JUNE 8, 1987

SMITHERS, B.C.

THE REGISTRAR: In the Supreme Court of the British Columbia, this 8th day of June, 1987, Delga Muukw and others and Her Majesty the Queen.

THE COURT: Well, I hope everybody had a pleasant week. Mr. Goldie.

MR. GOLDIE: My Lord, I spoke to my friend about a letter that I had written during the break requesting production of the map which was shown to Mrs. Johnson sometime ago, in relation to the change of the boundary of her territory, and I think my friend is getting it for me. But to identify it for Your Lordship, I am referring to Volume 13 of the transcript at page 787, where in chief my friend put this question to the witness at line six:

> "Q No, Jonathon Johnson told you this a long time ago; is that right?
> A No, he didn't tell me, but that's just what I was told a few days ago when they showed me the map."

And I have asked for the production of that map. And I think it is also the same map which is referred to at page 789, again in chief -- well, actually begins with page 788, line 46.

> "Q And I asked you before whose territory was on the other side of that creek?
> A They said it was Ma'uus.
> Q Okay. Who said it was Ma'uus?
> A Some maps were shown to me a few days ago."

I think those are both referring to the same thing. It may also be further duplication of a reference at page 850 of Volume 13, line 31 to line 22. This is in cross-examination.

> "Q But up until a few days ago, the members of your House and you thought that it was perfectly proper to go to that mountain; is that not correct?
> A No, we didn't say we owned the whole mountain, we say that -- that there is a

clearing where Gyadim Lax ts'inaast Nass lives. But right on the top of the mountain is Ma'uus, they showed me on the map ..."

And it goes over onto page 851, but I think those are all the same maps, and I have asked for the production of that.

THE COURT: I wonder if the Reporter was able to get the spelling of the name to which you referred, Mr. Goldie.

MR. GOLDIE: The best I can do for her is to give her the page number of the transcript at page 850 and the -- it's at line 36 to 37.

THE COURT: Well, there is some virtue in consistency, if she uses the same spelling.

MR. GOLDIE: That's on the basis that I am going to proceed, certainly not on the basis how I may vary from time to time. And I again -- I think this is the same document at page 842 of Volume 13 of the transcript at line 44 to 47.

THE COURT: 852?

MR. GOLDIE: 842. And this is cross-examination. Beginning at line -- it should be 43.

"Q And can you tell His Lordship who told you that?
A Neil showed me the map of Ma'uus, Neil Sterritt, and he said that Ma'uus owns the other side. That's what I told in the Court this morning.
Q Yes."

And then she goes on to identify that as relating to Jonathon Johnson. So I'll wait until that is produced or those maps to which those references refer are produced, but to go on with the cross-examination, My Lord, the Court should possibly have before it Exhibit 17-9-A.

MR. GRANT: My Lord, before my friend proceeds, I did speak with him briefly this morning, just before the Court commenced, and I hadn't seen his letter, although I had reviewed the transcripts, so I thought his letter was with respect to a different request than the transcript. I have clarified the reference that my friend has referred to, and it's also referred to at page 852, where he specifically asks in the transcript that the map -- Mr. Goldie at line six:

"MR. GOLDIE: What I ask now is the map that the witness referred to in her answer, she agreed with me that she looked at a map that showed that this territory belonged to Ma'uus. That's the map I'm referring to, and I ask for its production."

I have confirmed, and then I referred to the fact I may have to speak to the witness, and Mr. Goldie commented that she had spoken with Mr. Sterritt. I confirmed without speaking to the witness but with speaking to Mr. Sterritt that the map to which she is referring is Exhibit 17-9-A, that is the map which she was referring to.

THE COURT: That's the one that she was shown?

MR. GRANT: That is the one she was shown, and these references Mr. Goldie suggests are of the same map. That's the map that she was shown. That's from confirmation through Mr. Sterritt.

MR. GOLDIE: Is it my friend's position that there is no map of Jonathon Johnson?

MR. GRANT: No, it is not -- there is another map which was produced on the discovery of Mr. Sterritt, although it wasn't marked as an exhibit, it was produced to my friends, I believe. And this is a map of Jonathon Johnson, but this is not the map to which this witness is referring.

THE COURT: Nor the map to which she was shown?

MR. GRANT: It was not a map which she was shown. She was not shown that map. There is a map that was a sketch map drawn by Jonathon Johnson, and to be quite honest, I'm not certain whether it incorporates even this area, I'm not sure of that, but it's not germane to this. The production of that, we have no difficulty with that. That was put on our list and it's available. I'll arrange for the production of that.

MR. GOLDIE: Well, I think the request that I make of my friend is that there be produced, while this witness is still on the stand, any documentary support for the proposition that was put to her that Ma'uus was the owner of the property shown on Exhibit 17-9-A, which in the earlier map was shown as her property.

THE COURT: Well, I may not have grasped the full significance of the evidence, but my grasp of it is this, that until a very short time ago, as a result of a conversation with Mr. Sterritt, and I think she said

1 two weeks, that she was not aware of any question
2 about that boundary.
3 MR. GOLDIE: Yes.
4 THE COURT: Therefore, if she was shown the map that Mr. Grant
5 says is 17-9-A, then that would seem to answer your
6 inquiries.
7 MR. GOLDIE: Yes. I am only pursuing it to this extent, My
8 Lord, that if there is any other documentary support
9 for the change in the map lines, other than the map
10 itself.
11 THE COURT: Yes. You are not restricting that request then to
12 material that was shown to the witness by Mr.
13 Sterritt?
14 MR. GOLDIE: Nothing whatsoever, no, I'm -- before this witness
15 leaves the box, I wish to have that clear.
16 THE COURT: Well, I'm sure your friend understands that request
17 and he will deal with it if he can.
18 MR. GRANT: Yes, My Lord.
19 THE COURT: Now, do I need Exhibit 17, and if I do --
20 MR. GOLDIE: 17-9-A, yes, My Lord.
21 THE COURT: Is that 17-9-A? I guess my copy of Exhibit 17 is
22 back in my chambers, is it. Perhaps you might get it.
23 It's on the table in the far corner by the window.
24 THE REGISTRAR: Yes.
25 THE COURT: All right. Thank you.
26 MR. GOLDIE: My Lord, I want to pick up some of the questions
27 that I was asking Mrs. Johnson at the adjournment, and
28 it has to do with the adaawk of the territory near
29 Kispiox village.
30
31 CONTINUATION OF CROSS EXAMINATION BY MR. GOLDIE:
32
33 Q Mrs. Johnson, can we --
34 THE COURT: Of her House?
35 MR. GOLDIE: Of her House, yes.
36 THE COURT: Yes, thank you.
37 MR. GOLDIE:
38 Q Can we go back to the territory of Antgulilbix near
39 Kispiox village, which I sometimes call the southern
40 territory, and I would like to have your assistance in
41 identifying the features in that territory that the
42 adaawk refers to. And when we were here last you told
43 me that it referred, the adaawk referred to a stream
44 which is known as Xsan Max Hlo'o, which is number 320,
45 My Lord. Does that sufficiently identify it for you?
46 Perhaps the translator might say it for me.
47 THE TRANSLATOR: Can I have a look at it please?

1 MR. GOLDIE: The creek along that boundary.
2 THE TRANSLATOR: Xsan Max Hlo'o.
3 THE WITNESS: Yes, Xsan Max Hlo'o.
4 MR. GOLDIE:
5 Q And that's referred to in the adaawk?
6 A Yes.
7 Q All right. And it is now a boundary of the territory?
8 A Yes.
9 Q And the mountain -- and this again is at page 853 of
10 the transcript, line 38 -- Andamhl. That's 322, My
11 Lord.
12 That's referred to as the Andamhl?
13 A Yes.
14 THE COURT: What is the name of this mountain please?
15 MR. GOLDIE: It's Andamhl, A-n-d-a-m-h-l.
16 THE COURT: And that's 322?
17 MR. GOLDIE: Yes. On the Exhibit 17-9-A the name is found along
18 the southern boundary. Your Lordship, bearing in mind
19 that north on the side requires the map to be laid
20 sideways.
21 THE COURT: Yes. And it's found on the southern boundary?
22 MR. GOLDIE: Yes. It interrupts the actual boundary itself.
23 THE COURT: And it's marked on the map?
24 MR. GOLDIE: Yes. The spot height itself of the mountain is --
25 and the mountains name is Hazelton Peak in English --
26 is just above the second "a" in the name which is --
27 forms part of, as I say, of the southern boundary on
28 the left-hand side. Has Your Lordship found it?
29 THE COURT: No. Is it on the left or the right-hand side with
30 the north to the top?
31 MR. GOLDIE: With the north to the top. It is really
32 immediately above the name of the House,
33 Luutkudziiwas.
34 THE COURT: Oh, yes. Yes, I have that.
35 MR. GOLDIE: Now, the spot height of the mountain itself is to
36 the right of that name, and immediately above the
37 second "a" of the name of the mountain. Just a small
38 triangle set in there for the spot height.
39 THE COURT: Sorry, I just can't find it.
40 MR. GOLDIE: Perhaps --
41 THE COURT: Is it within the boundary or outside of the
42 boundary?
43 MR. GOLDIE: It's within the territory and it's above the
44 boundary.
45 THE COURT: I'm sorry, maybe my eyes are so feeble I can't read
46 it.
47 MR. GOLDIE: If Your Lordship could hand me down the -- I have

1 put a circle around it.
2 THE COURT: All right. Thank you. Oh, the name isn't here.
3 MR. GOLDIE: No, the name is along the boundary itself.
4 THE COURT: Yes. Oh, I see.
5 MR. GOLDIE:
6 Q That name, Andamhl, as you have told me, is part of
7 the adaawk?
8 A Yes.
9 Q And then the little creek, Wilt gallii bax?
10 A Wilt gallii bax.
11 Q That's 332. And that's referred to at page 853, line
12 41. And then at page 855 it is referred to again, as
13 I understand, line 30, Xsu Wil Gallii Bak?
14 A Yes, Xsu Wil Gallii Bak.
15 Q And that, too, is referred to in the adaawk?
16 A Yes.
17 THE COURT: Is that a different creek?
18 MR. GOLDIE: I think it's the same one.
19 THE COURT: All right. Thank you.
20 MR. GOLDIE:
21 Q And then the creek on the north side, Xsu Wil Masxwit?
22 A Yes, Xsu Wil Masxwit.
23 THE COURT: Is that Xsan Max Hlo'o. Is that what we are talking
24 about.
25 MR. GOLDIE: Xsan Max Hlo'o is part of the north boundary but
26 it's to the right-hand side.
27 THE COURT: Of the creek?
28 MR. GOLDIE: The one I am referring to now is to the left-hand
29 side. The north boundary.
30 THE COURT: Are we talking about a creek or mountain?
31 MR. GOLDIE: Well, there is a mountain by that name right on the
32 extreme left-hand side of the map, but as I understand
33 it, there is a creek of the same name flows out of
34 that mountain and forms part of the north of the
35 boundary.
36 MR. GRANT: It's 317 on the list.
37 THE COURT: But where it is is still a mystery to me. What's
38 the name of it again, Xsan Max hlo'o?
39 MR. GOLDIE: If Your Lordship has got Xsan Max Hlo'o, go left
40 along the solid line, which forms the north boundary,
41 and you have to turn the map upside down to read it.
42 THE COURT: I'm sure I am looking at what you are talking about
43 but I just don't see it on the map, that's the
44 problem. I don't know whether Xsan Max Hlo'o that's
45 written in the big letters on this map is the name of
46 a creek or a boundary.
47 MR. GOLDIE: It's a name of a creek which forms a boundary.

THE COURT: That's not the one we are talking about.
MR. GOLDIE: No, we are talking about one that is immediately to the -- if one uses the cardinal point, immediately to the west of that along the boundary, and the word -- the title is -- forms part of the boundary.
THE COURT: Is it written on the map?
MR. GOLDIE: Yes, it is.
THE COURT: What's the word again?
MR. GRANT: 317 on the list.
THE COURT: I know, but what's the --
MR. GOLDIE: Masxwit.
THE TRANSLATOR: Masxwit.
MR. GOLDIE: Masxwit.
THE WITNESS: Masxwit.
THE COURT: Somebody spell it for me please.
MR. GOLDIE: M-a-s-x-w-i-t.
MR. GRANT: It's number 317 on the list and it starts with "Xsu", the first word, W-i-l, and then the word Mr. Goldie has spelt. I believe there may be, My Lord -- I note that you are looking with an end to the top. I checked with the cartographer and the end is usually -- he indicated that that was standard practise, so when Mr. Goldie is referring to the west --
THE COURT: West is always left of north.
MR. GRANT: Yes, but the north, the "n", is -- the north is at the point of the arrow and the "n" is at the bottom of the base of that arrow.
THE COURT: Yes, that's where I got in trouble last week. He's got the longest arrowhead I have ever seen. I got it backwards. He's got it right, of course. But I just can't find this name you are talking about. You will have to mark it again.
MR. GOLDIE: If Your Lordship could hand it down please. I am going to circle the word of the name which forms part of the boundary.
THE COURT: Oh, I see. I understand. All right.
MR. GOLDIE: That creek, My Lord, if I understand the evidence correctly, rises in a mountain -- which has substantially the same name -- and continues down, and where Xsan Max Hlo'o leaves that creek, it ceases to be the boundary.
THE COURT: Yes. All right.
MR. GOLDIE:
Q Now -- and the mountain itself, which is Wil Masxwit?
A Wil Masxwit.
Q That's 318, My Lord. That's referred to in the adaawk?

A Yes.
Q Can you tell me any other features, streams that are referred to in the adaawk of this territory?
A There is just one stream came from Wil Masxwit, and it runs into Kispiox River.
Q Yes.
A And I was told that that's Antgulilbix's hunting ground, and also the mountain where they got the mountain goats and groundhogs there.
Q And you have given the names of that mountain as part of the adaawk?
A Yeah, yeah.
Q All right. Thank you.
THE COURT: Do we have a name for that? I think we had it last week. Is it this S-k-a-n-i-s-i-m, S-i-k-a-d-o-o-k?
MR. GOLDIE: That is the mountain.
THE COURT: Perhaps the translator might give us that.
THE TRANSLATOR: The mountains name is Wil Masxwit, and the creeks name is Xsu Wil Masxwit.
MR. GOLDIE:
Q Now, I want to ask you some questions about the -- what I call a northern territory. And the map in regard to that, My Lord, is 17-9-B.
Am I right, Mrs. Johnson, that there is an adaawk for this territory?
A Yes.
Q And I believe you mentioned in your evidence -- and I am referring to Volume 13 at page 798 -- you marked with an "x" a lake which is number 303, and it's English name is Williams Lake. Do you recognize that name?
A Called the Tam Naa Lax Tsinaasit.
Q That's its Gitksan name?
A Yes.
Q And that is, I believe, 303.
And then you mark with a "1" a river which is -- and I'll ask the -- it's number 301, My Lord. I'll ask translator to read 301.
THE TRANSLATOR: Xsi Wis An Skit.
THE WITNESS: Xsi Wis An Skit.
MR. GOLDIE:
Q And that is the upper Kispiox River?
A Yes.
Q And is that referred to in the adaawk?
A Yes.
Q And then, I believe, you made reference to what is number 310 -- no. I think it is the name for the east

Kispiox River. Anyway, is that mentioned in the adaawk?
MR. GRANT: What name?
MR. GOLDIE: Read 308 please.
THE TRANSLATOR: Xsu Wii Loobit.
THE WITNESS: Xsu Wii Loobit.
MR. GOLDIE:
Q Is that referred to, do you remember, in the adaawk?
A Is it on our territory?
Q Yes. It's within the map that I have just shown to you. Well, I'm sorry, I don't see it. Let me see if I can find it a little later. But let me ask you about Xsi Lapsit.
A Xsi Lapsit, that's a small creek that runs into Xsi Wis An Skit.
Q And is that mentioned in the adaawk?
A Yes.
Q The Xsi Lapsit is 302.
THE COURT: And the other one?
MR. GOLDIE: I haven't found it yet.
THE COURT: It's running across the bottom of the territory within the boundary when you put the north on the right-hand side.
MR. GRANT: That's 301.
THE COURT: 301. W-i-s, A-n, S-k-i-t?
MR. GOLDIE: Yes, that runs right up through the territory.
THE COURT: Which one did you say, Mr. Goldie, was the upper Kispiox?
MR. GOLDIE: That's 301.
THE COURT: Oh, all right.
MR. GOLDIE:
Q Mrs. Johnson, you told His Lordship that there was some additional territory given to your House as a result of the murder of Yal?
A Yes.
Q And that took place where Kuldo Creek flows into the Skeena River?
A Yes, Xsagangaxda flows into Skeena River, and on the ice, they said, at the end of Xsagangaxda, that's where Yal was murdered.
Q Yes. And Kuldo Creek, which is 310, is at the upper part of the map, just to the left of the name "Ma'uus"?
THE COURT: Are you back to the southern property now, Mr. Goldie?
MR. GOLDIE: I'm still with the north, but it's --
MR. GRANT: Could the interpreter give the Indian name, for the

witness, of the creek you are referring to.
MR. GOLDIE: 310, yes.
THE TRANSLATOR: Xsagangaxda, Xsagangaxda.
THE WITNESS: That's the name of the creek, Xsagangaxda, where Yal is murdered at the end of the creek, and it runs into Skeena River.
MR. GOLDIE: Yes. Does Your Lordship have that?
THE COURT: Well, she showed me last time you were here where the ridges are. I wasn't sure whether the line -- that could be the height of land or whether it's a creek.
MR. GOLDIE: The name that she gave to Your Lordship, which is 310, the English equivalent is Kuldo Creek, according to the material handed up by the plaintiffs.
THE COURT: Well, still putting the north on the left-hand side of the plan -- as I recall, this area we are talking about is this -- is this closely contoured area in the top left of the territory within the boundary.
MR. GOLDIE: If north is on the left-hand side, it is -- the creek in question is on the left-hand side.
THE COURT: I'm sorry, with the north on the right-hand side.
MR. GOLDIE: With that, it's on the right-hand side, and it is the creek that runs almost at right angles to the name, Ma'uus, and its got an interrupted dotted line on it.
THE COURT: Oh. Well, that's not where she showed me the compensation territory was last time.
MR. GOLDIE: No, no. It is the confluence of this creek in the Skeena where the murder took place.
THE COURT: All right.
MR. GOLDIE: And I want to make sure I have got the compensation territory in a minute.
THE COURT: All right. So what -- what you are looking at now is this property just to the left of the word "Ma'uus"?
MR. GOLDIE: Yes. The particular feature that I am looking at is that interrupted line which runs from the -- almost at right angles from her boundary to the right-hand side of the map.
THE COURT: Yes.
MR. GOLDIE: And that, I am instructed, is Kuldo Creek.
THE COURT: Is there an Indian name given to it?
MR. GOLDIE: Yes, My Lord, it's found at 310.
THE COURT: And what is it, just so that I can mark it.
MR. GOLDIE: Xsagangaxda.
THE WITNESS: Xsagangaxda.
MR. GOLDIE: Are we all agreed that's what 310 is?

THE TRANSLATOR: Yes.
THE COURT: Well, I'm sorry I can't --
MR. GOLDIE: According to this it is X-s-a-g-a-n --
THE COURT: I have it then.
MR. GOLDIE: And so on.
THE COURT: All right. That is 310?
MR. GOLDIE: Yes.
THE COURT: And that's Kuldo Creek?
MR. GOLDIE: Yes, My Lord.

Q So the murder of Yal took place outside your territory?

A Yes.

Q Now, can you tell me whether there is anything more mentioned in the adaawk of your House for the northern territory?

A Yes, grandmother told me and great-great grandmother that at the end of Xsi Wis An Skit there is a hill and they climb the hill, and there is a ridge there, and on -- that's a boundary they said is the ridge. And on the other side the ridge, that's the land that they gave our ancestors compensation for murdering Yal. And grandmother said there is a tree standing there, and it's smeared with blood. And there is a sun on the tree, and that's what Giskaast crest, is the sun. So that shows the exchange of blood. And they won't take it back from the family crest until the end of the world.

Q And that story is in the -- or that -- what you just said is in the adaawk?

A Yes.

MR. GOLDIE: And that is the ridge, if I understood her evidence in chief, My Lord, that is at the top of the creek which is the upper Kispiox River, number 310.

Q Now, is there anything else mentioned in the adaawk of the northern territory?

A Yes. When Uncle George Williams and his wife went out there and they pass the ridge and get to the place where the hunting ground that was given as a compensation, they met two men on the ground. Uncle throw off his pack and pull out a small axe, and he, without saying a word, he was going to chop both of them, but they both cried and told him it's a mistake, they didn't do it on purpose.

Q All right. Thank you. Can you tell me who murdered Yal?

A The territory that belongs to Gyolugyet. That shows it's from Kuldo that did murdering.

Q So the person who did it, belonged to Gyolugyet's House?
A Yes.
Q And the compensation territory which your House obtained was given by Gyolugyet?
A They didn't say who it was but I notice on the map there is Gyolugyet's territory.
Q Does the adaawk say from whom the territory was taken as compensation?
A They just say he was murdered and they give the land as an exchange for blood. If they don't do that, they will return the blood, like Uncle George almost did to them.
Q But as far as the adaawk tells us --
A Yes.
Q -- the people who murdered Yal were from Kuldo --
A Yes. Because it's the -- the territory is our boundary.
Q Yes.
A Yes.
Q So before the territory was given to Antgulilbix as compensation for the murder of Yal, it belonged to somebody in the village of Kuldo?
A Yes.
Q Because your territory marked the boundary between Kispiox and Kuldo?
A Yes, yes.
Q Thank you.
I want to read to you some of the questions and answers that you gave me when I questioned you in April.

THE COURT: Do we have that transcript, Mr. Goldie?
MR. GOLDIE: Your Lordship should have the original of it.
THE COURT: I'm sorry, it's in my Chambers again, Madam Registrar. It will be on my small table. I can pick it up.
MR. GOLDIE: Question 62 to 68.

"Q Is George Williams dead?
A He died long time ago. I think it's -- he died, yeah.
Q And who has his name now?
A When he died my, one of the close relatives got the name; his name is Fred White.
Q Oh, yes.
A Yeah, he got the name.

Q And Fred White is dead now, too, is he?
A Yeah, he is dead. That's when my brother took over.
Q So, Stanley Wilson has the name now?
A Yes.
Q Does not Stanley Wilson, as the holder of the name of Tsibasaa, have the right to tell where people may use the territory of Tsibasaa and Antgulilbix?
A Yeah, yeah, that's what he did when they registered the territory way up north, up the, I mean Kispiox River, he put all the names of the family, from even to, to the small children.
Q On the trapline?
A Yeah, they were names all included there."

Q Do you remember me asking you those questions?
A Yes.
Q And did you give those answers?
A Yes.
Q Question 87:

"Q I want to show you the other map that was attached to your interrogatory and this is the territory out by Swan Lake."

And I am going to show you the map of that territory. And do you recall me then showing you the map which was thereupon marked as Exhibit 4 in that discovery? It's a document that is of your northern territory marked "draft copy".
A Yeah. Is that the map that late Chris Harris made?
Q No, I'm going to come to that in a minute.
A Oh.
Q My Lord, I would like to tender what was Exhibit 4 on Mrs. Johnson's examination for discovery as an exhibit.
THE COURT: Yes. Next exhibit, Madam Registrar.
THE REGISTRAR: It's 21.

(EXHIBIT 21 - DRAFT COPY OF NORTHERN TERRITORY)

THE COURT: Thank you.
MR. GOLDIE: I will have other copies of that for my friends but I only have the one copy at the present time.

1 Question 157 to 167.
2
3 "Q Did you ever know Chris Harris?
4 A Yeah.
5 Q Did he live in Kispiox?
6 A Yeah, all his, all of his life.
7 Q Did he ever speak to you about a map
8 that he was drawing of the House?
9 A Yes.
10 Q Boundaries?
11 A Yeah, yeah.
12 Q Did you remember him ever showing you
13 that map."
14
15 And there is no recorded answer.
16
17 "Q Do you remember him ever showing you
18 that map?
19 A No, but he told me he got, he made the
20 map, but I know the map is like you said
21 before, ask me question who draw the map, so
22 it's, it's uncle George Williams that draws
23 the map and passed on to Fred, then
24 to Stanley.
25 Q Stanley has a map?
26 A Yeah, he has a map that was, that was,
27 that was drawn by his uncle and it is in
28 the, in the, it is registered when the
29 territory is registered.
30 Q As a trapline?
31 A Yeah.
32 Q Is --
33 A That's uncle George --
34 Q And that is --
35 A -- draw that.
36 Q Yes, and that is a map of your
37 territory?
38 A Yes. "
39
40 Q Do you remember me asking you those questions?
41 A Yes.
42 Q And you gave those answers?
43 A Yes.
44 Q Now --
45 MR. GRANT: My Lord, the witness continues to answer after an
46 interjection between myself and Mr. Goldie through
47 167. I believe that should be part of the answer --

THE COURT: You are looking at?
MR. GRANT: Page 3, question 167. The answer continues on to the bottom of the page.
MR. GOLDIE: Yes. I think my friend is correct, that what is on that page is a continuation of the answer.
THE COURT: Yes, all right.
MR. GOLDIE: And I'll read it to the witness.

"A And another thing there is about Chris Harris's map that he, he missed out another territory at the end of Win an skit creek. My grandmother told me this at the very end. I have seen this creek, but I didn't get to the end and there was a great big hill she said and they go up this hill and there is another territory on the top and they got this territory for compensation in exchange of blood because Yal is murdered at what they called..."

And I won't read that, but that's the name of the creek that we discussed a few minutes ago?
A Yes.

"A ...runs in Skeena River. That's when Yal is murdered in very ancient time."

Q Now, apart from my failure to read to you the name of the creek, do you remember me asking you that question and you gave that answer?
A Yes, yes.
Q Thank you. Now, My Lord, I have asked my friend to produce the original of the Chris Harris map that I asked the witness about, and I'm going to tender that for identification at this time.
THE COURT: All right.
MR. GOLDIE: Does my friend have the original of that map?
THE COURT: That will be Exhibit 21 A for Identification. No, I'm sorry, it will be 22 for Identification.
MR. GRANT: My Lord, I discussed this matter with Mr. MacKenzie, I guess, two weeks ago, and we -- I believe that if it's the map that he referred to, he wished to examine the original of the "Chris Harris map". First of all I -- of course, from this excerpt, the witness hasn't identified that map, and of course my friend only wishes it to go in for identification, as I understand his position. We don't object to that, but the

1 original -- what I wish to advise the Court is that
2 the original of this map is a -- if one may call it an
3 original, is basically -- the map itself, as I
4 understand, was destroyed and -- but the copy, a
5 tracing of the map, was made, and it was made on a
6 mylar type of material by which copies could be made,
7 and I provided those copies to my friends. I would
8 ask that the copy go in by agreement on examination
9 and the comparison between the original and the copy,
10 that the copy go in because if the original goes in,
11 My Lord, it's impossible -- it's impossible to make
12 any further copies at that stage or, if not -- I
13 shouldn't say impossible but very very difficult.
14 THE COURT: Well, the original can't go in anyway. You say it's
15 been destroyed?
16 MR. GRANT: The original map has been destroyed. There is a
17 tracing of the map which has been done by Mr.
18 Sterritt.
19 THE COURT: You want to produce a copy of the tracing?
20 MR. GRANT: Yes.
21 THE COURT: Mr. Goldie?
22 MR. GOLDIE: That's satisfactory to me, My Lord. I understood
23 there was a document that came a little closer to the
24 original than the copy we have been given, but I am
25 quite happy to tender as a copy that we have made and
26 which is a copy of what was marked as Exhibit 20 on
27 Mr. Sterritt's discovery.
28 THE COURT: All right.
29 MR. GOLDIE: And I will tender that, My Lord, as Exhibit 22 for
30 Identification.
31 THE COURT: Thank you.
32 MR. GRANT: 21, I believe.
33 THE COURT: 22 for Identification. 21 was the map that was
34 Exhibit 4 on the witness's examination. This can be
35 called a copy of the Chris Harris map.
36 MR. GOLDIE: Yes, that's the way it has been referred to.
37 There is a document that was marked as Exhibit 20, and
38 we were given a copy of it. And I suppose what I am
39 asking for is production of the document that was
40 marked as Exhibit 20 on Mr. Sterritt's discovery.
41 MR. GRANT: Yes, I believe that that was the mylar, which this
42 copy was made.
43 THE COURT: Your friend wants to keep the mylar so he can make
44 more copies.
45 MR. GOLDIE: As long as my friend is prepared to admit that this
46 map is a copy, a true copy of the mylar, then that's
47 satisfactory.

MR. GRANT: There seems to be a typewritten note that my friend probably did for his own reference, "Neil Sterritt version of Chris Harris map" on the bottom, on Sterritt's examination for discovery, Exhibit 20, that I don't believe is on the original, but other than that this is a copy.
THE COURT: Thank you. That will be Exhibit 22 for Identification.

(EXHIBIT NO. 22 FOR IDENTIFICATION - CHRIS HARRIS MAP)

MR. GOLDIE: Now then, question 172 to 174.
Q Now, these questions, Mrs. Johnson, were made -- were asked of you when you had before you the Chris Harris map?
A Yes.
Q And I am going to open it -- this document up and place it in front of you. Mr. MacKenzie is putting before you the -- what was in front of you when I asked you these questions. Question 172:

"Q First let me ask you this, Mrs. Johnson. Have you ever heard of a House or a name of Genulax?"

And you gave no answer to that.

"Q And it is spelled out there (indicating) just below the territory of Tsibasaa as shown on that map?"

And I ask Mr. MacKenzie to indicate that. Does Your Lordship --
THE COURT: Yes, I see that.
MR. GOLDIE: Yes, all right.
THE COURT: I found Tsibasaa and Genulax.
MR. GOLDIE: That is what Mrs. Johnson was being referred to. Can the translator pronounce that word for her please?
THE TRANSLATOR: I don't know if it's spelled right. I don't know. Genulax. Tsibasaa.
THE TRANSLATOR: Is the "x" underlined?
THE TRANSLATOR: No.
MR. GOLDIE: Perhaps we might continue because Miss Stevens was asked to pronounce the name during the discovery.
THE COURT: Yes.

1 MR. GOLDIE: Question 173.
2
3 "Q And it is spelled out there (indicating)
4 just below the territory of Tsibasaa shown
5 on that map?
6 A Is this Chris Harris's map (indicating)?
7 Q We are told that this is a copy of Chris
8 Harris's map?
9 A Oh, I can't say, I never seen his map
10 before. He told me he had made a map, so,
11 so on the other map my brother Stanley said
12 the territory is included.
13 Q All right. Well, then --
14 A In another map.
15 MR. GOLDIE: Well, we cannot, I have asked
16 for Mr. Grant to get me the map that Mr.
17 Stanley Wilson has and we will look at that,
18 then.
19 A So, I am not finished ..."
20
21 I'm sorry, I just wanted to go onto question 174.
22 Leave it at that. Question 181 to 185:
23
24 "Q I am not sure that you told me or
25 answered my question whether or not you have
26 heard of a House or a person carrying the
27 name of Genulax?
28 A How do you pronounce that?"
29
30 Mr. Grant interjected and there was an attempt on
31 the part of counsel on both sides to pronounce the
32 name. And question 182:
33
34
35 "Q With the name in front of you how would
36 you pronounce that name, Mrs. Johnson?
37 A How far is it from the territory of
38 Tsibasaa?
39 Q It is right beside, it is right below
40 the Kispiox and where the East Kispiox River
41 come together.
42 A So Chris Haris is not very old. I think
43 he is almost the same age as I am, and
44 perhaps he doesn't know about the exchange
45 of blood, about the compensation. That's
46 why he didn't include it in his map.
47 Q But have you ever heard of a House or a

1 person bearing the name G-e-n-u-l-a-x?
2 A How do you pronounce?
3 Q I am going to ask you."
4
5 And then at question -- Miss Stevens was sworn and
6 she pronounced the -- at question 186:
7
8 "Q Now, Mrs. Stevens, are you able to
9 recognize that as a Gitksan name,
10 G-e-n-u-l-a-x, it looks, sounds likes like
11 Genulax."
12
13 The interpreter then pronounced it. Question 187.
14
15
16 "Q Mrs. Johnson, having heard that name
17 pronounced by Miss Stevens, do you recognize
18 it?
19 A No.
20 Q All right. Now, I want to ask you the
21 same question -- and do not go yet, Mrs.
22 Stevens, I want to ask you about the same
23 question about a family which is north of
24 the territory of Tsibasaa on Chris Harris's
25 map, and it is spelled, A-x-g-i-g-i-i.
26 Could you, please, pronounce that."
27
28 The interpreter then pronounced that. Would you do
29 that please Miss Stevens.
30 THE TRANSLATOR: Ax Giigii.
31 MR. GOLDIE:
32 Q Did you hear Mrs. Stevens?
33 A Yes.
34 Q 189.
35
36 "Q Do you recognize that name?
37 A Yeah, that's our neighbour in the
38 territory Ax Gigii both, Ax Gigii and Wii
39 hag'y, are the people that dance in the
40 Feast House.
41 Q So, you recognize the name there, the
42 holder of Ax Gigii now?
43 A Yes."
44
45 Mr. Grant interjected. 191.
46
47 "Q What is his or her name?

A His name Delgamuukw.
Q Delgamuukw?
A Yeah.
Q That is now Kenny Muldoe?
A Yeah."

Q Now, Mrs. Johnson, do you remember me asking you those questions and did you give those answers?
A Yes.
Q Thank you.
Q Now, with respect to those last questions, and that is to say the holder of the name Ax Gigii, I believe earlier in your evidence you referred to that -- the holder of that name as Lottie Muldoe?
A Yes.
Q Can you clarify that for us? Is it now Kenny Muldoe or Lottie Muldoe?
A It's still Lottie Muldoe because Ax Gigii got his own House on our village, is what we call -- they call this place Lax a'yans. These Houses facing the rest of the Feast Houses in the village and there is a totem pole that belongs to Ax Gigii. That's the guy that dance when my uncle raised the marble stone, it was the one horned goat, and him and his brother were dancing because -- their father is our ancestors. That's why they did that.
Q Yes. And is the holder of the name today Lottie Muldoe?
A Yes.
Q And at one time was Delgam Uukw the holder of that name also?
A Delgam Uukw got his own House.
Q All right.
A Yes.
THE COURT: Mr. Goldie, would this be a convenient time to adjourn for lunch?
MR. GOLDIE: It would, My Lord.
THE COURT: All right. We'll adjourn then. Come back at two o'clock. 1:30, is that convenient?
MR. GOLDIE: Yes.
THE REGISTRAR: Order in Court.

(PROCEEDINGS ADJOURNED)

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS HEREIN TO THE BEST OF MY SKILL AND ABILITY.

LORI OXLEY
OFFICIAL REPORTER
UNITED REPORTING SERVICE LTD.

THE REGISTRAR: Order in Court.
Witness, I remind you you're still under oath.
THE COURT: Mr. Goldie.
MR. GOLDIE:
Q Mrs. Johnson, I want to ask you one or two more questions about Chris Harris. Was he from Kispiox?
A Yes.
Q And was he a chief?
A Yes. He used to be Chief Luus after his uncle died and then his brother Jeff Harris took over.
Q And Jeff Harris -- I'm sorry.
A Yes. And he's from the House of Luus and what Gyolugyet call her wil 'na t'ahl.
Q What clan is the House of Luus?
A Wolf.
Q Wolf?
A Yes.
Q And, of course, as you've said, Chris Harris is dead now. Do you remember when he died?
A No.
Q As the holder of the name of Luus, he would attend Feasts, would he not?
A Yes.
Q And he would hear the adaawks that were said at the Feasts?
A Yes.
MR. GOLDIE: I want to read to you some more questions and answers from your examination for discovery. And question 55 to 61:
THE COURT: Question 55?
MR. GOLDIE:
Q 55 to 61:

Q "Mrs. Johnson, do you speak for Stanley Wilson in this case?
A Yeah, he's supposed to be here, too, but he got no ride because he knows about the map way up north.
Q He knows about the --
A Yeah, and he knows this, too.
Q Do you tell Stanley Wilson where he may hunt on the territory?
A No, the reason is at the Feast I mentioned earlier that's when, when hereditary chief got up and told which hunting ground he owns. That's where the

great big Feast, what we call the great big Yuuk. They invite all the surrounding villages."

A Yes.
Q Do you remember being asked those questions?
A Yes.
Q You gave those answers?
A Yes.
Q And question 58:

Q "Yes.
A And no children allowed in those days to make any noise, just like this table now. And the chief really drinks in what, what the family that hosted the Feast, even though they didn't write, but they write it in their heads.
Q Yes.
A So, he gets up and tells which territory all these maps you see," indicating the maps, "and the chiefs sat there all taking in, every one of them and they know which the chief's boundary is. That's what he tell and which maintain where they get their main food" --

THE COURT: That's mountain.
MR. GOLDIE:
Q Oh, mountain, yes. I'm sorry.

"That's what he tell and which mountain, where they get their main food and which berry patch they own and each fishing ground.
Q Yes.
A They all got their names, too.
Q Who was the head chief that you refer to?
A Tsibasaa, my late Uncle George Williams, he is the one that gets up and told the guests where the hunting ground is, and he mentioned all the names besides him, his family that will go to the hunting ground and, and they, if they got sons and daughters from, from the rest of the -- like Wilfred, my brother, he

1 marries to a frog, and his children
2 will get permission from Tsibasaa or
3 myself or Yal, and they got every right
4 to go to any of these territories."
5
6
7 Do you remember those questions?
8 A Yes.
9 Q And you gave those answers?
10 A Yes.
11 Q Now, so that at that great big Feast that you referred
12 to --
13 A Yes.
14 Q -- where your uncle George Williams --
15 A Yes.
16 Q It would be the adaawks that he would be telling?
17 A Yes.
18 Q Do you remember when that great big Feast was?
19 A It's 1916.
20 Q 1960?
21 A 16.
22 Q 16?
23 A Yeah.
24 Q Have the adaawks for the territories been told since
25 then?
26 A Yes.
27 Q At Feasts at which you've been present?
28 A Yes.
29 Q Do you remember if Chris Harris was present at any of
30 those Feasts?
31 A Sometimes he's present, but he's -- he's on the
32 health. He didn't come to all of the Feasts.
33 Q But it is your recollection that Chris Harris would be
34 present at some Feasts at which the adaawks of your
35 house would be told?
36 A Yes.
37 Q Thank you. Can you tell his lordship when the last
38 time the adaawks of your house were told at a Feast?
39 And when I say "the adaawks of your house", I mean
40 with respect to the territory?
41 A Yeah. It was in 1974.
42 Q 1974.
43 A When we restore our pole.
44 MR. GOLDIE: Right. Thank you. Now, I'm going to ask you to
45 clear something up for me on the map, Exhibit 17-9-B,
46 which is the map of the northern territory, and I'm
47 going to refer you to some of the evidence that you

gave at a week ago Friday. Page 812 of transcript Volume 13, my lord. And Mr. Grant was asking you some questions and at line 2, he said this: And I'll read his question and your answers.

THE COURT: I'm sorry, Mr. Goldie. Page 812?

Mr. GOLDIE: Page 812, starting at line 2.

THE COURT: Thank you.

MR. GOLDIE: Starting at line two, my lord.

THE COURT: Thank you.

MR. GOLDIE:

Q "Do you know a man named Charles Johnson?
A Yes.
Q Is he alive now?
A No. He died long time ago.
Q Do you know what house he belonged to?
A He belongs to the House of Dawamuxw."

A Dawamuxw, Dawamuxw.
Q That's not the same house as Delgam uukw, is it?
A No. Different.
Q Different house?
A Dawamuxw is a fireweed and Delgamuukw is a frog.
Q Right. And that -- on the list that was handed up by my friends, my lord, of the plaintiff's of the Kitwancool chiefs, it is number three. And that's -- the present holder of the name is Mr. Charles Clifford?
A Oh, which name?
Q Of Dawamuxw?
A The present holder is Charles Clifford.
Q Yes. Thank you. Now, you were asked this:

Q "Does Charles -- does Charles Johnson have any rights to your territory?
A No. He got a right on his own territory, the House of Dawamuxw.
Q When we refer to your northern territory --
A Yeah.
Q -- does Dawamuxw have a territory near there?
A Yeah. It's -- that's our neighbour."

THE WITNESS: Yes.

MR. GOLDIE:
Q Can you show me on the map where he is your neighbour? Can you find his name for me on the map?
A Yeah. We -- our territory is between Dawamuxw and -- and Ax gii gii, Delgam uukw.
MR. GOLDIE I see. On Exhibit 17-9-B, your neighbour to the south -- no. I'm sorry. The neighbour to the west, if I've got this oriented the right way, is Delgam uukw. But should that be --
THE COURT: I'm sorry. Wouldn't it be east?
MR. GOLDIE:
Q I hope not.
A Delgam uukw is on the north side.
Q I see. And Dawamuxw?
A Dawamuxw. That's -- that's -- your ear means muxw.
MR. GOLDIE: Well, I -- I don't say I share his lordship's tin ear, but it's not a very perceptive one, I can assure you. But can you tell me by looking at that map where Dawamuxw is?
MR. GRANT: There's an M in it, Mr. Goldie.
MR. GOLDIE:
Q I've got enough M's in my own name. Can you help me with that, Mrs. Johnson?
A Where Dawamuxw --
Q There's Delgam uukw, and I put my name -- my hand over the name on the map.
A Yes.
Q And there's your territory, which is is unnamed?
A Oh, yeah. Is that where they --
Q That's where Geel is, yes.
A That's -- that's Dawamuxw'
Q I see.
A -- territory, but he's related to Geel. That's why his name is on there too.
Q All right. Thank you.
A Yes.
THE COURT: I'm sorry. Did she say that --
MR. GOLDIE:
Q She -- if your lordship has the map pointed in the same direction that I have, at the bottom of the map is Geel?
A Yes.
THE COURT: Yes.
MR. GOLDIE:
Q And my understanding of the witness' evidence is that she said that is where Dawamuxw' territory is, but he is related to Geel. Am I putting it correctly?

A Yes.
Q I want to refer you to your examination for discovery again, questions 351 to 357.

Q "No. All right. Thank you. I want a final question. I want to refer you back to the map of Chris Harris, which is identified as Exhibit "20" on Mr. Sterritt's discovery, and ask you; do you know who Geel is, G-e-e-l?
A Yeah.
Q Does he have territory out by yourself and near Swan Lake?
A No, the late William Steven used to live there all his life and he comes from the House of K'ali sgalan and Delgam uukw.
MR. GOLDIE: Excuse me just a second, please, I am trying to follow this on the map.
Q Yes, go on.
A Yeah, late William Stevens used to leave the trap there all his life and --
Q Is there --
A And he comes from the House of K'ali sgalan and and Delgam uukw. They got their own totem poles.
Q Is that a Gitksan house?
A Gitksan house, that's in Kispiox.
Q Right.
A And they got totem poles and marble stones there and they got their own songs and they raised a pole; I think it's around in the early, before sixties when, when the two brothers raised the pole; William Stevens and Moses Stevens. Moses Stevens is K'ali sgalan and William Stevens is Laan."

A Laan
Q Laan?
A Yeah.
Q Thank you.

"And they raised their pole in Kispiox so when K'ali sgalan help raised the new pole that's when he got Delgam uukw, so K'ali sgalan's family and, both K'ali sgalan and Delgam uukw on land and Bisdaa'y?"

I'll show this to the translator and ask her to pronounce it, please.
A It's Bisdaa'y.
Q Bisdaa'y?
A Yeah. That's a chief name. That means grouse or drumming grouse, grouse. They got a song for that.
Q

"That is the name, that's the sister, that is the only sister and their family and grandchildren got every right to that territory and another territory somewhere near there is called Gwalx luu wan, that's where Henry Alan used to be there before Silas Johnson, that's where Henry Alan lived all his life, that's where Walter should be.
Q Walter Harris?
A Yeah."

Q Do you remember --
A Yes.
Q -- me asking those questions and you giving those answers?
A Yes.
Q And Walter Harris is Geel, is he not?
A Yeah.
Q Now, are any of the people that you named in your answers, William Stevens, Moses Stevens, Henry Alan, Silas Johnson, are any of them members of the house that we were referring to a few minutes ago, Dawamuxw?
A Yeah. They were related, yeah.
Q Should -- should the territory be in Geel's name or in Dawamuxw' name?
A Dawamuxw. It should be in -- in both those names and the rest of the higher chief, like Laan and Bisdaa'y.
MR. GOLDIE: Right. Thank you.
MR. GRANT: My lord, before my friend proceeds, I wish to confirm that before this witness commenced her evidence or shortly thereafter, I corresponded with both Mr. Goldie and Mr. Macaulay regarding -- regarding this transcript, and I referred to them that on -- in this last series of questions wherever it said Delgam uukw, it was an error of the reporter and it should have read Dawamuxw and I corresponded with

them with respect to that; that he had made a mistake and referred to Dawamuxw in all of those.
THE COURT: Where does that error begin?
MR. GRANT: Well, it begins with respect to this series of questions in answer -- the last line in answer to question 352. He comes from the house of K'ali sgalan and -- that should be Dawamuxw.
THE COURT: And Question 354?
MR. GRANT: And 354 Should be the House of K'ali sgalan and Dawamuxw.
THE COURT: Yes. And also with 356.
MR. GRANT: And 356.
THE COURT: Yes. I see it.
MR. GRANT: The 10th and 11th line. It's in two places there. It should be Dawamuxw.
THE COURT: Is that agreed, Mr. Goldie?
MR. GOLDIE: Yes. That's --
THE COURT: Thank you. Does it continue on?
MR. GRANT: I think there was some other errors. He hasn't read them in yet.
THE COURT: All right. 361, that may be correct the way it is. Is 361 an error?
MR. GRANT: No. That was his question and that was not an error.
MR. GOLDIE:
Q Nor was the answer.
Now, we had before us in April the map which has now been marked as Exhibit 21. And let me ask you this question before I refer you to the map. Did you ever understand that in the territory which is marked as Geel and which you've explained the relationship between Geel and Dawamuxw --
A Dawamuxw.
Q Thank you. Did you ever understand that that territory was once claimed by the Kitwancool people?
A No. All I know is that's Dawamuxw' relation live on that territory and his brother and all his sons-in-law.
Q So if -- if the map, which is now Exhibit 21, indicates that the external boundary of the claims area excluded what is now marked as Geel, it was in error? Perhaps I'm being -- putting that question at too great length. It is your evidence that the Kitwancool never lived in Dawamuxw territory?
A No.
Q All right. Thank you. I wish now to refer briefly to some of the uses to which your territory has been put.

1 And, first, do you remember telling me that Stanley,
2 your brother, has a map of the trap line and the -- in
3 the territory out by Swan Lake?
4 A Yeah. And it was drawn by my Uncle George Williams.
5 Yes. I remember everything. I remember I'm the first
6 one that met you in April.
7 Q Yes.
8 A Right here.
9 MR. GOLDIE: Yes. You're quite right. I'm going to read to
10 you -- well, I have referred you to what you told me
11 about the map that was drawn by his uncle and I asked
12 my friend to produce the original of a document that
13 he gave me, which was a photocopy of two pieces of
14 maps pasted together. I wonder if my friend has that.
15 MR. GRANT: I have endeavoured to -- Mr. Wilson is not present
16 today and I did an investigation and the copy of the
17 map which was made for my friend, I have a copy
18 identical to it. The original was returned to Mr.
19 Wilson. I can advise that I understood that that -- I
20 can advise the Court and my friend that the original
21 of that map is exactly identical to that. That is,
22 Mr. Wilson's copy is exactly like that. It's a
23 photocopy as well. I also understand that the
24 original is held within the Fish and Wildlife Branch
25 of the provincial defendant. But if my friend is
26 quite concerned about seeing the other photocopy of
27 Mr. Wilson's, I have no problem with producing it.
28 It's just that I want to advise him it's identical to
29 that map.
30 MR. GOLDIE:
31 Q I understand what my friend is saying. The reference
32 to it being identical to a document in the possession
33 of the Fish and Wildlife Branch is, I think, with
34 respect too abreviated. The document that we have
35 been given is cut from two maps.
36 In any event, have you -- you've seen Stanley's
37 map, have you not, of the trap line?
38 A Yes.
39 Q Is that the -- is it like what I am now showing you?
40 Don't worry about the writing at the bottom of it.
41 The -- what I would like you to search your mind for
42 is whether that is -- looks like Stanley's map that
43 you were telling me about in April?
44 A Yes.
45 Q You feel it is?
46 A Did Stanley see this?
47 MR. GOLDIE: Well, I have no -- you're directing that question

to Mr. Grant, and he tells us that this is a copy of what Stanley has.

MR. GRANT: I can't answer your question. That's why I'm not answering.

MR. GOLDIE: Well, you -- I can ask Mr. Grant if he confirms the accuracy of what I had stated.

THE COURT: Well, he already has.

MR. GRANT: Yes. I have confirmed that this is the map, and as my friend pointed out, it's put together as a courtesy to my friend. It is correct that actually the one Mr. Wilson showed to me was two sheets of paper and so that it's understandable we taped them together so that it showed as a continuous map. This is a -- then it was immediately -- it was photocopied and that was the copy that was produced. And that's -- that's the map that Mr. Goldie is presenting to the witness.

THE COURT: All right.

MR. GRANT: I may also say I spoke with Mr. Wilson about this particular map.

THE COURT: All right.

MR. GRANT:

Q The -- and it is -- is that map then the one that you understand your Uncle George Williams had?

A Yes.

MR. GOLDIE: All right. Now, I'd like that marked, my lord. I'll get a clean copy because it has handwriting of mine on the bottom of it, but if a number could be reserved for that.

THE COURT: Yes. That will be 23.

(EXHIBIT 23: Map)

THE COURT: It's a map of what, Mr. Goldie?

MR. GOLDIE: Well, it is -- it is a map which shows an outline, what are trap line territories. And the -- there is underlined on both pieces of this map, which is -- Mr. Grant has stated was taped together, the number 0630T021. And that is the name -- the number of a registered trap line, and I'll come to that in a minute. Perhaps, Madam Registrar, you could show that to his lordship.

THE COURT: Yes. All right. Thank you.

MR. GOLDIE:

Q Do you recognize your brother's signature?

A Yes.

Q I'm showing you some rather poor photocopies of a document and I'm going to refer you to the top half of the page, and there is beside the printed word "signature of applicant", the signature Stanley

1 Wilson. Does that look like your brother's signature?
2 A Yes.
3 MR. GOLDIE: Now, what I have showed to the witness, my lord, is
4 a printed form headed "Province of British Columbia
5 Game Act Application For Registration of a Trap Line".
6 And the name of the applicant is Stanley Wilson, post
7 office address Hazelton, B.C. I'm going to show the
8 witness a couple of other pages. This is the -- these
9 are the contents of a trap line file.
10 THE COURT: Are you tendering the application?
11 MR. GOLDIE: I beg your pardon?
12 THE COURT: Are you tendering the application?
13 MR. GOLDIE: I'm going to tender all of them together, my lord.
14 If I may --
15 THE COURT: Yes. All right.
16 MR. GOLDIE:
17 Q -- refer to one further document. It's the second
18 from the last, second page to the last, and there's a
19 handwritten page that's headed "Stanley Wilson, Fred
20 White and Company." Fred White was Tsibasaa, was he?
21 A Yes.
22 Q And Stanley is now Tsibasaa?
23 A Yes.
24 Q And then there are names, Leonard Gawa, Wilfred, and I
25 think there's a --
26 A Wilfred Gawa.
27 Q Gordon Johnson?
28 A Yes.
29 Q Mary Johnson?
30 A Yes.
31 Q That's you?
32 A Yes.
33 Q Alfred Latz?
34 A Yes.
35 Q Is he now dead?
36 A He's -- he is -- he died a long time ago and Leonard
37 Gawa took over as chief.
38 Q Arnold Tait?
39 A Yes.
40 Q Is he a member of your family?
41 A Yes.
42 Q And Donald Tait?
43 A Yes. Don died last August.
44 Q And this -- these are the members of that particular
45 trap line, are they not?
46 A Yes.
47 Q Including you?

1 A Yes.
2 MR. GOLDIE: Now, unless my friends have objections, I'm going
3 to tender the -- all of the documents which relate to
4 this trap line without going through them page by
5 page.
6 THE COURT: What's the date of the application?
7 MR. GOLDIE: The date of the application, my lord, is July 15th,
8 1965.
9 MR. GRANT: My lord, the position I take is that the two
10 documents which the witness has identified should --
11 they can go in, but the entire file, I will object to
12 it going in.
13 THE COURT: What are the contents of the rest of the file?
14 MR. GOLDIE: The contents of the rest of the file, firstly, a
15 handwritten memorandum from Frank Gillian, who is a
16 conservation officer -- and this is an internal
17 memorandum to the senior conservation officer at
18 Smithers saying "July 27th, '84, re trap line."
19 THE COURT: I'm sorry.
20 MR. GOLDIE: That's just a handwritten memorandum and refers to
21 the boundaries. Then there is a document with a
22 geographical description which is, I believe,
23 comparable to but not in the same words as the
24 application. And then there is a letter from -- to
25 chief conservation officer, an internal document which
26 identifies the trap line in question and the
27 application referred to Fred White. Then there's the
28 handwritten document which the -- I put to the
29 witness, and then there is a further document, trap
30 line transfers, Stanley Wilson, and it refers to the
31 difficulty in the -- in determining the outline of the
32 territory. The -- I can say to my friends that the --
33 these were, of course, listed and these documents are
34 what is found in the trap line file dealing with the
35 number that is underlined in the document, which will
36 be Exhibit 23, namely 0630T021.
37 THE COURT: Well, it seems to me that your friend's objection,
38 Mr. Goldie, is probably sound subject to the -- to the
39 larger question that was raised by the notice of
40 motion filed returnable at the start of this trial.
41 MR. GOLDIE: Yes. And I think I should come to that in relation
42 to -- to the -- what was tendered at that time, namely
43 a map of the registered trap lines. But in the
44 meantime, I would ask that the -- well, I'm going to
45 reserve my application to have this tendered as a
46 single exhibit until I complete my submission with
47 respect to the trap line.

1 THE COURT: Well, I think for the moment I'll agree with your
2 learned friends and allow you to put in, if you wish,
3 just the two documents the witness has identified and
4 put off to another evil day the sufficiency of which
5 will be determined in due course.
6 MR. GOLDIE:
7 Q Well, let me -- before I tender those documents, my
8 lord, I had a couple of questions to put to the
9 witness.
10 Mrs. Johnson, is it my understanding that your
11 house has one trap line, and that is in the name of
12 Stanley Wilson at this time?
13 A Yes.
14 Q And does every -- to your knowledge, does every
15 Gitksan house have a trap line?
16 A Yes.
17 Q Now, would somebody who was not a member of your house
18 require your permission or the permission of your
19 brother to trap on the territory of Antgulilbix?
20 A Yes. It will be my -- brother's children will do
21 that.
22 Q Yes.
23 A If they want to go to the territory, they will get
24 permission. That's what we call am nig wootxw.
25 MR. GOLDIE: Yes.
26 THE COURT: Did you get that word, Madam Reporter?
27 MR. GOLDIE: My lord, I'm going to refer to the motion that I
28 made -- just right there will be sufficient. Thanks.
29 And it was left for further consideration at the time
30 and I'm going to renew it at this point in relation to
31 this map, which has registered trap lines, and the
32 supporting documents which is called "Registered Trap
33 Lines, Ministry of Environment and Parks Supporting
34 Documentation". May I hand up to your lordship the
35 copy that your lordship had on May 11th? And I'm
36 going to refer to the transcript at Volume 1.
37 THE COURT: Do I need the transcript?
38 MR. GOLDIE: No. I'm just going to give your lordship the page
39 references, because it was there that I made my
40 submission with respect to this particular document
41 and I don't propose repeating it. And if I may
42 refresh your lordship's recollection, what I did was
43 to go through the affidavit material in the support of
44 the notice of motion so that your lordship would have
45 a sense of the -- the manner in which this was dealt
46 with.
47 MR. GRANT: My lord, if I just may interject at the very

beginning here, I wonder if this is going to take some time, if the witness could just stand down or --

THE COURT: Well, she can if she wishes, yes.

MR. GRANT: So she doesn't have to --

THE COURT: You can stay there if you want, Mrs. Johnson, or you can go for a walk, whatever you want. We're not going to need you for a few minutes. You suit yourself wherever you're most confortable. We may not be long. Will we, gentlemen?

MR. GOLDIE: I don't intend to be long.

THE COURT: All right.

MR. RUSH: Well, since I suppose that I'll be replying to this, this was my previous habit. I can't give you an explanation of how long I'll be because we didn't know we were going to hear this motion.

MR. GOLDIE: I'm sorry. I informed my friend that I was.

MR. RUSH: Oh, no. What I heard you say was that you were going to introduce two maps.

MR. GOLDIE: Introduce the trap line map and --

MR RUSH: And put it to the witness.

THE COURT: No. All right,gentlemen. I don't think there's any advantage. If you have a misunderstanding, I'll be glad to hear about it in due course. Are you taken by surprise, Mr. Rush?

MR. RUSH: What I can say is that my understanding of the conversation I had earlier today with Mr. Goldie was that two maps, this one and another one, were going to be put to the witness, as I thought was the disposition of your lordship's comments at the beginning when this motion was dealt with by you. And, principally, that if in cross-examination a map was going to be suggested or presented to a witness, it would be presented to that witness and they would see what they could do with it.

THE COURT: Yes. You expected the witness to either identify the map and make it an exhibit or not identify it and that would be the end of the matter.

MR. RUSH: That's what I expected.

THE COURT: You say you didn't understand that your friend was going to seek to renew his application?

MR. RUSH: That's correct.

THE COURT: All right. Now, can you proceed that way, Mr. Goldie, by just presenting the map, or do you want to renew your application?

MR. GOLDIE: Well, if Mrs. Johnson can identify that map, I'll be surprised.

THE COURT: Do you want to try?

1 MR. GOLDIE: I'll try anything once.
2 THE COURT: All right.
3 MR. GOLDIE:
4 Q Mrs. Johnson, if you could turn around in the witness
5 box for just a minute. I'm showing you a large map,
6 and beside it is a map that's entitled "External
7 Boundaries of the Gitksan Wet'suwet'en territories.
8 And that map has been marked as an exhibit. Now, this
9 map has somewhat similar broad black outline, but
10 inside it there are a lot of lines which are not shown
11 in Exhibit 5. Now, these lines I can tell you, are
12 intended to be the external boundaries of trap lines.
13 And one of the -- one of them is the number that I
14 read to his lordship a few minutes ago, 0630T021.
15 Now, if you would like to have Stanely's map in front
16 of you. Just hold that map if you would, please.
17 Thank you. Now, I show you up here the number
18 0630T021, under 68. And would you agree with me that
19 under that number on Stanley's map is the number 68?
20 A Yes.
21 MR. GOLDIE: And then the number is repeated a little further
22 down, and it -- it is near the Kispiox River and I'm
23 going to point on this map to where the Kispiox River
24 is. And it's just up there. And on this map there is
25 repeated 06302030, and I suggest to you it's just like
26 Stanley's map. Would you agree with that?
27 MR. GRANT: Well, the number you pointed to is --
28 MR. GOLDIE: Partially obliterated.
29 MR. GRANT: It's partially obliterated, also to the extent that
30 it's T021, not T030.
31 MR. GOLDIE: Well, I think we are looking at the same thing, but
32 we're seeing it with different eyes.
33 THE COURT: I think you're right there, Mr. Goldie.
34 MR. GRANT: That's a fact with which I agree.
35 THE WITNESS: Is this the one he referred to? So this is the
36 second one.
37 MR. GOLDIE: Mrs. Johnson, will you agree with me that there is
38 shown on this large map what is shown on Stanley's map
39 in the area that I have indicated to you, and that's a
40 much smaller area than what you're looking at because
41 this is a much larger map. Would you agree with the
42 fact that the one is the same as the other so far as
43 that trap line 0630T021 is concerned? Perhaps I can
44 be of some assistance by bringing this closer to you.
45 Now, there's the -- there's the first part up there
46 that I'm suggesting and then down here is the other
47 part. There are the two maps.

1 THE COURT: Is this map the part of the map that you're showing
2 Mr. Goldie, one of these smaller maps in this --
3 MR. GOLDIE: Grey book?
4 THE COURT: Yes.
5 MR. GOLDIE: No, it isn't, my lord, because those maps are
6 related only to the three trap lines which are in the
7 Prince George district, all other trap lines being in
8 the Smithers district.
9 THE COURT: Yes. Because the smaller map would be certainly
10 easier for the witness to --
11 MR. GOLDIE:
12 Q Yes. I agree. The -- I am going to direct Mrs.
13 Johnson's attention to one further matter. And that
14 is that beside the trap line number that I have been
15 using, which is Stanley Wilson's, I show you that the
16 number to the right of it is 0630T018 and below it is
17 67. Would you agree that that is what you see on
18 Stanley's map? I'm referring to that right there.
19 A Oh, yeah.
20 Q And then over to the left is 0630T030 and below it is
21 the number 65. And would you agree that that is the
22 same as Stanley's map?
23 A Yes.
24 Q And the lower sheet of the map -- well, that is partly
25 obliterated, but on the lower sheet also is the number
26 0630T030 and I show you that as being to the left and
27 below the number 21 on Stanley's map. And I suggest
28 to you that is -- that is the same number as is found
29 where I am pointing on the large map.
30 A Yes.
31 Q Well, thank you. Would you be prepared then, Mrs.
32 Johnson, to agree that the large map which is headed
33 "Registered Trap Lines" correctly shows and outline
34 the trap line which is shown on Stanley's map?
35 A Yes.
36 MR. GOLDIE: Thank you. I ask that the large map be marked as
37 an exhibit, and I accept the present, my lord, that it
38 is identified only with respect to registered trap
39 line number 0630T021.
40 THE COURT: Give me the number again please. 06 --
41 MR. GOLDIE: 0630T021.
42 THE COURT: Yes. All right. The large map may be Exhibit 24,
43 proving only that limited fact.
44 MR. GOLDIE: May I ask that that be marked as Exhibit 24A and
45 that there be reserved as Exhibit 24B the document
46 entitled "Map 2, Registered Trap Lines, Ministry of
47 Environment of Parks Supporting Documentation".

1 THE COURT: Well, you can reserve the number.
2 (EXHIBIT 24A: Map)
3 MR. GOLDIE: Unless my friend is prepared to admit it.
4 MR. GRANT: No. We're not prepared to admit that. My lord, I
5 am concerned about -- at this point in time, I'm
6 concerned about the Exhibit 24A. I think the
7 transcript will show that the -- I believe it's
8 Exhibit 23, the map which you referred to as the
9 Stanley Wilson map, had numbers similar to the Exhibit
10 24A.
11 THE COURT: Yes.
12 MR. GRANT: But what I'm concerned about is that Exhibit 24 not
13 go in to necessarily show what those boundaries are.
14 I have not had an opportunity of making a comparison
15 and neither did the witness while she was giving
16 evidence. She was -- pointed out to a series of
17 numbers and those numbers are on both Exhibit 23 and
18 Exhibit 24. If it's admitted for those purposes,
19 that's fine, but I don't think that the evidence goes
20 further than that.
21 THE COURT: Well, the note I made of her evidence was that I
22 agreed that the large map, Exhibit 24A, correctly
23 shows the area of trap line O6302021. That's as far
24 as it goes at the moment and that's rebuttable.
25 There's nothing conclusive about it. But it seems to
26 me we're wasting a great deal of time on matters over
27 which there should be no dispute at all. But I -- I
28 hope we don't have that sort of --
29 MR. GOLDIE: Well, I hope so too and I'm sorry that my friend
30 didn't understand that I was going to do what I said I
31 was going to do back on May the 11th, and that is, if
32 my friend was not prepared to proceed with a motion
33 that I was making, I would be putting these documents
34 to the witness as they occured.
35 THE COURT: Well, if we have further difficulties of this kind,
36 I think we must set a time and have the argument, see
37 what can be done to expedite this. I take it you
38 haven't given your friends a notice to admit all these
39 documents?
40 MR. GOLDIE: I gave one notice to admit and they refused. Not
41 with respect to this document, with respect to other
42 documents.
43 THE COURT: All right.
44 MR. GOLDIE: Well, now, I want to see if I have a correct
45 understanding with respect to these trap lines, Mrs.
46 Johnson. Is it your understanding that the trap
47 lines -- and I'm now talking about Stanley's trap

line. I shouldn't say trap lines.
THE COURT: I'm sorry to slow us down again, but I don't think you have put in the two documents that --
MR. GOLDIE: No, I haven't.
THE COURT: Are you going to do that?
MR. GOLDIE: Well, I was hoping to come back and include a couple more, but perhaps I should take the ones that I presently have and put those in, and that is the application for registration.
THE COURT: Yes.
MR. GOLDIE: And the handwritten note which the witness has identified. And may those two be marked as a single exhibit, my lord?
THE COURT: Yes. They can be Exhibit 25.
(EXHIBIT 25: Application for registration and handwritten note)
MR. GOLDIE:
Q Mrs. Johnson, is it your understanding that Stanley's trap line is both within and outside the territory that is marked as part of the House of Antgulilbix near Swan Lake?
A Yes.
Q Do you know in whose territory the eastern part of Stanley's trap line falls? Is it -- do you know the name of the house?
A Do you mean the end of Xsi wis an skit?
Q Well, let me put it another way. Is part of Stanley's trap line in the House of Gyolugyet?
A Yes.
Q And is part of his trap line in the territory of Ma'uus?
A Yeah. I have seen Ma'uus' name on the map.
Q And when you say that, do you mean by it that part of Stanley's trap line is in Ma'uus' territory?
A No.
Q Can you explain further then what you had in mind?
A I would call them our neighbours, the Gyolugyet territory and Ma'uus' territory.
Q Did you get that answer? Thank you. In the south, is part of Stanley's trap line in Geel's territory?
A No.
Q You say you don't know?
A No. They just go by the boundary.
Q And your -- your evidence is that Stanley's boundary of his trap line --
A Yes.
Q -- is the same as the boundary of the house?

A Yes.
MR. GOLDIE: Yes. All right. Now --
THE COURT: And when you say the south there, Mr. Goldie, you mean the south end of the northern property or the south property?
MR. GOLDIE: I'm talking about the northern property only.
THE COURT: I see. The south part of the north.
MR. GOLDIE:
Q The south part of the north property. The -- your house has no trap lines in the territory near Kispiox Village?
A Yes. There's some trap lines near the village.
Q Yes. All right. I'll come to that. You remember being asked about Charles Johnson?
A Yes.
Q Did he not have a trap line beside Stanley's?
A No.
Q Did he have a trap line near or partly in your territory?
A No. He never stepped on our territory.
Q I see.
A Yet all I heard is that he registered part of Xsi wis an skit and that's not right. He's kind of out of his mind and he's not a great chief and like what we, the Indians, call 'waa 'aa'in.
THE COURT: Just a moment.
THE WITNESS: 'waa 'aa'in means no chief. An galstuxw means poor, got nothing.
MR. GOLDIE: Thank you. Perhaps Miss Steven might give us those words.
THE TRANSLATOR: Can I have her repeat them again?
THE COURT: Yes. You'll have to repeat it again.
THE WITNESS: An galstuxw. Needi kuhl wiitisim simoogit.
MR. GOLDIE:
Q So Charles Johnson may have registered part of a trap line in your territory, but he was wrong to do so?
A Yeah. He was wrong. He's not like his brothers like Dawamuxw and Laan. They were nice gentlemen. They were true. They tell the truth, and they claim they own territory and they know our boundary.
Q All right. And the -- do you know the location of that trap line that Charles Johnson had that was improperly on your land?
A Yeah. It was the creek that we call Xsi wis an skit. He nearly took all of that creek.
Q Do you have that? That's what is known as the Upper Kispiox River?

A Yes.
Q Thank you. And did -- to your knowledge, did that trap line that Charles Johnson registered in his name or that he was the owner of, did that extend into Kitwancool territory?
A No. It's -- it's -- Gyolugyet's territory is next to Xsi wis an skit. That's where the hunting ground that was given to us for a compensation.
MR. GOLDIE: I see.
MR. GRANT: 300 was the name she gave.
THE COURT: Thank you.
MR. GOLDIE:
Q Just leaving aside the northern territory, I want now to come to the territory near Kispiox Village. Is not Alvin Weget the owner of a trap line that is on part of your territory?
A You mean his son Norman Weget?
Q Yes. I think you're correct. Alvin Norman Weget?
A Yes.
Q Has he got a trap line that is on your territory?
A No.
Q No?
A No. Just -- just like Luuwis Wesley traps on -- on our territory, and his trapping ground is about six mile -- I forget. Maybe six mile long or mile and a half wide. My brother Stanley remembers that. That man used to trap there and he's a wolf, from a wolf tribe in Kispiox. He comes from the House of Xsim gaakhl.
Q Do you remember his English name?
A Luuwis Wesley.
Q Luuwis?
A Luuwis.
Q Luuwis?
A Wesley, yeah. And they raised his wife's grandson, and his name is Leonard Wesley, almost the same age as Stanley, my brother. And Leonard used to go with him to trap there.
Q Do you know -- I'm sorry.
A They didn't tell the reason why he got that piece of ground. Didn't go on the outside. Just stay where his traps are.
Q You say they didn't tell why he got that land?
A No. They didn't tell why he got that small piece of ground.
Q But isn't that small piece of ground that he traps on in your territory?

A Yes.
Q It is?
A Yes.
Q And if he traps there, does he do so with your permission?
A No.
Q So he shouldn't be there?
A My brother sees him trap there and I don't know why because Xsu wil Masxw is our territory. That belongs to the Giskaast. And those people that you mentioned are from the Gal doo'o from Luus' house.
Q Do you -- do you know, or did you know an Amelia Angus?
A Yes.
Q Did she trap that territory too?
A I don't know if she did trap the area. It would be okay because she is Uncle George Williams' daughter.
Q Thank you. Now, did you know the late Roy A. Wilson Sr.?
A Senior?
Q Yes?
A Yes.
Q When did he die, to your recollection?
A I thought you meant Roy Wilson Sr. that's still alive today.
Q I see. That Roy Wilson is alive then?
A Yes.
Q Does he have a son, Roy Wilson Jr.?
A Yes.
Q All right. Is -- does Roy Wilson or his son have the right to trap on your land?
A No.
Q To your knowledge, do they trap on your land?
A No.
Q You're not aware of them being the owner of a registered trap line that is on your land in part, not in total?
A Oh, do you mean in Wil masxwit?
Q Yes.
A No. All I know is that the mountain belongs to a family and the mountain's name is Wil masxwit. That's why they call that creek Xsu Wil Masxwit that runs into Skeena River. And that's where they got the mountain goat and groundhogs. They call it Antgulilbix trap line.
Q All right. Can I leave the trap lines for a minute and come to the highway that goes through your

southern territory? I think it's called the Kispiox Valley Road?
A Oh, yeah.
Q Is part of that within your territory?
A Do you mean the mountain that they call where the moon shines on?
Q Well, I'm talking about a road that is paved and goes from Hazelton across the Bulkley by a bridge?
A Yes.
Q And runs up beside the Skeena to Kispiox Village and beyond there?
A Yes.
Q Now, does that highway in part run across your territory?
A Yes.
Q And that -- there has been a road there which people have used?
A Yes.
Q Since -- for a long time?
A Yeah.
Q Before you were born?
A Yes.
Q And that's a -- a public road in the sense that anybody using -- can use it; is that right?
A Yes, yes.
Q And is there a power line that runs across part of your territory?
A Yes.
Q Taking power up to the --
A Yes. Yes.
MR. GOLDIE: Now, I don't want to go through the same process, but there is another map which shows rights of way and instead of putting that to the witness, my lord, I'm going to defer that until you set a time for the argument on the motion.
THE COURT: All right.
MR. GOLDIE:
Q And I say the same thing with respect to lands which have been alienated district lots and water rights and mineral tenures.
But I have a couple of questions to ask you, Mrs. Johnson. Do you remember you told his lordship about the logging --
A Yes.
Q -- that is on your territory?
A Yes.
Q And I think you were asked --

A That's the side of the -- of the mountain. That's called where the moon shines on.
Q Yes. Yes.
A And there's a vegetable farm below that too.
MR. GOLDIE: Yes.
THE COURT: May I see that again?
THE WITNESS: Right on the highway.
MR. GOLDIE: Right.
THE COURT: I'm sorry. I'd like to make sure I know where this -- I'm sorry.
THE WITNESS: Yes.
THE COURT: Yes. Where is the mountain where the moon shines?
MR. GOLDIE: That's Andamhl.
THE WITNESS: Andamhl.
MR. GOLDIE: That's the one that your lordship and I had so much trouble with this morning.
THE COURT: All right.
MR. GOLDIE: Now --
THE COURT: Well, that's a long way from where the vegetable garden is.
MR. GOLDIE:
Q Yes. I'm going to suggest to the witness that the logging is considerably closer to the highway than the mountain itself. Is that right?
A No. It's way up. And there's the whole side of the mountain.
Q I see. And there's logging going on there now or recently?
A Recently.
Q Recently. And who is carrying on the logging there?
A I don't know.
Q Well, do you remember you told Mr. Grant that you and your family had adopted Mr. Stuart Forsythe. Do you remember --
A Yes.
Q -- telling me that?
A Yes.
Q Is Mr. Forsythe a white man?
A Yes.
Q Is he the man who has done some of the logging on that territory?
A I don't know, but he got a farm somewhere.
Q Close by there?
A Yeah.
MR. GOLDIE: Well, I'm instructed -- and does your lordship still have the map in front of you?
THE COURT: Yes. Well, one of the Kispiox Village?

1 MR. GOLDIE: Yes. The Kispiox Village map.
2 THE COURT: Yes.
3 MR. GOLDIE:
4 Q And if your lordship would look at the southerly
5 boundary, there is a name Xsikadook,
6 X-s-i-k-a-d-o-o-k.
7 A Xsikadook.
8 Q That is your name for a creek called Alipakh Creek, or
9 have you heard that name?
10 A Alipakh Creek is below where the moon shines. It runs
11 out where the vegetable farm is. They cover it
12 with -- with their garden, but you could still see the
13 water running out.
14 MR. GOLDIE: Well, that -- in what my friend Mr. Grant handed up
15 is the English name for 321. But, in any event --
16 THE COURT: I'm sorry. What is it? Is it a creek?
17 MR. GOLDIE: It is a creek, I'm instructed.
18 THE WITNESS: It's a small creek.
19 THE COURT: That's Xsikadook.
20 MR. GOLDIE:
21 Q Yes.
22 A The reason why they call the village there Wilt
23 galliibax.
24 Q That stream, if we understand the evidence correctly,
25 is in the middle of the territory where Xsikadook is
26 the boundary; is that right?
27 A Yes. Past Xsikadook, and there's another smaller
28 creek runs down, and that's the boundary and the
29 creek's name is Xsan Max Hlo'o.
30 Q All right. There are two creeks which form the
31 boundaries?
32 A Yes.
33 Q Now, with respect to the southerly one, is the logging
34 which is taking place --
35 A Yes.
36 Q -- on either side of that creek?
37 A Yes.
38 Q Yes. So the part that is on the northern side is in
39 your territory?
40 A Yes.
41 Q Well -- and you're not aware of whether it is Mr.
42 Forsythe, Mr. Stuart Forsythe, who is the operator of
43 that logging?
44 A No.
45 Q All right. Thank you. Now, you have mentioned -- in
46 your evidence you said the government had sold land to
47 Mr. Fred Fallensby?

1 A Yes. Yes. It's right behind the smoke house, and his
2 fence is right behind the smoke house. I have seen it
3 when I was small and my Auntie Emily Latz lives there
4 when she was young with her husband, Walter Latz.
5 THE COURT: I'm going to refer back again to the -- your
6 examination for discovery in April, and I want to
7 refer to questions 198 to 210.
8
9 Q "I am referring you to Exhibit 3."
10
11 That is the -- the map that was attached to her -- her
12 interrogatory, my lord, that has now been marked.
13 THE COURT: Can I have that, please?
14 MR. GOLDIE: The page is 42 in the discovery.
15 THE COURT: No. The map was --
16 MR. GOLDIE: It's the draft copy, which I think --
17 THE COURT: It's the one with the -- yes. That is Exhibit 3, I
18 believe. Yes. This is part of the interrogatories
19 response?
20 MR. GOLDIE: Yes. That's right. And it's of the southern or
21 Kispiox Village.
22 THE COURT: That's Exhibit 19 at the trial.
23 MR. GOLDIE:
24 Q Question 198:
25
26
27 Q "I am referring you to Exhibit "3". Can
28 you tell me where the ranches and farms
29 are in that territory, where are they,
30 that are owned by white men?
31 A Yeah, there was a vegetable farm just
32 near the highway below the mountain.
33 Q Yes.
34 A It is there, not far from the vegetable
35 farm is, is a smokehouse, this side,
36 close to Glen Vowell.
37 Q Yes.
38 A That's below the same mountain again,
39 that's the fishing ground, the family's
40 fishing ground.
41 Q Yes.
42 A And there was a white man's farm behind,
43 right behind this fish -- smokehouse
44 stands a white man's house and the
45 elderly man's name -- I have seen him
46 when I was small, he lives all his
47 life -- his name, they call him Fred

Fallensby.
Q Fred Fallensby?
A Um-hum.
Q And is somebody there, a white man living on that land now?
A No, no.
Q Are there white men living in your territory now?
A Yeah, they live on the vegetable farm.
Q Yes.
A And what is it that you want in this lawsuit; do you want the white man to go, or do you want money for him being there?
A We want, we want the government to pay for all the damages, we won't sell the land.
Q Yes.
A Because we are thinking of those that will come behind us.
Q Yes.
A And they will suffer if we do sell the land and we are not going to sell our real inheritance.
Q Yes.
A All we want is to, for them to pay for it and move those people -- what would you think if someone stays on your territory?
Q Well, it is not quite clear to me, Mrs. Johnson, you say you want the government to pay money --
A Yes.
Q -- for the damage that has been done, and do you also want the white man to move?
A Yes."

Do you remember being asked those questions?
A Yes.
Q And you gave those answers?
A Yes.
Q Mr. Fallensby is now dead, is he not?
A I think he's dead long time ago, because he's already an elderly man when I seen him.
Q And you were quite young when you first saw him?
A Yeah.
Q And so he would -- the land on which he lived, if that was his land, would have become his land many years

1 ago?
2 A Yes.
3 Q And isn't that the same thing with respect to the land
4 on which the vegetable farm is?
5 A That's -- I think I know it's the same because he
6 clear part of the land where the vegetable farm is,
7 but some trees were growing there again.
8 Q Yes.
9 Q So that it was part of the land that Mr. Fallensby
10 cleared?
11 A Yes.
12 Q That is now the vegetable farm?
13 A Yes.
14 MR. GOLDIE: All right. Thank you. Now, Mr. Grant in --
15 referred at transcript Volume 13, page 826 beginning
16 at line 5.
17 THE COURT: I'm sorry. The page again?
18 MR. GOLDIE: Page 826, my lord.
19 THE COURT: Thank you.
20 MR. GOLDIE:
21
22
23 Q "Okay. Now, I would like to ask you
24 something about the Gitksan law regarding if
25 your father died and your father had built a
26 house on the Kispiox Village.
27 A Yeah.
28 Q Would that house go to the members of his
29 house, or could it be passed on to you?
30 A Yeah.
31 Q Do you understand?
32 A Yes. That's how my grand-father is to
33 Wilfred Gawa. He gave him his house and his
34 land in -- right in the village, something
35 he builds himself will go to his children.
36 And not about a hunting ground, because it
37 belongs to the family crest."
38
39 Q Now, if -- that's -- that's how you described how --
40 A Yes.
41 Q -- your grand-father, who was Daniel Gawa?
42 A Yes.
43 Q Gave his house and land directly to his grandson
44 Wilfred?
45 A Yes.
46 Q I want to refer you again to your examination for
47 discovery, question 249:

Q "Let me ask you one or two questions about that. You have said in response to question 95 in the responses to your interrogatories that some of the laws of the Gitksan include names, seats in the Feast house, songs, crests passed on through the matriline?
A Yeah.
Q Yes, that is through the mother's line?
A Yeah.
Q Yes.
A Yeah, it's strictly on the mother's line.
Q Right. So, that means when your father dies his property would go to --
A To his own family.
Q Yes.
A And that" --

Now, there's a -- what shows to be an answer. 253, I think, is part of the question, my lord. So the question should be:

Q "Yes. And that would be his, his sister's children?
A Yeah, yeah, nephews.
Q And nieces?
A Yeah.
Q Yes, on his line?
A Yeah.
Q Yes.
A Yeah, yeah.
Q Now, your father died when?
A He died around past sixties, I think, 1960.
Q Yes, in 1960?
A Yes."

Q Do you remember being asked those questions and did you give those answers?
A Yes.
Q Question 279:

1 Q "Yes. So your grandmother was Edith Gawa
2 and your grand-father was Daniel Gawa?
3 A Yeah, Daniel Gawa is frog tribe.
4
5 Question 295 to 298.
6 THE COURT: Sorry. You read. You just said 279.
7 MR. GOLDIE: Just 279.
8 THE COURT: All right. And the next question?
9 MR. GOLDIE: 295 to 298.
10
11 Q "Thank you. Do you remember when your
12 grand-father Daniel Gawa died?
13 A Oh, it's a long time ago.
14 Q Yes.
15 A Before the 1950's, I think.
16 Q Would it be in 1945?
17 A I think so.
18 Q And he left everything to his wife while she
19 lived, did he not?
20 A Yeah."
21
22
23 Question 305 to 324.
24 THE COURT: I think before I read that long passage, Mr. Goldie,
25 we'll take the afternoon adjournment.
26 THE REGISTRAR: Order in Court.
27
28 (PROCEEDINGS ADJOURNED)
29
30
31
32 I hereby certify the foregoing to be
33 a true and accurate transcript of the
34 proceedings herein transcribed to the
35 best of my skill and ability.
36
37
38
39

(PROCEEDINGS RECOMMENCED AFTER BRIEF RECESS)

THE COURT: Mr. Goldie.
MR. GOLDIE: My Lord. I had finished reading questions 259 to 298 and I was about to start on questions 305 to 324.
THE COURT: Okay.
MR. GOLDIE:
Q And you will recall, Mrs. Johnson, that we were -- I am reading the questions and answers that you gave in your examination for discovery. Question 305:

"Q But, in fact, was there not money distributed amongst the children and the grandchildren and the property went to Wilfred; is that not what happened?
A Yeah, they got land in the village and it goes to Wilfred.
Q And the children and grandchildren, including you --
A Yeah.
Q -- got some money?
A Yeah, my grandmother got some, little bit of pension, too, and we got little bit when she died.
Q And all that was according to a will that your grandfather signed and left; was it not?
A Yeah, they made a will for Wilfred.
Q Well, that was not according to Gitksan law, was it?"

And then there was some interjections. Question 310.

"Q A distribution of Daniel Gawa's property."

And there is an interjection. Question 311:

"Q To the children and the grandchildren as to the money and the property to Wilfred?
A Oh, he got no money because he was very aged when he died.
Q There was --
A He lived a long time.
Q But, you got some money?
A From grandfather.

Q Yes.
A No.
Q Are you sure?
A No.
Q After, after your grandmother died was there not some money; did not some money come to you from --
A Just a little bit, like I said.
Q Yes, just a little bit?
A Yeah, yeah.
Q And a little bit went to --
A To Emily.
Q -- Emily and a little bit to ..."

My Lord that should be Efie, not "FE", as in a Birkingham.

"Q A little bit to Efie Wilson?
A Yeah.
Q And to Alice Tait?
A Yeah, and Stanley.
Q Yes, and Stanley.
A Just his -- just her grandchildren?
Q Right. Now, my question to you was that money was not paid in accordance with the Gitksan law, was it?
A You mean we should use it to the Gitksan law?
Q No, I am just speaking about the payment of your money from your grandfather's and your grandmother's estate.
A No, it's so small can't use it for --
Q Yes.
A -- any, any feast like."

Q You remember being asked those questions and giving those answers?
A Yes.
Q Thank you.
Q Is there such a thing as a will in Gitksan law?
A Yes.
Q And how is it made?
A If anyone would like to make a will for his family, something that he makes himself, clear the land or -- but not about the hunting ground.
Q And the will is something that is done according to the white man's law?

A Yeah.
Q Now, in the example that Mr. Grant put to you with respect to your father. What he left was a little bit of money; is that right?
A No.
Q You don't recall that?
A No.
Q All right. Was it not divided between you and Stanley, what little there was?
A Yeah.
Q Yes. I was going to read to you question 273, and I'll do so because I think it accords now with your evidence. Question 273 to 275.

> Q Now, I am asking you again, and I would like to you search your recollection, was there not a sum of money that was coming to your father when he died as part of his pension and it was divided between you and Stanley?
> A I think it's just a little bit because they got small amount in those days.
> Q Yes.
> A Yeah.
> Q But, it was divided between you and Stanley?
> A Divided yeah, even though it's very small."

A Yes.
Q And you remember those questions and those answers?
A Yes.
Q Thank you.
Mrs. Johnson, there had been some references to the Kitwancool-Gitksan, and when you speak of the Gitksan law --
A Yes.
Q -- do you include as Gitksan the Kitwancool people?
A Yes.
Q Is it your evidence that the same Gitksan laws and customs that you have described here are equally applicable to them?
A Yes.
Q There was just a very small point that I noticed in your evidence that you can perhaps clear up for me that caused me to ask you those questions. In your -- the evidence you gave Mr. Grant in the transcript,

1 Volume 11, at page 697, lines 11 to 31, My Lord. I
2 don't think I have to read it all, but you were being
3 asked about the customs of young girls when they
4 become women and you had referred to a special kind of
5 small house?
6 A Yes.
7 Q And Mr. Grant's question was to you at line 11:
8
9 "Q Now, did your grandmother tell you about
10 these houses?
11 A Yeah.
12 Q And what were they used for?
13 A That's when a young teenager got her
14 first period. She's not supposed to live
15 among the people. It's to live by herself
16 in these small houses until the end of the
17 year and she's not supposed to eat fresh
18 fish for a whole year and fresh meat."
19
20 Q And then there were questions and answers at line 26,
21 you gave this answer:
22
23 "A Yeah, it -- if she does eat the meat
24 that the hunters saw, they said it will
25 bring bad luck to the hunter. He won't
26 catch anything and it will cause trouble to
27 his eyes. And today the people are still --
28 still doing it. They didn't allow their
29 girls to eat meat or eat some fresh fish for
30 a whole year."
31
32 Now, I want to be sure that you meant that the
33 young girls were to live in these small houses for a
34 whole year.
35 A Yes.
36 Q Do the Kitwancool have the same custom, as far as you
37 are aware?
38 A Yes.
39 Q I was under the impression that they required their
40 young girls to live in these small houses for only a
41 short period, 10 days, but that's not your
42 recollection?
43 A Oh yeah. But if the woman goes out with the husband
44 to hunt, and she won't live among the hunters for 10
45 days if she got her period, and she won't eat the meat
46 that they just shot, those fresh meet.
47 Q I'm not sure that I understand it, but have I got this

1 correct, that sometimes the young girls don't live in
2 the small houses for a full year?
3 A Yeah.
4 Q Is that right?
5 A Yeah.
6 Q And are the Kitwancool and the Gitksan, who are the
7 plaintiffs in this action, any different in that
8 regard?
9 A I believe the same law.
10 Q All right.
11 A Yes.
12 Q Thank you.
13 My Lord, I propose, with Your Lordship's
14 permission, to interrupt my cross-examination at this
15 point and to request Your Lordship to set down for
16 argument the motion with respect to the admission of
17 the trap line map and supporting material, the
18 rights-of-way map and supporting material, the mineral
19 tenures mapping and supporting material, the water
20 rights mapping and supporting material, and the
21 district lot alienations map and supporting material.
22 My suggestion is that we might argue that tomorrow
23 morning, and depending upon Your Lordship's ruling, I
24 would wish to put some further questions to Mrs.
25 Johnson arising out of those exhibits.
26 THE COURT: Is that convenient, Mr. Rush, Mr. Macaulay?
27 MR. RUSH: Well -- yes.
28 THE COURT: All right.
29 MR. MACAULAY: It is convenient for me, My Lord.
30 THE COURT: All right. Shall we start at 9:30 and do it then?
31 All right. Are you able to carry on with another
32 witness in the meantime, Mr. Grant or Mr. Rush?
33 MR. GRANT: I would propose that Mr. Macaulay's
34 cross-examination --
35 THE COURT: I'm sorry, I keep forgetting about poor Mr.
36 Macaulay.
37 MR. GRANT: Unless he is waiving --
38 THE COURT: I don't think he probably is. Are you able to
39 proceed, Mr. Macaulay?
40 MR. MACAULAY: Yes, My Lord.
41 THE COURT: I do apologize. Please carry on.
42 MR. GRANT: Before he does, I gather then from what Mr. Goldie
43 is saying, he has completed his cross-examination,
44 except he proposes to deal with this area of maps, is
45 that not right, and not other areas he can deal with
46 now without this motion?
47 MR. GOLDIE: I thought I was quite clear.

THE COURT: Yes, I thought you were too.
MR. GRANT: That was my understanding. I just wanted to make sure.
THE COURT: All right. Mr. Macaulay.

CROSS EXAMINATION BY MR. MACAULAY:

Q Mrs. Johnson, are you a member of the Gitksan-Wet'suwet'en Tribal Council?
A I didn't hear very well.
Q You have heard about the Gitksan-Wet'suwet'en Tribal Council, have you, you have heard about that?
A Yeah, yeah.
Q Are you a member of that Tribal Council?
A Yes.
Q Do you recall the Tribal Council authorizing the presentation of a petition to this court about fishing rights about four years ago?
A Yes.
Q And -- perhaps, My Lord, I propose to put a copy of the petition to the witness.
Mrs. Johnson, would you look at that petition and tell His Lordship if you recognize that. You have looked at the petition, do you recognize that?
A Yes.
Q And did you, in your capacity as a member of the Tribal Council, authorize that petition to be drawn up and presented?
A Yes.
Q If you will turn to page 5 of the petition, the 5th page, you will see that -- see Tsibasaa, Stanley Wilson, is one of the petitioners suing on his own behalf and on behalf of all the members of the House of Tsibasaa. Do you see that? At the bottom, page 5.
A Yeah.
Q And then if you will turn to page 7. At the top of the page we find Yal, also known as Wilfred Gawa, suing on his own behalf and on behalf of all of the members of the House of Yal?
A Yes.
Q But I don't see your name, either your chiefly name or your English name?
A The reason is I travel a lot with the Ksan dancers, so I am rarely home. I even -- in '77 I even go to Australia to represent the Ksan dancers. Maybe I was away when this is signed about the Fishery, but I was with the group last summer when they were

protesting against the Fishery. I was with them all summer at the Smoke House.

Q Well, did Tsibasaa and Yal represent your House?

A Yes, they were the same House.

Q And -- now, there is no separate House of Tsibasaa, is there?

A No.

Q And there is no separate House of Yal?

A No.

Q And if you will turn to page -- it's paragraph number 85 and 86 of page 27. Could you read those paragraphs, and I will ask you some questions about them. Now, you have read 85 and 86 on page 27?

A Yeah.

Q And have you seen any documents dealing with the claim by the Kispiox chiefs for their traditional fishing sites before the Indian Reserves Commissions established between 1875 and 1916?

MR. GRANT: My Lord, that question is pretty broad. I wonder if my friend could rephrase it. It is quite a mouthful for him asking it. I got lost by the end of his question.

THE COURT: I don't think the question is all that difficult, but it may be a very difficult question to answer, Mr. Macaulay.

MR. MACAULAY:

Q Did you read any transcripts of proceedings before, for instance, the McKenna-McBride Commission concerning Fisheries?

A Do you mean on this?

Q Concerning the Kispiox chiefs claim for their traditional fishing sites.

A Yes.

Q And did you read any letters addressed to Mr. O'Reilly, who was the reserve commissioner at that earlier time concerning the claim for traditional fishing sites?

A Yes.

Q And is it your position that Mr. O'Reilly and the McKenna-McBride Commission recognized the Kispiox chiefs claims for the fishing sites? Did they do that? Did they say yes, we recognize your fishing sites?

A I believe they recognize it because it really belongs to the Indians.

Q And the fishing sites you mentioned in your evidence when you were giving evidence a few days ago, before,

in late May?
A Yes.
Q You described to the Court where your fishing sites were? Do you remember that?
A Yes.
Q And are all those fishing sites within Indian reserves?
A Yes.
Q Now, perhaps --
A Some outside reserve. The fishing site or last fishing site is below the side of a small mountain and --
Q You say there is one fishing site that's off the reserves?
A Yeah.
Q And which river is it on? Is it on the Kispiox?
A On Skeena River, and the name is Gaakhl An tselda. The road is called Gaakhl An tselda because the trail goes around the mountain, and the fishing sites name is mean Miinhl Antselda. That's where the Smoke House stands near the Skeena River.
Q Better stop and get that word spelled out, Mrs. Johnson.
THE TRANSLATOR: Gaakhl An tselda is number 333 on the --
THE COURT: I'm sorry, 333?
THE TRANSLATOR: Yes, on the territories of Antgulilbix. And Miinhl Antselda is 335.
MR. MACAULAY: Now, could the witness be shown Exhibit 17-9-A. It's the territory of Antgulilbix House, southern territory.
THE COURT: Perhaps this might be a convenient time to mark it as an exhibit. Any objection? All right, it will be Exhibit 26.

(EXHIBIT 26 - PETITION)

MR. MACAULAY:
Q Now, on that Exhibit 17-9-A, which is your southern territory, can you show on that where the fishing site is you just mentioned, the one that's not on the reserve?
A Where is the Skeena River?
Q Well, as I understand it, the Skeena River runs along --
MR. GRANT: That's the Kispiox.
MR. MACAULAY: Skeena River runs along here and the Kispiox branches off to this point.

THE WITNESS: Oh, yes.
MR. GRANT: There is Kispiox.
THE WITNESS: Yeah. And Skeena River goes up that way and it passes many Smoke Houses until it pass Delgam Uukw's Smoke House too. And after that it pass Haaxw's Smoke House, then Ts'uuts' Smoke House. That comes from the House of Gutginuxws. And then it pass Ts'uuts' again and then it comes to below the little mountain. That's where our Smoke House stands. That's past what the white people call where their farmers are, they call it 4 Mile, and they pass that ground. And there is a lookout on the top of that little mountain, and below that mountain is where the Smoke House stands.
MR. MACAULAY:
Q Well, this map doesn't show that part of the Skeena then, is that right?
A No.
Q But it's the Smoke -- it's the fishing site near the fishing site at 4 Mile Canyon?
A Yes. Way past 4 Mile.
Q Way past the 4 Mile?
A Yes.
Q Have you ever been there?
A Yeah, we used to live there.
THE COURT: You used to live there?
THE WITNESS: Yeah.
MR. MACAULAY:
Q Was that before you were married?
A Yes, before and after.
THE COURT: Where was the witness indicating, gentlemen, north of the Kispiox village?
MR. MACAULAY: Well, the Kispiox village turns northwest on this map.
THE WITNESS: North of Skeena River.
MR. MACAULAY: I'm sorry, the Skeena River.
THE COURT: Well, she was showing on the Skeena, I think.
MR. MACAULAY: She was showing on the Skeena.
THE COURT: And the Skeena at this location is flowing south.
MR. GRANT: That's correct. She was following the Skeena in a northerly direction and she was pointing off towards the -- towards where the arrow north is.
THE COURT: Yes.
MR. GRANT: On 17-9-A.
THE COURT: Towards the northeast?
MR. MACAULAY: And says that the site she refers to is not on this map.
THE COURT: Yes.

MR. MACAULAY: Now, My Lord, I am going to show the witness Schedule D to the last exhibit. That's a map that accompanied that petition.
THE COURT: Yes.
MR. MACAULAY: And I have highlighted the Yal and Tsibasaa sites on that map, just for the convenience of the court and the witness.
Q Now, Mrs. Johnson, this is one of the maps or sketches that accompanied this petition, and you have seen that before, haven't you?
THE COURT: Well, while I was marvelling this lady's eyesight, she is able to look at the map we looked at a moment ago without the apparent aid of spectacles or something, but if she can read the printing on this one, she will have super eyes rather than unusual ones. I can't even read it with my glasses. Can you read the map, Mrs. Johnson?
THE WITNESS: What.
THE COURT: You can? Have you looked at it?
THE WITNESS: No, the writings are too small.
THE COURT: I agree with you.
THE WITNESS: And -- but I know who owns the -- another fishing site next to that fishing site we are talking about is Wii elaast. His white name is William Dick.
MR. MACAULAY:
Q Are you referring again to the fishing site beyond 4 Mile Canyon?
A Yes, beyond this fishing site that belongs to us. I didn't see it but we heard the dogs bark, and that's why they leave. I remember, too, late Solomon Johnson used to live there all his life because the fishing site belongs to his father. That's A<u>x</u> Gigii.
Q Now, the fishing sites of Yal. You gave evidence that Yal had some fishing sites?
A Yes, it's --
Q Could the witness be shown Exhibit 17-9-A again.
A It's this side of -- this side the bridge of Hazelton. I didn't see the exact spot but Yal got three fishing sites there. All I see is his Smoke House.
Q Can you show on this map, Exhibit 17-9-A, where Yal's fishing sites are?
A No. I told you I didn't see but Wilfred knows it, Wilfred Gawa.
Q And are two fishing sites?
A Three.
Q There are three?
A Yeah.

Q Are they close together?
A Close, yes.
Q And --
A They said it's close together.
Q Now, who told you about those fishing sites? Was it Yal?
A Yeah, I have seen the Smoke House. There were no cars in the olden days and we have -- there is a shortcut, a little trail that goes from this side bridge and past Yal's Smoke House to go into Hazelton.
Q And are those sites on the Hazelton Indian Reserve?
A Yes.
Q Okay.
A Oh, I don't know.
Q You don't know?
A No.
THE COURT: You don't know if it's on the reserve?
THE WITNESS: I don't know whether it's reserve or outside reserve.
MR. MACAULAY:
Q And how about Tsibasaa's sites, are they -- they are also on the Skeena?
A Yes.
Q And they are beyond Kispiox, are they?
A Yes, the first one is near Glen Vowell.
Q And is that on the --
A Like I said where the farm is, right behind the Smoke House.
Q Is that on the Sikadook reserve or the Glen Vowell reserve?
A Glen Vowell reserve. And not far from that is another fishing site, they call this fishing site An Guux Di Git wank. That belongs to the family too.
Q Let's gets the spelling of that.
THE TRANSLATOR: 329.
MR. MACAULAY:
Q Now, that last fishing site that you talk about, can you find that on the map, Exhibit 17-A?
A The last fishing site?
Q The one you have just mentioned.
A Oh, no, it's not far from the vegetable farm. If you turn to the road you could see the Smoke House there too.
Q So you can find it if you drive along there?
A Yeah.
Q But you can't point it out on the map, is that it?
A No.

THE COURT: I'm not sure if the witness means you can see it today or you could see it when you were young.
THE WITNESS: I could see it today.
THE COURT: Thank you.
THE WITNESS: And there is another fishing site the other side, Holidays Ranch, and this fishing site is called Ga'tgits'unhlt'a'ootsip. Wilfred Gawa is looking after it today.
MR. MACAULAY: Better get the number.
THE TRANSLATOR: 338.
THE WITNESS: That's outside reserve too, because it's right on those farm.
MR. MACAULAY:
Q It's on a farm?
A Yes.
THE COURT: Holidays Farm?
THE WITNESS: Ga'tgits'unhlt'a'ootsip.
THE COURT: Pardon me?
THE WITNESS: We call it Ga'tgits'unhlt'a'ootsip.
THE COURT: You called it Holiday Farm a minute ago, didn't you? Is that the same thing?
MR. GRANT: I believe the answer was it was right outside Holidays Farm.
THE COURT: All right. Is that correct, it's outside Holidays Farm but near to it?
THE WITNESS: Yes, just next to Holidays Farm. And there is another farm there that Wilfred says that some people sleep on it and they stole his fish.
MR. MACAULAY: I see it's almost 4 o'clock, My Lord.
THE COURT: I was going to go a little longer, but I'm in counsel's hands. And if the witness is tired, we will adjourn now.
MR. MACAULAY: It strikes me that she is tired.
THE COURT: All right. We'll adjourn then until 9:30 tomorrow morning.

(PROCEEDINGS ADJOURNED)

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS HEREIN TO THE BEST OF MY SKILL AND ABILITY.

LORI OXLEY
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