar to the army boots that the present day army uses, and it was called baxkay because we were all considered brothers and that's what baxkay means, brothers.
Q Were those specially made for situations like this history you have described or when the Wet'suwet'en went to war with another group?
A These moccasins were made specifically for this purpose and also when our people were going to war, it was done

again. This was done when Kweese went to war, and it is a long story. YOU see in today's army when they are going to go off to war they put on new boots and this was basically used for the same purpose.

Q I would just like to ask you a few more questions just to clarify some of the answers you gave earlier in the commission.

Volume I of this Commission, September 20th, at page two you were asked about the pole which belonged to Ginehklaiya. You indicated that it was the pole across the street from your house.

I am going to show you a photograph and ask you if this was the pole you were referring to:

MR. MILNE: Is that photograph one I have?

MR. GRANT: (Inaudible)

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

THE INTERPRETER: He can't see very well and he can't recognize it.

BY MR. GRANT:

Q In volume II of the transcript, at page eight, which is September 26, 1985, you were describing a situation about Samaxsam and you said -- I'll read the question and the answer -- you said that the name was given because Old Tiljoe's brother was killed, and I asked you who killed him, and your answer was:

> "Half way between Kitwancool and the Nass River there was a grave marker of Old Samaxsam, who was the size of this table, and on this big log was a big stone and that was knocked over. When the two people had come to this grave marker, they were playing around on it and it tipped over and Samaxsam avenged this by killing one of the Wet'suwet'en and it was Old Tiljoe's brother that knocked this rock over, but somebody else."

That is how the transcript reads, and I want to ask you, was your answer it was not Old Tiljoe's brother that knocked the rock over but somebody else:

A It wasn't Old Tiljoe who had tipped the rock over, it was somebody else.

Q It was not Old Tiljoe?

A No.

Q I am just asking you to be clear on the record.

THE INTERPRETER: Yes.

BY MR. GRANT:
Q At page 17 of that same volume, Volume II, you were asked if Dennis, Old Dennis' chief's name was Dikyannulat, at line 30. You said you could not remember his name; do you remember Old Dennis' name now:
THE INTERPRETER: He remembers his name is Dikyannulat, and the white people give him the name Dennis Clark.
MR. GRANT: Clark. Go off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record.
Q You raised earlier that these moccasins or baxkay were used by Kweese when Kweese went to war. I would like to ask you that history but if you are too tired to tell it now, I'll leave that question until tomorrow morning.
THE INTERPRETER: He said it's too long and he doesn't want to talk about it.
MR. GRANT: I told you I would stop at one o'clock and it is one o'clock so I'm going to stop. Tomorrow morning we'll finish and Mr. Milne will be questioning you tomorrow. We'll adjourn now until tomorrow morning.
THE INTERPRETER: He wants to know what time:
MR. GRANT: Go off the record.

---- OFF THE RECORD DISCUSSION

--- PROCEEDINGS ADJOURNED AT 1.00 p.m.

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

Veronica Harper (Ms)
Official court Reporter
VH/lre-Feb. 9/86 B.C.S.R.A. #263

Transcript continues on page 5-43 which follows.

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

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

--- UPON COMMENCING AT 10.15 a.m., 31 JANUARY, 1986

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go on the record.

EXAMINATION IN CHIEF BY MR. GRANT (contd)

Q Yesterday you spoke with us and explained what happened with Jean Baptiste when he fought for his land; did this happen in your lifetime:
A Yes, I was aware.
Q Would it have been before or after you were married or can you estimate how old you were when it happened:
A It was before I got married. I think I was about 20 years old.
Q I am showing you a photograph of a pole, do you recognize that pole? It is the same picture you looked at earlier this morning.

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

THE INTERPRETER: He is having difficulty seeing it again and he thinks it is the pole, the one that is in front of the fire hall.

BY MR. GRANT:
Q On this pole in this picture there is writing saying "Agnes Dennis, died May 8th, 1946"; do you remember a pole that was related -- that was erected in relation to the death of Agnes Dennis:
THE INTERPRETER: After explaining the printing on the pole he is recognizing that as the pole that is now in front of David Dennis' house.
MR. GRANT: The Witness and yourself pointed down the road from Johnny David's house in Moricetown here in the direction of the church or an easterly direction

generally towards Smithers; is that where David Dennis' house is?
THE INTERPRETER: Yes it is.
MR. GRANT: I would ask to have that picture marked as the next Exhibit.

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

THE INTERPRETER: He stated that the figure on top of the Pole, in our language in the figure is called Mansilx. He can't remember the English name for the figure.
MR. GRANT: Can you, as Interpreter, do you know what Mansilx means when translated to English:
THE INTERPRETER: No, I don't.
MR. GRANT: I'll have that photo marked as Exhibit 16. It is number PN10233, from the Defendant's Provincial Museum.

--- EXHIBIT NO. 16 - Photograph of totem pole, B.C. Provincial Museum negative number PN10233.

BY MR. GRANT:
Q DO you recall when this pole was erected in front of -- I believe you said it was in front of David Dennis' house:
A I remember when the pole was raised but I can't remember the exact date and say when the pole was erected.
Q Was it in the same year as Agnes Dennis died or was it some time after her death:
A It was after, one year after she had died when the pole was erected. She died in my hands. She was brought back to the log house that used to be next to this house, and I had spent money since I was Andamanuk.
Q Was this the same Agnes Dennis who was the wife of Old Dennis and who held the name Samooh?
A Yes.
Q On top of the photograph is a bird, is that -- or appears to be a bird and what you have described as Mansilx, is that still on the pole?
A The bird may have fallen from the wind, I haven't seen it lately, and the figure of the bird in our language is called Mansilx.
Q I understand it is hard for you to see the photograph on Exhibit 16 but can you describe from your memory the crests that are on Samooh's pole?

--- OFF THE RECORD

THE INTERPRETER: He was working his way up the pole.
MR. GRANT: From the bottom?
THE INTERPRETER: From the bottom. The bottom figure he said was the figure of a female. The second figure above the female he said was a porcupine, and two figures were otters, and then he couldn't see the other two.
MR. GRANT: The two figures you indicated are the otters, you're pointing to the two middle figures on the pole that seems to have a dark bar with white or light markings between the two ----
THE INTERPRETER: Yes.
MR. GRANT: Is that right?
And the figures he can't recognize are the figures above that which appear to be fairly large?
THE INTERPRETER: Yes.
MR. GRANT: The figures just below the figure of the bird on the top of the pole, is that correct:
THE INTERPRETER: Yes.
MR. GRANT: JUSt for the record, when he was talking about the figure of the bird in Exhibit 16, there is what appears to be a very small thing at the top of the pole separate from the pole, is that what he was referring to?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q The other day you described to us that you returned to an area where you had been farming and later you sold that land, how big was that land that you farmed and then later sold?
A (In English) One hundred and sixty acres.
Q Was this land within Smogelgem's territory?
A Yes.
Q Was Smogelgem's territory much larger than this farm?
THE INTERPRETER: He said the land after it was considered Crown land is when I sold it.

BY MR. GRANT:
Q My question was, was Smogelgem's territory much larger than this farm?
A Yes, much larger.
Q Yesterday ----
A Smogelgem's territory was quite large. The land I sold was just a small part.
(In English) One hundred and sixty acres.
THE INTERPRETER: He said Smogelgem's territory was miles and miles around.

BY MR . GRANT:
Q Yesterday you told us Francis Lake Johnny's name and I wondered if that name was Gwatsikyet? Just to be clear for the . . . . .
A Yes.
Q . . . . . I am referring to the Jenness article, which I have provided a copy of his paper on anthropology, Number 25, dated 1943 on the Carrier Indians, to Mr. Milne.
I am referring particularly to page 509 under the general title 'The Thin House". Jenness translates that name, Gwatsikyet, as he that cuts off the head with a knife; is that what you understand the name to be in Wet'suwet'en or does it mean something else?
A Yes, that is the correct interpretation for the name.
When this white man came around, he took all the pictures and talked about the chiefs, and that is what is written in books.
Q Yes, but you described it, as the name meaning cutting off the fingers; is the name more precisely cutting off the head? Or cutting off the fingers with a knife?

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

THE WITNESS: Yesterday when I was indicating a movement like this, I was trying to indicate that his head was cut off with a saw. Across this way.

BY MR. GRANT:
Q And the movement that you're indicating, both the Witness and the Interpreter, is a cutting motion across the hand?
THE INTERPRETER: Yes.
MR. GRANT: Or across the wrist?
THE INTERPRETER: Yes. He wants a doll and he will indicate how He just indicated that Gojiget in here, and his head was cut off with a cross-cut saw, one people on each end, and when his head was cut off, all the blood was in this area and his head had fallen this way.
MR. GRANT: Okay.
THE INTERPRETER: And that is what the name Gojiget is.

MR. GRANT: Joh nny just performed that motion with the use of a doll or dummy, for the record, that he had stretched across the table indicating, for the record, cutting across in the neck portion, cutting the head off.

BY MR. GRANT:
Q Did you ever see the performance that you just described

When you were young? Or the cutting of Gwatsikyet's head?

A No, it was before my time. It was Balna who saw one of the people cut off the head.

Q Was this before your time, was it your understanding that this was re-enacted at a feast, the cutting off of Gwatsikyet's head:

A This happened a long time ago and Balna was one of the people who was involved and that was way before my time.

Q Do you know why -- I'm sorry?

A They at the hall, when there is a feast....

THE INTERPRETER: He was pointing to Tonia Mills --

THE WITNESS: ....she's witnessed how the name is passed on, the people get up to speak and the people get the names are identified. That is how it has been done in the past and still being done today.

BY MR. GRANT:

Q YOU refer to Balna as the person who cut off the head, is that a Wet'suwet'en name and, if so, who is the person that presently holds that name, do you know?

A Balna was Wet'suwet'en and he hold the name Madeek.

Q Madeek?

A That is the name that George Naziel now holds.

Q DO you know why Gwatsikyet's head was cut off?

A That was the style. Gojiget is also Gitksan name and in our language it means cutting off the head.

Q Does Gwatsikyet -- has he performed the description of his name at a feast that you know of?

Let me re-phrase it, for the record, the Interpreter is trying to determine how to phrase it rather than the Witness. Let me re-phrase the question for you.

Jenness refers to the fact that this cutting off of Gwatsikyet's head was enacted at feasts before the white men came; did anyone tell you whether that was so:

A I remember this white man coming and talking to our people, I remember seeing him and when our name is going to be passed on people get up to speak, the people who are there to witness, and this is how the name's passed on.

MR. GRANT: We'll go off the record to change the tape.

--- OFF THE RECORD DISCUSSION

MR. GRANT: For the record, at this break while the tapes were being changed it appeared that the spelling by

Jenness on page 509 of Gwatsikyet is different than the spelling yesterday. However Jenness' spelling is probably not how the name is pronounced, Gwatsikyet would be pronounced.

For the record, where I have referred to the Jenness spelling I have asked the Reporter to endeavour to use that spelling and where Mr. David has answered or I have referred to it as a name he describes it, the spelling will be slightly different to reflect the actual pronounciation of the name.

Q Can you tell us any more about the cutting off of the head and as to why it was done? We understand it happened a long time ago, the history of that cutting of the head, and whether or not it was performed as naxmox at the feasts?

A When Gojiget head was not really cut off. When they performed -- when they first performed it his head was here and the cutting motion was done in front on top of the head. So his head was not actually cut off. It was ' acted out as if the head was being cut off.

Q You mean on top of the hair of the head as he was lying down?

THE INTERPRETER: Yes.

THE WITNESS: Yes.

BY MR. GRANT:

Q Was the original Gwatsikyet given that name because he cut off the head of the lover of his wife or the woman he was with:

A When the cutting of the head was acted out Gojiget got up and danced.

Q Was there a song to go with that dance?

A When the name was acted out he would get up and dance, and what they were trying to say was the head turning around twice. It's very difficult to explain it. There is a figure of a head has the thread running from it and that is what is used to turn the head. That is how it happened and that's all I'm going to say.

Q That is just what I was going to ask you, is there anything else that you wish to tell us about Gwatsikyet's performance or that history?

A That's all.

Q You referred to the fact that the person -- one of the persons cutting off the head was Balna, whose Wet'suwet'en name was Madeek; was that person the father of a man known as Old Bill Nye Of was that person Old Bill Nye?

A Yes, Balna was the same person in the English language who has the name Bill Nye.
Q Earlier on in the Commission you showed us the pole of Kela, which is the large pole with the dog crest on it; did the father of Old Bill Nye have the original Kela dish made for him:
A Yes, there was, the dish was made for the father of Bill Nye, and the dog dish is now held by Mabel Sam who has the name Kela. Who's sitting over here.
Q Did you ever see the earlier dog dish that was made for Kela, the father of Old Bill Nye?
A No, I did not see it. It was a long time ago. There is a song that goes with the dog dish.
Q That is Kela's song, is that right?
A Yes. The song of the dog dish is still alive today.
Q I would like to refer to another event, do you recall a feast of Charles -- I'll try to pronounce the name -- Teytalwus -- at which you were involved in the performance of naxnox?
A Yes, I remember, I was alive and I was a young man.
Q My understanding is that you were down at the river and then you were taken up to be involved in the performance; do you remember that and, if so, can you describe what was done for that feast in which you were involved?
A I was outside and someone, one man came and got me. And my mother had given a suitcase to some people, and there's an area near the HagWilget Canyon where people gathered and that is where they took me. Chief Charles was there with his uniform --
THE INTERPRETER: -- which you say regalia --
THE WITNESS: -- and he also had my suitcase. He opened it and my regalia was in it, and they dressed me up with my regalia.

Before we went into the feast house I was told that someone was being picked on and I was given a stick and I was asked to tell the people to quit picking on this person. Chief Charles was holding my wrist and I was struggling.

When I got to the door I poked the door with this stick and the doors flew open. The people who were going to fight Chief Charles were standing there, when they seen me they did nothing. I was acting as the door for Chief Charles and all the participants danced, performed right around the hall. That is how it is done.

Since I was the son of the High Chief Smogelgem I

Was in front of Chief Charles, those people who were going to fight him never touched me. That was how it ended.

BY MR. GRANT:
Q Where did this happen?
A It was at the Dark House. The House of Kneoebeas in HagWilget.
Q Were you just a boy when this happened?
THE INTERPRETER: He said "I was a small man at this time and I'm still small today".
THE WITNESS: I was Strong and I knew the business.

BY MR. GRANT:
Q What was Chief Charles' Wet'suwet'en or chief's name?
A He was called Gitdumskaneese. He was an old timer.
Q You described that both you and Chief Charles or Gitdumskaneese were wearing regalia, do you remember what your regalia was: Was it an animal of some sort or what was that regalia?
A I wore a hide of a mountain goat, still had its head and horns and hooves and that is what I used when I performed.
Q DO you remember what was the regalia of Gitdumskaneese or Chief Charles?
A Gitdumskaneese used a button blanket which was his own.
Q Was anyone dressed as grizzly at this feast and in this performance?
A NO.
Q Were the people that you stopped dressed in certain regalia and was there any dressed as animals or other creatures?
A They were not dressed in their regalia, they came as if they were going to go to war with Chief Charles and I got in front of them.
Q Was anyone given a Wet'suwet'en chief's name at this feast?
A No, the name is not given out at a performance like that.
Q How long did that performance go on for?
A It lasted for about half an hour and when it was over everybody left the house.
Q I would like to just ask you about how Wet'suwet'en people settled murders or killings I should say. Is there Wet'suwet'en laws for settlement as to when a person has been killed by somebody else?
A There is a way this is settled when someone is murdered,

For example, when Mooseskin Johnny killed someone two of his relatives were given to people who were killed. That is how it was done. This happened way before my time and this is what was told to me, and that's all.

Q When this happened in this case or generally is there a feast at which the relatives are given over to the victim's family?
A Yes, there is a feast.
Q Is eagle down used as part of the settlement at that feast?
A Yes, eagle down is used. Eagle down is our law.
Q When you say eagle down is our law, what do you mean?
A The eagle down is our law. It is blown in the direction of the people and it is similar to white man's way now where they sign their name, eagle down is our law.
Q After the eagle down is thrown at the feast is that the sign that there will be no more revenge or killings because of the dispute?
A Yes, once the eagle down is blown the revenge or murder is stopped and once that is done you are not allowed to break that law. The same is done with the passing of a mountain or territory.
Q You referred to when white people sign papers, so the analogy you're making is to a peace treaty between, for example, after a war?
A Yes, they quit.
Q Now, in the case you referred to of Mooseskin Johnny was his nephew or his nieces given as compensation?
A Mooseskin Johnny's sister's kids were given as compensation.
Q Who was the person to whom they were given and was there a marriage?
A For a man a woman is given as compensation and for a female a man is given as compensation.
Q Maybe he has answered that, you don't have to ask him if he has answered it. When you say for a man do you mean when a man has been killed or a person who is harmed?
THE INTERPRETER: When a man is being compensated.

BY MR. GRANT:
Q DO you know the name of the person who was killed in that incident? His Wet'suwet'en name?
A He was Gilserhyu. I can't remember.
Q Was a woman given to Satsan as compensation in this incident?
A It was Satsan's brother who received the girl for compensation.

MR. GRANT: I'm sorry, would you read that answer back:
THE REPORTER: Answer: "It was Satsan's brother who received the girl for compensation."

BY MR. GRANT:
Q DO you recall his name?
A Kuminyay.
Q Was this settlement of Moosekin Johnny's, was this before the white man came?
A It was before the coming of the white man and Father Morice was travelling around when this happened.
Q Did Mr. Loring, the Indian Agent, and Father Morice try to stop this practice of settlement?
A Yes, they tried to stop this practice. That is all I'm going to tell.
Q When you speak here giving evidence can you speak for the other chiefs in the House of HagWilnegh?
A Yes, I'm speaking for other chiefs from Hagwilnegh's House. I speak for them because I know the histories of our people.
Q During part of this commission you have spoken and in between the Commission to Mable Sam, whose chief's name is Kela; can you in this Commission in your evidence speak for Kela when she authorizes you to?
A Yes. It is the Old Kela's words that I am speaking right now and younger people are learning from me and they will continue to use Kela's words. Also I use my father's, Smogelgem's words. I do not try to deceive the people, I try to tell the truth.
Q I have three more questions to ask you. Did you or any member of your house or your tribe agree at any time to give the Kilwoneetzen territory to the white man's government?
A We did not agree to give the land, it was the government who took the land.
Q Did you or any member of your tribe consent to the government taking your land?
MR. MILNE: Before he answers I, of course, have to object because you are asking for an answer that can only be hearsay. He can't possibly know what all members of his tribe would say, and that applies equally to the land of the Kilwoneetzen.
MR. GRANT: I will modify the question in a minor way.
Q TO your knowledge did you or any other Kilwoneetzen person consent to the government taking your land?
A No. In the eyes of the white man we are poor. They just come and take the land, they put everything in

their pockets and they're gone. There was some mining that has taken place near the Hudson Bay Mountain. The Indian people were the first to find the minerals but they were told that it was no good and some time later white people stake claims and they went mining. The white man consider the Indians poor, they took everything including their lands and put it in their pockets.

Q TO your knowledge did your father or you as the caretaker or Yingxunlee or anybody in Smogelgem's house consent to giving up Smogelgem's territory to the white man's government?

A No, we did not, they took it themselves.

Q If the Wet'suwet'en chiefs or anyone of those chiefs ever say to give up Wet'suwet'en territory, would this have to have been announced at the feast?

A Yes, it would have to be done at a feast. The Indians pass on lands to other Indians through the feast and they don't give it to white people.

Q Was there ever an announcement of the transfer of any Wet'suwet'en lands at a feast that you either attended or were told of? Was there ever -- just read that question back to me, I may have left something out.

THE REPORTER: Question: "Was there ever an announcement of the transfer of any Wet'suwet'en lands at a feast that you either attended or were told of? Was there ever --"

MR. GRANT: I'm sorry.

Q Was there ever any announcement of the transfer of any Wet'suwet'en territory to the white man's government Of to white men at a feast that you either attended or at a feast you were told of?

A No. They don't do that.

Q You have given us -- I'm sorry -- is there something else he wants to say?

A No, land is not given to white people. For our trap line, the police come and jail our people. That is how they lost some of their trap lines.

--- OFF THE RECORD

BY MR. GRANT:

Q You have given much evidence of the histories, the songs and the territories of the Wet'suwet'en chiefs; according to the Wet'suwet'en tradition are these histories, the descriptions of these territories and crests and songs the property of the Wet'suwet'en

Chiefs?
A Yes, it is theirs. It is not the property of the white mans. It is our own property.
Q Did you give these histories, songs and descriptions of the crests and the territories solely for the purpose of the Wet'suwet'en chiefs' court case against the Government of British Columbia?
A Yes, that is why I told. What I have been telling you, will never die, it will go on for a long time, it will never be erased. You will be using it --
THE INTERPRETER: -- pointing to you, and I will be using it, and he was pointing to myself.

BY MR. GRANT:
Q By telling these histories and the songs and the crests do you still wish to reserve the right that they are the property of the Wet'suwet'en chiefs and other than the court case are not to be published without the consent of the Wet'suwet'en chiefs?
A Yes. If people are going to be using any of the material other than the court case they would have to get the permission of the Wet'suwet'en chiefs.
MR. GRANT: I would like to go off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go back on the record. I jUSt want to record for the record and I took a brief break and now I've asked Johnny to sign Kela's song.

--- THE WITNESS SINGS THE SONG AND PLAYS DRUM

THE INTERPRETER: He was explaining the song. There was a dog dish, about four to six feet long, and on the face had the head of a dog, at the end the tail, and that is when this song was made.
MR. GRANT: He mentioned there were people on the side?
THE INTERPRETER: There was an old man standing on the side around the dish and he was the one that made the song.
MR. GRANT: And he referred to the dog, that was the drum, is that right?
THE INTERPRETER: Yes. This is -- a picture similar to this was on the dog dish.
THE WITNESS: Whoever takes over my name along with the name will get the blanket that is behind me and also the drum. He will keep it with him.

BY MR. GRANT:
Q Can he explain at what ceremonies the song is sung? Why is that song sung and at what ceremonies?
A When there is a big party, whenever there is dancing to be done, that is when it is sung.
Q Is there anything else you would like to tell us about the song or about the description of the ceremony you just gave?
A Another time the song is sung is when the berries are given to High Chiefs. They lift up the berries and that is when the song is sung. The song is sung by Kela as well as myself. When this is done the other chiefs sing their own songs --
THE INTERPRETER: -- pointing to Tonia --
THE WITNESS: -- she's witnessed that a few times.

BY MR. GRANT:
Q When this is done, when the berries are there, is there a dog dish filled with the berries?
A No, they're put in small bowls.
(In English) That's all.
MR. GRANT: Those are all my questions.
I jUSt for the record want to put in as Exhibit No 17 a photograph of the drum which was being used, which I have shown to my learned friend, so it is on the record.
And as Exhibit No. 18, photograph of the blanket which was worn by Johnny David outside the pole early on the Commission to which he referred in the commission and which is presently at the Commission and visible on the video tape as hanging behind Johnny David.
MR. MILNE: I think you had better put those to the Witness.
MR. GRANT: I don't know if the Witness can see them.
Q Is that a picture of the same drum you were using?
A I recognize it as my drum.
Q And is this a picture of your blanket to which you referred?
A That is the blanket behind me.
MR. GRANT: PUt those, the drum is Exhibit 17 and the blanket will be 18. There is handwriting on the back to which I haven't referred the Witness and today I am not making reference for these purposes now.
Once those have been put in as Exhibits I have completed the Direct Examination of Mr. David and I understand the lawyer for the Province wishes to adjourn to commence his Cross-Examination on Monday, the 24th of February or such other time as counsel may agree?

MR. MILNE: That is correct.

--- EXHIBIT NO. 17 - Photograph of the drum used by the Witness.

--- EXHIBIT NO. 18 - Photograph of the blanket previously worn by the Witness, presently hanging on the wall.

MR. GRANT: YOU could maybe explain to Johnny what's happening. GO off the record.

--- OFF THE RECORD DISCUSSION

--- PROCEEDINGS ADJOURNED AT 11.55 a.m.

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

Veronica Harper (Ms)
Official Court Reporter
VH/lre-Feb. 10/86 B.C.S.R.A. #263