1
2 MAY 27, 1987
3 SMITHERS, B.C.
4
5 THE REGISTRAR: Order in court. In the Supreme Court of British
6 Columbia, this 27th day of May 1987, Delgam Uukw and
7 others and Her Majesty the Queen.
8 Witness, I remind you you're still under oath. You
9 may sit down.
10 THE WITNESS: Yes.
11 THE COURT: Mr. Grant?
12 MR. GRANT: Yes. I'd like to refer the court to Tab 1 of the --
13 Exhibit 17 I believe of the document book.
14 THE COURT: Yes?
15 MR. GRANT: I'm not going to refer the witness to it. I want to
16 say something with respect to the genealogies which is
17 for the benefit of the court and my friends, My Lord,
18 that there has been a report produced to my friends by
19 Heather Harris with respect to Gitksan kinship and
20 genealogy, and I just want to set out the status of
21 these genealogies.
22 The genealogical -- she states at page two of the
23 report that: "The genealogical research is continuing.
24 This report is dated January of 1987, but it is now
25 nearly so nearly complete especially in its important
26 aspects such as House members, spouses and chiefs'
27 names that any additional information will not change
28 the nature of the conclusions." And she goes on to
29 refer to -- just a moment, that: "The research can
30 never be complete because genealogies are living
31 things. People die, names are passed on, people
32 marry, babies are born, and adoptions occur."
33 And so the first point I wish to make is that --
34 that the genealogical charts that are being produced
35 are to assist the court in following the evidence of
36 the witness. They are not being produced as a final
37 complete version and in some case the witness may add
38 to them. Secondly, that the -- I've checked this with
39 the -- with the interpreters and the others who are
40 working on the name lists and the glossary and the
41 names' spellings on the genealogies may not be
42 correct, the same spellings exactly, as are in the
43 lists being provided to the court, and we would ask
44 the court and my friends not to rely on the spellings
45 of Gitksan names in the genealogies where there is a
46 different spelling in the lists of names provided to
47 the court. That again is just because of the

1 orthography and I just wanted to set that straight
2 before we started.
3 Now, with respect, given the comments made by the
4 court, and unless my friends object, I intend to lead
5 the witness in this area and not refer her directly to
6 the genealogy, but just to the names of the people,
7 then the court will be able to follow through to get a
8 sense of the membership in this house.
9 THE COURT: While you're on the subject of names, Mr. Grant, I
10 have to tell you that I have received some information
11 from the reporters that they are having a very, very
12 difficult time. And it will be exceedingly helpful if
13 you could in your questions use numbers on lists that
14 have been furnished --
15 MR. GRANT: Yes.
16 THE COURT: -- in addition to, if necessary, the actual name.
17 We're not -- we're not entitled to impose this sort of
18 regime on reporters, Mr. Grant. We have to do better
19 than we did yesterday.
20 MR. GRANT: Yes, the reporter spoke with me yesterday afternoon.
21 We have a list. I have two lists to provide to the
22 court which have been prepared for the reporters which
23 anticipate the evidence. One list from numbers 1 to
24 46, which are names we anticipate will come up in Mrs.
25 Johnson's evidence, the second is a list starting at
26 the number 300 and going up to 344 and it is a list of
27 place names on the territory and I've got an
28 additional copy for the court.
29 THE COURT: Well, I've instructed the reporters to scream out if
30 they have difficulty, and I expect them to do so.
31 MR. GRANT: Yes, and I spoke with the reporters afterwards
32 and --
33 THE COURT: Thank you.
34 MR. GOLDIE: My Lord, may I make a comment with respect to this
35 question of genealogies?
36 THE COURT: Yes, certainly.
37 MR. GOLDIE: Your Lordship has already heard some comments on
38 that. What I'm concerned with is that piecemeal
39 production of genealogies. It is self-evident that
40 genealogies are never fixed by reason of births and
41 deaths. What we asked for on March the 2nd was the 50
42 genealogical charts which Heather Harris then
43 described as the main product of her research. Now,
44 we didn't receive anything in response to that and on
45 the opening of the trial when Mrs. McKenzie was called
46 as a witness there was -- of course her genealogy was
47 produced, and it was dated -- it's marked document

1 number 89, updated April the 8th, 1987.
2 I spoke to my friends and I said "Would it not be
3 possible to provide us with the other documents which
4 correspond to what we found in the Exhibit number 2
5 for identification before the witnesses come on the
6 stand?" And I was advised that they would do what
7 they could. On the 22nd we were furnished with the
8 genealogy of Mrs. Johnson and that document is dated
9 March the 17th, 1987. It seems odd that that could
10 not have been delivered to us before this. It is
11 document number 81. I'm referring to the
12 identification on the document itself.
13 The rule, which is Rule 26, Sub-rule 14, provides
14 that "Unless the court otherwise orders, where a party
15 fails to make discovery of or produce for inspection a
16 copy of a document as required by this rule, he may
17 not put that document in evidence in the proceeding or
18 use it for the purpose of examination or
19 cross-examination." We do not want to object on the
20 basis of that rule. It is -- if it was to be invoked
21 it would simply delay the trial. What we do want is
22 some measure of co-operation from our friends in
23 providing us with these genealogies, which on the
24 basis of the two examples we have now, have been in
25 existence for sometime, even if Heather Harris has to
26 update them at some later date to record births,
27 deaths and marriages. The importance of that to us is
28 self-evident. We have endeavoured to construct a
29 genealogy for the witnesses who provided us with
30 interrogatories. It is a time consuming task and it
31 would be of great convenience to us if we could simply
32 put that sort of thing to one side and have the kind
33 of document that is now before the court with respect
34 to all of the forthcoming witnesses and presumably on
35 the same basis as we have them now.
36 THE COURT: Mr. Macaulay, do you have anything to add to what
37 Mr. Goldie has said before I call on Mr. Grant to
38 reply?
39 MR. MACAULAY: Only this. The cross-examination of the first
40 witness has demonstrated that a number of the
41 questions that we asked and ought to ask the witness
42 concerns her relatives both of the mother's and the
43 father's side. They -- that evidence, in turn, leads
44 us to documents in our possession such as estate
45 files. We have to determine whether or not any given
46 estate file may be relevant or not relevant, and many
47 other documents of like nature, a very large number of

1 documents of like nature. I'm not dealing now with
2 hundreds of documents, but thousands of documents, of
3 files of documents. If we are provided, as Mr. Goldie
4 put it, piecemeal with these genealogies our task is
5 that much more difficult, not impossible, but it's
6 more difficult. But there's another problem, the form
7 of the genealogy in the case of this witness is in --
8 is such that in order to be understandable it has to
9 be put together by -- in our office in a sort of table
10 form on one large sheet in order to be able to
11 understand it because, as you'll see, the lines go to
12 the end of the page and that refers you to a page
13 perhaps seven or eight pages away, and it's very
14 difficult to read in this form. It's most
15 inconvenient if we have to wait until each witness
16 comes up.
17 Now, in the case of the first witnesses we do have
18 a bit of time because they're very lengthy witnesses,
19 but we understand from what Mr. Grant says, some of
20 the subsequent witnesses will be a lot briefer and we
21 won't have that five or six or seven days before
22 cross-examination in order to cope with them. We'll
23 be forced to ask for adjournments from time to time if
24 we don't -- if this regime continues.
25 THE COURT: Thank you. Mr. Grant?
26 MR. GRANT: Thank you, My Lord. With respect to the genealogies
27 I would like to set out the status of them.
28 THE COURT: Well, can we not get to something very briefly?
29 This really goes on and on so much that we seem to
30 waste so much time, Mr. Grant. Do you not have
31 genealogies for other witnesses similar to the one
32 that I have before me in Exhibit 17 that you can give
33 your friends?
34 MR. GRANT: What's happened is that a number of them are
35 completed. I've requested the genealogist to complete
36 the balance. They must be reviewed. I'd like you to
37 refer for example to the first page of the genealogy
38 here. At the very bottom under Cheryl Stewart there's
39 two additional names. That information came about at
40 a later date.
41 THE COURT: Could your friends not have the copies as they're
42 available now, that is, subject to revision as is
43 always the case?
44 MR. GRANT: Yes. All we're seeking as counsel is an opportunity
45 to review them. The genealogies are being prepared as
46 quickly as possible. I've instructed the person to
47 prepare them as quickly as possible. As they're

1 coming to us we're having them reviewed. It's not our
2 intent to produce the genealogies one at a time as
3 each witness comes up. We feel that we're -- we'll be
4 able to have a large bulk of them done. As soon as
5 counsel have a chance to review them, we're going to
6 deliver them.
7 THE COURT: But when your friends complained about the late
8 delivery of the genealogy for Mrs. McKenzie, they
9 pointed out that it was dated in April and we were
10 then in May. At that time they asked for genealogies.
11 It appears that at that time the present Exhibit 17
12 must have been in your possession.
13 MR. GRANT: No, that's what I want -- you see, these notations
14 at the top are notations of the genealogist. I can't
15 tell you at this point when -- what she's got updated.
16 When she has updated, that -- my understanding is that
17 means she's -- the last date on which she got
18 information, which she put on this genealogy, was
19 March 17, '87. That is my understanding. As soon as
20 these are coming into our hands, we're endeavouring to
21 review them and we anticipate producing a large body
22 of them as quickly as possible. And I'm just --
23 that's the status of it, and as far as the later
24 witnesses are concerned, My Lord, I anticipate that my
25 friends will have them well ahead of the later
26 witnesses.
27 THE COURT: Well, I don't find it a comfortable position to be
28 in, having to weigh the respective positions of the
29 due parties. What appears to be unfair at the moment
30 is the late delivery of documents dated so much
31 earlier. Now that, as you say, may not be the correct
32 perspective to put on it because the date may refer to
33 something else, but at the moment it appears at least
34 that your genealogist has held the documents back
35 longer than was absolutely necessary, at least for the
36 purpose of giving your friends a head start on their
37 research based upon the document.
38 Now, that may not be true either. That's why I say
39 I find myself in the most uncomfortable position of
40 having to weigh these two positions. All I can say is
41 it seems to me that it should be better than it is.
42 Can we not hear the end of this sort of complaint
43 and -- by getting information in a timely way for your
44 friends so they can deal with it in advance? This
45 information, it seems to me, should have been produced
46 months ago under orders that were made at pre-trial
47 conference rulings. Now, I don't say that that's

1 necessarily so. I don't recall all the rulings that
2 were made, but we are wasting a lot of time, it seems
3 to me, on these questions of timely delivery and
4 things such as that, and can we not get on with it and
5 hear the end of that kind of -- at least have the end
6 of the need for that sort of complaint?
7 MR. GRANT: Well, My Lord I -- this particular genealogy as it
8 is right here was produced to me the day before I
9 delivered it to my friends.
10 THE COURT: All I can say about that --
11 MR. GRANT: And I'm going to try and resolve it, and if my
12 friends have further concerns I would recommend, I
13 agree, that they come to me or to my associates and
14 they raise the matter with us and say "If you don't do
15 it by this time, then we want to re-raise it with the
16 court.", and we can deal with it outside the court
17 time.
18 THE COURT: I can't tell your friends how they should make
19 their --
20 MR. MACAULAY: That hasn't worked, My Lord.
21 MR. GOLDIE: We did, My Lord. I don't mind these comments being
22 made by my friend Mr. Grant, but I ask him to be
23 accurate.
24 THE COURT: Well, I think we should get on with the trial,
25 gentlemen.
26 MR. GRANT: I'd like to get on with it.
27 THE COURT: At the moment, Mr. Grant, and this may be deciding a
28 case by the well known process of leaping to false
29 conclusions, but I would suggest that perhaps your
30 genealogist hasn't given you the documents in as
31 timely a way as she might. Maybe it's as simple as
32 that. Can you have a word with her and perhaps solve
33 the problem?
34 MR. GRANT: Yes, I've been -- I have, and I will have again.
35 THE COURT: Because, as we all know, they're going to be subject
36 to amendments and corrections, so if there is
37 documentation that's in existence now, surely subject
38 to correction it can be delivered. I'll have to leave
39 it with you because I don't see how I can do anything
40 more than that.
41 MR. MACAULAY: There's another -- perhaps my friend can explain
42 to the court and to counsel what some of the symbols
43 mean, for instance, the diagonal line through a circle
44 on the first page?
45 MR. GRANT: There is --
46 THE COURT: Such as Cheryl Stewart?
47 MR. MACAULAY: Yes. I take it that the dots in the centre mean

1 that they've died? I can't be sure of that, I'm just
2 assuming that because one of them was born in 1876.
3 THE COURT: Probably has died.
4 MR. GRANT: The dots in the middle means a person has died.
5 THE COURT: Yes.
6 MR. GRANT: There is an explanatory commentary that I was
7 concerned that my friends may object to production to
8 the court, it's something that would explain what the
9 circles the triangles are. Obviously the circles are
10 women, the triangles are men, and the lines and the
11 equal signs and the dotted lines --
12 THE COURT: Well, could you not give your friends something
13 without giving it to me?
14 MR. GRANT: No, I have no difficulty at all with that, if that
15 would assist them, and I also would suggest that it
16 may be worthwhile to give it to the court just so that
17 you should have some equal understanding.
18 THE COURT: Oh, I don't expect that. I'll get it in due course.
19 All right. Let's get on with the trial.
20 MR. GRANT: Thank you. And just one other -- the point I want
21 to make about this, My Lord, is these charts for
22 convenience I put them in this book form. If one
23 spread them out, these are numbered pages and they
24 would stretch out, this one of course several feet
25 long, this particular one, but I thought for
26 convenience it was easiest to deal with it in this
27 way.
28 THE COURT: Thank you.
29 MR. GRANT:
30 Q Okay. Mrs. Johnson, you've indicated that you held
31 the name Antgulilbix, and before you held that name
32 your Aunt Emily Latz held that name?
33 A Yes.
34 Q And when did she receive that name?
35 A That's when --
36 Q It's on page 3, My Lord.
37 A When the -- when they raise the marble stone with
38 one-horn goat in 1916.
39 Q Okay. And before she held that name, in 1916 who held
40 that name?
41 A Uncle George Williams.
42 Q Okay. And it was in 1916 that George Williams, your
43 uncle, gave the name -- he took the name Tsibasaa and
44 he gave your Aunt Emily Latz the name Antgulilbix?
45 A Yes.
46 THE COURT: You didn't give us a number there, Mr. Grant.
47 MR. GRANT:

Q Oh, for the those two names, I'm sorry, My Lord. This would be on the list of plaintiffs. Number 1 is Antgulilbix, this is the earlier list you have, My Lord, and number 66 is Tsibasaa.
Q Now, the name Tsibasaa, that name was held by -- is held by Stanley Wilson, your brother?
A Yes.
Q And he received that name in 1958?
A No. Yeah. I remember Fred White got the name when Uncle George died.
Q Yes?
A Yeah, then after Fred died my brother Stanley took over.
Q Thank you. Now, Fred -- Fred took the name from George Williams when he died, this was around 1944?
A Yes.
Q And before George Williams took the name in 1916, who held the name Tsibasaa?
A I don't know, but they say -- I was told that somebody held the name before that.
Q Fred White is on page 6 of the genealogy, My Lord. And do you know how long the former holder of Tsibasaa held the name before George, the one who held it before George, how long he held it?
A I don't know.
Q One of the wings of the chief is named Yal; is that right?
A Yes.
Q And I'm sorry, before I go to that, can you explain to the court what Tsibasaa means translated?
A It means that he caught the leg of a drumming grouse. Before the grouse drums, he caught his leg, one of his leg with a snare. That's how they got the name Tsibasaa. That means Tsipxwa se'e, the Tsimsiam word says Tsibasaa.
MR. GRANT: That's number 6, My Lord. There is -- another name in your House is Yal?
THE COURT: Number?
THE TRANSLATOR: Eighty-nine.
MR. GRANT:
Q Eighty-nine on that list, My Lord. The interpreter is -- when she refers to "A", she's referring to the list titled "List of Gitksan and Wet'suwet'en Plaintiffs and Kitwancool Chiefs". And Yal is Y-a-l. And the present holder of that name in your House is, of Yal?
A Leonard Gawa.

Q Leonard Gawa or Wilfred Gawa?
A Wilfred Gawa. Then next to Wilfred sits Leonard Gawa.
Q And before Wilfred Gawa held that name, Donald Mowatt held the name?
A Yes.
Q And before Donald Mowatt, who held the name?
A His -- his brother Charles Mowatt.
Q And before Charles Mowatt held the name?
A Albert Mowatt, that's the elder brother that lives in Kispiox.
Q Okay. And Albert Mowatt, do you recall when he took that name?
A No. He already got the name as far as I can remember.
Q The next name I refer you to is Gwin lax nisims?
A Yes.
Q That's number 13 on the list I provided you today, My Lord, under names in Mary's House, page 2.
And that is held by Leonard Gawa?
A Yes.
Q And before Leonard held that name, who held the name?
A Alfred Latz.
Q And before Alfred Latz held the name?
A That's my -- my other grandmother held it.
Q Uh-huh. And is that Sarah Doll's mother?
A Yes, Sarah Doll's mother.
Q Okay. Now, Gwin lax nisims and Yal are both wings of the chief?
A Yes, they were wings and Ax goodim git gwooyim is another one.
Q Okay. And who holds that name today?
A Martha Gawa.
Q That is --
A Martha Joseph I mean.
Q Martha Joseph. That's number 14, My Lord, on the list, and I'll refer here to page two of the list provided today.
And before her who held that name?
A Leonard Gawa.
Q And before Leonard?
A Stanley. My brother, Stanley Wilson.
Q Present holder of Tsibasaa?
A Yes.
Q And before Stanley?
A My mother.
Q And her name was Alice?
A Alice, yes, Wilson.
Q Now, there's also a name in your House Kwoodaast?

1 That's number 11 on the list.
2 A Yes.
3 Q And that's held by your daughter Brenda Stewart?
4 A Yes.
5 Q And before her it was held by Wilfred Gawa?
6 A Yes.
7 Q And who was it held by before Wilfred Gawa?
8 A Our grandmother Edith Gawa.
9 Q And was that Wilfred's mother?
10 A That's his grandmother that raised him.
11 Q It's on page one. And before Edith held that name,
12 who held that name?
13 A I remember an elderly man his -- his name is Xsim
14 Jolik and he got Kwoodaast too.
15 THE COURT: I'm sorry he got what too?
16 MR. GRANT: His name was Xsim Jolik, number 27 on the list, and
17 he got Kwoodaast as well, so she referred to the first
18 name, My Lord.
19 MR. GRANT:
20 Q And before was his name David Hakst, this elderly man?
21 A No, I didn't remember his white name, but that's what
22 grandmother calls him, Xsim Jolik.
23 Q Now, that name is also a wing of the chief in your
24 House?
25 A Yes.
26 Q Now, you already have referred to your
27 great-great-grandmother who held the name Anhalagyax?
28 A Yes.
29 Q And that's number 5 on the list, My Lord.
30 A Yeah.
31 Q And who holds that name today?
32 A Roseline Starr.
33 Q And before Roseline Starr has the name?
34 A Harriet Gawa, my late cousin.
35 Q Okay. She's on page 1, My Lord. And before -- of the
36 genealogy. And before her you held that name?
37 A Yes.
38 Q And before you had that name it was -- it was your
39 great-great-grandmother?
40 A Yes.
41 Q And is that name a wing of the chief's name as --
42 A Yes.
43 Q -- a wing of the chief in your House?
44 A Yes.
45 Q Now, there was another name, number 15, I'm try to
46 pronounce it Xhlax?
47 A Xhlax.

MR. GRANT: No, Xhlax. Can you pronounce it?
THE TRANSLATOR: Xhlax.
THE WITNESS: Oh, yeah, Xhlax.
MR. GRANT:
Q And who was that name held by?
A David Harris.
Q And who held it before David?
A Late Moses Wilson.
Q And is that a wing of the chief's name?
A Yes.
Q And what does that name mean?
A It means he eats the fur, like the animals did, they eat -- they eat the meat along with the fur.
Q Okay. You referred to a name I believe yesterday, one of the names you got, and it's Guxws didalkxw -- oh, it would be number 8 on the list, Guxws didalkxw. Is that -- who held that name before you?
A Donald Mowatt.
Q And before Donald?
A I don't know.
Q And what does that name mean?
A It means he's talking to himself or she talks to herself.
Q And you're presently holding that name?
A I'm still holding it today.
Q If that name was given to someone, would they be sitting as a wing of the chief?
A Yes.
Q Now, I'd like to refer you specifically to the exhibit itself, Tab 2 of the exhibit, the genealogy chart, okay? I just want you to verify that that is -- that this certain thing -- features of this is correct. You are on the first page on the right-hand side about midway -- on the left-hand side about midway of the page "Mary Johnson, Antgulilbix". And you were married both to Peter Angus and Wallace Johnson you've indicated to us?
A Yes.
Q And your mother was Alice Gawa and your father was George Wilson?
A Yes.
Q And your father was from Wii'mogulsxw's House?
A Yes.
Q And that would be your wilxsi witxw?
A Yes, both Wii'mogulsxw and Kliiyem lax haa.
Q Okay. Wii'mogulsxw and Kliiyem lax haa?
A Yes.

THE COURT: I don't think the reporter can be expected to take those names down, Mr. Grant.

MR. GRANT:

Q I'm sorry, My Lord, yes. Wii'mogulsxw is on the first list, number 78. Kliiyem lax haa is on that same list number 35.

And that is of the Wolf Clan, Wii'mogulsxw and Kliiyem lax haa are of the Wolf Clan; is that right?

A Yes.

Q Now, if you go up the chart, your mother's mother was Edith Gawa?

A Yes.

Q And when you refer in your evidence to your grandmother, you're referring to Edith Gawa?

A Yes.

Q And your mother's -- your grandmother's husband was Daniel Gawa Ma'uus?

A Yes, he comes from the House of Ma'uus.

Q Number 48 on the first list My Lord.

And your grandmother's mother was married to someone from the House of Luutkudziiwas; is that right?

A Yes.

Q Number 44 My Lord?

A Yeah, that's my -- my grandmother's mother married to the house of Luutkudziiwas.

MR. GRANT: Now, if you go over to page 9 on that genealogy -- are you there?

MR. GOLDIE: My Lord, while the witness is looking at that, perhaps my friend could favour us with a further explanation of the symbols? I take it the solid circle and the solid triangle represents the holders of the name of a House?

MR. GRANT: Oh, where it's filled in?

MR. GOLDIE: Yes.

MR. GRANT: I will -- that appears to be correct from this one. I don't think it's the same -- I don't know if that's been done on all of them, I can verify that, but certainly on that first page, Mary Johnson and Stanley Wilson are.

MR. GOLDIE: Now, some of the circles and triangles, which are not filled in, are given a heavier line, and that can be seen by comparing page 1 with page 9, which we're now referred to, at least that seems to be so on my copy.

MR. GRANT: Yes.

MR. GOLDIE: Is there an explanation for that?

MR. GRANT: Yes. I believe, and I will -- my associate is going to get the explanatory notes for my friends, but I believe that this was copied. Originally, My Lord, there was a coloured-coded version, of course, which was photocopied and then it comes out as black, and that's where the heavy lines were -- are in, and then it seems that some of the others -- were not coloured in on subsequent copies.

THE COURT: What does the heavy line mean?

MR. GRANT: I don't think there's any significance to the heavy line is what I'm saying, but I will verify that. I have seen a copy of this that had colouring -- the heavy lines actually were different colours, but I don't -- that was -- that process was stopped because it was impossible to photocopy it.

MR. MACAULAY: It would be a lot easier to follow this Exhibit 17 if the lines as they disappear off the right-hand side of the page bore a label such as the one with -- we're beginning with now on page 1. I assume that should have a note "see page 9", that's the top horizontal line on page 1, then we'll be able to connect.

THE COURT: I don't know if that's so or not, is it, Mr. Grant?

MR. GRANT: Well, I think -- I'm about to have the witness explain what is germane, and I think that this is of a assistance. I mean the lines go all the way through and I don't think the genealogist can tell what page it's going to end up at until she's completed the genealogy. Sometimes a page is inserted or whatever.

In any event, going to page 9, you have referred to your great-great-grandmother and that person had the name Anhalagyax.

Which number is that?

THE TRANSLATOR: Five.

MR. GRANT:

Q Five on the names of Gyolugyet.

Now, is that person also known as -- was that the person known as Lucy Huulitz?

A Yes.

Q Okay. And she's the one who died in 1921?

A Yes.

Q And she was your grandmother's mother's sister; is that right?

A Yes.

Q Okay. And she had another sister whose chief name was Gaspaseeks?

A Gaspaseeks.

THE COURT: G-a-s-p-a-s-e-e-k-s?

1 THE WITNESS: Another of the sister is married too in Kitwanga.
2 THE TRANSLATOR: Thirty-six.
3 MR. GRANT:
4 Q Thirty-six, My Lord.
5 And Anhalagyax's mother, was she the wife or was
6 she referred to as Noxs Yal, N-o-x-s Y-a-l?
7 A Yes, that's what they call her, Noxs Yal, that means
8 the mother of Yal, the chief. That's how the people
9 in the ancient time are.
10 Q Now, do you know how old your great-great-grandmother
11 was, approximately, when she died?
12 A I think -- I believe she's way over a hundred and
13 her -- her teeth are the same. It's just like false
14 teeth. Someone should have taken a picture. And she's
15 really still heavy. Some of the elders when they are
16 old they shrink, but grandmother never shrink, she's
17 still heavy when she died of flu.
18 Q And she died of the flu?
19 A Yes.
20 Q That was around a time when a lot of people were dying
21 of the flu?
22 A Yeah, a lot of -- a lot of people died in Kispiox.
23 Q Going back to the first page of the genealogy if you
24 could, your -- you had one brother Stanley?
25 A Yes.
26 Q And you have -- who's married to Alice?
27 A Yes.
28 Q Who holds the name Hawaaw?
29 A Yes.
30 Q Just a moment, please, 30 on the first list.
31 And another man Stewart Forsythe was adopted as
32 your brother; is that right?
33 A Yes.
34 Q You have adopted Colette Johnson?
35 A Yes.
36 Q Brenda Angus who's now Brenda Stewart?
37 A Yes.
38 Q Joanne Creedman who married Art Wilson?
39 A Yes.
40 Q And you have great -- you have grandchildren who are
41 the children of Brenda?
42 A Yes.
43 Q And that would be Ambrose, Barney and Cheryl?
44 A Yes.
45 Q And you have great-grandchildren through Cheryl?
46 A Yes.
47 Q And that would be Cheryl Stevens?

A Yes.
Q And Brandon?
A Yes.
Q And Cheryl was adopted into another House?
A Yes.
Q And that was Gitludahl's House?
A Gitludahl. Yes.
Q The slash line, My Lord, I just wanted to verify that, but that is where there has been an adoption into another House.
And you have grandchildren through Joanne who are Jodie, Josh, Timmy and Todd?
A Yes.
Q And Jodie, one of your grandchildren, has an Indian name?
A Yes.
Q And that name is Wisenxbi'iltxw?
A Wisenxbi'iltxw.
THE TRANSLATOR: Number 23.
MR. GRANT:
Q Number 23, My Lord.
A Yes, that's another of the wing name.
Q And Barney, Brenda's son, has a name in your House?
A Yes.
Q And that's Ganaaw'm xsihlxw?
A Hiis wilduugitxw, that's Barney.
THE TRANSLATOR: Number 20.
MR. GRANT:
Q Number 20 on the list of names, My Lord.
A And there's a song that comes along with the name too. The name means pretending to be a warrior.
Q And Ambrose, Brenda's other son, also had another name?
A Yes.
Q And that name is?
A Jahlasxw.
MR. GRANT: Okay, that's number?
THE TRANSLATOR: Nineteen.
MR. GRANT:
Q Nineteen on the list.
A And there's a song that comes along with it. The song Limx sim halayts Jahlasxw, that's when Jahlasxw dances to return the feathers in honour of the other chiefs.
THE COURT: We don't have a spelling for that.
MR. GRANT:
Q The Jahlasxw was number 19, that's when Jahlasxw dances, that's the name?

A Yes.
MR. GRANT: And the song, there was a song called him Limx sim halayts.
THE TRANSLATOR: Sim halayt?
THE WITNESS: Limx sim halayts.
MR. GRANT:
Q Can you spell that?
A Yes, that's when the chief returns the feathers.
MR. GRANT: Just a moment.
THE TRANSLATOR: L-i-m-x s-i-m h-a-l-a-y-t, and then Jahlasxw was number 19.
THE COURT: Thank you.
MR. GRANT:
Q And your mother had a sister Laura Gawa?
A Yes.
Q Who had a daughter Harriet Gawa?
A Yes.
Q And going over to page two, My Lord, another daughter Edna?
A Yes.
Q Maggie and Laura Gawa?
A Yes, those are Harriet's daughter, my cousin Harriet.
Q Right. And let me ask you this at this point, you spoke with Heather Harris about all of the relationships in your House going back to the time of your great-great-grandmother?
A Yes.
Q And you spoke to her about your children and your grandchildren?
A Yeah. Yeah, and grandchildren. I told her to -- to get all their names because -- because they live in -- some live in Hazelton, some live in Southtown, some in -- in Vancouver.
Q And did you go over this genealogy chart with Heather Harris?
A Yes.
Q And it was an accurate -- it was correct when you went over it with her --
A Yes.
Q -- depiction of your family members?
A Yeah, yeah, they're all belong to the House of both Tsibasaa and Antgulilbix.
THE COURT: Mr. Grant, I think we'll just take a five minute adjournment just to change reporters, no longer than that, please.
THE REGISTRAR Order in court. This court stands adjourned for five minutes.

(PROCEEDINGS ADJOURNED FOR SHORT RECESS)

(PROCEEDINGS RECONVENED PURSUANT TO ADJOURNMENT)

THE REGISTAR: Order in court.

THE COURT: Madam Reporter's enjoying herself so much she doesn't want to leave.

Mr. Grant?

MR. GRANT: Yes.

THE COURT: Mr. Grant, you'll forgive me if I say -- and I say this without any criticism whatsoever, is it necessary to have the witness go through and confirm what's in the genealogy? One question it seems to me would be sufficient.

MR. GRANT: I wanted to go -- there were certain points I wanted to go back to because timing is of importance, but as you may have anticipated by my last questions, those last questions of her, having reviewed it I don't see it as necessary, unless my friends raise it as a major issue on cross-examination, for me to go through each of the names and I don't anticipate -- and I don't intend to do that.

THE COURT: Thank you.

MR. GRANT: This is quite an extensive genealogy and I don't anticipate going through the genealogies in that way with the other witnesses, although they will have reviewed them.

THE COURT: Okay.

MR. GRANT: There is --

THE COURT: I don't suggest that you shouldn't ask specific questions or anything that you think is of importance.

MR. GRANT:

Q No. Now, one of the persons that is at the end of a dotted line on the first page is Stewart Forsythe. Now, he was adopted into your House?

A Yes.

Q Can you tell the court why he was adopted into your House?

A Yes. It happens to be his real friend is my cousin late Moses Wilson, and when -- he's been his friend for many years, and when Moses died his heart is really broken and he come up and see me, Johnny Wilson from Hazelton. His chief name is Skiik'm lax ha. He's the one that --

THE COURT: Just a moment, please. Just a moment, please.

MR. GRANT:

Q That is number -- on the list of chiefs, that's number 59, My Lord. Go ahead?

A Yes. Johnny's name is -- chief name is Skiik'm lax ha, and Johnny is Moses' half-brother, what we call in our Indian way wag'm lixs gyat.
Q Just a moment.
A That means different brother.
Q The reporter has to get the word down.
A Yes.
MR. GRANT: Go ahead?
THE COURT: Have we got the number?
MR. GRANT: This is -- that is -- is that on your list?
THE TRANSLATOR: No. wag'm lixs gyat w-a-g-'-m, l-i-x-s, g-y-a-t.
THE COURT: Thank you.
MR. GRANT:
Q Proceed, Mrs. Johnson?
A And that's why Johnny introduce Stewart Forsythe to me. This was before the funeral and he -- he brought some meat. As you folks know how expensive meat is at the store, and the meat he brought cost -- worth $90, and we distributed to the family to make some soup for the Feast after the funeral. And he also put in $50 in the pot for the funeral expenses, and I -- I really appreciate what he had done because he did exactly the same thing the Indians did in the ancient time. In the ancient time just the family crest are holding the feast and if any other different Fireweed would come in with a -- with a pack of -- of merchandise or some fish or meat, and they call this one pack K'i'yhl daa luxw.
MR. GRANT: Is that word on the list?
THE TRANSLATOR: K'i'yhl daa luxw, K-'-i-'-y-h-l d-a-l-u-x-w?
THE WITNESS: And they would announce it in the Feast House that so and so brought in one daa luxw, so a name will be given to the person that did it and that's why I gave the name to Stewart Forsythe in appreciation for what he had done.
MR. GRANT:
Q And when did that happen?
A I think it's in '83 when Moses died.
MR. GRANT: Now, you also adopted --
THE COURT: Oh, excuse me, was Stewart Forsythe not adopted by your mother and father or was he adopted by you?
THE WITNESS: By me, and not just me, it's by the family crest because they're all stood together in the Feast House and they -- they shook hands with Stewart Forsythe to welcome him into the crest and they call him brother and sister or uncles.

THE COURT: The genealogy's wrong in that regard is it, Mr. Grant?
MR. GRANT:
Q Well, I think she's endeavouring to explain it. Let me ask you this question: Would Colette, the girl that you adopted, and Brenda, would they refer to Stewart as their brother or as their uncle?
A Yeah, Brenda would -- they would -- both would call him their brother.
Q Okay. Yes?
A And also Martha Joseph and Leonard Gawa will call him their brother.
MR. GRANT: That should be on the lower line --
THE COURT: Yes.
MR. GRANT:
Q -- of that too.
Now, you adopted Brenda and Colette?
A Yes.
Q Can you explain to the court why you've adopted them into your House?
A Brenda was 18 months old when I -- when I took her and while she's still a baby I gave her the name of my great-great-grandmother. The child name is Aluu git toox.
MR. GRANT: Can you refer to the number, Madam Interpreter?
THE COURT: Is it not K-w-o-o-d-a-a-s-t?
MR. GRANT: No, she was later given the name Kwoodaast.
THE COURT: All right.
THE WITNESS: Yes.
MR. GRANT:
Q Which is number 11 on the list. Can you just say what the first name was again?
A Aluu git toox.
MR. GRANT: Can you provide that, Madam Interpreter?
THE TRANSLATOR: Aluu git toox, A-l-u-u, g-i-t-, t-o-o-x, underlined.
MR. GRANT:
Q And that was the child's name of your great-great-grandmother?
A Yes, and the name means it stands by itself and that's the name of the mountain that we would -- we would talk it over later on.
Q Right. Is -- did you adopt Brenda through the Feast in the Gitksan way?
A Yeah, in the Gitksan way, yeah, that's when she got that name.
Q Okay. What about Colette?

A The same thing.
Q You adopted her through the Feast?
A Yes, I asked permission to his grandfather first. His grandfather comes from the House of Niist.
MR. GRANT: N-i-i-s-t.
THE COURT: Whose grandfather?
MR. GRANT:
Q That's Colette's grandfather?
A Yes, Wallace Johnson, my husband. Because Colette's mother is her -- her uncle is -- his uncle -- her uncle is Wallace Johnson, so that's why he is Colette's grandfather. And I took --
Q Just a moment here. Colette's uncle was Wallace Johnson?
A No. Colette's mother's uncle.
Q Was Wallace Johnson?
A Yes.
THE COURT: She said her grandfather -- Colette's grandfather was Wallace Johnson.
THE WITNESS: Yes, that's why he is Colette's grandfather. Yes.
MR. GRANT:
Q Okay. And he, Colette's grandfather, agreed that you could adopt Colette?
A Yeah, I ask him and he give me permission to adopt Colette when she was four months old. And we adopt her into the family crest and I gave her the child name of my mother Giis t'aatxws.
MR. GRANT: Is that on your list, Madam Interpreter?
MR. GOLDIE: Is that the name on the chart?
MR. GRANT:
Q Yes, I think the spelling is improper on the chart. It's number 40 on the list. Apparently it is the same spelling.
And you raised both Colette and Brenda?
A Yeah, and Colette got another name from Gitludahl, late Moses Morrison. He gave Colette his mother's chief name Gidix os.
MR. GRANT: Okay. Gitludahl is number 11 on the first list of the plaintiffs, and Madam Interpreter, could you spell that last name?
THE TRANSLATOR: Gidix os?
THE WITNESS: Gidix os.
THE TRANSLATOR: G-i-d-i-x o-s.
MR. GRANT:
Q Now, you also adopted Joanne, Art Wilson's wife?
A Yes.

1 Q Can you explain to the court why you brought --
2 adopted Joanne?
3 A Yeah, the reason is he be married to Art Wilson, my
4 brother's son and --
5 THE COURT: Art Wilson is your --
6 MR. GRANT: Brother's son.
7 THE COURT: -- your brother's son?
8 THE WITNESS: Yeah, from the Wolf tribe.
9 MR. GRANT:
10 Q And he holds the name Wii'mogulsxw?
11 A Wii'mogulsxw.
12 Q Number 17 on the page one of that list provided today,
13 My Lord.
14 A Yes. And we gave her the name Sagayt ga ak, that's a
15 very ancient name.
16 Q Now, why -- that's number 42 on your list, page 4.
17 Why did you adopt -- you say that she was married
18 to your brother's son?
19 A Yes.
20 Q Can you explain to the court in more detail why you
21 would adopt -- she's not an Indian; is that right?
22 A No.
23 Q Okay.
24 A But she's an Indian after she married to an Indian.
25 Q After -- and after she was adopted, is she a Gitksan
26 now?
27 A Yes.
28 Q Why did you, her husband's aunt, adopt her?
29 A Because we made her a Fireweed into our crest and we
30 gave her the name and she's fit to sit on our table in
31 the Feast.
32 Q Do you consider her children as members of your House
33 now?
34 A Yeah. Yeah. And her elder son got the name that you
35 mentioned a while ago. It was Niis kyo'om galo'ost,
36 that's a great name too.
37 Q Number 23(sic) on the list under Mary's House names.
38 Now, you've referred to Edith Gawa as your
39 grandmother?
40 A Yes.
41 Q Is there any other women that you would refer to in
42 Gitksan you would refer to as your grandmother?
43 A Yes.
44 Q Who are they?
45 A Lucy Tait, that's my grandmother's cousin, but in our
46 Indian way they would call they cousins sisters and
47 brothers.

1 Q It's on page 6 of the genealogy, My Lord.
2 And she was the mother of Fred White?
3 A Yes.
4 Q Who held Tsibasaa?
5 A Yeah.
6 Q Is there anyone else that you would refer to as your
7 grandmother?
8 A An elderly lady that -- she's my
9 great-great-grandmother, another
10 great-great-grandmother --
11 Q Yes?
12 A -- from Kitwanga. She married a chief in Kitwanga.
13 Q And --
14 A He's -- her husband's name is Luulak, Chief Luulak,
15 from the House of Lax See'l.
16 MR. GRANT: What number?
17 THE TRANSLATOR: Forty-one.
18 MR. GRANT:
19 Q Forty-one on the list of plaintiffs.
20 And do you recall her name?
21 A Her name -- her chief name is Guu jantixswm simoogit.
22 MR. GRANT: Is that on your list?
23 THE TRANSLATOR: No. Guu jantixswm simoogit, G-u-u,
24 j-a-n-t-i-x-s-w-m, s-i-m-o-o-g-i-t.
25 MR. GRANT:
26 Q Do you recall a man whose English name was Alexander
27 Mowatt and he held the chief name Gyetm galdoo, which
28 is number 23 on the list of plaintiffs' names. Do you
29 remember that man, Alexander Mowatt?
30 A From which tribe?
31 Q His chief name was Gyetm galdoo from the Frog tribe?
32 A No.
33 Q Let me ask you this question. Do you remember a
34 relative of yours who was married to him whose chief
35 name -- it's number 22 on the list of Mary' House
36 names, was Ax dii wil gaa'wsxw?
37 A Ax dii wil gaa'wsxw?
38 Q Yes.
39 A Yes.
40 Q Now, how would you refer to her?
41 A She is my grandmother, that's her chief name is Ax dii
42 wil gaa'wsxw's House. She is my grandmother's
43 cousin's sister.
44 Q And do you remember a sister of hers who was married
45 to Amagyet and whose name was -- this is number 24 on
46 the list, My Lord, Niist --
47 A Niis kyo'om galo'ost.

Q Thank you. Do you remember her?
A Yes, I've seen her. That's another grandmother too.
Q And these were cousins of your mother?
A Yes.
Q But they would refer to each other as sisters?
A Yeah, yeah, and they were cousins to my grandmother.
THE COURT: What was the number of that?
MR. GRANT: Oh, I'm sorry, My Lord I said number 24 at the beginning before I tried to pronounce the names. It's 24 on the list of Mary's House names, that's that Niis kyo'om galo'ost.
THE COURT: If that's what it is, I took it differently, I took it you asked two questions, and she was married to somebody and I thought the name to whom she was married was one for which we didn't get the spelling.
MR. GRANT: I'm sorry, My Lord, that A-m-a-g-y-a-t.
THE COURT: I'm sorry? A-m-a-g-y-a-t?
MR. GRANT: I'm referring to page 7 of the genealogy.
THE COURT: Thank you.
Q Now, do you have -- you've referred to your Uncle George Williams. Do you -- are there any other persons that you would refer to as your uncle in your family?
A Donald Mowatt and all his brothers. They are my -- our uncles, and about -- about the mother is -- her husband's chief name is 'A dii aam and he comes from the House of Gyetm galdoo.
Q Just a moment. This is Donald Mowatt's mother?
A Yes.
MR. GRANT: Okay. That's on page 7 and that's number 22 on the list; is that right Madam Interpreter, of the names on page 3?
THE TRANSLATOR: No. 'A dii aam.
MR. GRANT: Yes. Can you refer to it on the list?
THE TRANSLATOR: It's not on there.
MR. GRANT: Well, can you give the spelling, I'm sorry?
THE TRANSLATOR: A-x, underlined, d-i-i a-m.(sic)
THE COURT: And what is that name again, please?
THE TRANSLATOR: 'A dii aam.
THE COURT: Yes, but -- thank you, Madam Interpreter, but who is this person 'A dii aam?
MR. GRANT:
Q Yes. Can you refer to who 'A dii aam is?
A That's one of my grandmother's husband. He comes from the House of Gyetm galdoo.
Q And what was his wife's name?
A 'Ax dii wil gaa'wsxw?

1 Q Okay. That is number 22 on the list, My Lord, and I
2 refer you to page 7 of the genealogy for reference and
3 these two people were the parents of Donald Mowatt,
4 your uncle?
5 A Yes.
6 Q And his brothers --
7 A Yes.
8 Q -- and sisters.
9 Now, I'm moving into another area, My Lord, about
10 the House of Antgulilbix and chiefs. You already
11 indicated yesterday that both Tsibasaa and Antgulilbix
12 are what we referred to as Xsgoogam Simoogit?
13 A Yes.
14 Q Why in this court action -- or how did you come to the
15 conclusion that Antgulilbix should bring this court
16 case on behalf of the members of your House, rather
17 than Tsibasaa?
18 A The reason is I -- I know some -- some of the history,
19 some of the adaawks and Tsibasaa knows about the
20 hunting ground, and the fishing ground too, and all
21 the mountains near the village so we -- we both
22 decided to come to go to the court --
23 Q Okay.
24 A -- and reveal our inheritance, that which was taken
25 away from us.
26 Q Okay. And that -- but within your House under Gitksan
27 law, this court case could have been brought by either
28 yourself or by Tsibasaa?
29 A By the -- by the House too because there are the
30 chiefs' wings, all the names that we mentioned before.
31 THE COURT: Mr. Grant, I may not have understood you. I thought
32 you suggested that Tsibasaa was a plaintiff?
33 MR. GRANT: No, I suggested Antgulilbix was a plaintiff.
34 THE COURT: Yes, I see that. I'm not sure I've grasped the
35 purpose of your questions then.
36 MR. GOLDIE: I think he suggested to the witness that Tsibasaa
37 could be a plaintiff, if I understood him correctly.
38 MR. GRANT:
39 Q Tsibasaa -- what I'm asking you is, you've explained
40 that you and Tsibasaa are the same level of chief in
41 your House?
42 A Yes.
43 Q Is that right?
44 A Yes.
45 Q And in this court case the person named in the court
46 document is Antgulilbix?
47 A Yes.

1 MR. GRANT: Okay.
2 THE COURT: All right. I understand now. Thank you.
3 MR. GRANT: Is that right?
4 THE COURT: Well, if that is right, yes.
5 MR. GRANT:
6 Q Okay. Did you discuss which name you would put on the
7 court documents with Tsibasaa, whether you would put
8 Antgulilbix or Tsibasaa?
9 A I discussed that both should be put in because he's --
10 he is -- if I can't answer any question, he'll be
11 willing to answer.
12 Q You're saying that he should be able to speak here
13 like you are?
14 A Yeah, yeah, he stand by now.
15 Q Okay. Can you in the court case, under Gitksan law,
16 can you represent the people of your House?
17 A Yes.
18 MR. GRANT: I believe the witness misunderstood my question
19 about being a witness as opposed to being a plaintiff,
20 My Lord.
21 THE COURT: Yes, I think so.
22 MR. GOLDIE: Well, I -- my friend -- I haven't objected to these
23 leading questions, but this matter took up some time
24 on the examination for discovery and I understood her
25 answers to be consistent with some of the answers she
26 gave me on her discovery. I don't think she mistook
27 Stanley Wilson to be a witness. My understanding is
28 she's saying he could be a plaintiff; that he stood on
29 the same basis as she does with respect to the House.
30 MR. GRANT:
31 Q You've referred to the wings of the chief and I've
32 referred you already to Tab 2 of Exhibit 17.
33 Now, are these -- and you've indicated this is the
34 right seating?
35 A Yes.
36 Q Does this list -- does this seating include those who
37 are the wings of the chief?
38 A Yes.
39 Q Okay.
40 A And some are what we call wam gyat, that's before they
41 go to be a higher chief.
42 Q Okay. That's somebody who may become a chief in the
43 future?
44 A Yes.
45 Q And some of them are people who are already wings of
46 the chief?
47 A Yes. Yes.

Q Okay.
A They'll be selected later on.
Q Okay. Can you just hold that a moment? I'd like you -- I'd like to just go through that with you and just to clarify, going down the left-hand side as you face it, if you can tell me, is Yal a wam simoogit name?
A Yes.
Q Is Gwin lax nisims a wam simoogit name?
A Yes.
MR. GRANT: Is --
THE COURT: I'm sorry?
MR. GRANT: I'm sorry, My Lord.
THE COURT: I'm just trying to recall the significance of a wam simoogit name. Somewhere I had my own glossary, but I'm not sure. I may not have brought it with me. Are you using this term interchangeably with head chief, a wam simoogit?
MR. GRANT: Not as a head chief, but as a chief's name.
THE COURT: A chief's name, yes.
MR. GRANT:
Q If a person holds a wam simoogit name, that means they would be one of the wings of the chief; is that right?
A Yes, yes.
Q And if a person holds a wam gyat name?
A Yes.
Q Does that mean that they would be -- they may become a wam simoogit in the future?
A They were simoogits too. I remember one of an uncle at Kitwanga on the father's side, the Wolf, late Joseph Williams, that's my father's cousin, but they live in different village and we visit him.
THE COURT: I'm sorry, Mr. Grant, are you asking this witness to tell us which ones of these persons on this Tab 2 are wings of the chief?
MR. GRANT: Are wam simoogit or wam gyat, which is her term, as to explaining what they are because I think otherwise it will be confusing.
THE COURT: All right.
MR. GRANT: I want to ask her about which ones are wam gyat and wam simoogit.
THE COURT: All right. I think we'll start with that -- can we come back at 1:30.
MR. GRANT: Yes, My Lord. All right.
THE COURT: All right. We'll reconvene at 1:30.
THE REGISTRAR: Order in court. This court stands adjourned until 1:30.

(PROCEEDINGS ADJOURNED FOR LUNCHEON RECESS)

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

Tanita S. French
Official Reporter

└h2 Mary Johnson (for Plaintiffs)

(PROCEEDINGS RECONVEND AT 1:30 p.m.)

THE REGISTRAR: Order in court. Witness, I remind you you are still under oath.

THE COURT: Mr. Grant.

MR. GRANT:

Q Yes, My Lord. I was referring to tab 2 of Exhibit 17, and the exhibit is in front of the witness. I'll just refer you to this which you've already identified as the seating of your House. Now when we refer to the wings of the chief, are these people who would be -- one could say like the counsellors or advisers to the head chiefs?

A Yeah, both counsellors and advisers.

Q Now, looking at tab 2 of Exhibit 17, is Yal one of the wings?

A Yeah.

Q And Gwin lax nisims?

A And Ax goodim gitgwooyim.

THE COURT: Is it going to make sense giving the English names?

MR. GRANT: I'll just refer to the English names for the court reporter. And that's the third name down, it's Martha Joseph and Rosaline --

THE COURT: Is she a chief or isn't she?

MR. GRANT:

Q She is a wing?

A Yeah.

Q And Rosaline Starr is a wing of the chief?

A Yeah.

Q And David Harris?

A Yeah.

Q Now the other ones down there on that side, they are not considered -- they are not wings of the chief; is that right?

A No. They got what we call wam gyat.
Q Wam gyat?
A Yes.
Q W-A-M, one word G-Y-E-T, the second word. And going on the other side, is Brenda Stewart a wing of the chief?
A Yeah.
Q And Cheryl Stevens?
A That's wam gyat too.
Q Okay. So she is not a wing of the chief?
A No.
Q And Ambrose Stewart junior?
A Yeah.
Q Barnet Stewart?
A Yeah.
Q Arnold Tait?
A Yeah, he is the wing.
Q He is a wing, okay. I'm sorry, maybe you misunderstood me; is Ambrose Stewart a wing or is he a wam gyat?
A He is a wing and Barnet Stewart too.
Q Okay. And Arnold Tait is?
A Yeah.
Q And Alice Kruta --
A Yeah.
Q -- is she a wing?
A Yes.
Q And going down the balance of that side, the others on that side are not wings of the chief; is that right?
A No.
Q They are -- they are what you called wam gyat?
A Wam gyat.
Q And of course if you were discussing matters of importance in your House, you would discuss them with Stanley Wilson, Tsibasaa?
A Yeah.
Q And you would also discuss them with these counsellors?
A Yes.
Q I would like to move into another area now, My Lord. I would like to move into the area of the content of the adaawk, and I'll introduce it by saying that this witness will be referring to adaawk of a different -- histories of the -- histories relating to her background in and the background of her House than you heard from the former witness.
Do you know of a place called T'am Lax amit?

A Yes.
MR. GRANT: And that's on our list, Madame Reporter.
THE INTERPRETER: Fourteen.
MR. GRANT:
Q Fourteen on page 1 of the list.
Now, where -- it was a village, is that right, or a community?
A Yeah. It's a village and I was told that it was on both sides of the Skeena River. It was so big until it gets to Hazelton where the junction of the Bulkley and Skeena River is.
Q Okay. And it went -- it was downstream from the Bul -- junction of the Bulkley and Skeena River?
A Yeah.
Q And how far downstream would it -- did it stretch?
A It almost get to Kispiox, too.
Q Okay. That's upstream?
A Yeah.
Q How far downstream from the junction of the Bulkley and Skeena did it go?
A It's -- there is a great big flat across Bulkley where the old bridge used to be.
Q Yes?
A That's where it is.
Q Okay. Do you know where Carnaby is on the Skeena River?
A Yeah. That's part of the -- they call it a city it's so big.
THE COURT: I'm completely confused Mr. Grant.
MR. GRANT:
Q T'am Lax amit is what you are describing, it was very large?
A Yes.
Q And it stretched on the upstream end almost to Kispiox, and it stretched downstream far below the Bulkley and Skeena junction?
A Yeah.
Q Did it -- and it stretched as far as Carnaby?
A Yeah.
MR. GOLDIE: My Lord, may I take it that this is all part of the adaawk?
THE COURT: I took that to be so.
MR. GRANT: Yes.
MR. GOLDIE: The purpose of my question, of course, I think is obvious. This is hearsay and will have to be dealt with at some time.
THE COURT: Yes.

MR. GRANT:
Q And the history of T'am Lax amit, T'am Lax amit happened long before you were born; is that right?
A Maybe -- I was told it was happened what they call la oo'y. Grandmother, great-great-grandmother used to pronounce it whenever she talks about things.
Q Okay. Can you --
A Ahla oo'y, that means thousands and thousands of years ago. That's the reason why they also call the dirge song Limx oo'y. See how the word is the same. That song, those songs are composed thousands and thousands of years, and passed onto many generations.
Q That word for Limx oo'y is 27 on the list provided today, the word for the songs
Now, were you told about T'am Lax amit by your great-great-grandmother?
A Yes.
Q Thank you. Now, were the people who are now in the House of Tsibasaa and the House of Antgulilbix or the House of Antgulilbix, were those people at T'am Lax amit their ancestors?
A Yeah. That's why they are called lax aamit, the Giskaast. It's --
Q That's number four on the list, My Lord.
Now, there was an event occurred in T'am Lax amit with respect to a grizzly bear or a Mediik; is that right?
A Yeah, both Mediik
MR. GRANT: That Mediik is M-E-D-I-I-K.
THE COURT: Does Mediik mean grizzly bear?
MR. GRANT:
Q Mediik means grizzly bear; is that right?
A Yeah.
THE COURT: Thank you.
A It's just like an ordinary bear, it's what they call Mediik is the mediigam tsa 'wii aks.
THE COURT: You know, I have a sense that this witness feels impelled to use native language to explain every word. If that's your wish then of course so be it. I'm not sure that she understands that she can put it either way or both ways. Seems to me that she seems to be using the native dialect when she is not really being asked to, but I'm not sure if that is right. So you deal with it as you think best.
MR. GRANT:
Q Mrs. Johnson. If you need to explain some phrase or some word in Gitksan, if that's how you have to

explain it, then -- then stop after you say that so that the interpreter can translate it, or the word person can write it down. If you can explain it in English, that's all right. But if you need to use the Gitksan word, just give time, okay?

A Yeah.

Q Okay?

A Yes.

Q Okay. You were describing what a Mediik was?

A Yeah.

Q And you said it's more than just a grizzly bear, I believe?

A Yes.

Q Can you -- and then you used a Gitksan phrase. What do you mean?

A They call those kind of bears Mediigam tsa wii aks which -- because they live in the water and they look like bears, exactly like bears, and they didn't have long furs like the bears, they were smooth and thin.

Q Okay. Now, could you tell the court the history of the Mediik at T'am Lax amit?

A Yeah.

Q Would you tell them what -- tell the judge what happened?

A After all the fishing is finished and all the hunting for -- for mountain goats and groundhogs and the mountain and all the berry picking is finished, then they got nothing to do, so the maidens would go and make the camp at the lake, at the foot of Stekyooden, and they caught some grouse.

THE COURT: At the foot of which?

MR. GRANT: Stekyooden, number 29 on the list, My Lord, the list provided today.

THE COURT: Yes.

MR. GRANT:

Q And I don't know if -- I was watching the reporter but the word she said was "maidens". I don't know if you caught that, it wasn't a Gitksan.

You were saying the foot of Stekyooden?

A They -- as they were caught -- after they were caught many trouts, they cut out the back bone of the skin, and tails are still on the back bone. And as they was staying there, they learned the dances of the people and all the songs, and the way they were -- they move when they were dancing. So one time, one young lady cut one of these back bone and put it on her head as a decoration while dancing. And she would happen to be

near the -- near the lake, and she look at herself at the edge of the lake, and she saw it was the bone looks really, really beautiful and why she dances gracefully. So she ran and told the others what she have found, and show them. Then they all got back bones and decorated their heads with it and some of the people used to come over and watch them and they didn't put a stop to it, and they smiled at what's going on. So after they all went home when it's time to go home, the people of T'am Lax amit heard a terrible noise, and they --

Q Can I stop you a moment. You said they went home?

A Yeah.

Q Is that -- they returned from the lake to T'am Lax amit?

A Yeah. They left the lake and the people watched where the noise comes from, and they've seen some great big trees were throwing about the top of the rest of the tall trees, and they just stood there wondering what happened, until it comes -- there is a little stream that runs from the lake and goes into the Skeena River, and that's -- and this thing followed the little stream, tramping down the trees. And finally they see this great huge bear, grizzly bear that they have never seen before. And the chiefs sent messengers through the village to -- after warriors, to have the warriors ready, which they did. And not long after the messenger went out, all the warriors came out with their spears and arrows and bow and arrow, and hammers that are made with stone, all those from weapons that strong young men use, they all come out bravely to meet this great grizzly bear. And he gets to the water and swam across and -- and they went in front, they all went in front of him, but he is -- he is a supernatural grizzly bear, they call him Mediik, and whenever they are shot him with an arrow, the arrow flys way up high instead and fall back down again and it hit the warriors, and they were wounded. And this grizzly bear tramped them until they were crushed to the ground, and goes through the village and kills a lot of people. And after that he -- he came -- he turned and go into the water again, follow the stream where he came from the first place. So the brave warriors went to -- to see where he went, and it goes into the lake, disappeared into the lake. That's why the wise elders told the young people not to play around with fish or meat or anything, because the --

because the Sun God gave them food to eat and those who -- just they should just take enough to eat and not to play with it, that's why this tragedy happens to them.

Q Did any of the people go back up the trail that this grizzly bear followed down the mountain afterwards?

A Yeah. They went -- they went to follow the trail and that's when they see that he disappeared, his track disappeared into the lake. So they believed that it's the revenge of those trouts, because they played around with their bones.

Q And is that lake -- do you know what that lake is known to the non-Indian today, the name of that lake?

A They call it see Seeley Lake.

THE COURT: S-E-E-L-E-Y?

MR. GRANT:

Q S-E-E-L-E-Y.

I would like to ask you now about another adaawk. Could you tell the court the history of what happened when your ancestors left T'am Lax amit and why they left?

A The reason is they caught some fresh spring salmon during the month of April, and they called the month of April Lasa ya'a.

THE INTERPRETER: L-A-S-A-Y-A-'-A.

MR. GRANT:

Q Yes.

A Yeah. And that's when they started to cook the spring salmon, and they roast the spring salmon and they cut it in half because they were so big, and they sharpen some sticks so -- to stuck through the spring salmon so it won't fell down while they roast it near the fire. And when it was cooked, they pull out these sticks and they call these small little sticks Xhlaaxws.

THE INTERPRETER: X-underlined-H-L-A-A-X-W-S.

A And they gave one little stick, one of these stick to a small little boy, and the little boy went out enjoying his fish, eating it off from this little stick. And he looked up to the mountain of Stekyooden, and he sees a cloud covers the top of the mountain with little bit of snow, and he talks to the mountain, "What you going to do with this?" waving the little stick, "You was snowing again." And that same night they was snowed in, the houses were all covered with snow and they can't go out. And they were out of wood and they were cold, the chief sat down and

1 covered himself with warm blanket, and finally he sees
2 a little bird where the smoke hole is, a little bird
3 sat on the smoke hole with a leaf in the mouth of the
4 little bird and ripen berries. And the chief said,
5 "Am I seeing things," he said. And they looked and it
6 was really. So the wise people asked the young men to
7 dig through the snow. They know it's just them that
8 was snowed in, and there was -- they believe they know
9 it's summer at the rest of the land. So as they all
10 come out, it's -- each group understand it's each
11 other, they say it used to be one language at T'am Lax
12 amit before they used tsimxsan language. They call
13 this tsimxsan language sim algyax. What we use today,
14 they call it gyanimx.
15 THE COURT: Just a moment.
16 THE TRANSLATOR: Tsimxsan is T-S-I-M-X-S-A-N, sim algyax, S-I-M
17 A-L-G-Y-A-X-underlined.
18 THE COURT: Sorry, S-I-M-A-W?
19 THE TRANSLATOR: A-L-G-Y-A-X-underlined.
20 THE COURT: S-I-M --
21 THE TRANSLATOR: A-L-G-Y-A-X-underlined.
22 MR. GRANT:
23 Q Go ahead?
24 A And the land which we used to is -- they call gyanimx.
25 THE TRANSLATOR: Gyanimx, G-Y-A-N-I-M-X-underlined.
26 THE COURT: Thank you.
27 MR. GRANT:
28 Q Okay?
29 A And so -- so as they all make it out of the snow,
30 then -- then their land which was changed, they got
31 different land. So each group that understood each
32 other, they -- they follow the rest, and they went in
33 different directions. So you see today that Hagwilget
34 is close to our village, and yet we didn't understand
35 their language.
36 THE COURT: I don't know that we got that word.
37 MR. GRANT:
38 Q Hagwilget, H-A-G-W-I-L-G-E-T. That's one of the
39 villages.
40 If I may just interject, where did the people who
41 are now in Antgulilbix House go?
42 A They go to Kitsegukla, and there was a famine after
43 this happen to them, and so the two sisters travelled
44 and their one brother. The name of the sister is
45 Sagayt ga ak.
46 MR. GRANT: Number 42 on page 4 of your list.
47 THE COURT: Thank you.

A And the name of the other one is Naga ihl.
THE TRANSLATOR: Number 38.
MR. GRANT:
Q Thirty-eight.
A And only brother's name is Wildim waax.
Q I don't believe it's on the list.
THE TRANSLATOR: No. It's Wildim waax, W-I-L-D-I-M, W-A-A-X.
A And as they were travelling, Wildim waax starved to death because they got nothing to eat, can't find anything to eat. And not long after he died, they heard the drumming grouse, and they plan to kill the grouse. The elder sister lay down near the log where the grouse drums. Whenever a grouse is drumming, he come -- always comes back to the same spot where he drums on an old log covered with moss, and it's soft. And so the elder sister hid herself underneath the moss beside the log, but she missed the grouse and she just caught few of the tail ends. And then the young, young sister lay down to try to -- if you scare the grouse while he drums, he'll always come back to the same spot. So the younger sister caught the grouse, and they killed the grouse, so they sat down and they both cried. They remember their brother that's just died and they compose a dirge song.
MR. GRANT:
Q And in the telling of this adaawk, is this the place where you would sing the dirge song?
A Yeah.
MR. GRANT: My Lord, the interpreter will be able to translate the song. Go ahead and you can sing the song.
THE COURT: Well, is the wording of the song necessary?
MR. GRANT: Yes. I believe the wording of the song is necessary, My Lord, it's part of the adaawk, it's part of the history. The song itself forms part of the history.
THE COURT: Well, if the wording of the song is essential to -- or even possibly necessary to the determination of the issues at trial, then by all means. I don't want to be skeptical, but I have some difficulty in understanding why the actual wording of the song is necessary. But I have to leave that to counsel.
MR. GRANT:
Q Go ahead with the song?
A Do you want me to sing the song?
Q Yes, go ahead.
THE COURT: I'm sorry, Mr. Grant, are you going to ask the witness to now sing the song?

1 MR. GRANT: Well the song, My Lord, I asked the witness if the
2 song was part of the adaawk.
3 THE COURT: Yes.
4 MR. GRANT: The song is part of the history, and I am asking the
5 witness to sing the song as part of the history,
6 because I think in the song itself, invokes the
7 history of the -- of the particular adaawk to which
8 she is referring.
9 THE COURT: How long is it?
10 MR. GRANT: It's not very long, it's very short.
11 THE COURT: Could it not be written out and asked if this is the
12 wording? Really, we are on the verge of getting way
13 off track here, Mr. Grant. Again, I don't want to be
14 skeptical, but to have witnesses singing songs in
15 court is in my respectful view not the proper way to
16 approach this problem.
17 MR. GRANT: My Lord, Mr. Jackson will make a submission to you
18 with respect --
19 THE COURT: No, no, that isn't necessary. If this has to be
20 done, if you say as counsel this has to be done, I'm
21 going to listen to it. I just say, with respect, I've
22 never heard it happen before, I never thought it
23 necessary, and I don't think it necessary now. But
24 I'll be glad to hear what the witness says if you say
25 that this is what she has to do. It doesn't seem to
26 me she has to sing it.
27 MR. GRANT: Well, My Lord, with respect, the song is -- is what
28 one may refer to as a death song. It's a song which
29 itself invokes the history and the depth of the
30 history of what she is telling. And as counsel, it
31 is -- it is my submission that it is necessary for you
32 to appreciate --
33 THE COURT: I have a tin ear, Mr. Grant, so it's not going to do
34 any good to sing it to me.
35 MR. GRANT: I have a similar problem, My Lord, but maybe after
36 it is sung we may view it at that stage.
37 MR. GOLDIE: There is one other aspect of this, My Lord, and
38 that is, is the witness going to interpret her own
39 song?
40 MR. GRANT: No. The interpreter will translate the words of the
41 song.
42 MR. GOLDIE: Why is that necessary?
43 MR. GRANT: Well if you wish, the witness will. But the witness
44 herself is in the middle of telling of an adaawk, and
45 the interpreter will be able to translate the words of
46 that song.
47 MR. GOLDIE: Well, My Lord, this is part of the witness's

1 history as I understand it.
2 THE COURT: Yes.
3 MR. GOLDIE: The witness has been dealing very competently as
4 far as I can make out with what her history is, and
5 informing the court of what it is in English. Why it
6 should be -- why the song should be translated,
7 whether it bears any special consideration is yet to
8 be determined. And if it is to be translated, then I
9 have a submission to make with respect to the
10 interpreter.
11 THE COURT: What is it you want to do, Mr. Grant?
12 MR. GRANT:
13 Q I would ask Mrs. Johnson, if you could go ahead and
14 sing the song, and then if you can translate for the
15 court the words of the song?
16 A Yeah. The reason the sad song is when they raise the
17 pole, and when the pole is half-way up they told the
18 chiefs that pull the rope to stop for a few minutes,
19 and they sang the song and they cried. They remember
20 those that used to raise the pole before them, and all
21 those that were dead before the new pole is raised.
22 So after they sang what they call Limx oo'y. Then they
23 put up the pole.
24 Q These are the poles that are raised, like a pole that
25 is raised even in your lifetime, they would sing this
26 song?
27 A Yeah, yeah.
28 Q Okay.
29 A Well, if the court wants me to sing it, I'll sing it.
30 THE COURT: No, I don't, Mrs. Johnson, but apparently counsel
31 does. And I think I'm in a position where if counsel
32 in the responsible discharge of their duties say this
33 has to be done, then I have to listen to it. But I
34 don't think, with respect, that this is the way this
35 part of this trial should be conducted, I just don't
36 think it's necessary. I think it is not the right way
37 to present the case.
38 MR. GRANT: You can go ahead and sing the song now.
39
40 (WITNESS SINGS SONG)
41
42 MR. GRANT:
43 Q Can you tell us what the words of the song mean in
44 English?
45 A They sang about the grouse flying, flying, how the
46 grouse flies, those are the first word. And another
47 word says "I will -- I will ask for you tell him to

1 give it to me." That means when the first sister
2 grabs just the tail end of the grouse. And another
3 word says, "It will make noise underneath your wings."
4 That means when you hear the drum, when the grouse
5 drums and it makes a loud noise. And then another
6 word says of how -- how the grouse gave himself up to
7 die for them to help them save their lives. So that's
8 the end of the song. And today, the -- the young lady
9 that caught the grouse stood at the foot of our
10 totem-pole that we restore in 1973, and she is holding
11 the grouse with tears in her eyes.
12 Q And that pole is in Kispiox?
13 A Yes.
14 Q Today?
15 A Yes.
16 Q Okay.
17 THE COURT: All right now, Mr. Grant, would you explain to me,
18 because this may happen again, why you think it was
19 necessary to sing the song? This is a trial, not a
20 performance.
21 MR. GRANT: I agree, My Lord, but I refer you to the pleadings
22 in the action, and in the statement of claim,
23 paragraph 57(h), which reads -- it's the more
24 delineated paragraph after paragraph 56 which says,
25 "That the plaintiffs have owned and exercised
26 jurisdiction over the lands ascribed in Schedule A and
27 set out on the map on Schedule B." 57: "Without
28 restricting the generality of paragraph 56, since time
29 and memorial the plaintiffs and their ancestors have
30 (h) expressed their ownership of the territory through
31 their regalia, their adaawk, their kungax and their
32 songs." It's specifically pled in the statement of
33 claim that the songs of the people are part of their
34 history and that's part of the way the ownership over
35 the territory has been expressed.
36 THE COURT: I don't find that a persuasive argument at all, Mr.
37 Grant. It seems to me the fact of expressing their
38 ownership or their claim to ownership through songs is
39 a fact to be proven in the ordinary way. It is not
40 necessary, in my view, and in a matter of this kind
41 for that song to have been sung, and I think that I
42 must say now that I -- I think I ought not to have
43 been exposed to it. I don't think it should happen
44 again. If it is sought to be -- to have that sort of
45 evidence adduced in future, I will expect further and
46 more detailed submissions, because I think I'm being
47 imposed upon and I don't think that should happen in a

trial like this.
MR. GRANT: Well there is no intent by myself as counsel to at all impose upon you, My Lord. It's an attempt to have this witness able to express her adaawk --
THE COURT: I see no reason --
MR. GRANT: -- as she would have expressed --
THE COURT: - having regards to the words of the song as she has explained them, and having regard to the context of her evidence and the submissions you made, I see no reason whatsoever why it was necessary to ask her to sing that song. Go on with the evidence, please.
MR. GRANT:
Q Just before proceeding further, you referred to the name of the brother, as I believe, Wildim waax?
A Yeah.
Q And was this a name that Leonard Gawa, in your House, held when he was small?
A Yeah.
Q And you described the pole that has the girl with the grouse on it?
A Yeah.
Q And is the grouse part of the -- one of the crests of your House?
A Yes, yeah.
Q Now, can you -- is that the conclusion of this adaawk, or is there more to this particular adaawk?
A Yeah, there is more of the same adaawk.
Q Okay?
A After that they travel again, and they found a great big tree, and they -- it was a fireweed, a huge fireweed, and they call this fireweed G'ilhaast.
Q And --
A And that's the name of the poles in the ancient time is G'ilhaast which is still the name today.
Q And that refers to a single fireweed?
A Yeah.
Q So it's the singular of Giskaast which is "Many Fireweed"?
A Yeah.
Q Okay?
A So as they travel again, they saw a trail on the side of the mountain, and they made a snare out of some roots, and set the snare and they hid themselves away from the snare. Not long after that, a goat came along and they caught him with the snare, and maybe perhaps the goat thinks he will run away or jump away from this snare, but instead, he hung down on the side

of the mountain. And one of the sisters cried out "halaltxwista giikw." That means "Sister, it's falling down!"
Q Go ahead?
A So they walked over and they -- it was -- they caught the one-horned goat, the goat with one horn. So they -- again they got this goat as their crest and the one -- that's what Uncle George Williams raised in 1916, and it's on the top of a pole today.
Q Did -- when you described this history of these two sisters and the brother, this was after they left T'am Lax amit?
A Yeah.
Q Was it when they were at Kitsegukla?
A Yes.
Q Is there a House in Kitsegukla or Kitwanga which -- to which your Antgulilbix was once related at this time?
A Yes. The house in Kitsegukla is the house of Hax bagwootxw.
THE COURT: Sorry, that word again?
MR. GRANT: Number 34 on the list of plaintiffs and chiefs, My Lord.
THE COURT: Yes. And what is that the name of?
MR. GRANT:
Q That is the house which you were related to?
A Yes.
Q Is this adaawk that you have just told of the two sisters and the brother --
A Yes.
Q -- also an adaawk of the house of Hax bagootxw?
A Yeah.
Q Now --
THE COURT: I'm sorry, Mr. Grant, we're going to take just a very brief adjournment. We are half-way through the first two hours, we'll take about a ten minute break.
THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED AT 2:25 p.m.)
(PROCEEDINGS RECONVENED AT 2:35 p.m.)

THE REGISTRAR: Order in court.
THE COURT: I can tell counsel that I've had a brief discussion with the reporters and I plan to sit now until 25 after three and then we'll take another very short adjournment and carry on to 4:30.
MR. GRANT: Yes, I understood that from the reporter as well.
THE COURT: All right, thank you.

MR. GRANT: I just ask, I would like to observe how the witness is going around four o'clock, that's all.
THE COURT: Yes, we'll have to consider that as well.
MR. GRANT:
Q Mrs. Johnson, you were -- you described about the two girls and the brother. Now, did this event happen -- I may have asked you this already because I noted it. But this happened when they were at Kitsegukla?
A Yeah.
Q And do you know where the girls and the brother went, where did they travel from Kitsegukla?
A After they left Kitsegukla?
Q Yes?
A Yeah.
THE COURT: Well the brother is dead by now, isn't he?
MR. GRANT: No, no. I'm going back to the beginning of this adaawk.
THE COURT: Oh, I'm sorry. One moment then.
A The history says that Antgulilbix branched off from Hax bagwootxw. It wasn't that they were fighting or hating each other, that's how the Indians are in the ancient time, that's why many families live in other villages.
MR. GRANT:
Q I think you may have misunderstood my question or you are jumping ahead, you are anticipating what I'll ask you in a minute. I just want to go back to this particular adaawk. I understood that -- that when the two sisters and the brother left Kitsegukla, they left there because there was a famine there?
A Yeah.
Q And do you know where they travelled to and where these events with the grouse and the goat occurred?
A Yeah. It's on the Kitsegukla River.
Q Okay. Now, I would like to go back to the first part of this adaawk about leaving T'am Lax amit. You said they caught the spring salmon. Does the history tell you how the people caught the salmon in those days?
A They made fish traps all -- right through the Skeena River, because there was so many and they started the fish trap till it gets across, and they caught some fish.
Q Okay. And the fish trap was right across the river?
A Yeah.
Q Now, the history of the snow fall at T'am Lax amit, has that led to certain laws of the Gitksan regarding their treatment of the fish?

A Yeah.
Q Could you tell the court what that law is?
A Yeah. It's to -- to take care of the fish if there is anything that they didn't use of the inside, they would bury it. They are not supposed to just throw them away. And when -- whenever they caught a first spring salmon, they lay it on a mat, the mat is very valuable to them, it's made out of cedar bark and dyed with their own dye, black dye, that's the trimming. And whenever a visiting chief or a stranger comes to the village, they spread this mat out and that's where the visitor sat on.
Q Okay. Now, I would like you -- you started to describe the people of Antgulilbix split off from Hax bagwootxw?
A Yes.
Q Now, did this happen in what your grandmother would refer to as ancient times or was this quite recent?
A Ancient times, very ancient times.
Q Okay.
A And that's when Antgulilbix branched off from Hax bagwootxw, that's why they got the same crests and the same names.
THE COURT: Do I have the spelling for Hax bagwootxw? I'm sure I do.
MR. GRANT: Yes. It's 34 on the list of plaintiffs, My Lord.
THE COURT: Thank you.
MR. GRANT:
Q The present holder of that name is Ken Harris, of the name Hax bagwootxw?
A Yeah.
MR. GRANT: That's on the list titled Gitksan and Wet'suwet'en Plaintiffs.
THE COURT: Yes, thank you.
MR. GRANT:
Q Now, where did the people of Hax bagwootxw travel to and where did they move to when they left Kitsegukla?
A They formed a village at what we call Wilt gallii bax.
Q Okay. That's -- I'm referring here to place names for the Antgulilbix territories and related territories, it starts the 300 series, and that name is 332. Sorry for the interjection, if you would continue? You were saying that place is near, and then?
A Yeah. That's where they form a village.
Q And where was that?
A It's -- a mountain behind Glen Vowell village, and they call this mountain "Where the moon shines on,"

that's Andamhl.
Q Three, twenty-two.
A Yeah. That's the ancient name of that mountain. And -- and there was a village, Giskaast village is below the mountain, not far from the main road where the vegetable farm is.
Q Where the vegetable farm is today?
A Yes. Not far from that.
Q And that's on the road -- the highway between Hazelton?
A Yeah.
Q And Kispiox, I believe?
A Yeah.
Q Now, who holds the territory today, which House has the territory where Wilt gallii bax was, that's 332.
A That is Tsibasaa and Antgulilbix.
Q So that's the territory of your House?
A Yeah.
THE COURT: I'm sorry, did I understand her to say that's the territory of her House or the territory of her House and another House?
MR. GRANT:
Q It's the territory of your House?
A Yeah.
Q Okay. And you referred to Tsibasaa?
A Yeah.
Q And Tsibasaa is in your House?
A Yeah.
THE COURT: Yes, all right. Thank you.
MR. GRANT:
Q Let me ask you this, because I may be guilty of the same mistake. If you refer to Antgulilbix territory or to Tsibasaa's territory, are you referring to the same places?
A I'm referring to the same place.
Q Okay. Antgulilbix territory is Tsibasaa's, and vice versa?
A Right.
THE COURT: And what is number 332?
MR. GRANT: That's the name of the village to which I referred to.
THE COURT: I see, all right.
MR. GRANT:
Q Now, can you describe for the court in relation to streams or other places that were there, where this village is -- was located, Wilt gallii bax?
A Yeah. It's the mountain is where the -- where they

hunt for groundhogs, that's what they call ansin gwiikw.

THE COURT: What did she give us the name of, a mountain?

MR. GRANT:

Q Is that the name of the mountain or the groundhog?

A The name of the mountain is Andamhl.

Q Okay, that's 322. And the groundhog is called?

A That's where they catch the groundhogs on the top of this mountain.

Q Okay. Now then, there is -- was the village located at the same place as the vegetable farm, or somewhere nearby?

A Just where the vegetable farm is and they got -- that's why they got fishing ground not far from it at the Skeena River.

Q Down below the Skeena?

A Yeah.

Q Okay. We'll come back to your fishing grounds.

A Yeah.

Q Now, did you ever go to Wilt gallii bax with your mother or your grandmother or great-great-grandmother?

A I remember going with my grandmother when I was very small, and I didn't forget we go through small trails and we get to where the village used to stand. There were no trees growing there, just where bushes were grown and that's where she picks some blueberries.

Q Did your grandmother Edith Gawa talk to you about this village?

A Yes. Both great-great-grandmother and grandmother.

Q Okay. What did they tell you about the village and what was located there?

A They said it was a village and they also got Feast Houses there, they said, and they used to invite the village -- surrounding villages for the Feast, for their Feast.

Q Was anyone there except for -- were any other houses there, that is --

A No.

Q -- other than Tsibasaa and Antgulilbix House?

A Oh, there was the village of Kispiox.

Q Okay. But -- but at Wilt gallii bax, was there any other houses other than Antgulilbix and Tsibasaa's House?

A No.

Q Do you know how long ago -- well first of all, Tsibasaa and Antgulilbix did move to Kispiox from Wilt gallii bax; is that right?

A Yeah.
Q Do you know how long that was? Was it before the time of your great-great-grandmother?
A Maybe it's long before her time. It's very ancient time. And they said that we were told that, that our Gitludahl in the ancient time --
THE COURT: Sorry, our what?
MR. GRANT:
Q The Gitludahl?
A Yeah. Talk things over with Tsibasaa and ask him to move up to Kispiox. Even though it's not far away, but they want to be together. That's why -- that's the reason why our Feast House stands in front of all the houses at Kispiox, that's why our House name is Luu hlim hetxwit, that means "Standing in front."
THE COURT: Mr. Grant I missed something here.
MR. GRANT: Gitludahl was number 11 on the list of plaintiffs, My Lord, and the name of the house --
THE TRANSLATOR: Number one.
MR. GRANT: It's number one on page 1 of the list provided today.
THE COURT: Unfortunately I missed something before that.
MR. GRANT: Oh. You missed Gitludahl. I noted --
THE COURT: You see my note is that, "Our house moved to Kispiox long before my grandmother's time." And then I think she started to tell me about why they moved, but I'm not sure of that because that's where I lost the thread of what she was saying.
A Yeah.
MR. GRANT:
Q Okay. You understand, the court lost track?
A Yeah.
Q Now, you indicated that you -- that Tsibasaa and Antgulilbix talked with Gitludahl?
A Yeah.
Q That's number 11 on the list. And he was a head chief of the Fireweed Clan in Kispiox?
A Yeah.
Q And they discussed with him moving to Kispiox?
A Yeah.
Q Okay. Could you go on from there?
A Yeah. Ask them to move to Kispiox.
Q Gitludahl asked them to move to Kispiox?
A Yeah.
Q And why was it that he wanted them to move to Kispiox?
A Because they wanted them to be together.
Q Okay.

1 A Because they were not very many people in the villages
2 in the olden days. As you see on the picture, the old
3 Feast House, I remember every House there -- I think
4 there were about 12 in the first row and including our
5 house, and there were about two on -- at the front of
6 the rest of the houses. That's Gyolugyet's and Ax
7 gigii' House.
8 MR. GRANT: Gyolugyet is number 24, Ax gigii' --
9 THE COURT: I also missed, because I was backing up on something
10 else that she said something about that is why -- that
11 is why her house was in front of the others. Was that
12 in the first row or the other?
13 MR. GRANT:
14 Q I think that the exhibit will assist you in this area.
15 And just a moment, My Lord. I refer you to tab 3 of
16 Exhibit 17. I'm showing you a picture, Exhibit 17, at
17 tab 3, and do you recognize those houses?
18 A Yes.
19 Q Okay. Now, can you point for the court, to which
20 House was Tsibasaa's?
21 A This one. You can see the smoke hole, it stands in
22 front of the rest of the house.
23 Q This one here?
24 A Yeah.
25 Q If you look in the picture there is a number of
26 poles --
27 THE COURT: Yes.
28 MR. GRANT: And there is the two poles to the farthest left.
29 THE COURT: Yes.
30 MR. GRANT: Below them there is a house that has a -- seems a
31 hole in the roof.
32 THE COURT: Yes.
33 MR. GRANT:
34 Q And that -- it's behind another smaller house. That's
35 the house that you are pointing to?
36 A Yeah.
37 Q Okay. That's Tsibasaa's House?
38 A Yeah.
39 Q Now --
40 THE COURT: Well I'm sorry, Mr. Grant. The pole on the extreme
41 left?
42 MR. GRANT: Yes.
43 THE COURT: Is the house of the -- that the witness is referring
44 to, the one immediately in front of that pole?
45 MR. GRANT: Immediately in front of that pole and behind the one
46 that's in the foreground.
47 THE COURT: Yes. The one where you can only see a small part of

the roof?
MR. GRANT: You see a small part of the roof and then it stretches out behind the other house.
THE COURT: Yes, all right.
MR. GRANT: Possibly you can make a mark on that.
THE COURT: Does it stretch out on either side of the house in the foreground, and overlap with the second pole from the left.
MR. GRANT:
Q Yeah. Okay, do you want to just maybe make a mark with a "1" in red pen on this exhibit where that is? , Just write on the house. Okay, you've done it above the house. Is that above the hole in the roof of the house?
A Yeah, just above the smoke hole.
MR. GRANT: Yes, My Lord.
THE COURT: Yes. May I see it? Yes, thank you.
MR. GRANT:
Q Okay. Now is that house that you've just been describing, is it facing a different direction than the other houses that you see further along to the right-hand side of the picture?
A No. It didn't face the different direction, it faces -- you see the rows of the rest of the houses go that way, that's -- that's the way the house faces.
Q So it faces the other houses?
A Yeah.
Q Okay.
THE COURT: Do we have a date for this photograph?
MR. GRANT: I don't have a date -- I don't have a date here. I'll check a copy. I don't believe there is a date record on this one, but I will advise the court.
THE COURT: All right.
MR. GOLDIE: Perhaps when my friend checks that he might see if there is any indication of its origin, whether it's a archival photograph or --
MR. GRANT: Yes, it is archival and it's either from -- it's from the National Museum of Canada. It's negative number 49290.
THE COURT: Do we have a date by reference to any event that caused these buildings to disappear? They are not there now, are they?
MR. GRANT: No, they are not there now.
THE COURT: When did they disappear?
MR. GRANT: Well I'm going to --
THE COURT: All right, thank you.
MR. GRANT:

1 Q Did you see this house that you described?
2 A I seen it when I was very small.
3 Q Okay. And do you recall when that house, the house of
4 Tsibasaa in that photograph was torn down or fell down
5 or was no longer there?
6 A I didn't see it torn down, but I heard that Uncle
7 George sells the house to someone and that's why they
8 tore it down. It's a very large log house. And
9 that's where the marble stone stands today in front of
10 that house is where our -- where I have seen the old
11 totem-pole laying down, and begins to rot on the
12 ground.
13 MR. GRANT: Okay. I would like you to -- My Lord, I intend to,
14 after going through this document, the document book,
15 to tender at the conclusion of this witness' evidence,
16 to include this as an exhibit proper, depending on her
17 identification of it, rather than pulling out each
18 photograph as a separate exhibit.
19 THE COURT: Yes, all right.
20 MR. GRANT:
21 Q I would like to refer you back to that picture, and I
22 would like you, if you could start, you recognize
23 other houses in that photograph as well, do you?
24 A Yeah.
25 Q Okay. If you would start -- now I'll show you this,
26 on the far right-hand side, looking at the picture,
27 okay?
28 A Oh, yeah.
29 Q The ones in the background, and I would like you to
30 identify, and we can put numbers beside them for the
31 court, the -- who the other houses are in the
32 photograph, whose -- which chiefs are those houses?
33 A The first house is Haaxw's house, and the second is --
34 THE COURT: You mean the one in front of the tree?
35 MR. GRANT: Just point to if for the court, okay?
36 A The second is --
37 MR. GRANT:
38 Q Which one is Haaxw's? If you could just use the pen
39 you can put that mark there. Can you see it all
40 right?
41 A You can see some of the houses are -- are already torn
42 down in those days, so I see just -- just Gutginuxw's
43 house.
44 Q Okay. You put a two above Gutginuxw. Okay?
45 A And there is --
46 THE COURT: Do we have the spelling for that?
47 THE TRANSLATOR: Number 14.

1 THE COURT: Thank you.
2 A This is in the middle of the house.
3 MR. GRANT:
4 Q Sorry, which one?
5 A This is Gitludahl.
6 Q Put a three above it.
7 A And then Gitludahl --
8 Q That's the white one?
9 A No. That's -- the white one is Geel, and Gitludahl
10 like I said, the house is already torn down, but I
11 know the exact spot.
12 Q Okay. So is Gitludahl's house in the picture?
13 A Gitludahl's house is between Geel and Delgam Uukw.
14 MR. GRANT: Okay. Put a four where it would be.
15 THE COURT: Where is whose house again?.
16 MR. GRANT:
17 Q Gitludahl --
18 A Yeah.
19 Q -- it's between Geel and Delgam Uukw and it's below
20 number four?
21 A This is Geel.
22 Q Put a number five above Geel's. And that's the white
23 house and about the centre of the picture?
24 A Yeah, that's Geel's house.
25 Q Okay?
26 A And next to Geel is Ma'uus house.
27 Q Is it hidden by your house in this picture?
28 A I can see part of it because they was so close you
29 could see there, see?.
30 Q Where it seems one side of the roof is going up --
31 A Yeah.
32 Q -- and then it goes --
33 A Yeah, yeah.
34 Q Put a six above that?
35 THE COURT: What's the name of that house, please?
36 THE TRANSLATOR: Number 48, Ma'uus.
37 THE COURT: Okay. I didn't get the ownership of the one that
38 was described as number four in the photograph.
39 MR. GRANT:
40 Q Okay. Number four, the one beside Geel's house, whose
41 is that?
42 A Gitludahl's. And next-- I'll finish this side first.
43 And this -- they get Ma'uus' house.
44 Q Ma'uus' house is behind yours, is it, and it's below
45 number six?
46 A Yeah. That's next to Geel's. And next to Ma'uus is
47 Dawamuxw's house.

Q Okay, just a moment. You can't see it in the photograph, can you?
A Yeah, but I know it.
Q Okay. Just I'm going to give you another picture, okay?
A Okay.
Q Here is tab 4. Now does this assist, tab 4 of the book, do you recognize the houses in this picture?
A Yes.
Q Now, is Dawamuxw's house in that picture?
A Yes.
Q Okay. Could you just put a number one where his house is?
A Where Dawamuxw.
Q Okay. It's second from the right of tab 4?
A Yeah. And next to Dawamuxw is Xsim gaakhl.
Q Xsim gaakhl?
A Xsim gaakhl. That's Wii elaast and both Wii elaast and Xsim gaakhl.
Q Okay, that's both Wii elaast and Xsim gaakhl.
THE COURT: That's the house next to Delgam Uukw? What is the name of the house next to Delgam Uukw? Delgam Uukw she said was second from the right?
MR. GRANT: Dawamuxw.
THE COURT: Oh, sorry.
MR. GRANT: Dawamuxw, it's different.
THE TRANSLATOR: That's number three and Xsim gaakhl it's not on there, it's spelt X-S-I-M --
THE COURT: Just a moment. Yes?
THE TRANSLATOR: G-A-A-K-H-L.
THE COURT: Well is there a house -- I'm sorry, Mr. Grant, but I'm just simply not able to follow this the way it's gone in.
MR. GRANT: We are at the same tab, tab 4, My Lord?
THE COURT: Yes.
MR. GRANT: The only one she has numbered thus far is number one, it's second one from the right.
THE COURT: Yes.
MR. GRANT:
Q And that is Dawamuxw's house. She started to explain the next house is Xsim gaakhl and Wii elaast's house -- Xsim gaakhl's house?
A Wii elaast got his own house but they are relations, that's why I mentioned both.
Q Okay. Could you put a number two above Xsim gaakhl's house? Okay. And then you are going further down the road, there is a small house it looks like?

1 A Yeah. That used to be a store that belongs to late
2 Charles Wesley.
3 Q It used to be a store?
4 A Yeah.
5 Q And then what's the big one behind it, there is
6 another big house looks like?
7 A That's -- that's our house, another -- that's our new
8 house. As you see the old one is not used when I was
9 small, and this one is what they used. An elderly guy
10 lived in this house, his name is Kwoodaast, Xsim
11 Jolik, Kwoodaast and Xsim Jolik.
12 THE TRANSLATOR: Number 11 on the names and Xsm Jolik is 27.
13 MR. GRANT: That's number 11 and --
14 THE TRANSLATOR: Number 27.
15 MR. GRANT: Number 27 on the list of names, house names. Okay,
16 could you put a three above your house just so the
17 court will be able to refer to it later?
18 THE COURT: Oh, I have a four above that. I numbered the little
19 store as number three, is that right?
20 MR. GRANT:
21 Q Oh, you numbered the store, okay. She has now
22 numbered the exhibit as number three, My Lord, above
23 her house. Now there is one house in the foreground
24 on this particular photograph that's right -- the
25 furthest to the right. Whose house is that?
26 A That's Ma'uus' house that I showed in the other
27 picture
28 Q Just put a four above Ma'uus' house.
29 THE COURT: It's the one behind the tree, is it?
30 MR. GRANT: No. We are talking in the foreground behind the
31 pole, My Lord. The furthest to the right on the
32 picture.
33 THE COURT: Oh.
34 MR. GRANT: Back to there.
35 THE COURT: Back to there, all right. Sorry, the big one on the
36 right is number four and whose house is that again?
37 MR. GRANT: Ma'uus' house. It was referred to in the earlier
38 photograph as well.
39 THE COURT: Can I ask the witness a question please? Is number
40 three on this photograph --
41 MR. GRANT: Tab 4.
42 THE COURT: On tab 4, the same house she marked as hers on tab
43 3?
44 MR. GRANT:
45 Q Do you understand that? Is this house the same as
46 this house?
47 A Yeah. The first house I showed is the old house, and

this one is the old one when -- at the time when Gitludahl was just --

MR. GRANT: Just it's sort of hard because I'm right beside you and the reporter can't hear. Mr. Goldie was right beside me and so, just for the record, she was pointing to the picture number -- of her house on tab 3 as the old house.

THE COURT: Yes.

MR. GRANT:

Q And her house in tab 4, the one under number three is the new house, and she indicated that that was erected -- that was erected at the same time as the pole was erected?

A Yeah.

Q In the foreground of the picture in tab 4?

A Yeah, yeah. That's why the house is -- was still used when I was small.

Q Okay.

A Like Geel's house before the community hall, and Wii elaast house, all those big houses were used for Feasts, and also Hlo'oxs' house.

Q Just a minute.

THE COURT: Is the pole she is referring to the most leftwardly pole in tab 4, the pole on the left?

MR. GRANT: If you are facing at the most furthest to the right, the pole right in the foreground.

THE COURT: Oh.

MR. GRANT:

Q Furthest to the right. And that pole was raised by Gitludahl?

A Yeah.

Q And you said not Moses Morrison, the previous holder of that name?

A Yeah, the previous. His name is Alexander. I remember seeing him when I was small.

Q Okay. And you've seen these houses in this picture, tab 4 when you were small?

A Yeah. That's where I grow up, that's how I know I -- even if I could -- I didn't see the picture, I was still put where the house stands, where all the houses stand. We should go on that side.

Q Okay. This is in tab 3, you wish to refer to the houses after your number two?

A Yeah.

Q That is that go to the further back?

A Yes.

Q Okay. Can you just point to them for the court and

1 mark them with a pen? You are up to six there.
2 A Okay. This is --
3 Q Here, I'll hold this for you so you can point to them.
4 A This is Kliiyem lax haa's house, where Kliiyem lax
5 haa's house used -- there it is, that's the old house
6 MR. GRANT: Okay. Can you put a number seven there?
7 THE COURT: Seven is whose house?
8 MR. GRANT: Kliiyem lax haa's house. Which is number --
9 THE TRANSLATOR: Thirty-five.
10 MR. GRANT:
11 Q Thirty-five on the list of plaintiffs.
12 A And next to Kliiyem lax haa's house there you see
13 it's -- it's already torn down and there is one house
14 is standing this way, you can see part of it next to
15 Kliiyem lax haa's.
16 Q It used to be there but it's not in this picture; is
17 that right?
18 A No. Only a small house is standing there.
19 Q Okay. Which is the next one that you see in the
20 picture going towards the right-hand side of the
21 picture from Kliiyem lax haa's, this one here?
22 A Kliiyem lax haa's house stands between this one. This
23 house is Hawaaw's house, and Gwii yeehl stands
24 between Kliiyem lax haa's and Geel's.
25 Q Could you put a number eight above Hawaaw's house?
26 And the other one was Gwii yeehl's house that used to
27 be there?
28 A Yeah, yeah.
29 MR. GRANT: Could you give the numbers for Gwii yeehl?
30 THE TRANSLATOR: Nineteen.
31 MR. GRANT: And Hawaaw?
32 THE TRANSLATOR: Thirty.
33 MR. GRANT:
34 Q Okay.
35 A And next to Hawaaw is Haaxw, and it's already torn
36 down.
37 Q In this picture?
38 A Yeah. So that's the end of the houses in that row.
39 And there is two that facing the rest of the houses,
40 that's Gyolugyet's, both Gyolugyet and Ax gigii'.
41 THE COURT: Just a moment, please.
42 MR. GRANT: On the photo at tab 4, number two may look like an
43 "A", My Lord.
44 THE COURT: Yes thank you.
45 MR. GRANT:
46 Q Now, I would like to refer you to the photograph at
47 tab 4, again, and you've described those houses, and

you've described the pole. Whose pole is it on the right-hand side? Now, could you --
A This one.
Q That's Gitludahl's pole?
A Yeah.
Q Now who's pole is it that's sort of the next -- if you look along the skyline, it's next to the left of it?
A That's Ma'uus' pole
THE COURT: Sorry?
MR. GRANT:
Q Ma'uus' pole.
A And these are Geel's poles.
Q And you were pointing to this -- there is something in the front and then there seems to be two, two poles there?
A Yeah.
Q Okay. Those are the next two along and then --
A Yeah.
THE COURT: Whose poles are they?
MR. GRANT: Geel's.
THE TRANSLATOR: Number eight.
THE COURT: Eight, thank you.
MR. GRANT:
Q Now there is some carvings down in the front of those and I'm not referring, My Lord, to the horses. Whose carvings are those?
A That's Geel's. Geel's carving. The other one is Mediigam tsa 'wii aks, and the other one is whale, black --
Q Black whale?
A Yes.
MR. GRANT: Maybe the translator could spell that phrase?
THE TRANSLATOR: Mediigam, M-E-D-I-I-G-A-M, tsi 'wii aks, T-S-I space W-I-I space A-K-S.
MR. GRANT:
Q Now, when you referred to that word, was that one of the crests of Geel?
A Yeah.
Q What does it mean?
A It means a sea bear.
Q Now going further back there is another pole, and again this would be the second pole from the left of the photograph. Whose pole is that, it appears to have a bird on the top or something?
A That's in front of Dawamuxw' house.
Q Okay. Is that Dawamuxw' pole?
A Yeah.

Q Okay. And what about the pole furthest to the left-hand side?
A That's Xsim gaakhl.
Q Xsim gaakhl pole?
A Yeah. Some poles fall down, like our pole.
Q Okay. Your pole is not in this picture?
A No.
Q Okay.
THE COURT: Xsim gaakhl is what number, please?
THE TRANSLATOR: It's not on there. I've spelt it Xsim gaakhl, X-S-I-M G-A-A-K-H-L.
THE COURT: H-L?
THE TRANSLATOR: Yes.
THE COURT: Thank you.
MR. GRANT: I note -- I'm not sure what time you were --
THE COURT: No, this will be all right. Yes, we'll adjourn. Thank you, Madam Reporter.
THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED AT 3:25 p.m.)

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

Toni Kerekes,
O.R., R.P.R.
United Reporting Service Ltd.

(PROCEEDINGS RECONVENED PURSUANT TO ADJOURNMENT)

THE REGISTRAR: Order in court.
THE COURT: I'm informed that Mr. Sterritt has been reached and I've set Friday morning at 9:30 to hear his further application.
MR. GRANT: Friday morning?
THE COURT: Yes.
MR. GRANT: Yes. My Lord, I did speak to the witness at the brief break that we had and she indicated to me that she was feeling a bit tired. I wonder if we could go until four?
THE COURT: Well, we'll go as long as we can. If she can't go

beyond that, then of course we'll adjourn.
MR. GRANT:
Q Yes. I was referring you to Exhibit 17 and you described the poles of the picture at Tab 4. I refer you to Tab 5. There's a pole there. Could you tell the court whose pole that is?
A That's Ax Giigii's.
Q A-x G-i-i-g-i-i.
Q And is Ax Giigii a person -- a member of a House?
A Ax Giigii is the head chief of the House.
Q Okay. And which -- who's Ax Giigii today?
A Mrs. Lottie Muldoe at Kispiox.
Q And is she -- and whose House is she in right now?
A She's in Ax Giigii's House.
Q I refer you to -- oh, and one other point, did you see that pole?
A Yes.
Q And is that pole at -- was that pole at Kispiox?
A Yes.
Q Is it still there?
A Still there. Only the canoe is lost and I heard some rumours that some tourists walked away with it.
Q So this pole is still standing, but the canoe that's in it isn't there?
A Yes.
Q I refer you to the photograph at Tab 6. Do you recognize who that man is?
A Yes, he's -- he's the elder brother of late Henry Russell. They call him -- his English name is Tom Seaman and -- and I forget his chief name. They got many chief's name. They are from the House of Gutginuxw.
MR. GRANT: What number is that?
THE TRANSLATOR: Number 14.
MR. GRANT:
Q On the list of plaintiffs.
And he appears to be wearing a collar or something around his neck. Do you know what that is? Can you explain that to the court?
A Yes. That's what -- what the Indians call luux.
MR. GRANT: Could you give a spelling for that?
THE TRANSLATOR: Luux, L-u-u-x.
THE COURT: Thank you.
MR. GRANT:
Q And why -- who's entitled to wear the luux and why do they wear it?
A A chief will wear it. It's time they put up a great

1 big Yuuks, what we call Feast. He got one luux, some
2 got three luux around their neck. This was in the
3 ancient time and --
4 Q And did you see this man?
5 A Yes, I have seen him when I was very small.
6 Q Okay. I refer you to Tab 7. Do you recognize those
7 pictures there?
8 A Yes. Yeah, those are raised poles and wolf carving of
9 Geel's.
10 Q They're a close up of what you described in the
11 photograph at Tab 4 as Geel's; is that right?
12 A Yes.
13 Q Now, just going to those, could you tell us what -- on
14 the right-hand side what that pole is?
15 A It's a snake.
16 Q Is that one of the crests of Geel?
17 A Yes, that's his crest.
18 Q Okay.
19 A They say that a great big huge snake kill one of the
20 member of Geel's House and they kill the snake, that's
21 what they got the crest.
22 Q Okay. Now, there was a -- now, immediately again on
23 the right-hand side there's two other figures, there's
24 the one on the right-hand side, is that the sea bear
25 that you referred to?
26 A Yeah.
27 Q And then there is another one on the left between the
28 two poles?
29 A A black whale.
30 Q Are those both crests of Geel's?
31 A Yes.
32 Q And then on the left-hand side, is that part of the
33 pole of Geel?
34 A Yeah, that's part of his pole.
35 Q Now, are those -- do those crests or those poles still
36 stand in Kispiox?
37 A The snake is still standing.
38 Q Okay. But the other pole isn't?
39 A Yeah. But -- but Geel restore his pole in 1971. I
40 forget he carved another pole and raise it.
41 Q Okay. So there is a pole of Geel that is there?
42 A Yeah.
43 Q But it's not the same pole as in these photographs?
44 In other words, it was a new pole that he made?
45 A Yeah.
46 Q You have seen those crests on that pole?
47 A Yes.

1 Q Now, I refer you to Tab number 8 and in this picture
2 on the left-hand side appears to be again Geel's poles
3 and the crest in between them?
4 A Yes.
5 Q The figures -- I should say they're carved figures
6 when I refer to crests that are sitting in between the
7 poles in the photograph?
8 A Yeah.
9 Q Now, can you recognize any of the other poles in that
10 picture?
11 A Yeah. There's -- there's a House of Gutginuxw that I
12 showed you and there were three poles standing in
13 front.
14 Q Okay. Just --
15 A This is the other one where the owl sits on, so
16 Gutginuxw means owl.
17 Q Okay. Just let me clear the record up. You pointed
18 to the two-storey building as the House of Gutginuxw?
19 A Yes, that's the new House.
20 THE COURT: There are two, two-storey buildings, are there not?
21 MR. GRANT:
22 Q I'm sorry, you're right, My Lord. The two-storey
23 building with a porch, the veranda on the upper floor
24 is the one you've pointed to? This has got a porch or
25 veranda on the upper floor and that's Gutginuxw's
26 House?
27 A Yes.
28 THE COURT: What number is that, please? Is it one of the
29 numbers on the --
30 MR. GRANT: Oh, the number of the plaintiff, Gutginuxw. Could
31 you --
32 THE TRANSLATOR: Fourteen.
33 THE COURT: Fourteen. Thank you.
34 MR. GRANT:
35 Q Now, then you referred to the nineth pole from the
36 left-hand side which seems to have a figure on the top
37 and that's the pole that has the owl on it?
38 A Yes.
39 Q Okay. I'd like you to mark that with a one in red,
40 just mark right beside the owl.
41 A What shall I mark?
42 Q Just a one is fine. Okay. You marked a one above
43 that pole?
44 A Yes. And next to Gutginuxw is Kliiyem lax haa's House
45 and this the pole of Kliiyem lax haa.
46 Q Okay. Could you put a two above that pole of Kliiyem
47 lax haa just above it?

A Yeah. And this -- there's the figure -- you see the small figure on the top, that's Git waltxwm gibaaw on the top of Kliiyem lax haa's.
Q What is that figure? Can you translate what that means?
A It means a raiding wolf.
Q A raiding wolf?
A Yeah.
MR. GRANT: Okay. That's a chief name in Kliiyem lax haa's House.
THE COURT: What's his number, please?
THE TRANSLATOR: It's not on --
MR. GRANT: Kliiyem lax haa?
THE TRANSLATOR: No, no, Git waltxwm gibaaw.
MR. GRANT: Sorry, My Lord, you wish the number of Kliiyem lax haa or --
THE COURT: Yes. Well, I'm told it's not there.
MR. GRANT: Kliiyem lax haa is number 35.
THE TRANSLATOR: It's number 35, but Git waltxwm is not.
THE COURT: All right.
MR. GRANT:
Q The raiding wolf.
Now, in this photograph here, is there any of the other poles that you can describe or that you wish to describe what they are, whose poles they are in other words?
A Next to Kliiyem lax haa's House is Gwii yeehl's House and they got Mediigam tsa 'wii aks too as their crest.
MR. GRANT: Okay. Just a moment. Gwii yeehl is what number?
THE TRANSLATOR: Gwii yeehl is number 19.
MR. GRANT:
Q And is that the same crest as the raiding wolf, Madiigam -- what is it?
A Mediigam tsa 'wii aks. Gwii yeehl is a Fireweed and Kliiyem lax haa is a wolf.
THE COURT: Is it the pole to the left or the right of the raiding wolf?
MR. GRANT:
Q Yes. Can you point to which pole in this picture is Gwii yeehl's pole? Can you see it -- recognize it in the picture?
A No.
Q Okay.
A But I know that each House there's a pole standing in front and next to Gwii yeehl is Hawaaw's House.
Q Okay. Now, in this picture the Houses of Gwii yeehl and Hawaaw aren't actually in the picture?

A Yeah, yeah, and all the poles standing up, but I recognize Hawaaw's pole there. There's the gwaa skiiks sitting on the top of the pole.
Q And what is that? What is a gwaa skiik?
A That means a small eagle.
MR. GRANT: Okay. Could you put a number three above Hawaaw's pole?
THE COURT: And what's his number?
MR. GRANT: Hawaaw, yes. What number is it on the list?
THE TRANSLATOR: Hawaaw is number 30.
THE COURT: Thank you.
MR. GRANT:
Q Okay. The others are further back. It's hard to --
A It's -- the other is Hawaaw's pole and the last one is Haaxw's pole.
Q Okay. Could you put a four above Hawaaw's pole and a five about Haaxw's pole?
A That was before they move Haaxw's pole to the ball ground at Hazelton.
MR. GRANT: Do you want to give the numbers of Hawaaw and Haaxw?
THE TRANSLATOR: Haaxw is number 27.
MR. GRANT: And Hawaaw?
THE TRANSLATOR: Hawaaw is number 30.
THE COURT: Can I see it for a moment, please? Thank you.
MR. GRANT:
Q Okay. My Lord, I wish to move into another area now. This is in the aspect of laws. Are there laws as to how a young -- young women who reach puberity are prepared or that they have to go through something?
A Yes. There's -- I didn't see the house they called wilba 'yasxw.
THE TRANSLATOR: W-i-l-b-a '-y-a-s-x-w.
THE COURT: Is that a House in the sense of a group of people or is that a house in the sense of a building?
MR. GRANT:
Q That's a special kind of house, it's a building?
A It's a very small building just for the young -- young lady alone. And the other name for it is wilba k'ooy, that's a very ancient word, wilba k'ooy.
THE COURT: Spelling, please?.
THE TRANSLATOR: W-i-l-b-a k- underlined, '-o-y.
THE COURT: Thank you.
MR. GRANT:
Q Now, did your grandmother tell you about these houses?
A Yeah.
Q And what were they used for?

A That's when a young teenager got her first period. She's not supposed to live among the people. It's to live by herself in these small houses until the end of the year and she's not supposed to eat fresh fish for a whole year and fresh meat.
Q When you reached that period of your life, did you -- were you stopped from eating fresh fish and fresh meat?
A Yeah, they didn't allow me to eat fresh meat or fresh fish or touch the fresh fish or the meat.
Q Is there a term for this period, this time of a girl's life?
A Yeah, it -- if she does eat the meat that the hunters saw, they said it will bring bad luck to the hunter. He won't catch anything and it will cause trouble to his eyes. And today the people are still -- still doing it. They didn't allow their girls to eat meat or eat some fresh fish for a whole year.
Q Did you train your daughters in this way?
A Yeah.
Q Brenda and Colette?
A Yeah.
Q Is there any other prohibitions or restrictions of what a girl could do at this time?
A Well, she's not supposed to -- to -- she's supposed to cover her hair, yeah. If she doesn't cover her hair they said she will have grey hair real early, in the early life.
Q And if she -- anything that she's not supposed to look at?
A At the sky.
Q Why is that?
A It will spoil her eyes.
Q What about the mountains?
A Yeah, the mountains, both the sky and the mountains.
Q She's not supposed to look at both the sky and the mountains.
A No.
Q Why isn't she supposed to look at the mountains?
A It's not -- it won't be any good for the eyes too.
Q Okay. Is she allowed to eat -- or is she prohibited from eating any type of berries?
A She's not allowed to eat those berries that are still on the bushes during wintertime and in the early spring like April they pick these berries, what we call t'imi'it. If she eats those berries in no time her teeth will be all gone too.

1 MR. GRANT: Can you give a spelling for that Madam Interpreter?
2 THE TRANSLATOR: T'imi'it, t-'-i-m-i-'-i-t.
3 THE COURT: That's the berries is it?
4 MR. GRANT:
5 Q This is the type of berries, yes.
6 Now, were you told by your grandmother about a
7 woman who did not do this?
8 A Yes.
9 Q Could you tell the court what happened?
10 A Yes. There's a young woman that stays with a married
11 couple. This happens in mansion where they were
12 working and her parents were away for a while and
13 while they were picking berries this young lady came
14 and told her guardian that she got her periods, so
15 this lady took off her kerchief, and "Wear this." she
16 said, "And don't look at the sky or the mountain."
17 And she went away picking berries again. "And you are
18 not supposed to eat fresh fish," she told her, "or
19 fresh meat." But after they come home from the berry
20 picking she left the house and the lady that looks
21 after her is preparing something to eat, and she's not
22 home, and her husband went out to where the chinese
23 restaurants are and there she was sitting in the cafe
24 eating some fresh trout. And I miss out another thing
25 she did when the lady gave her the kerchief and -- a
26 few minutes after that she came and throw back the
27 kerchief to this lady that looks after her. After she
28 did that she goes like this and "Look at this." she
29 said. And I have seeing her, her -- both her eyes
30 were grey. She -- but she managed to go around.
31 Q You saw this lady yourself?
32 A Yes.
33 THE COURT: Was she blind or could she see?
34 THE WITNESS: She sees little bit. She managed to be around by
35 herself.
36 THE COURT: She was a bit blind?
37 THE WITNESS: Yeah.
38 MR. GRANT:
39 Q When you say her eyes were grey, she had a hard time
40 seeing?
41 A Yeah.
42 Q Now, you followed these rules about not looking at the
43 sky or the mountains yourself when you were that age?
44 A It's hard. You can't always look down, you'd always
45 want to look far away.
46 Q But these rules have still -- you have applied these
47 rules?

A Yeah. Yeah.
Q Now, is there -- if a -- did your grandmother ever tell you of cases where if a girl at this age dies then what -- is there a special ceremony for her funeral?
A Yeah, they say when a princess died and before the -- they bury her or cremated her, they dress her up the night before the funeral, and they dress her up and made her sat up, made the dead body sat up and dress her up like -- like she's a princess the way she dresses up while she's alive and they made her sat at the back of the house and this is what they call the did'a'asxw.
THE COURT: Spelling, please?
THE TRANSLATOR: D-i-d-'-a-'-a-s-x-w.
THE COURT: Thank you.
MR. GRANT:
Q Did your grandmother see this, what she described about a princess?
A No. She just -- she just told me.
Q Was this --
A That's what she -- she was told. Yeah. This was in the very ancient time.
Q There's a few questions I'd like to ask you about the adaawk. You've told us certain adaawk today. Have you heard those adaawk, and I will be specific, the adaawk of the Mediik at T'am lax amit, and the adaawk of the dispersal, and the adaawk of the one-horn goat? And I'm only arbitrarily separating them, My Lord, for our purposes.
Have you heard those adaawk given in the Feast Hall?
A They give it at the Feast Hall about the one-horn goat.
Q Okay.
A Yeah, and also about the grouse.
Q Yes?
A Yeah.
Q And have you heard the adaawk of the Mediik?
A No.
Q Okay. Have you heard the adaawk of the dispersal from T'am lax amit in the Feast Hall?
A Well, no they didn't tell it in the Feast Hall.
Q Okay. Now, those other adaawk, let us talk about the adaawk of the one-horned goat and the adaawk of the grouse?
A Yes.

Q Is that -- were those adaawk given publicly so that the other chiefs can hear them?
A Yeah, so they can understand and they never forget because, like Gyolugyet says, the Indians are not supposed to use any other crest besides your own crest. That's why they tell the adaawk in the Feast House and they know, everybody knows, whose crests they are.
Q And the other chiefs have heard the adaawk of the one-horned goat and the grouse?
A Yeah.
Q And it's known within the Gitksan community?
A Yeah.
Q Now, the adaawk of the Mediik, what you've described about the Mediik at T'am lax amit?
A Yes.
Q How did you learn that adaawk?
A It was told by my grandmother, great-great-grandmother --
Q Okay.
A -- when she told about how they snowed in and the Feasts of the goat.
Q Now, the adaawk of the Mediik and the snowfall at T'am lax amit, are those known by other Gitksan people?
A Yeah, they were known by many of them, yeah.
Q Are they known by the chiefs today?
A Yeah.
Q Okay. How do the other chiefs know of those adaawk?
A It's their grandmothers and their uncles told them because the uncle does give out many of the adaawk.
Q The uncle does give out many?
A Yeah, the uncle give out some adaawks too.
Q Okay.
A Yeah.
Q Now, is there -- okay, just a moment.
Now, when you say that the adaawk of the one-horn goat and the grouse is given, you're referring to when your own House has told those adaawk; is that right?
A Yes. Yes.
Q Have other Houses or chiefs of other Houses told the adaawk of the Mediik in the Feast Hall?
A Yeah, there's the Mediik that is owned by Gwii yeehl and he knows the adaawk himself. And he will tell it himself.
THE COURT: Who's this please?
MR. GRANT: Gwii yeehl which is?
THE TRANSLATOR: Nineteen.

MR. GRANT: Nineteen on the list.
THE COURT: Thank you.
MR. GRANT:
Q Is that the Mediik coming down the mountain, the Mediik that you told about?
A No, they didn't say, that's why I said those that owned the crest will tell it themselves.
Q Now, the snowfall at T'am lax amit, is that an adaawk that all the Giskaast people --
A Yes.
Q -- share?
A Yes.
Q Is that -- so that all of the Giskaast Houses, any of the chiefs of those Houses can tell that adaawk?
A Yes.
Q And is it the same with the Mediik who came down the mountain, that is, the Mediik you talked about?
A Yes.
Q So that any Giskaast or Fireweed chief could tell that adaawk?
A Yes. Yes.
Q My Lord, I was going to move into another area, and -- are you feeling -- it's about ten after four. How are you doing, Mrs. Johnson? Are you getting a little tired?
A No.
MR. GRANT: My Lord, as counsel with experience with this witness, I don't want her to have to say that, but I would ask that we adjourn now if that's all right.
THE COURT: All right. Are counsel going to be able to assist me at all on this hearsay question tommorrow?
MR. RUSH: I think we can deal with it tomorrow.
THE COURT: All right. Shall we reconvene then at 9:30 tomorrow morning?
MR. RUSH: Yes.
THE COURT: Thank you.
THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED TO MAY 28, 1987, at 9:30 A.M.)

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

Tanita S. French

1 Official Reporter
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