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MARTHA BROWN:

Examination in Chief
By Mr. Grant (continued) Page 2

Cross-Examination
By Mr. Goldie Page 50
(not completed)

FRANCES SAMPSON,
Gitksan Interpreter,
previously sworn

MARTHA BROWN, a Witness called on behalf of the Plaintiffs, previously sworn, testifies as follows:

--- UPON COMMENCING AT 11.00 a.m., 30 OCTOBER, 1985

MR. GRANT: Go on the record.

For the record, this is the continuation of the Commission Evidence of Martha Brown and present is myself for the Plaintiffs in this action; Mr. Goldie, Mr. Plant and Mr. Prelypchan for the Defendant in this action.

Frances Sampson is the Interpreter and you have been sworn to translate to the best of your ability from English to Gitksan and from Gitksan to English, is that correct?

THE INTERPRETER: Yes.

MR. GRANT: The Witness was sworn last time and you're still under oath, Mrs. Brown.

EXAMINATION IN CHIEF BY MR. GRANT (Continued)

Q When we last met you gave evidence you described a number of sites of locations in Xhliimlaxha's territory in Kispiox; have you shown those sites to Marvin George?

A I showed all of them.

Q And you did this ----

A We came on the other side of the territory and if we had gone on this side it would have been far better. This is where it is clearly....

THE INTERPRETER: Just a minute.

THE WITNESS: This is where it could have been clearly marked out.

BY MR. GRANT:

Q Just for the record you say we went on the other side of the territory, what side are you referring to? Are you referring to certain sides of the river or territory?

THE INTERPRETER: She's referring to the river and there Xhliimlaxha owns both sides of the river and there is one, on the other side of the river where there is a

lake, Marty Allen Lake today. T'asmgwihlaltxlot in Gitksan.

BY MR. GRANT:
Q In referring to the river are you referring to the Kispiox?
A Yes.
Q Did you stop at certain locations along the trip with Marvin George and point out the locations for these fishing sites?
A Yes.
Q Did he make notes of those when you were there?
A Yes. I named all the little creeks that were on the way and we stopped and he would write them down.
MR. GOLDIE: Is he going to be called as a Witness?
MR. GRANT: Not on Commission.
MR. GOLDIE: No, but is he being called as a Witness?
MR. GRANT: At the trial?
MR. GOLDIE: Yes.
MR. GRANT: It is anticipated, yes.
MR. GOLDIE: Otherwise I would like production of those notes that are being referred to.
MR. GRANT: He will be there.
Q Can you describe which Chiefs held territories around the Kispiox, around the outside boundaries of your territories in the Kispiox?
THE INTERPRETER: The Chiefs, did you say?
MR. GRANT: Yes.
THE WITNESS: Just a few of them.

BY MR. GRANT:
Q Is Anda'ap one of those Chiefs?
A Guunaxst is one of the Chiefs.
MR. GOLDIE: Is he one of the Plaintiffs?
MR. GRANT: Unnamed.
THE WITNESS: ....which is now Sportsman Lodge is where one of the, where a Chief lived. Guunaxst. The territory of Guunaxst goes up as far as now known as Steelhead camp. Another Chief named Dogoges, his territory goes up as far as....
THE INTERPRETER: I don't know what the English term is for it.

BY MR. GRANT:
Q What is the Gitksan term?
A Naskant'imi'itxwt . Naskant'imi'itxwt goes up to Xsisesatxwt. That is the boundary of the line for the

Wolf Clan.
Q Is Dogoges a Wolf Chief?
A Yes. Q Is Guunaxst a Wolf Chief?
A No, that is Frog.
(In English) Frog up to Sportsman Lodge, right to the mountain and the other side. I used to see Henry Brown was out trapping there when the farm was not there and he farmed first and couldn't go there to say the line.
Q Was Henry Brown related to your husband?
A No, Henry Brown is Frog Clan, son of John Brown. And John Brown Fireweed.
Q As you described last time, your territory is bordered on one side by the Kispiox River and on the other side by the Skeena River -- do you want to just translate that part?
THE INTERPRETER: I'm going to be lost here.
MR. GRANT: Okay.
THE WITNESS: The river is here and Xhliimlaxha holds territory on this side of....(?) and then it goes to the other side.
MR. GRANT: Can you explain to the Witness it is easier if, Martha, if you could explain your answers in Gitksan because it is hard for the Reporter to write down what you're saying and what the Interpreter says.
THE WITNESS: (In English) I'll just get lazy talking.

--- OFF THE RECORD

THE INTERPRETER: I just told her that if she would break her answers into small sentences or whatever, then I can interpret that. Where she's telling it all at one time I'm just lost.
MR. GOLDIE: That's fine.
MR. GRANT: If we can go off the record for a second ----
MR. GOLDIE: No, I want this on the record, anything the Witness said in English, and the only record is what the stenographer has. The video is not the record.
MR. GRANT: The only difficulty, sometimes the Reporter doesn't understand the English but sometimes they don't understand that the Witness is speaking.
MR. GOLDIE: I'm sure Mrs. Harper will stop us if she doesn't catch it.

--- OFF THE RECORD

BY MR. GRANT:
Q What I want to ask you, whether or not Xhliimlaxha holds fishing sites on both sides of the Kispiox River?
A He holds all the fishing sites on Kispiox River.
Q That's on both sides?
A Yes.
Q Does Xhliimlaxha hold fishing sites both sides of the Skeena River?
A They set nets for various spots on the Skeena. There's an area where there's a rock, a painted rock on the Skeena River that is dividing line for Xhliimlaxha on one side and Mary Johnson --
THE INTERPRETER: -- she named --
THE WITNESS: -- and George Williams holds the other side.

BY MR. GRANT:
Q Is there a name in Gitksan for that point?
A It on large doajor(?).
Q Did you show where that rock was?
A (In English) No, we didn't go over there. We didn't go up to Skeena.
THE INTERPRETER: We didn't go up the Skeena, we only went up Kispiox River. It was too cold and we just returned home.

BY MR. GRANT:
Q In Gitksan society who is considered the owner of Xhliimlaxha territory, Xhliimlaxha alone or all the members of the house?
A All the members of the house.
Q Has the territory of Xhliimlaxha in the Kispiox Valley that we have been talking about belonged to Xhliimlaxha since Xhliimlaxha left Temlaham?
That's T-E-M-L-A-H-A-M.
A This is area where they were able to get their supply of food, the easiest area for them, that's why it's their territory.
Q Has it been Xhliimlaxha territory since Xhliimlaxha left Temlaham?
A He's been the ownership there since they've discovered it.
Q You've described how you acquired a northern territory through xsiisxw -- X-S-I-I-S-X-W.
MR. GOLDIE: What does that mean please?
MR. GRANT: I believe that was explained on the last ----
MR. GOLDIE: She's given evidence before but she's now being asked to do it again and I would like an explanation for

that word on the record please.
MR. GRANT: Just one moment.
MR. GOLDIE: Are we referring to the acquisition of property from the Skeena tribe following a murder of a member of the house?
MR. GRANT: Yes, a feast that was described at the last occasion in which the northern territory was acquired by Xhliimlaxha.
MR. GOLDIE: Yes.
MR. GRANT: She described how and when that was acquired.
MR. GOLDIE: Yes. Is the word you're using the word describing the process?
MR. GRANT: The word describing that feast, yes.
The reason I checked my notes, I don't want to ask the Witness if she has already said it. I will reiterate what she has said but I don't want to be in the position of giving evidence if it hasn't been explained. That is why I am checking my notes to see what she said.
Maybe what I'll do is raise it this way.
Q When I say xsiisxw, do you understand that to be a feast or compensation given by one tribe for a wrong that it has done to another tribe?
A Yes.
Q Has Xhliimlaxha ever given away territory as part of a xsiisxw?
A I don't know. Xhliimlaxha is like little mouse, wherever he sits he sits. He doesn't retaliate.
Q So to your knowledge has any territory been given by Xhliimlaxha in the past as compensation?
A No.
Q You have described for us the names of the mountains, the names of the creeks and lakes in your territory, is this part of the responsibility of a Gitksan Chief to know the names in his territory?
A This is -- it is the responsibility of the Chief because when he explains it to his grandchildren they're to go as far as lakes named, rivers, so they don't go over the territory of, whatever they're doing, hunting or fishing.
Q Can you tell us what animals the people of Xhliimlaxha's house hunted in the old days in the spring time?
A Groundhog. Blue grouse.
THE INTERPRETER: Blue grouse? I always get confused between mountain sheep and goat.
THE WITNESS: Sepia(?)

BY MR. GRANT:
Q So mountain sheep is the answer?
A Yes.
Q Did they hunt those in the mountains in your territory?
A Yes. The area is called Wilna'masxw, where they hunt sheep.
Q What animals did your people hunt in the summer months, if any? Or trap in the summer months?
A They do not hunt during the summer, they fish. If there is bear in the way they'll shoot it and eat it.
Q Did your people hunt or trap in the fall months and when did they start doing that and for what animals?
A They don't really go right into hunting in the fall. The women go after what is called ax. Wally Love calls it Indian beans.
MR. GOLDIE: Indian beans.

BY MR. GRANT:
Q Wally Love, that is Gitksan name for what is called Indian beans?
A One of the people that live up the valley.
Q Oh, I see.
A It's just another family that have lived and grown up in the valley. Their father's very small.
THE INTERPRETER: I was just telling her not to get sidetracked.
MR. GOLDIE: Go ahead, that's the best part.
THE INTERPRETER: Or else we'll be here for months.
THE WITNESS: Ever and ever.

BY MR. GRANT:
Q When did the people of your house start hunting beaver? That is, what time of the year did they start hunting beaver or trap beaver?
A They start when the fur is good quality.
Q What time of the year would that be? What months?
A About November.
Q Do you know of people that went to your northern territory, that is the one quite far north to hunt beaver?
A This is why they used to leave about the end of August. They leave at the end of August because up north the hunting season starts early.
Q Who went up there to trap, up north, that you remember?
A Phillip Wilson, George Sexsmith, Percy Sterritt always go up there in the fall.
MR. GOLDIE: There were three names, Phillip Wilson.

MR. GRANT: George Sexsmith. Percy Sterritt.
Q Would they stay up there all winter?
A They usually come back before Christmas.
Q Did they sell the furs that they got from up there?
A Yes, they sell.
Q When they sold those furs would they give you any of the money from the sale of those furs?
A It happened if whoever is hunting is nice person.
Q Did those three men -- Phillip, George and Percy -- did they give you money when they sold furs from your territory?
A They give money to the Chief who holds title name Xhliimlaxha.
Q I believe you said this last time, was it about ten days to go up to that territory from here?
A It takes ten days for six horses who packed the food.
Q Was George Sexsmith Leonard and Walter Sexsmith's father?
THE INTERPRETER: I think it is supposed to be Wallace.
MR. GRANT: I'm sorry.
THE WITNESS: Yes.

BY MR. GRANT:
Q So it was Leonard and Wallace Sexsmith's father?
A Yes.
THE INTERPRETER: Yes.

BY MR. GRANT:
Q Are they in the Dogoges house?
A No, the Xhliimlaxha children is Wally, Leonard, Howard and Sarah. They're my grandchildren.
THE INTERPRETER: There's three boys and one girl.
MR. GRANT: I'm sorry, my question was not quite clear.
Q Was George Sexsmith, their father, in Dogoges' house?
A No. Sister of Edward Sexsmith. Granny.
Q As I understand your answer George's children being in Xhliimlaxha's house, his wife was in Xhliimlaxha's house, is that right?
A Yes.
THE INTERPRETER: His wife from Xhliimlaxha's house.

BY MR. GRANT:
Q George Sexsmith was in Xhliimlaxha's house?
A George Sexsmith belongs to Anda'ap's house.
MR. GRANT: A-N-D-A-'-A-P.
THE WITNESS: George Sexsmith is only one in Xhliimlaxha's house.

BY MR. GRANT:
Q Is that why he could hunt in that territory?
A Yes. Wally and they can go up to the hunting ground providing they go with someone from Xhliimlaxha Clan.
Q What Clan is Wally in?
A Fireweed. Fireweed is Anda'ap.
Q Did you hunt or trap for marten, linx and weasel in your territory?
THE INTERPRETER: I have problems with translating marten, weasel.
MR. GRANT: I believe we will ----
THE INTERPRETER: She knows what they are.
MR. GOLDIE: Ask her what other animals?
THE WITNESS: We set out traps and catch marten --
THE INTERPRETER: -- she forget what the English word for it--
THE WITNESS: -- max(?) is weasel. .... is squirrel.
THE INTERPRETER: Skunk is gen and it stinks.

BY MR. GRANT:
Q How long would you go out when you were out trapping in your territory?
A Takes about two days to set out the traps, sometimes three days we stay out.
Q How old were you when you stopped doing this yourself?
A Right up until I start getting sick.
Q Can you give us any idea how long ago that was?
A The last time I trapped was age 45. That's when my arthritis started.
Q Did other people in your house trap in your territory after you stopped?
A They cannot set out traps any more today because of the trees are all cleaned off and there is no place to set out traps.
Q Did you or the people in your house hunt caribou and grizzly in your territories?
A Sometimes they do. Way over in an area called Miinhllaxmihl, which is home of the grizzlies and caribou.
THE INTERPRETER: I was just checking that.
THE WITNESS: Another home for the porcupines.

BY MR. GRANT:
Q Were there other animals that we haven't described or asked you about that you or other members of your house or other people with your permission hunted for in your territory?

A I don't know, I don't think so.
Q I'm sorry, there was one other animal I meant to ask you about specifically and that is, did your people hunt for moose or deer in the old days in your territory?
A There used to be a lot of deer in the old days, not today.
Q What about ----
A Moose? I forget his name now. I used to shoot three moose myself. It's up the area called Naalaxuuk(?) and my mother didn't believe me I shot three moose.
Q Was this in Xhliimlaxha territory?
A Yes.
Q That was yes?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q Paddy Wesley lives in the Village of Glen Vowell?
A Yes.
MR. GOLDIE: W-E-S-L-E-Y?
MR. GRANT: Yes.
Q Has Paddy Wesley hunted in your territory?
A They have their own territories.
Q Your husband was Joe Brown, is that right?
A Yes.
Q And Joe Brown's sister was Elizabeth Brown? This was one of his sisters, is that right?
A Yes.
Q And Paddy Wesley is the son of Elizabeth Brown?
A Yes.
Q Has Paddy Wesley provided you with moose meat that he killed on your territory this year?
A Yes, he give me moose meat, about ten lbs.
MR. GOLDIE: She has said that he didn't hunt in her territory but you're question implied that he did.
MR. GRANT: I'll clarify that.
Q Do you know where he got this moose that he gave you?
A (In English) I didn't ask him any questions.
Q Do you know if the Fish and Wildlife Branch took away the moose from Paddy Wesley this year?
A Maime mentioned.
MR. GRANT: This is her answer?
THE INTERPRETER: Yes.
THE WITNESS: Maime mentioned that moose was taken from Paddy in the spring of that year, shot by lake.

BY MR. GRANT:
Q When you're referring to Maime, is this Maime Wesley,

wife of Paddy Wesley?
A Yes.
Q Has Paddy Wesley provided you moose meat before this year?
A Every time he gets something he always gives me some.
Q Did you go with your mother or were you present when your mother used to prepare the fish that she would catch on the territory?
A My mother never leaves me behind, always brings me huge piles.
Q Did she prepare and preserve fish that was stacked in huge piles?
A Yes.
Q Did your mother and yourself give some of that fish to Abel Brown's mother, whose name was Alice Brown?
A They bundled them 40 bundle and they give two bundles to....
THE INTERPRETER: Who did you say, Alice Brown's mother?
MR. GRANT: Abel Brown's mother, Alice Brown.
THE INTERPRETER: Two bundles to Abel Brown's mother.
MR. GOLDIE: Who is Alice Brown?
THE WITNESS: Yes.
MR. GOLDIE: Thank you.

BY MR. GRANT:
Q Now, Alice Brown was the daughter of your grandfather, is that right?
A Yes.
Q And that is why you took -- your mother took responsibility for caring for her?
A Yes. This is Indian law, whatever you have you share a portion of it.
Q What was the first species of salmon that your people would fish for in the spring time of the year?
THE INTERPRETER: I keep confusing the Indian names for the seasons. Goyun is spring.
THE WITNESS: Starts with spring salmon. And then steelhead.
MR. GRANT: What did she say with reference to March?
THE INTERPRETER: Last year to March.

BY MR. GRANT:
Q Is that referring to the month of March?
A Yes, last year for March.
Q Is that translated as the month of the spring salmon?
A No, it's steelhead. There's two months high water and they can't fish.
Q I just want to be clear, was the first salmon that you

fished for the spring salmon?
A Yes.
Q And then do you fish for the steelhead?
A In March we go after steelhead under the ice.
Q What species do you fish for in the months of June, July and August?
A What sorts, sockeye, steelhead. Steelhead is the first.
THE INTERPRETER: I am getting tired, you will have to excuse me. spring salmon, I'm sorry, correction on that.
MR. GRANT: She referred to earlier ----
THE INTERPRETER: The first catch is spring salmon. Next sockeye.
You're throwing me, Martha. She's naming months I am not familiar with.

BY MR. GRANT:
Q Milit is steelhead?
A Yes.
Q You fished that -- you say you fished that under the ice? in March?
A Steelhead is year-round. Right now they're running and they'll go to a spot here in the winter where they'll be -- wherever there's deep water, that's where they're at. There's a place called Wiluuskeexwt mother used to fish about 500.
Q Was that for 500 fish?
A Yes, they fish with net under the ice. Yes. We never....
THE INTERPRETER: I just clarified what she meant by Gordon and she said they never passed by without Abel's....
Okay, I'll try again. They never passed by inviting Abel, Alice, the whole family when they go to this -- when they go up to this place called Wiluuskeexwt.

BY MR. GRANT:
Q You're referring to Abel and Alice Brown, is that right?
A Peter Brown is husband.
Q Did you fish for coho in the summer months?
A The fish is mixed with sockeye.
MR. GOLDIE: What was that answer please?
THE WITNESS: They're using nets, they fish for coho and it is often mixed with sockeye.

BY MR. GRANT:
Q Did you fish for dog salmon?
A We're lazy with dog salmon. My mother used to fish for

it up in Kispiox way.
Q Is it fished for today?
A The white people don't want people to fish up along with Kispiox and no one goes after dog salmon there anymore.
Q Did you fish for pink salmon?
A I haven't seen what pink salmon look like for about 30 years.
THE INTERPRETER: Yes, 30 years.

BY MR. GRANT:
Q But 30 years ago did your family and the people in your house fish for pink salmon?
A Yes.
Q In the old days did you fish a lot for the dog salmon?
A Yes.
Q Aside from the pink salmon, which you say you haven't seen for 30 years, do the people fish for the other species of salmon that we have talked about today?
A Yes, they do, with sockeye and spring salmon.
Q Do they still fish for steelhead and coho?
A Yes.
Q Do they still fish for dog salmon?
A White people go after dog salmon.
MR. GRANT: I want to adjourn now for -- how are you feeling?
THE WITNESS: (In English) I feel tired and want to to go bed and sleep.
MR. GRANT: If we come back at two o'clock would that give you enough time to rest?
THE WITNESS: Yes.
MR. GRANT: This can be off the record.

--- OFF THE RECORD DISCUSSION

--- RECESSED FOR LUNCH AT 12.20 p.m.

--- UPON RESUMING AT 2.10 p.m.

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go on the record then.

BY MR. GRANT:
Q I would like to clarify something with respect to seating at the feasts and that is: is it correct in the old days the person who inherited the Chief's name would sit in front of the Chief at the feast?
THE INTERPRETER: Re-read that question please?

MR. GOLDIE: Before you go on, Mrs. Brown was questioned on this extensively. It is on the first tape, about three-quarters of the way through, and she answered that quite extensively, when you were young what was the seating, and she gave the names of the people who sat in front, and it went on for a considerable period of time.

MR. GRANT: I am not getting into any of that. All I am asking, whether the person who inherited the Chief's name sat where they sat in relation to the Chief whom they were sitting with.

MR. GOLDIE: You asked that almost identical question the first day you examined Mrs. Brown. Is there something different that you wish to get at? If so, why not summarize the evidence that she gave?

BY MR. GRANT:

Q In the old days the persons who would inherit the name would sit in front of the Chiefs, is that correct?

A It was quite different in the real old days. The Chief sits and there's two sit on either side. Further down there's about three spaces down with about....there's about four chairs and one on either side and down in front, and about the third chair if anything happens to the Chief the third person just moves up and moves in the position of the Chief.

Q I asked you earlier about the crests and your blanket and I understand that you do not have a blanket now?

MR. GOLDIE: She's having one made, she gave evidence on that too. Clara Harris.

MR. GRANT: I won't pursue that point.

Q When I asked you before -- I asked you about the name of Xhliimlaxha, since I've asked you that can you now recall what Xhliimlaxha means in English?

A I don't know, I forgot.

MR. GOLDIE: Do you want to lead her?

MR. GRANT: Yes, I would like to lead her.

THE WITNESS: That is what it means, Xhliimlaxha walks across the sky.

THE INTERPRETER: I think that's what it is.

MR. GRANT: In light of the answer I don t think I'll lead at this stage.

Q This morning I was asking you about the fish and the animals that you harvested or took from the land, did you take berries from your territory in the old days?

A Every year we go and pick berries up the Kispiox, and since the farmers moved in we've never gone up.

Q Is there a name for the place where you picked the

berries?
A It's Xsaxwtsihl'niit'in.
MR. GRANT: JUSt off the record for a moment.

--- OFF THE RECORD DISCUSSION

BY MR. GRANT:
Q What berries did you take from there?
A Blueberries.
Q Any other kinds of berries?
A They pick high bush cranberries.
THE INTERPRETER: And translation to the....Indian apples.
MR. GRANT: Do we have Gitksan word? What is the Indian word for this?
THE INTERPRETER: T'imi'it.

BY MR. GRANT:
Q Are there any other berries that you picked?
THE INTERPRETER: Small cranberries.

BY MR. GRANT:
Q Yes?
A They can get huckleberries by the mountain named Wilna'masxw.
Q Did you pick soap berries?
A We picked soap berries.
Q Are all the places where you picked these berries in your territory?
A Xhliimlaxha's territory's where we picked cranberries, Indian applies and marsh cranberries.
Q Did you burn part of your territory so that the berries would grow there?
A That's what they used to do in the old days. Whenever there's not a good crop of berries on one side of the river grandfather used to burn and it's the same on the other side of the river. If there's a poor crop they will burn and just move over, to and fro.
Q When you refer to your grandfather here you're referring to Paul Xhliimlaxha, is that right?
A Yes.
Q How often would you burn one part of the valley up the river? How much of a period of time before you would go and burn the other side?
A They go by the crop of the berry patch. If you don't see your footprints amongst the berries.
THE INTERPRETER: That's it. THE WITNESS: One year James Woods and Ellen Woods come with us

when we went picking berries.
THE INTERPRETER: Do we continue with this?
MR. GRANT: Go ahead.
THE WITNESS: There's lots of good crop of blueberries, then it was blueberries, then it was blueberry bushes were just loaded. That is when James Woods remarked, people used to sneak into the area, name Amelia and he thought he saw footprints of the bear and thought that it was Amelia's footprints. That is what he called Amelia, the bear.

BY MR. GRANT:
Q What was Amelia's last name?
A Angus.
Q Do you remember your grandfather burning the territory so that berries would grow, in your lifetime?
A I remember when my grandfather burned the area at Luuminxsa'anseegit.
And how ----
THE INTERPRETER: She's not finished with the answer.
MR. GRANT: Sorry.
THE WITNESS: Pretty well burned the area every two years because this is their livelihood where they pick their berry crop. The berries is used for feasts, that is why they take care of the patch.
MR. GRANT: Yes.
Q Do you remember -- who was the last person that you remember burning part of the territory so the berries would grow?
A Paul Xhliimlaxha.
Q Do you remember how old you were when he did that the last time?
A I don't know. About four or five.
Q You have described a large number of berries that were harvested or taken in the old days, do you harvest all of those berries today?
A Absolutely no.
Q Which ones do you not harvest today?
A Both sides there's -- two big marsh cranberries, we're not able to go by the lake because of "No Trespassing" sign.
Q Who put those signs up?
A White people.
Q Do you still harvest blueberries?
A There's absolutely no blueberries there now. The farmers are all up there.
Q You're referring to "up there" which I'll assume is

upriver but this is your territory in the Kispiox Valley you're talking about?
THE INTERPRETER: This side of the river.
THE WITNESS: Where they're farming now.

BY MR. GRANT:
Q Is that the Gitksan name for it?
THE INTERPRETER: Yes. Where the Campbell's live, I don't know what that creek is.
THE WITNESS: That is the name of the creek, Tsihl'niit'in.
Q Was this creek shown to Marvin George when he went up there with you?
A I just pointed it out from across the river because we were on the other side.
Q I see. I asked you what berries you do not pick now, maybe it's easier to ask you which of the berries you picked in the old days you can still pick on your territory now, if any?
A I told you before there was absolutely nothing. At one time we were able to go where mom's house used to be and today there's a fence across and big sign "No Trespassing".
Q Before the white people came did your -- you or your grandparents trade fish, berries and furs with other Indian people?
MR. GOLDIE: Does she have any knowledge of what went on before the white people came?
MR. GRANT: I think that ----
THE WITNESS: They don't trade them, usually just give, whoever needs it they give it to them.
THE INTERPRETER: Can I ask a question? When you mean other Indians do you mean this area or another area?
MR. GRANT: I'll clarify that.
Q Did your grandparents -- I'm basing it on what you were told or things you remember -- did your grandparents trade in the early days with other Indian people that were not Gitksan, such as the Nisga?
A All I can remember is that my parents used to trade with ooligan, with soap berries, with the Nisga the herring eggs they trade with, there's no money then.
Q What did they give for the herring eggs?
A Soap berries. Dried berries. They cut up dry berries to serve and that is what they trade with. It's same with dried soap berries, they're chopped up in different -- in certain sizes.
Q Would they be -- would they come out like hard blocks?
A You talk too much Peter! It's difficult for me to

explain how it's done but when they dry berries they pour the berries on a rock and the berries are not hard. We come along and we tear pieces off, eat it and run away.

Q Did your parents or grandparents trade furs with the Nisga or other Indian people that were not Gitksan?

A No, just ground hogs, they do a long time ago. Dried moose hide they trade with the Nisga for ooligan.

MR. GOLDIE: Is this what she was told?

THE WITNESS: It is easy to fix a moose hide. They soften them up.

MR. GOLDIE: I would like to know -- I would like to know whether ----

MR. GRANT: I have a note. I will ask her. I just want her to finish her answer.

MR. GOLDIE: I thought she had.

BY MR. GRANT:

Q Did you see this trade for ground hog of moose hide yourself or is this what you were told by your grandparents happened before your time?

A I saw my mother trade with the ground hog. They sewed them together and make a big blanket. They showed how, whoever trades with moose hide how to fix moccasins.

Q Did your parents or grandparents trade with the Wet'suwet'en?

A The Hagwilgate or Wet'suwet'en people know how to make moose hide.

Q Yes?

A And a lot of times they come with the moose hide to trade with fish.

Q So, as I understand, you would give them fish and they would give you moose hide?

A Yes. They come and they say how much moose hide costs, and then they would pile the fish, just ten fish to a dollar.

Q To your knowledge did your family, your parents or grandparents, trade with other Indian groups, such as the Stikine people?

A It's too far.

Q Did they trade with the Haisla?

A Maybe in different areas they do, those that are close enough to trade with the sea food.

MR. GRANT: We'll go off the record for a moment so the tape can be changed.

--- OFF THE RECORD DISCUSSION

MR. GRANT: With respect to the answer to the last question, when I referred to Haisla you understood that as the Haida people on the Queen Charlottes?
THE INTERPRETER: Right.
MR. GRANT: And her answer referred to the Haida people? You asked her if they traded with the people, is that right? I'm asking the Interpreter.
THE INTERPRETER: I don't think. I am totally lost, I'm upset now.
MR. GRANT: Mrs. Sampson, I am asking you a question, you don't have to ask the Witness. When you asked the last question to her just before the break, you asked if she was trading with the Haida, that is what you thought I was referring to?
THE INTERPRETER: Right.

BY MR. GRANT:
Q Mrs. Brown, did your parents or grandparents or other people from the Xhliimlaxha people trade with the Kitimat people?
A I don't know. When they're down the coastal area, when they're trading I never really stick my nose into it. My mother is trading berries and soap berries.
Q Did you go up on trips with your stepfather to the Nisga territory where he was trading? When he was trading?
A They do most of the trading down by the coast when they were working with the canneries.
Q Do you have relatives among the Nisga people that are related to Xhliimlaxha?
A There was a lot then, they've all passed away and the children today, I don't know.
Q Was there any particular members of your family who did most of the trading for your family? For Xhliimlaxha?
A No.
Q You indicated that ten fish were worth a dollar, how many fish did your people trade with the Carrier for one moose skin?
A They charged $7 for one moose hide.
MR. GOLDIE: It's gone up a bit?

BY MR. GRANT:
Q Do you still trade with the Carrier? In other words do you still provide them -- provide fish to them and you buy other articles?
A No.
Q Is there any reason why you have stopped trading with the Carrier?

A They don't -- they really don't seem to agree to trade anymore because of the food fishing down the coast.
MR. GOLDIE: Because of the what?
MR. GRANT: Food fishing.
Q I would like to ask you some questions about what you have been told about the first white man that came and that your family had contact with?
THE INTERPRETER: Wait, I haven't finished.
THE WITNESS: My grandfather was the first to see one who came out up in the Kispiox valley.

BY MR. GRANT:
Q Was your grandfather Billy Williams?
THE INTERPRETER: That is her in-law, Billy Williams.
MR. GRANT: What was her grandfather's name?
THE WITNESS: My father's brother is the man of Gahlan.

BY MR. GRANT:
Q What was the name of your father's brother?
A Gutgwinuxs.
Q Would it be correct to say that he did not have an English name because this was before the white man was here?
A Maybe it was his given name was Billy Williams. They only saw one white man long ago. After a while when I was small and then there was -- then came another one to Kispiox named Mr. Thomson.
MR. GOLDIE: Tomlinson.

BY MR. GRANT:
Q Tomlinson?
A That is how the old people referred to it, as Mr. Thomson.
Q Before we talk about the second man I would like to ask you, did your grandmother tell you what direction this white man came from?
A He came over by, somewhere by Bear Lake, come up to the other side of Kisgagas, and I don't know how he crossed, why he came to a lake called T'amgWihlaltxwt, then came to Kispiox.
Q Do you know the name the white man have given to that name called T'amgwihlaltxwt?
The last lake that she referred to?
THE INTERPRETER: What did you say?
MR. GRANT: The first white name for that lake, T'amgwihlaltxwt?
THE WITNESS: That is Marty Allen Lake now.
MR. GOLDIE: Heard that name before.

BY MR. GRANT:
Q Now, Mary Sexsmith was your grandmother, is that correct?
A Yes.
Q Was she alive when this first white man came from the direction of Bear Lake?
A Before she was born, my grandmother.
THE INTERPRETER: Before she was born.
MR. GRANT: Okay.
MR. GOLDIE: Excuse me, is the answer then that the white man came before Mary Sexsmith was born?
THE WITNESS: Before she was born and while he was there when she was born.
THE INTERPRETER: And I was clarifying, like she said, Na'a, and I asked if that was Mary Sexsmith, yes, and I refer to her as Na'a, whereas it is Grannie.
MR. GRANT: I'm just going to ask you if she has already answered this and you can just clarify, was her answer -- the Witness's answer that Mary Sexsmith was born while the white man came?
THE WITNESS: Yes.
MR. GRANT: Okay.
Q Did Mary Sexsmith die when you were about 12 years old?
A About 14.
MR. GOLDIE: That is Grannie?
MR. GRANT: This is Mary Sexsmith.
MR. GOLDIE: That is Grannie?
THE WITNESS: Yes.

--- OFF THE RECORD

BY MR. GRANT:
Q Were you told that -- this is the first white man, did he come with a bag of blue stones?
A Yes.
Q Did he soak these stones and put them in people's eyes?
A That's when it starts, the people's eyes were all red, all of them. That is what he used, the blue stone.
MR. GRANT: Possibly we can just -- would you like to take a ten minute break and rest now?
THE WITNESS: Okay.
MR. GRANT: Go off the record

--- SHORT RECESS

--- OFF THE RECORD DISCUSSION

MR. GRANT: Go on the record then.

Q At the break, Mr. Plant questioned whether your reference to your grandfather and your father's brother was the same person. I understand from our clarification of this during the break that Gutgwinuxs was your father's brother and that he was the person who saw the first white man, is that correct?

A Yes.

Q He's also the person who you earlier referred to as you grandfather, is that correct?

A Yes.

Q You talked about Mr. Thomson as the old people talked about him, did you know of a another white man who came up the Skeena River and stopped at Skeena Crossing soon after this first white man?

A I forget the man's name. He came up by canoe, up the Skeena River. He came up the Skeena crossing. He came upon some people who are fishing, three fish was already hanging when the man appeared. And he said that's -- there was language the white people used to Indian people, it's called chinoogim. This man came to the old people's home. He came up to them and said "Skoogum Chuck" meaning river is high. That was said long ago and the man's name was La'anjok. Yes brother, yes brother, that is my name. He thought that white person knew his name and was really happy.

The lady of the house cooked, make bread, she took down half smoked fish and cleaned her pots out and cooked it. When she was ready to bring out berries she went to corner where she had box, which was drunk to the old people. She brought out big glass which was pee pot and they didn't know it was pee pot. She cleaned it out and put berries in there to serve as desert for the guests. The white person didn't say anything about she served it in, he just went ahead and ate and all the old people were really happy. The white person left them and the old man was really happy, the white man knew his name, La'anjok.

Q Was this the second white man that had come into the area as far as you know, or as far as what your grandmother told you?

A Yes.

Q Were you also told by your grandmother about the measles epidemic before you were born?

A It happens in Kispiox, yes, it happened in Kispiox. There were many people who died of the measle. One lady

found out and went to get some -- there was a variety of trees that she took some pus off, fir, and hemlock, balsalm, jackpine.

THE INTERPRETER: I'm lost with all the translations for the different trees but she said whatever she knew they used as medicine, she took the pus from these trees.

MR. GRANT: Can you if you cannot translate what it is, if it is a tree you could explain it as a tree and give the Gitksan word for that?

THE INTERPRETER? Okay.

MR. GRANT: Go on.

THE WITNESS: Skaniist, hoo'oxs and Seeks is tree. There's a variety of soap berry bushes, she took the tips off and put it all in a pot. She boiled it for about three hours. Then she put it and strained it and poured it in another pot.

Then there was one who was sick of the measles wanted a drink. Then pot was cold and the man took it and drank it, and because it was cold the measles was just all go out. This was a way they had to control measles. They went around and gave this ice-cold drink, otherwise Kispiox people would have all died.

BY MR. GRANT:

Q Did this woman who made this medicine or this drink, did she make it to give to people with measles as a cure?

A Yes.

Q You have talked about a number of trees that she used, did she used the bark of those trees or the liquid from the trees or the leaves? What part of the trees did you use?

A Just pus, if she is unable to get the bark. If you have T.B. you can get bark from all the trees and boil it together. Two or three months, if you take it, you will be cured of T.B.

Q This measles epidemic you talk about, it happened in the time of your grandmother before you were born?

A Yes.

Q Was Ted Campbell the first white man to settle in the Kispiox Valley, in your territory?

A Yes.

Q Can you tell us who settled there, who else settled in the valley then?

A Old Clementson, Paddy Seen, George Barns. There's quite a few but I forgot the names of the others.

A Did your grandfather try to throw Ted campbell or these other people out of the valley?

A No.
Q Can you explain why they let the white people move into Xhliimlaxha territory in those days?
MR. GOLDIE: Did this occur when she had personal knowledge of it?

BY MR. GRANT: Q Did Ted campbell move into the valley in your lifetime?
A I was about 12 years old when they arrived.
Q Before that time no white man lived in the Kispiox Valley?
A There was only one man, he was nice man, Clementson, but the land he lived on was small area.
Q Did he move there after you were born?
A Yes.
Q What I was asking you earlier, why did Paul Xhliimlaxha or the other Chiefs not try to stop these people from moving into the Kispiox Valley?
A I don't really know why they didn't stop the white people moving in. They want to be good friends with them.
Q Did your grandfather, your grandparents or your mother help Ted campbell when he first moved out here?
A My mother helping them a lot when they first came.
Q What did she do to help them?
A Gave them fish. She was one of the ones who used to collect the dog salmon, the white people liked dog salmon.
Q What else did she do to help them?
A That's what they do whenever hard times with the Campbells, mother used to help them with bread because of the children, there's a lot of children.
Q Did your mother live up in that area at that time?
A We just moved back and forth.
Q When you say back and forth ----
A In the fall they move up there and then they come back.
Q That was between your house here at the end of the village and the valley, is that right?
A We do the same here, we move here and then move to Kispiox before Christmas and in the same way move up to Kispiox valley.
Q Did a fellow named Wookey -- W-0-0-K-E-Y -- I Believe, move into the valley after Mr. campbell?
A Yes.
Q Did your mother talk to him about -- did your grandmother talk to him about trapping, and what did she tell him about trapping?

A They wouldn't allow them to trap. They wouldn't allow the white people to trap at the trap lines.
Q Do you remember a time when your parents or grandparents. Were told that they had to register trap lines, by the Government?
MR. PLANT: Repeat that question?
MR. GRANT: Okay.
MR. PLANT: I guess she understood it.
THE WITNESS: I forget the year when the white people came to say as far as registering trap lines.

BY MR. GRANT:
Q But do you remember that happening?
A Yes, just Walter Lats(?) answered. Bobby died or a Chief and the registry broken up. He didn't want to register the land, that is why he said that.
MR. GRANT: Could you go back, I would just like to go back on the answer. Could you read back that answer?
(REPORTER READ BACK LAST ANSWER)
MR. GRANT: Your last answer has confused not only me but the other Amxsuwa here.
Q You said that you remembered when this happened, now, did Walter Lats agree or oppose the Government's plan to register?
A He opposed, that is why he said what he said.
MR. GOLDIE: What was it that he said?
MR. GRANT: Just give me a chance, Mr. Goldie.
Q Can you explain again what he said in opposing?
A You know, when a person dies you bring out your wealth to pay, who takes care of burial. Walter Lats explained that this is his registry as far as the expense of the funeral goes.
Q Is there anything else that you said that Walter Lats said?
A All the old people didn't agree on registering the land.
Q Did people from the Government come to meet the people to talk about registering the land?
A I forget, they send, whether it is Richard Morrison. He was acting as policeman on Kispiox.
MR. GOLDIE: He was a policeman?

BY MR. GRANT:
Q He was acting as a policeman in Kispiox?
A He was walking around in Kispiox talking about this registry, and every time he goes into the house they would just refuse him.
MR. GOLDIE: Is this on trap lines?

BY MR. GRANT:
Q Was there a paper sent out asking people to register the trap line and pay $25 to register them?
A No.
Q Did Richard Morrison or anyone on behalf of the Government explain why they wanted the trap lines registered to the people?
A No.
Q Do you remember an incident where your grandfather was shot at by a white man in the valley?
A I remember my mother used to tell me. I showed shoes when were up the Kispiox Valley way Imborden. He was very old man. They were out hunting grouse when it happened.
MR. GOLDIE: Borden, a place or a man's name?
MR. PRELYPCHAN: The place.
MR GRANT: Imborden.
MR. GOLDIE: That is white man's name?
MR. GRANT: That is phonetic spelling.
MR. GOLDIE: This was out grouse hunting?

BY MR. GRANT:
Q Did your grandmother tell you what happened when your grandfather was shot at?
A The old man tried to put my father in jail. I don't know how long my mom and dad ran away. They moved out the place called, well, where they hid.
MR. PLANT: Who moved out?
MR. GRANT: Just a second, I'm going to come back to this. I am not sure the Witness -- I want to be sure we are talking about the same incident here.
Q In Imborden it was your grandfather that was shot, is that correct?
THE INTERPRETER: No, her dad.

BY MR. GRANT:
Q Was it after he shot at your father that he tried to have your father put in jail?
A Yes.
Q Is that when your father and mother went and hid out?
A Yes.
MR. GOLDIE: Was this before she was born?

BY MR. GRANT:
Q Did this happen before you were alive?
A When I was small.
THE INTERPRETER: About two years old she say.

MR. GRANT: I'm sorry, Interpreter, Martha was two years old at the time this happened?
THE INTERPRETER: Yes, she said I was small, maybe about two years old.

BY MR. GRANT:
Q Did this all happen in Xhliimlaxha's territory?
A Yes.
Q Is there "No Trespassing" signs at the place where this happened now?
A It's been a while. The old man died some time ago, I don't know who lives there now but still they won't allow Native people or Indian people to go up in there, like, for instance, when we want to go up to pick cranberries, marsh berries.
Q Marsh cranberries? You described the same cranberries before?
THE INTERPRETER: It's marsh cranberries. They couldn't go in and pick that.

BY MR. GRANT:
Q When was that that you tried to go up there and weren't able to get in? How long ago?
A There was a big sign that we saw. Picking cranberries all the time. On top of a place called Xsimiinhlaskiit.

--- OFF THE RECORD

BY MR. GRANT:
Q You described earlier this morning that you fished under the ice or your mother did?
A I'm too tired, I want to sleep.
Q I was going to ask you this one question and then say let's stop. Okay?
Did white people fish with you when you fished under the ice?
A We play with Eric Jensee while we were fishing under the ice. You ask Eric how long we played with him on the ice.
MR. GRANT: Okay.
THE INTERPRETER: She was just asking me how many of his family died.
MR. GRANT: We'll go off the record now. We are going to adjourn this over until tomorrow morning. That was going to be my last question before you said you were tired.

--- OFF THE RECORD DISCUSSION

--- EXAMINATION ADJOURNED AT 4.00 p.m. UNTIL TOMORROW

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

Veronica Harper (Ms)
Official Court Reporter,
B.C.S.R.A. #263

FRANCES SAMPSON,
Gitksan Interpreter,
Previously Sworn

MARTHA BROWN, a Witness called on behalf of the Plaintiffs, previously sworn, testifies as follows:

--- UPON RESUMING AT 10.10 a.m., ON THURSDAY, 31 OCTOBER, 1985

MR. GRANT: On the record. This is a continuation of the Examination adjourned yesterday afternoon at 4.00 p.m., and the Witness and the Interpreter are still both under oath. Mr. Goldie and Mr. Plant and I believe Mr. Prelypchan as well are here for the Crown.

EXAMINATION IN CHIEF BY MR. GRANT (CONTINUED)

Q Yesterday I was asking you about trade and we referred to trade with the Nisga; do you recall a trip that you made up to the Nass with Walter Gale, your stepfather, in 1924?

MR.GOLDIE: She gave evidence on that.

BY MR. GRANT:

Q You referred to this yesterday, was Walter Gale trading for ooligan grease for a particular purpose when he went up there?

A He was sent by the Clan. There was a lot of Clan members in the Nass. In Kincolith. There was a sister who lived there, and the mother was still alive, very old, about my age, and they would just help her around at the camp where they prepare the ooligans. They had heard that he, Walter, is going to set up a totem pole. This is why she had called him....

--- OFF THE RECORD DISCUSSION IN GITSKAN

THE WITNESS: They went down there to help prepare the ooligan grease. We were there for some time, over a month. We had to prepare by cutting wood and we used a saw about 12 foot long.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: I know some people there and I could hardly see

the fellow who I sawed wood with because of the size of the logs. I could just barely see the top of his head on the other side. We cut wood for about two weeks. We waited around for a while and then the Nisga people started hustling about and cut holes in the ice saying that ooligan run is starting. I thought they were only going to catch a few, the net they used is about 50 feet long. It looked like a sack. It was quite a sight to watch. They put the net under the ice and there was around....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: They use a round....
THE INTERPRETER: I don't know.
MR. GRANT: How did she describe it as being used for?
THE INTERPRETER: Okay, it is a pole that is formed into a round shape, they call that Maxt'e'e, and that's where the net; is anchored to and let into the ice. They have their own special sticks.
I think they are not really sticks, poles I guess.
THE WITNESS: They have their own special poles that is set up and these sticks, the net is set up so that the sticks would hook onto the net to be able to push it under the ice, and there was a special thing that they had up on top.
THE INTERPRETER: But she couldn't remember what they called it.
THE WITNESS: I can't remember what they called these two poles but there is two, one on either side, and that's what they used with the net where it just sits in the river.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: After about ten minutes they go....
THE INTERPRETER: Down the river?
THE WITNESS: (In English) Yes.
They went aways down the river and set up another hole. It's a way to bring up the net. They sawed a hole in the ice and with these two poles they shook the net and were able to bring the net back up.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: They brought the net up and emptied it. They weren't at it for two hours when the ice caved and they had to leave and the ooligans were just squirming all over the ice where they emptied their nets.

We ran with boxes and just sweeped the ooligans in there and hauling them by sleigh. We worked for a while before we finally got it done. They left it sitting for about four days and then they put water on it and then they started putting it in big pot.

The bottom of the pot is made of steel, fairly thick.

THE INTERPRETER: Two or three inches I guess.

THE WITNESS: Two inches, and they built a fire under it. We were just playing while working with other Nisga kids. We take turns climbing up where the water is pumped. They created water troughs and it is moveable and can be set from one pot to the other to pump the water in. When the boss hollers we stop pumping. They work for the whole day.

---OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: It took them the whole day, and the ooligans sunk to the bottom and they dipped the ooligan grease off the top of the pots, they got 100 cans from it.

After we were finished we were going home and one Chief died. I forgot his name. They wouldn't let us come home. They didn't let us come home and it was about Easter time when the funeral was going to be and a group, Gospel troup people from Queen Charlotte Islands. A group of Haidas come up, I believe from Queen Charlotte Island. There was church service at first, when they first arrived and the funeral was the next day. I can't remember the man, the Chief's name.

BY MR. GRANT:

Q Was he a Nisga Chief or Gitksan Chief?

A Nisga Chief.

Q What month of the year or what time of the year did these events all happen when you went up there?

A I think it was April, that is why it was Easter time.

Q Are you finished your description or do you want to go on?

A When they held their feast I was really amazed. They gathered in feast hall, people were seated and there was a large number of people seated. The children had their own separate tables where they sat, all the children. Everybody ate and when they chose the next Chief in line it was....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: It was a lady who may still be alive today. She walks with a limp and probably Don knows her also. She's quite old now.

When everybody left everybody had their own bag and on the way out there is two lineups on either side and as you're walking out you open your bag from left to right, on the way out, and by the time you come to the end of the line your bag is full. Their feast is different. It really amazed me. The Chief, the person who took the Chief's name didn't spend any money. There was a box....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE INTERPRETER: Oh, I see, okay.
THE WITNESS: The casket where the person that had died, haircut we call it, presentations were made with a variety of items.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: Pot, suit, money, money of $1,000 were presented by some of the children of the deceased from children of his brothers and from his sisters.

BY MR. GRANT:
Q Is there a Gitksan word for what she referred to as haircut?
THE INTERPRETER: K'otsgesxwt.

BY MR. GRANT:
Q Does that refer to a particular relationship to the deceased?
A The haircut, of the deceased's brothers and sisters, when they present things, that's haircut or K'otsgesxwt. They're doing the haircut but his sister's children, they're under the same Clan as him, the deceased.
THE INTERPRETER: Is that clear enough?

BY MR. GRANT:
Q Are yoU referring to his brothers or his brother's children as doing the haircut?
THE INTERPRETER: Oh, his brother's children.

BY MR. GRANT:
Q Did Gale have an aunt on the Nass?
A It was Gale's aunt, his mother's sister, and she was

quite old. His aunt had a lot of children, both boys and girls. They wept quite a bit when we were ready to come home.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: I still can't remember the Chief that died. We went -- we came home by boat and a lot of people have left by then. To Haseport and Chute but the canneries were not in operation then, Spokeshute and Balmoral.

My mother had to sell some of the ooligan grease and we got home by train. We used the train when we went down.

THE INTERPRETER: That's all.

BY MR. GRANT:

Q You're not hiding under the table on me, are you?

A I tried to hide from you?

Q Some weeks ago when we were doing this you referred to Nisga Chief, Skat'iin; is that the Chief you're talking about?

A Yes.

THE INTERPRETER; Yes, it is him.

THE WITNESS: Their ways is quite amazing. Before they took the casket out they fired machine gun three times.

BY MR. GRANT:

Q I would like to ask you to go back to the area we were talking about yesterday when we adjourned, about the white people coming onto your territory. Do you recall whether your mother gave the white man named Wookey permission to trap in your territory?

A Yes, she did, so they were able to get food for themselves, and they usually gave some to my mother.

When the white people first came they weren't like this today rich, they were hard up in those days.

Q Did your mother help provide clothes to some of the white people that came?

A No, just Ted's children. She made some moccasins for them.

Q Do you recall trying to get cedar near the -- the Campbell Ranch is in the Kispiox territory?

A Yes.

Q Do you recall trying to get cedar from behind the Campbell Ranch to make a house for fall fishing?

A He supplied us with a horse and a carter, two wheeled carter, where they put logs on and drived it.

Campbell was always good. Whenever we did something up there he helped.

MR. GRANT: We'll stop for five minutes for the tape to be changed.

--- OFF THE RECORD

BY MR. GRANT:

Q I am referring to a time when you got cedar behind the Campbell place and you indicated the Campbells would always help you; do you recall an incident, there was another man who chased you away when you were trying to get cedar, and you were with Barney Robinson ------

MR. GOLDIE: Don't suggest the whole answer to her please.

MR. GRANT: I am trying to refer to a specific incident, that is all.

THE WITNESS: It was when we were fishing for steelhead a man who took the house chased us away.

BY MR. GRANT:

Q Was this the house that you lived in that he took?

A Yes.

Q Do you remember his name?

A I named his name and I forgot. That was really funny when he got mad.

Q Who are you referring to, Barney Robinson?

A Peter Barney. He was really angry because the man didn't want us fishing.

Q What did he do or say to the man?

A (In English) You son of a bitch, you get the hell out of here.

He was so mad, he repeated the words because he was so mad and the guy left.

Q Was this up at your fishing site which was near where the Campbell's farm is?

A We start to a place called Wiluuskeexwt on down to Xsaxwtsihl'niit'in. That's what we were doing and he got mad. He suggested that we stop to eat. He cooked the fish in an open fire by giving the whole stick in the fish and rotating it by the fire. It didn't take him long and it was cooked.

MR. GRANT: Is that the end of the answer?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q These two locations you have referred to are fishing sites you have described earlier?

A Yes. We always did that, we fish all the way as far down as Steelhead camp, stealing fish from Dogoges.
THE INTERPRETER: Who are a Chief.

BY MR. GRANT:
Q Now, when you ----
A This has always been the tradition. They've always talked between each other, the Dogoges Chief. They start way up and drift down, down river but nobody just gets up and goes and does any fishing. There's always communication between the two Clans. One of them is Lax Gibuu.
MR. GOLDIE: What is the other?

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE INTERPRETER: I made a mistake. It is one Clan, two different Chiefs.
MR. GRANT: You're saying you, the Interpreter, made a mistake?
THE INTERPRETER: Yes.
MR. GRANT: Off the record -- go ahead.
THE INTERPRETER: It is each Chief has their own fishing hole under Lax Gibuu, which is the Wolf Clan, but there is Communication between them and they can go back as far as any other person's fishing hole and drift down to their own but there is always communication between the two so there is no conflict.
MR. GRANT: For the record, the two Chiefs you are referring to are Xhliimlaxha and Dogoges?
MR. GOLDIE: Yes. Is the second a named Plaintiff in the action?
MR. GRANT: You asked me that yesterday and I can't recall. I don't believe so but I may be wrong.
Q Did you ----
MR. GOLDIE: Excuse me, may I just see if I can follow this down. What is the spelling of the second Chief please?
MR. GRANT: For the record, D-0-G-0-G-E-S.
MR. GOLDIE: Would you look at number 12 and tell me if that is the party being referred to?
MR GRANT: No.
Q Yesterday you told us ----
MR. GOLDIE: Excuse me for just a minute.
MR. GRANT: Do you want to go off the record for a minute?
MR. GOLDIE:- No, I want to make sure I've got the answer to the question I've asked.
All right, go ahead.

BY MR. GRANT:
Q You told us yesterday that the berry grounds, that you cannot pick berries on your territory now; could you describe everything that has happened to the berry grounds in your territory that has prevented you from picking berries in your territory now?
A We cannot go up there anymore because it's all farm land now.
Q What specifically has been done to the berry grounds?
A What did they do? They blowed it up.
Q Are these the white farmers?
A There's no Gitksan --
THE INTERPRETER: Which is Indian --
THE WITNESS: -- living up the valley. It's all white people.

BY MR. GRANT:
Q Did you have berry grounds that you could use in your territory ten years ago?
A We were able to pick some berries at one time at one end of Hobenshield's farm now. It is all fenced around now and there was a sign up "No Trespassing". That is why we don't go there today.
Q Was it fenced and cleared ten years ago?
A The land had been there for some time and in behind where mother's house used to be we were able to pick and today we can't go through there now.
Q And your mother's house used to be near the Hobenshield farm, is that correct?
MR. GOLDIE: Whose farm?
MR. GRANT: Hobenshield's.
MR. GOLDIE: How do you spell that?
MR. GRANT: H-0-B-E-N-S-H-I-E-L-D.
What happened to your mother's house and who did it, if anybody did anything to it?
A They removed the log house. Rusty Gates removed it. He was a cruel man and they just chased him again. I don't know where he took the logs.
Q Do you recall how old you were when that happened?
A After Eva was horn.
THE INTERPRETER: Her daughter.

BY MR. GRANT:
Q That is Eva Sampson you're referring to?
A Yes, Edward.
THE INTERPRETER: Her son.
THE WITNESS: And Eva were big then when dad was swearing.
Q You're referring to Barney Robinson? Or Peter Barney?

A Yes.
Q Do people in your house still fish at your fishing sites in your territory?
A Nobody uses it today since the white man set on, nobody can fish there anymore particularly using bait.
Q This is on the Kispiox River that you're referring to? Nodding affirmatively?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q When did the people in your house last fish on the Kispiox River?
A We used to use fishing rods with Brenda, I forget the year.
Q You're referring there to Brenda Brown, your daughter, is that correct?
A Yes.
Q Did you use to trap on your husband's territory with him?
A Yes, I used to trap there. I used to bet him, bet his wages, what he makes cutting holes to what I make trapping.
Q And your husband belonged to the house of Haaxw -- H-A-A-X-W?
A Yes.
Q And that is the Frog -- in the Frog Clan from Kispiox, is that right?
A Yes, he belonged to Chief of Haaxw.
Q And he trapped part of his territory -- I'll try this -- that's A-N-X-H-L-I-I-G-U-U-'-A?
A Yes.
Q Can you just give us some idea where that is in relation to our location here in Glen Vowell and in relation to your location in the Kispiox?
A It's on the Anxhliiguu'a Road, now known as Salmon River Road. It is beyond Salmon River Road. This side is Kispiox.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: It's on the Salmon River Road now and it's just this side where George Wesley fishing camp is.

BY MR. GRANT:
Q Is there a place for fishing near that trapping territory?
A There was a smoke house there. The smoke house belonged

to an elderly lady, I forgot. Whenever they live there, during the summer, there's lots of spring salmon there. Lottie Muldoe is using the fishing hole. Lottie didn't know there's a lot of gold by the fishing hole.

Q Did you see that gold?

A It's the colour of this chair. Saw it when we were gaffing for trouts under the ice.

Q Did you talk to your husband about it?

A He went down and saw and told me not to tell anyone.

Q Did he tell you why not to tell anyone?

A He didn't want the white people to go after it.

Q Did white people come in there and go after that gold?

A They did during the pole camp business. They just floated some logs and fixed the spout where they shot into the river. When they were shooting the poles into the river one of the poles hit to the bottom and came up with a good sized gold that was stuck on the edge and when they brought poles out of the river somewhere by Terrace Men(?).

Q Is your husband's trapping territory still good to be used for trapping now?

A Maybe it is good today. The white people cleared off all the poles and logs. Probably about 20 years ago but I am not really sure, I haven't gone up there at all.

Q I'm sorry, they cleared off the poles and logs about 20 years ago, is that correct?

A The white people cleaned the trees off.

Q Did you use any minerals for colours, such as red ochre, what is known as red ochre?

THE INTERPRETER: Minerals, I don't know how to translate that into Gitksan.

MR. GRANT: Using any materials from the ground to make paint?

THE WITNESS: There's a place across the river to get the mineral --

THE INTERPRETER: -- I'll refer to it as mineral --

THE WITNESS: -- If I could walk around slowly and take my time I could probably find it. It's at a place called Wildalyip. The reason it's called Wildalyip is if you sound, sort of echo, that is why it is called Wildalyip.

Q What colour was this -- did you use this mineral or material from the ground?

A Red.

Q Is there a name for that material in Gitksan?

A It's called 'Maasxw, red. It's packed before it's used and if you grind it together it turns to powder and you touch it and paint your face. The old people used to

use it during Indian dancing.
Q Did you see it being used in your lifetime?
A I used to see them use it in Kispiox when they have -- what we know today as talent show. They do a lot of things in Kispiox. Then the white man, the Government closed it down. They didn't want people to do it anymore.
Q Do you know if the white people ever mined on your territory? That is dug for minerals?
A I don't know.
Q You've described how on your territory, that is Xhliimlaxha's territory, that white people have farmed, and you have also described that they have logged; is there any other things that you know about that white people have done on your territory that prevented you from ----
MR. GOLDIE: Just ask that one question, what else have they done on your territory?
THE WITNESS: That's what they've done. They've destroyed the berry patches. Even up the mountain the berry patches are destroyed.

BY MR. GRANT:
Q How are they destroyed up the mountain?
A Logging and pole camps.
Q Have they destroyed the trap lines?
A All our traplines and berry patches is all destroyed by the Government.
Q Have they ever come to you, those people that logged or farmed or otherwise destroyed parts of your territory, and paid compensation to your house?
A When you say the white man who come and pay back what he stole.
MR. GOLDIE: I'm sorry, I didn't hear that?
THE INTERPRETER: When you say the white man who come and pay back what he stole.

BY MR. GRANT:
Q I take it from your answer your house has never received compensation, is that correct?
A Nobody has ever come to say anything to me, they've cleaned off the logs, poles. They moved onto the land, built their homes, turned the soil over and destroyed all the berry patches. Nobody came to me for anything.
Q I would like to ask you about some of the laws of your people. I would like to start with the laws relating to killing. Do you know of any circumstances in which a

person, Gitksan person killed another person in their own house?

A Whenever there is any killing done there is usually a reason why they go after each other. Whenever food was stolen from another person this is why sometimes they would kill, according to my Agwiits'iits, my great grandmother.

THE INTERPRETER: Is great grandmother.

MR. GOLDIE: What was that name again please?

THE INTERPRETER: Agwiits'iits.

MR. GRANT: That is the word for great grandmother, is that right, not the name of her great grandmother?

THE INTERPRETER: Yes. Agwiiniiye'e is great grandfather.

BY MR. GRANT:

Q Did your mother or grandmother tell you of a situation where people -- what would happen -- what did happen if a person killed someone in their own house?

A The murderer used to run away and hide out for about a year and then he comes back. When he comes back the Clan hold a feast to pay the bloodshed of the deceased, which is called Xsiisxw.

Q Is this the same if the person killed somebody in another house than his own?

A It's all the same.

Q Did your mother or grandmother tell you the history of the Nisga people coming to Kispiox and killing people from Kispiox?

A A man named John Green was the one that told me.

Q Was he the one that ----

A Grandfather, Alvin Weget's. He was about ten years old. They knew the Nisgas were coming. I don't know how they knew they were coming, maybe a bird told them. That is why they hide out to a place called T'a'ots'ip. That is where a child was born, a moment I mentioned before her name was Selena Sampson. That is where she was born, at the T'a'ots'ip, and she was about 125 when she died.

It was quite a sight even during the hardship, the old people called it the Amgoogidimwilgaxetxw.

THE INTERPRETER: Amazing hard time I guess is how I would translate that.

THE WITNESS: My grandfather was guard for the village of Kispiox, there was a number of them. There's all the Nisga people arrived late at night. They came and they didn't see anybody around and they just started to burn the houses, all of the houses.

MR. GRANT: I'm sorry, can I clarify that -- was it the Nisga that burned the houses?
THE INTERPRETER: Yes.
MR. GRANT: Go ahead.
THE INTERPRETER: I was just clarifying, she's using two terms here, Nisga' and Txemsem, but she said they're the same meaning.
THE WITNESS: The Nisga people may have suspected they were people watching or guarding the village and they were all running around in the dark, and her grandfather by the river....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: There was a place where there was a log drift and there was a big hole under there, and that is where her grandfather was lying down and he could see one of the men jumped on the big log on top of him.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: After the Nisga searched the area and couldn't really find anyone and everything was quiet, silent.
THE INTERPRETER: Her grandfather and the rest of the men all got into a canoe and canoed up to the hiding place called T'a'ots'ip. Because the Nisgas didn't find anybody they headed out up the Skeena River. Then they went upriver and spotted smoke on the place called T'a'ots'ip where all the Kispiox were hiding.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: There was a trail way up above the place where the Nisga came and they came up to a point where they hollered.
(In English) The halayt some people call it Indian doctor.
THE INTERPRETER: She referred to as Indian doctor.
THE WITNESS: And his name was Axtlasxw and he was representing the powers of a grizzly.
He heard them, the Nisgas holler, and he came out of the area where the rocks were piled, what maybe is called forts and told the Nisgas when I come out you can shoot me.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: The Nisgas saw the grizzly bear come out. It was

almost like a spiritual. My grandfather came out with both hands up carrying the two -- it's a rattle in one hand and then another --

THE INTERPRETER: -- what she called a -- something to represent the powers of the grizzly. He had a grizzly skin on his back.

THE WITNESS: The man who told the Nisga to shoot hollered.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: Because of the powers of the grizzly he walked across and while he was being shot at he stopped the bullets and just dropped them at his side.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: When the Nisga got nothing else to use after they used up all their shots they hollered to them ----

MR. GRANT: Sorry, hollered to them?

THE INTERPRETER: The Nisgas hollered to....

MR. GRANT: To the bear?

THE INTERPRETER: To the grizzly.

MR. GRANT: To the grizzly. Go ahead.

THE WITNESS] The Kispiox people that were hiding collected all their shots and another weapon called Katgaiden.

MR. GRANT: Yes?

THE WITNESS: They hollered, the watchman hollered, the Nisgas not to shoot anymore. They loaded up their canoes and took it across to the Nisgas and told them not to shoot at the canoe. If they do they weren't going to help them out, they were bringing them food.

MR. GRANT: The people hiding were bringing the Nisgas food?

THE INTERPRETER: Yes.

THE WITNESS: They took the food over, the Nisgas didn't fire any shots, and the canoes returned back to the hideout and the watchman came out and shouted again, and hid in case he was shot, and grandfather....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: Grandfather who appeared as a grizzly was sitting there laughing. This is the story I was told.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: The Nisga people may have been foolish, they never even saved any shots for to get food.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: When they returned home they were starved, they didn't have anything. Their song was really nice when they were ready to leave.

BY MR. GRANT:
Q Did your grandfather teach you that song?
A Just like monkey, whatever I heard my grandmother always taught me.

--- THE WITNESS SINGS THE SONG

THE WITNESS: When they were leaving they sang the songs they sang and during the song one person usually speaks and a Chief called Stikeen spoke and said that they were turning, returning home, almost an apology to the people.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: Then they retourned home and on the way back the beginning of the place called Katgaiden, where the short cut from the coast to here is, on the way back, on the trail, there were people who starved going back. Dead people who starved.
MR. GOLDIE: That is the Nisga people?
THE INTERPRETER: Nisga people.
THE WITNESS; There was one survivor got back, Aiyansh, who crawled for two days before he got finally got to Aiyansh and that was the end.
MR. GRANT: Is that the end of the answer?
THE INTERPRETER: Yes.
THE WITNESS: Grandfather never -- didn't even want the revenge, he didn't want to go up to the Nass River.

BY MR. GRANT:
Q You have referred to grandfather and to John Green, was John Green your grandmother's brother?
You're nodding affirmatively?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q When you refer to grandfather you're also referring to John Green?
A He is one of my grandfathers, John Green.
Q Did this all happen before the white man came?

A It's way before, probably about 200 years. I don't know where they found --
THE INTERPRETER: -- I'll refer to it as a gun --
THE WITNESS: -- What they used. They used shots --
THE INTERPRETER: I am not really sure what Ts'itixs is, mineral?
THE WITNESS: They stuff it down with stick before they can fire it.
THE INTERPRETER: So they were very busy before they could even fire a shot.

BY MR. GRANT:
Q Would this refer to putting small balls into a gun and then shoving powder down with a stick?
A I never saw them. I was just told.
Q Okay. Now, I just want to be clear because there was a reference here to Nisga -- you were referring to Nisga and you were referring to the people who live on the Nass River, is that right?
The answer is affirmative?
THE INTERPRETER: Yes.

BY MR. GRANT:
Q You also referred to a woman Selena Sampson, did she die after you were born?
A She died, I was about 14 years old when she died and she lived here. My mother used to put some tea and fish and potatoes in a bowl and they would send me to go give it to her. She used to live in little house behind Leonard's house which is presently down there.
MR. GOLDIE: In Glen Vowell?

BY MR. GRANT:
Q You're indicating in the direction of Glen Vowell?
THE INTERPRETER: Yes.
MR. GRANT: That would be Leonard Sexsmith's house, for the record.
THE INTERPRETER: Yes, in behind.
MR. GOLDIE: She died when Mrs. Brown was 14 years old?
THE WITNESS: About 14.
MR. GOLDIE: She was born at the hideout?
THE INTERPRETER: Right.
THE WITNESS: When I arrived at her house she wasn't sick too long-and I called her, "Grannie do you want to eat", and she said "No, I have a headache". She told me to go call my mother and I immediately ran and ran really hard. I told my mother and she immediately told me to

go and get my horse and to tell the others, with old person it doesn't take too long.

I immediately took my horse and throw saddle on and I take off to a place called Ts'itixs where the fishing camp is at, about the month of June.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: By the time the people walked, they walked across the river because they crossed by canoe, by the time we got back she had died. She's buried over at the graveyard here.

BY MR. GRANT:

Q Do you know if she held Gitksan Chief's name and, if so, what it was?

A T'basxw, in the house of Haaxw.

MR. GOLDIE: How is that spelled?

MR. GRANT: H-A-A-X-W.

THE WITNESS: Lunch time? Peter never gets hungry when he starts talking, he's too fat.

MR. GRANT: Go off the record?

MR. GOLDIE: I want to be on the record for a minute. How long do you anticipate you will be?

MR. GRANT: I'm almost completed. I want to look over my notes.

MR. GOLDIE: I would like to point out that nothing in the past series of Examinations dealing with the laws of the people is indicated in the summary that you gave us. I have not objected to that but I would like to point out that your summary was inadequate in that regard.

MR. GRANT: We'll adjourn for the lunch hour and adjourn until 1.30. Go off the record.

--- RECESSED FOR LUNCH AT 12.05 p.m.

--- UPON RESUMING AT 1.30 p.m.

--- OFF THE RECORD DISCUSSION

EXAMINATION IN CHIEF BY MR. GRANT (CONTINUED)

Q This morning you spoke about this history when the Nisga came down; was the name of the Halayt -- H-A-L-A-Y-T -- wore the grizzly skin, Xhleek -- and that's X-H-L-E-E-K for the record.

A Yes.

Q Now, you said that your grandfather did not go back to revenge this raid by the Nisga; did any Gitksan go and revenge this raid?
A There is just like mine once hid they stay hiding, they don't go after, they don't go back for revenge.
Q Did the Nisga put on a xsisxw or settlement feast?
A Nisgas didn't do any settlement, just Stikeen people.
Q You're referring there to the settlement you described earlier in this evidence, is that right?
A Yes.
Q Was there an incident in Kitwanga where a man killed his brother-in-law that you can recall or describe?
A I remember.
Q This would have been the killing of the member of one Clan, killing a member of another Clan?
A Yes.
Q Was there a settlement or xsisxw in that case?
A Yes, they did. They gathered the people and the murderer put a settlement feast up.
Q Who was the person who was the murderer?
A He had impairment in speech and he couldn't really speak properly. His name was Charles Mornson. His Gitksan name was Sasuut. He's from the Frog Clan.
THE INTERPRETER: I'm lost. For the record, there's an error there, Charles Mornson is the person with the impairment of speech but he wasn't the murderer. He was the one that told of the murder that had happened.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: He was running around telling everyone that the ground hog is killing the puppy.
THE INTERPRETER: Week(?) is ground hog -- pardon me -- Gagwiikxw.
THE WITNESS: Sounds like bullet.
THE INTERPRETER: Week is little fish. Bullhead.
MR. GRANT: Yes.
THE WITNESS: Is killing T'a'ot'sip, which is puppy.

BY MR. GRANT:
Q Who was the person who was killed?
A Bullhead. It wasn't clear who was killed because of the - speech impairment. According to Grannie Harris.
Q Who put on the settlement feast?
A The murderer's family or Clan.
Q Can you tell us what house the murderer came from or what Clan?

A It is the Frog Clan, according to Irene.
Q This is Irene Harris you're referring to?
A Yes.
Q Did this happen in your lifetime?
THE INTERPRETER: She's not sure if it was before she was born. She was just told. Irene Harris told her whenever they visited her.

BY MR. GRANT:
Q Do you know what the people that were fighting were fighting over when this murder took place?
A Fishing ground. They were fighting over fishing ground.
Q Before the lunch break when you were talking about the raid of the Nisga, you said that the Kispiox people went to a dowsit(?) Of hiding place; was this like a fortress?
A They must have prepared it, there was about three feet left when I saw it, when my grandfather used to take us there to pick gooseberries.
Q Did you show where this was located to Marvin when you talked to him? To Marvin George?
A We didn't come this side, we went the other way.
MR. GRANT: When you say "this side" she's indicating the Skeena River side with her hand?
THE WITNESS: We went up the Kispiox.

BY MR. GRANT:
Q Is this dowsit on the Skeena River?
A There's the Holiday Farm and further up is....

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: The Holiday Farm and right out in the middle of the Skeena River, there is this path named today as Gagwiikxw. That is where the Gitksan people hiding.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: This is hideout for four people and nobody can get at them there.

BY MR. GRANT:
Q This is the hideout that they used when the Nisga came down?
A Yes, that's when the song I sung earlier.
Q Earlier when you gave evidence a few weeks ago we were talking about Naxnox and I wonder if you could describe

what Naxnox means to the Gitksan?
Or just to finish that, or quite simply what is Naxnox?
MR. GOLDIE: It's a performance, isn't it?
THE WITNESS: All Chief names have their own Naxnox --
THE INTERPRETER: -- and I'll refer to them as charms --
THE WITNESS: -- and each Clan have their own charms, the Frog Clan, Fireweed, and Wolf. These are used at certain occasions, for instance, tomorrow if messenger comes along to invite and I'm in my home when I can pick up one of my charms and meet them with it.

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: This is why all Gitksan people have their own charms. This is what I wouldn't mind seeing. There's never old people around to teach to grandchildren. Today it's almost like saying don't like the way it was in the old days.

BY MR. GRANT:
Q One other question I wanted to ask you, and I asked you earlier, I understand and I believe you gave this evidence before that at the time of a feast when the casket is moved, Limx ooy' ----
MR. GOLDIE: That is mourning song, is it?
MR. GRANT: I'll ask.
Q First, is that, is there a special song for each Chief?
MR. GOLDIE: Before she answered the question I asked you a question, is that a mourning ----
MR. GRANT: I'll get to that. I will ask that. I want to go through my order, if you don't mind.
THE WITNESS: Each house have their own song. Whenever there is trouble they used the song. If there is a death, they use the song, for example, Ivan --
THE INTERPRETER: -- that is her song --
THE WITNESS: If any of his children died and I'm still alive I will sit in front of the casket and sing the song, mourning over them.
MR. GRANT: Just to clarify for the record, you said Ivan, that is her song, you mean Ivan is the Witness' song?
THE INTERPRETER: Ivan is Martha's song.
MR. GRANT: Does that satisfy ----
MR. GOLDIE: I would like to know the English meaning of Limx ooy', what is it?
MR. GRANT: Can you translate? First of all, I'm going to ask the Interpreter first the translation for that word

Limx ooy'. If you can't, I'll re-phrase the question for the Witness.

THE INTERPRETER: In one word, it is many different songs, but it's a song. It could be, just maybe we had better ask her.

MR. GOLDIE: Let Mrs. Sampson do her best, she's the Interpreter.

BY MR. GRANT:

Q Limx ooy' is a song, is that correct?

Q Is it only used for mourning, that is when a person had died, as you have described?

A Yes, a mourning song and just before money goes into the pot of a feast.

Q It is sung then as well?

THE INTERPRETER: Yes.

BY MR. GRANT:

Q Can you perform or do you know your Limx ooy' and, if so, could you sing it for us?

Now, I'm going to give you a break, this is the last question I am going to ask you to answer, and we are going to put a different tape so we will have a five minute break while he changes the tape.

--- OFF THE RECORD

--- OFF THE RECORD DISCUSSION IN GITKSAN

THE INTERPRETER: She will sing.

BY MR. GRANT:

Q The last question I asked you was whether you could sing your Limx ooy'?

--- THE WITNESS SINGS THE SONG

THE INTERPRETER: The Limx ooy' that she sung is Xhliimlaxha and she wasn't quite certain the man's name. Naxnox created a little man out of park and as the song is being sung it walks across in the air, I guess, or in the ceiling or in the sky, and once that little man walks across the other side then the song ends.

MR. GRANT: Martha, thank you for answering these questions and if you will just take a moment, Mr. Goldie will be asking questions now. Off the record for a moment.

--- OFF THE RECORD DISCUSSION

MR. GOLDIE: Mrs. Brown, before I ask you some questions I want to make a statement for the record. As there is no commissioner here to rule on objections I have endeavoured to avoid interruptions or objections based on evidentiary considerations or because questions In Chief were of leading character, but I reserve all rights to object to evidence which is objectionable at the trial.

CROSS-EXAMINATION BY MR. GOLDIE

Q Now, Mrs. Brown, before I get any further, were there words to the song that you just sang?

A That's all it says is....

THE INTERPRETER: You want the English translation to that?

MR. GOLDIE: If you can, Mrs. Sampson.

THE INTERPRETER: Just the song signs that when this little man walks across the sky, that is all it says in the song.

MR. GOLDIE: Thank you.

MR. GRANT: Before you go any further, I just want to note for the record that the position you take with respect to objections will be similar to the position I take to avoid numerous objections on the record, and I reserve the right any objections that come up on the cross-examination, to reserve them until that time.

MR. GOLDIE: They won't be of the same character because I'm permitted to lead in cross-examination.

MR. GRANT: And in certain areas of the Chief you didn't object to my leading in certain areas?

MR. GOLDIE: No, I invited you to do so.

MR. GRANT: Yes.

BY MR. GOLDIE:

Q Mrs. Brown, you told us you were born in 1901?

A Yes.

Q I think you said it was across the river?

A Yes.

Q Was it across the river from Glen vowell?

A (In English) It is across the river over there.

Q Over there?

A Between Hazelton and here.

Q Thank you. What was the name of your mother again please?

A Maggie.

Q Maggie Sexsmith?

A (In English) Yes, used to be Sexsmith before and when they get married to Walter Gale, Maggie Gale they call her.
THE INTERPRETER: I think today's English word is K-A-L-E.
MR. GOLDIE: Thank you.
Q And the name of your father was?
A Jimmy Williams.
Q It was your stepfather who was Walter Gale?
A Yes.
Q Jessie Oldsum was your sister?
A Yes.
Q Your Chief's name is Xhliimlaxha?
A Yes.
Q Can you tell me again when you received that name?
A I forgot how many years since Frank Harris died in Hazelton.
Q The name, the Chief's name came from Frank Harris?
A Because of Jonathon Johnson, Frank Harris held the name Xhliimlaxha.
Q Yes.
A He said that he will help the family because he was wealthy. And Frank never helped us with anything.
Q Frank Harris?
THE INTERPRETER: Yes.

BY MR. GOLDIE:
Q When were you married, Mrs. Brown, do you recall?
A I forget how I was married.
Q Were you married when you went to the Nass River with Walter Gale in 1924?
A No.
Q So it was after that?
A Quite a while after, about four years after.
Q What was the name of your husband, Mrs. Brown?
A John Sampson. .
Q And were you married here at Glen Vowell?
A Yes.
Q Do you belong to an Indian Band?
A Yes, I belong, I'm just like a monkey, just follow.
MR. GOLDIE: Could you repeat that again?
THE INTERPRETER: Yes, I belong to the Band. I'm just like a monkey, I just follow what everybody else does.

BY MR. GOLDIE:
Q What is the name of the Band?
A Salvation Army.
Q The Salvation Army is the denomination of the Church at

Glen Vowell, is that correct?
A Yes.
Q And the Salvation Army was here when you were born, is that correct?
A Yes.
Q Was your husband from this Village of Glen Vowell?
A It was his brother who was here. He lived in Hazelton and he was given the land over here, that is why he came here.
Q He was given land here in Glen Vowell?
THE INTERPRETER: She referred to the land where her older son, Walter Sampson, now has his house.

BY MR. GOLDIE:
Q Was John Sampson a member of Gitksan please?
A No woman married a white man in the old days.
Q What Clan was he a member of?
A Belonged to the House of Frog Clan.
Q What house?
MR. GRANT: She answered that just now.
MR. GOLDIE: Just a second.
THE WITNESS: House of Haaxw.

--- OFF THE RECORD DISCUSSION

MR. GOLDIE: The House of Haaxw and member of the Frog Clan and that was Mrs. Brown's husband, is that correct?
THE INTERPRETER: Repeat that question?
MR. GOLDIE: Mrs. Brown's husband, John Sampson, was a member of the Frog Clan and the House of Haaxw?
THE WITNESS: Yes.
MR. GOLDIE: Thank you.
Q Did you ever live in Hazelton, Mrs. Brown?
A No.
Q Did you ever visit Hazelton or was it too far away?
A When we go to the store we go to Hazelton and it is the same today.
Q Did you go to Hazelton as a little girl?
A We ran around when we were kids and, like now, we run there and watch.
Q Watch the steamers come in, the sternwheel steamers?
THE INTERPRETER: Steamers is boat?

BY MR. GOLDIE:
Q Do you remember the boats at Hazelton?
THE INTERPRETER: No, she doesn't recall. She was just told about it.

BY MR. GOLDIE:
Q Do you remember when the railway came through to New Hazelton?
A Maybe when I was small.

---- OFF THE RECORD DISCUSSION IN GITKSAN

THE WITNESS: The only thing I remembered was the first plane. It was funny looking plane and we ran all the way just to see it.

BY MR. GOLDIE:
Q Could you think about when that was?
THE INTERPRETER: She thinks it is about 1914, in June.

BY MR. GOLDIE:
Q It was an early plane?
A It was a funny looking plane and it was small. The wings were two, there was two wings.
Q Yes?
A And maybe some white man has picture of it because they stuck us all there and took a picture.
Q Do you remember being told how Glen Vowell came about?
A I probably remember. A few people, one Salvation Army, and John Wale went to London. When he came back there was a house just above a place called Ts'im'anxgenkx. They used this building, he took a drum and the flag.
Q This was because some of the people in Kispiox wanted the Salvation Army and came here, is that right?
A No, there was fight. No, there was a fight, there was a big fight. Kispiox ripped up -- broke up the drum and the flag.
Q So they came here, the Salvation Army people?
A After they spoke, John Sampson was acting as policeman to Kispiox and he lived in Hazelton. There was a person called Indian Agent who lived across on a field across here, right across from Glen Vowell.
Q Was that Mr. Loring?
THE INTERPRETER: His name was Mr. Loring.
MR. GRANT: Just for the record, indicating the Skeena River from Glen Vowell.
THE WITNESS: Before they moved out they were in a building and they blocked the doors in this building because the Kispiox were just ready to club all the ones that were with the Salvation Army. They were having Open Air on the streets when the fights started.
In the morning they marched off. They marched with

what was left of their Salvation Army flag, all torn up. It was in the middle of real cold weather in January. They marched down to an area here by a tree called Xseexs.

THE INTERPRETER: Her grandfather told her that this was where they first stopped to live in when they came here.

MR. GRANT: When they came here being Glen Vowell?

THE WITNESS: Yes.

BY MR. GOLDIE:

Q And the tree that you refer to?

THE INTERPRETER: It is a big tree.

BY MR. GOLDIE:

Q Was the big tree on this land of Glen Vowell, is that right?

THE INTERPRETER: Yes.

MR. GOLDIE: Thank you.

THE WITNESS: The surveyor's name was Glen Vowell so he gave his name, that is why we are Glen Vowell.

BY MR. GOLDIE:

Q When did that happen?

A I don't know what year.

Q But it was before you were born then, Mrs. Brown?

A Yes. Maybe people had been living here for a year before I was born.

Q Thank you. Mrs. Brown, when you received your Indian name you told Mr. Grant that there was a feast at that time and that only people from your village attended, but not from Kispiox or Kitwanga; do you remember telling Mr. Grant that?

A There was a lot of people came when we did the feast.

MR. GRANT: I would like to know which name you're referring to because she described getting more than one name.

MR. GOLDIE: The first Indian name. Not Xhliimlaxha, it was White Grouse or Snow or Under the Snow, I forget which.

THE WITNESS: It was when I was small when they left me there it was a feast of Chief Wii'Mugulsxw.

MR. GOLDIE: All right, that's the feast, now the note I made of what she said earlier when she answered Mr. Grant's questions the first day we were here was there were no people there from Kispiox or Kitwanga, and can she tell us why?

THE WITNESS: Now and then it happens when there is a small feast they can put on a name.

BY MR. GOLDIE:
Q Was it always because there was this quarrel in Kispiox which you have described and which resulted in the establishment of the settlement here at Glen Vowell?
A I don't think so.
Q On another matter, Mrs. Brown, you were asked by Mr. Grant why your name Xhliimlaxha was important, and you said your name was really important for your house; how many people are there in your house?
A There is a lot. Some of my grandchildren are in Vancouver. Where is Lilian living?
THE INTERPRETER: Calgary, Alberta.
THE WITNESS: Arlene, son of my grandchildren, Ron, I don't know where they are all living.

BY MR. GOLDIE:
Q And some live here?
A There's a lot over here, yes.
Q When you say over here, here in Glen Vowell?
THE INTERPRETER: Here in Glen Vowell.

BY MR. GOLDIE:
Q How many members of the House of Xhliimlaxha are there in Glen Vowell?
A About half of the village are my grandchildren.
Q How many people are there in the village?
A Oldest daughter Eva about ten and some of them have children.
MR. GOLDIE: If Mrs. Brown does not know the number of the people in the village do you know, Mrs. Sampson? Can you assist here?
THE INTERPRETER: You want this in a number?
MR. GOLDIE: Just round numbers.
MR. GRANT: Just for the record, I object to the Interpreter giving evidence other than the evidence of the language translation.
MR. GOLDIE: All right, I won't pursue that point.
Q Mrs. Brown, if you had the time could you tell us the names of the people in your house at the present time?
THE INTERPRETER: You mean the individual names?
MR. GOLDIE: Yes.
THE WITNESS: No, I can't name them all. I haven't been all that well since I nearly died.

BY MR. GOLDIE:
Q Have you ever known the number of people in the House of Xhliimlaxha, that is the number not the names?

A I think someone knows. David Harris wife, she may know how many, exactly how many people in all the houses. Every time she sees me in town she told me that she knows exactly how many in the house including Chief Wii'Mugulsxw.
Q David Harris wife lives in the Village of Glen Vowell?
A It's her job, she knows of another house in Kitwanga Chief, Axti Hix, she is doing research including mine how many times the Chief name is passed.
Q She has things written down about the house?
A She's doing research on it.
MR. GOLDIE: Mr. Grant, this Examination is being conducted before there is any production of documents. I would like to have produced all of the documents relating to the House of Xhliimlaxha before we conclude this Examination.
MR. GRANT: I've noted your request. I'll reserve on the position depending some of the documents may be privileged.

BY MR. GOLDIE:
Q Mrs. Brown, you know we are here because there is a lawsuit, an action in the courts?
A Yes.
Q You know that you are one of the principal people in the lawsuit, that is you're a Plaintiff?
THE INTERPRETER: How do I do that? Can you repeat that question? I am not familiar with Plaintiff.
MR. GOLDIE: Don't worry about the word Plaintiff.
Q Mrs. Brown, do you know you are one of the principal people in the lawsuit?
A Yes.
Q That is that she or, Mrs. Brown, you are one of the people who started the lawsuit?
A Yes.
Q Now, Mrs. Brown, you are bringing or starting this lawsuit on behalf of the House of Xhliimlaxha, is that right?
A Yes.
MR. GOLDIE: The answer was yes?
THE INTERPRETER: Nodding yes.

BY MR. GOLDIE:
Q How was it decided that the House of Xhliimlaxha would start this lawsuit? Was there a feast? Was there a meeting of the members of Xhliimlaxha or what?
MR. GRANT: Just a moment, I am going to object on the record

because I believe that may involve privilege. I understand what you're getting at but I think the way you framed that question may well involve privilege between solicitor and client.

BY MR. GOLDIE:
Q Well, let Mrs. Brown tell me in her own words how it is that the House of Xhliimlaxha is one of the Plaintiffs or one of the people who started this lawsuit?
THE INTERPRETER: Could you repeat that question?

--- THE REPORTER READ BACK THE LAST QUESTION

THE WITNESS: I'll just tell you one thing, the white people took all of my grandfather's territory. For instance, the berry patch, we have nothing there now.
MR. GOLDIE: Yes, I heard her give earlier evidence on that but my question is:
Q How was it decided that the House of Xhliimlaxha would start this lawsuit?
A All the Chiefs are standing behind Tribal council so that Native people will be able to....so the Native people will be free people.
Q When you say all of the Chiefs ----
THE INTERPRETER: Hereditary Chiefs.

BY MR. GOLDIE:
Q The Hereditary Chiefs, they are the people who started the lawsuit?
A Yes, all the Hereditary Chiefs.
Q Did anybody, Mrs. Brown or anybody else get in touch with the members of the House of Xhliimlaxha and ask them, the members, whether they wanted this lawsuit?
A Everyone of them stood up to back the house.
MR. GOLDIE: When she says everyone of them she's referring to everyone of the Hereditary Chiefs, is that correct?
THE INTERPRETER: No, every....
THE WITNESS: Everyone, not just Xhliimlaxha's House.
MR. GOLDIE: I am still not clear whether she is referring to everyone in the House of Xhliimlaxha or everyone of the Hereditary Chiefs?
THE INTERPRETER: Everyone including in her own house, family member.
THE WITNESS: Gertie Morrison told me to go ahead even if we just get a portion of the territory back so our children will be there.
MR. GOLDIE: Thank you.

Q The Tribal Council that Mrs. Brown referred to is what please?
A Tribal Council is Neil Sterritt. There's a lot of them I don't know the names, I'm sorry.
MR. GOLDIE: Would she like to take a break?
THE WITNESS: Yes.
MR. GOLDIE: All right.

--- SHORT RECESS

BY MR. GOLDIE:
Q Are we ready now?
A So we can finish. My head is ready to break.
THE INTERPRETER: She had a headache.
MR. GOLDIE: Suppose I leave that for a minute.

BY MR. GOLDIE:
Q Mrs. Brown, you have told me that what you want as a result of this action is so that you can get some portion of your territory back, is that correct?
MR. GRANT: I object. I don't believe we are in process of negotiation. I'm not certain what relevance.
MR. GOLDIE: I'm entitled to find out what the relief is she is seeking in the action.
MR. GRANT: I think the relief in the pleadings speak for themselves.
MR. GOLDIE: I want to have it from the Witness in words. She is the Plaintiff and she's already given me an answer in that regard.
Q Mrs. Brown, I want to repeat my question in perhaps slightly different language. What is it that you want as a result of the action?
A I don't know, my head is aching.
Q Let me ask another question. Have you and your House of Xhliimlaxha made a claim to the Federal Government as part of a land claim?
A They did try, the people in port Edgington, the brotherhood. No one at the time sponsored them and they didn't get any results. I don't know if what happened to the papers they had about the land claim.
MR. GOLDIE: My next question I can direct to counsel: is the House of Xhliimlaxha a party to the land claim that has been made by the Tribal council to the Federal Government?
MR. GRANT: I'm noting your question and I'll consider our position as to providing an answer to that question on the basis of the relevance of it.

MR. GOLDIE: If the answer is yes, I want production of the land claim documents, and I think the relevance is perfectly obvious if there is a duplication of claims, that has a bearing on the outcome of this action.

MR. GRANT: JUSt to be clear, for the record, your first question was: is the House of Xhliimlaxha party to the land claim to the Federal Government?

MR. GOLDIE: Made to the Federal Government by the Tribal council.

MR. GRANT: Yes.

MR. GOLDIE: If the answer to that is yes, I want that claim, the documents constituting that claim produced.

MR. GRANT: Yes: for the record, your associate Mr. Plant raised the issue of production of documents with respect to the land claim of the Tribal Council, as part of our List of Documents, indicated your position and I advised him yesterday when he first informed me of that, we will take it under consideration and certainly advise you of our position at an early date.

MR. GOLDIE: It is relevant to the Examination of this Witness, the first plaintiff in this action, so before I conclude the Examination of this Witness I will have to have an answer to that question and production of the documents.

MR. GRANT: We appreciate your position and note your request.

BY MR. GOLDIE:

Q Mrs. Brown, let's go to a topic you have already spoken a fair amount about and that is the location of the territory of Xhliimlaxha. Firstly, is there any part of the territory of Xhliimlaxha within the confines or within the boundaries of this reserve of Glen Vowell?

A No.

Q Any of your territory within the Kispiox Reserve?

A No.

Q Is there any part of the territories of the Wolf Clan within either of the two reserves?

A No.

Q How many houses are there in the Clan, the Wolf Clan?

A There is a lot.

Q Does Mrs. Brown know them?

A I know some of them and forget some of them.

Q Are there any of the Plaintiffs in the action members of the Wolf Clan?

MR. GRANT: For the record, I think before the answer is given on that, that as there are 48 plaintiffs and 315 I believe it would only be fair to the Witness to put the

names to her or at least the Statement of Claim or Writ so she can have that.

MR. GOLDIE: Mrs. Sampson, would you read to her each of these names and ask her if that house is a member of the Wolf Clan?

Q Delgam Uukw. Is it a member of the Wolf Clan?

A Are you crazy? Frog Clan is Delgam Uukw.

--- OFF THE RECORD

BY MR. GOLDIE:

Q What Clan is Gisday Wa?

A Alfred Joseph, Wet'suwet'en.

Q All right, that is Wet'suwet'en. David Gunanoot is Wolf?

A Yes.

Q And his name Nii Kyap?

A Yes.

Q Fred Johnson, Lelt?

A Frog Clan.

Q Mary Johnson is, Antgulilbix?

A Fireweed.

Q Geoffrey Morgan, Axtii Hiikw?

A Wolf Clan.

Q Lucy Namox, Goohlaht?

THE INTERPRETER: That is Wet'suwet'en.

BY MR. GOLDIE:

Q Stanley Williams?

A Fireweed.

Q Peter Turley?

A They're further away, we don't them.

Q Florence Hall?

A I don't know.

MR. GRANT: For the record, that is Wet'suwet'en.

BY MR. GOLDIE:

Q Walter Wilson?

A Djogaslee, Frog Clan.

Q Ernest Hyzims, Gwagl'lo?

A Frog clan.

Q Mary McKenzie?

A Wolf Clan. Sylvester Green is Frog Clan.

Q George Milton?

A I don't know him.

MR. GRANT: I think it would be fair to the Witness to put the Indian name to her, particularly the ones she

forgets.
MR. GOLDIE: Any one she wants the Indian name I'll ask Mrs. Sampson to give it to her.
Q Give Mrs. Brown the Indian name of George Milton?
A I don't know him very well.
Q Buddy Williams?
A Frog Clan.
Q Herbert Burke?
A Don't know him.
Q Ben McKenzie Sr.?
A Frog Clan.
Q Jeffrey Harris Jr.?
A Wolf.
Q Alice Jeffrey?
A Frog Clan.
Q James Woods?
A Fireweed.
Q John wilson? A I don't know him.
MR. GOLDIE: Would you read John Wilson's Indian name for her in case she recognizes it?
THE INTERPRETER: I can't even read that. No, she does not know.

BY MR. GOLDIE:
Q Robert Stevens?
A Frog Clan.
Q Art Kusick?
A Wolf Clan.
Q Kathleen Wale?
A Wolf.
Q Jeffrey Harris?
A Wolf Clan.
Q David Blackwater?
A Wolf Clan.
Q Steven Robinson?
A Wolf Clan.
Q Neil Sterritt Sr.?
A Wolf Clan.
Q Is Mr. Neil Sterritt Sr. the father of Neil Sterritt of the Tribal council to whom you have referred?
THE INTERPRETER: Junior.
THE WITNESS: Yes.

BY MR. GOLDIE:
Q Charlie Clifford?
A Fireweed.

Q Moses Morrison?
A Fireweed.
Q Herbert Wesley?
A I don't know.
Q Joan Ryan?
A Fireweed.
Q George Turner?
A I don't know him.
MR. GOLDIE: Does she recognize the name Yal?
THE WITNESS: I don't always participate on that Gitsegyukla. When we go to the feast that is when we learn all the names.

BY MR. GOLDIE:
Q Lloyd Morrison?
A Wolf.
Q Chris Skulsh?
A Fireweed.
Q Vernon Smith?
A Who is Vernon Smith? No, I don't know him.
THE INTERPRETER: We don't always go there.

BY MR. GOLDIE:
Q Calvin Hyzims?
A No, I don't know him.
Q George Naziel?
A No.
MR. GRANT: I note from the record from George Naziel down it appears to be Wet'suwet'en.
MR. GOLDIE: Thank you.
MR. GRANT: Just to save a bit of time in making that reference for the record for you.
MR. GOLDIE: Good, thank you.
MR. GRANT: I am referring to the Writ of Summons.
THE WITNESS: I want to go home and lay down.
MR. GRANT: I note for the record it is 3.30 and I only anticipated having two hours.
MR. GOLDIE: That's fine. Ten o'clock tomorrow morning.
Q Is that satisfactory for you?
A Yes.
MR. GOLDIE: And for you, Mrs. Sampson?
THE INTERPRETER: Yes.

--- OFF TWE RECORD DISCUSSION

--- EXAMINATION ADJOURNED AT 3.30 p.m. until 1 NOVEMBER, 1985.

I hereby certify the foregoing 61 pages to be a true and accurate transcript of the proceedings herein to the best of my skill and ability.

Veronica Harper (Ms)
Official Court Reporter
B.C.S.R.A. #263

REPORTER'S NOTE

1st November, 1985 Examination cancelled due to weather conditions.