1 Vancouver, B. C.
2 May 25, 1988.
3
4 THE REGISTRAR: In the Supreme Court of British Columbia, this
5 Wednesday, May 25th, 1988. Calling Delgamuukw versus
6 Her Majesty the Queen.
7 I caution the witness and the interpreter, you are
8 both under oath.
9 THE COURT: Mr. Mackenzie?
10 MR. MACKENZIE: My lord. Now, my lord, yesterday there was a
11 comment made about -- by Mr. Rush about the
12 possibility of viewing commission on the Monday that
13 we have before Glen Williams starts on Tuesday.
14 Well, my lord, I think your lordship anticipated
15 seeing all of Glen Williams' commission that day.
16 Stanley Williams' commission took over 12 days and it
17 would be impossible to see in one day.
18 THE COURT: There is not a fast forward on the tape?
19 MR. MACKENZIE: That might be a useful device for other
20 occasions too, my lord.
21 THE COURT: Well, I didn't anticipate seeing all of Mr.
22 Williams' evidence on Monday. I didn't know
23 whether -- I didn't know how long Mr. Williams'
24 evidence was. I don't know what Mr. Rush intended.
25 Perhaps he can tell us.
26 MR. RUSH: I intended that we start the commission evidence. I
27 knew that it went over many days but, of course, they
28 weren't full days and you could probably see several
29 days in one sitting day. At least, that's my
30 supposition. I haven't seen the tape itself. But I
31 thought we could start the tape and --
32 THE COURT: Mr. Williams is the witness that you think I should
33 see from start to finish?
34 MR. RUSH: Yes.
35 THE COURT: All right. Well, does that affect what you are
36 saying, Mr. Mackenzie?
37 MR. MACKENZIE: As I understand, Mr. Rush wants to spend one day
38 seeing part of Mr. Stanley Williams' evidence and
39 possibly carrying on another day?
40 MR. RUSH: Correct.
41 MR. MACKENZIE: And the question to be raised in our discussion
42 the other day, my lord, in view of the fact that these
43 matters are outstanding, that is, how we are going to
44 select 15 minutes of chief and 15 minutes of cross or
45 just going to look at them for demeanor. Looking at
46 all of Stanley Williams' commission raises the
47 question of whether your lordship will be disposed to

1 consider objections, the objections that were made at
2 the commission or whether that's going to be something
3 that will be left for review of the transcript. There
4 are some problems that arise as a result of this
5 suggestion, my lord. And it -- they relate to the
6 submissions that were made before your lordship and
7 that decision by your lordship with respect to
8 commissions.
9 THE COURT: Well, if I am going to see the evidence of Mr.
10 Williams, I would assume -- I speak without the
11 benefit of counsels' assistance -- that I would deal
12 with objections as they arise. If, for example, I was
13 to conclude that a line of examination in chief or in
14 cross, was about inadmissible matters, then there
15 would be no point seeing it.
16 MR. MACKENZIE: Yes, my lord. It may be useful to have that in
17 fact at an early viewing because that may assist in
18 selecting or handling later commission tapes are being
19 suggested for your lordship.
20 Well, I wanted to raise those concerns, my lord.
21 THE COURT: Who was counsel for the parties on the examination
22 by commission of Mr. Williams?
23 MR. RUSH: Peter Grant was on for the plaintiffs.
24 MR. MACKENZIE: And Mr. Plant was there for some time for the
25 province.
26 MS. KOENIGSBERG: I was there for the Attorney-General of Canada
27 then Mr. Plant had to leave toward the end as a result
28 of a personal matter and I finished the cross-
29 examination.
30 THE COURT: Is it your intention to have Mr. Grant here on
31 Monday, Mr. Rush?
32 MR. RUSH: Yes. But, it may be that -- if it's possible for him
33 to be here, but if he can't be, then we would be
34 prepared to go ahead without him.
35 THE COURT: Well, is it convenient for Mr. Plant to be here, Mr.
36 Mackenzie?
37 MR. MACKENZIE: I don't know Mr. Plant's schedule right now, my
38 lord, but I think we anticipate he will do Glen
39 Williams so he may be available on Monday. I can
40 confirm that with your lordship.
41 THE COURT: I am in counsels' hands on this. I think you people
42 have to work it out and make a suggestion as to how to
43 proceed. I am amenable to most reasonable
44 suggestions. That is, if I think they are reasonable.
45 And I will be guided very much by what counsel say.
46 MR. MACKENZIE: My lord, having raised these concerns now,
47 perhaps they can be the subject of discussion and

1 further submission in the process of shaking these
2 procedures out.
3 THE COURT: Yes. All right.
4
5 CROSS-EXAMINATION BY MR. MACKENZIE: (Continued)
6
7 MR. MACKENZIE:
8 Q Mr. Muldoe, yesterday we started talking about hunting
9 and trapping. Now, you have a registered trapline,
10 don't you?
11 A Yes, I have it on the Gitludahl Territory.
12 Q Kitludahl's Territory at Twin Lake?
13 A Yes. Twin Lake. Naa dax de'et.
14 Q Mr. Muldoe just gave the Giksan name for Twin Lakes.
15 Now, you have a registered trapline to protect your
16 interests in the trapping?
17 A Yes.
18 Q And that means that when someone traps -- sorry, when
19 someone trespasses you can go to the game warden; is
20 that right?
21 A That's right. I also give permission to anyone that
22 want to trap there. Like a few years ago my
23 son-in-law, Victor Mowatt, came up to me and asked me
24 if he wants to trap there and I told him he can trap
25 there, he doesn't need my permission, but to make it
26 legal he says can you give me a note to show it to
27 anyone, and I made a copy of that, and I kept one
28 myself and gave one to him. And he traps through that
29 country, all that area and one winter and one week he
30 went out there and you know what happened, he find one
31 of Mary Allan's son out there. And just to drive up
32 there with a pickup, and just right after that Gene
33 Allan was the one who was in there, and they pull a
34 marten off on Victor Mowatt's trap and that marten was
35 still kicking around when -- he caught him right in
36 there. He told him if you know what will happen if I
37 use Indian law on you, you would be laying right here.
38 He said I don't want to do that, he says, so you take
39 that marten and put it in my pickup. That's exactly
40 what he did and told him to get the hell out of there.
41 Q You know, we don't -- we can't ask you for evidence
42 about what other people said to third parties. So if
43 you could just give me the evidence about your
44 knowledge, then we can move ahead with this
45 cross-examination.
46 When someone trespasses on your property, you take
47 it to the game warden?

A Yes, I either take it to the game warden or tell them to leave there. I don't take them right in there -- the other time I have to take them into --
Q I am handing up examination for discovery transcript. Now, Mr. Muldoe, you were examined for discovery in April, 1987, weren't you? Now, Mr. Plant asked you questions on examination in April, 1987, do you recall that?
A Yes.
Q I am going to read you some questions from that examination. Question 4990 page 63, and you could follow along here. Mr. Plant's question is:

Q "Not off-hand."

And he refers to a previous answer you gave. He says:

"You said today when people trespass on to another person's territory they do not get shot any more?
A No.
Q What happens when they trespass?
A Take them up to the law.
Q All right.
A Don't take anything our own hands. If anyone sets a trap on my part territory all I have got to do is go to the game warden, he picks up the trap and gives it to me, whoever owns the territory."

Now, were you asked those questions?
A Yes.
Q And did you give those answers?
A I give those answer.
Q Were the answers true?
A Well, the answer is true what -- could be a little different, but it's still true.
Q In your evidence you spoke about trapline cabins on the territories?
A Yes.
Q Many of those cabins have rotted, haven't they?
A Yes.
Q And now you go to the traplines in your vehicles, correct?
A Yes. Only go so far then I have to walk the rest of the way to get to the other place where I have to go. I don't drive right around the trapline in a vehicle.
Q We'll look at the territories in a little more detail. But I just want to get your help on this question.

Today, generally speaking, the only traplines that you can work or that you do work are the ones for which there is road access to the area, correct?
A I can only drive so far to the area where I have to go and from there I walk through it. I don't have to drive all the way.
Q Well, for example, at Gwinageese, you drive in the 4 by 4 up to, up Highway 37 and then up the Forestry access road, correct?
A Yes.
Q Yes. And to get to Gitludahl at Twin Lake, the road goes right by your cabin now, doesn't it?
A Yes.
Q And to get to Deep Canoe Creek, the road now goes up Cullon Creek, doesn't it?
A It just goes so far then we walk on the snowshoes the rest of the way in.
THE COURT: I am sorry, what was the third location you mentioned?
MR. MACKENZIE: Deep Canoe Creek.
Q And Deep Canoe Creek is where Ken Muldoe has his trapline?
A It's on the north from, north from the -- what they called Burnt Hill. It's on a place they call Wii xsan eekw, way down.
MR. RUSH: 1448.
THE COURT: Sorry, 14 --
MR. RUSH: 48.
THE COURT: Thank you.
MR. MACKENZIE:
Q Now, in your evidence you mentioned that you had been trapping mainly with Joe Starr between 1931 and 1942, correct?
A Yes.
Q And then while you were operating the sawmill, you didn't get out trapping too much, did you?
A No.
Q You just got out around the spring breakup?
A Yes.
Q And that was from about 1942 to 1966?
A Yes. But I don't always go out to trap in there. Whenever I have a chance I usually go out.
Q It's difficult to go out to trap when you are busy with another job, isn't it?
A Yes.
Q And you first went into Gwinageese with the boys around 1973, correct?

A Somewhere around that.
Q About 15 years ago?
A Yes.
Q And the boys, as you say, were Kenny Muldoe, George Muldoe and Lloyd Muldoe, your sons?
A Yes.
Q And at that time they hired a plane to fly in, didn't they?
A Yes, and also Albert Tait was in there as well. Delgamuukw, former Delgamuukw.
Q Delgamuukw. Now, the boys hadn't been in there before that, had they?
A No, they hadn't been in there before. But I was in there.
Q You were in there in 1933, weren't you?
A Somewhere around 1933.
Q And you weren't in there between 1933 and 1973, were you?
A Yeah.
Q That's correct. So, no one was trapping in that area for about 40 years before 1973; is that correct?
A Yes.
Q Yes. And no one was trapping up in the Luus Territories in the 1970s, were they?
A In which part of the Luus Territory was that?
Q I will answer that question. First of all, there are no roads into the Luus Territories, are there?
A No, Luus Territories went to Kuldo.
Q There are no roads into Kuldo, are there?
A No.
Q So no one was trapping around that area in the 1980s, were they?
A No.
Q And no one was trapping around that area in the 1970s, were they?
A No.
Q In fact, no one has been trapping in the Kuldo area since the 1940s, have they?
A Yeah.
Q That's correct. And there is no road into Shaladamus Creek, is there?
A No.
MR. MACKENZIE: My lord, Shaladamus --
THE COURT: Yes, I have it.
MR. MACKENZIE:
Q No one has been trapping at Shaladamus Creek since the 1940s, have they?

A No.
Q And there is no road into Antgulibix's Territory is there?
A No.
Q So no one has been trapping there since the 1940s either, have they?
A Yeah.
Q That's correct.
That's Territory I, my lord, up in the northwestern part of the -- the Territory I is referred to in Mr. Muldoe's affidavit.
MR. RUSH: It's known there is one, more than one Antgulibix Territory. The supposition in the question and answer is that they both knew they were talking about the Territory I and perhaps they did.
THE COURT: Show him 486.
MR. RUSH: Yes, I think he should be shown 486 and if that's what they are both talking about, that's fine.
MR. MACKENZIE:
Q You understand I was talking about --
MR. RUSH: Can you show the witness 486?
THE COURT: He has it.
MR. MACKENZIE:
Q Antgulibix at Wisan Skit; is that right?
A Yes.
MR. MACKENZIE: That's Territory I, my lord.
Q Now, in your affidavit, you listed the informants who told you about the territories, didn't you?
A Yes.
Q And they have all passed away, haven't they?
A Well, the former people they all pass away.
Q That's the older generation?
A Yes.
Q They were the last generation really to spend a lot of time in the territories?
A That's the one on that territory, it's George Williams, former Tsibasaa, and George Williams, and George Williams, former Tsibasaa and his wife and also the person by the name of Donald Mowatt, but I don't know the name of what he was using then. And Fred White and Alfred Glass, they were all in there but they all passed away.
Q You are speaking about Antgulilbix's Territory?
A Yes.
Q And Tsibasaa is number 66 on the plaintiffs' list.
No one walks into the territory, such as Wisan Skit, and spends the winter there any more, do they?

A No.
Q Now, another thing that you spoke about in your evidence was your concerns about the logging, do you recall that?
A Yes.
Q And you're aware that many of the people who work for the logging companies are Gitksan, right?
A Yes. At Kispiox.
Q At Kispiox?
A Yes.
Q Do you know or have you ever visited the Westar Mill at South Hazelton?
A Well, they just started lately.
Q That's -- I am sorry, the Rim Mill at South Hazelton?
A Yes.
Q Have you been to that mill?
A I just take some workers there but I don't work there myself.
Q You have taken some workers there?
A Yes.
Q Indian people?
A Yes.
Q And you know that most of the employees at the Rim Mill at South Hazelton are Gitksan Indian people?
A Well, there is some working, quite a few working in there but I wouldn't know their names. So I don't know anything about who works there.
Q I understand. And have you been to the Westar Mill at Kitwanga?
A Yes, I worked at Kitwanga Mill there when they first building it up, I was working there as a carpenter.
Q You know there are a lot of Indian people working at the Kitwanga Mill?
A Yes, quite a few but same thing I don't know who works there.
Q And you mentioned the new mill, there is a new Westar Mill at Carnaby, isn't there?
A I haven't seen the place yet myself.
MR. MACKENZIE: Now, madam registrar, I am going to be referring to the blue volume, volume four.
My lord, we have admissions on some of these documents, starting with tab 17 in the blue book, volume four. The first document is 17 A, which is an application of Moses Morrison, dated sometime in March or April, 1941. The date on the application itself isn't clear. And 17 A is a photocopy of the front and reverse of that document.

THE REGISTRAR: Trapline application?
MR. MACKENZIE: Yes.
THE COURT: Exhibit.
THE REGISTRAR: Exhibit 545.

(EXHIBIT 545: APPLICATION FOR TRAPLINE)

MR. RUSH: That's just tab 17 A.
MR. MACKENZIE: For now, yes.
THE COURT: Yes.
MR. MACKENZIE: 17 B is an application for cancellation of a trapline by Moses Morrison, dated April 27, 1956. I submit that as the next exhibit, my lord.
THE COURT: What does I. F. O. mean?
MR. MACKENZIE: In favour of, I am instructed, my lord.
THE COURT: Thank you.

(EXHIBIT 546: APPLICATION FOR CANCELLATION OF TRAPLINE LICENCE DATED APRIL 27, 1956)

THE COURT: Yes that will be Exhibit 546.
MR. MACKENZIE: That's front and reverse at 17 B. Those are archival documents so we don't have the originals here.
At 17 C is application for registration of a trapline, Peter Muldoe, April 27, 1956. That's admitted and I submit that as the next exhibit, my lord.
THE COURT: 547.

(EXHIBIT 547: APPLICATION FOR REGISTRATION OF TRAPLINE, PETER MULDOE, DATED APRIL 27, 1956)

MR. MACKENZIE: And the next admitted document is tab 21 C, my lord. That's, at 21 C, that's a copy of Albert Tait's application for registration of a trapline dated October 26, 1948. I have to say to Mr. Rush that he admitted another copy of this, that is Attorney-General of Canada copy of this, we have the original of the -- of this particular application. I leave that to Mr. Rush whether he will admit the original document. I am handing to him the Attorney-General of Canada copy and now I will hand to him the original. And the original is Attorney-General of British Columbia document number 1876.
THE COURT: The Nass River doesn't flow into any of these territories, does it?

1 MR. MACKENZIE: No, my lord. It's just north of one of the
2 territories that has been discussed but that's the
3 Delgamuukw Territory, Gwinageese. It doesn't flow
4 into these territories.
5 MR. RUSH: It flows through a Gitksan Territory but not any one
6 of ones on the map.
7 THE COURT: Through territories north of these?
8 MR. RUSH: Yes. I think this -- I don't have any difficulty
9 with the fact that we are referring to documents in
10 two different places. I think the original of Albert
11 Tait's, the former Delgamuukw, trapline or application
12 should be filed.
13 THE COURT: This will be Exhibit 548, that is 21 C.
14
15 (EXHIBIT 548: APPLICATION FOR REGISTRATION OF
16 TRAPLINE, ALBERT TAIT, DATED OCTOBER 26, 1948)
17
18 MR. MACKENZIE: Yes, the original of that, 21 C, has just been
19 admitted.
20 And one other identified or admitted document is
21 tab 11 A, tab 11 A is application for registration of
22 a trapline by Joseph Starr, S-T-A-R-R, dated February
23 23, 1951.
24 THE COURT: 11 C?
25 THE REGISTRAR: 11 A.
26 MR. MACKENZIE: 11 A, my lord. Tab 11 A.
27 THE COURT: All right.
28
29 (EXHIBIT 549: REGISTRATION OF TRAPLINE APPLICATION,
30 JOSEPH STARR, DATED FEBRUARY 23, 1951)
31
32 MR. MACKENZIE: Now, my lord, before I -- before I go further on
33 this reviewing these traplines, I have some general
34 documents in here which may be of assistance and the
35 first is at Tab A, your lordship may wish to --
36 THE COURT: Tab A?
37 MR. MACKENZIE: Tab A. And that is an overlay of traplines on
38 the plaintiffs' Exhibit 486. So it's a combination of
39 Exhibit 24 A and the plaintiffs' Exhibit 486. Now,
40 this is not an exact fit because of the combining the
41 two, but your lordship will see in many cases the
42 trapline boundaries follow the boundaries, follow the
43 rivers and the natural boundaries which seem to be the
44 territorial boundaries. So it gives an idea of which
45 traplines are in which territories as a guide. And at
46 tab B, my lord, there is a table setting out the
47 territories and the traplines in each one. That's tab

B. Does your lordship have that?
THE COURT: What did you say about Tab A again, it's a combination of 486 and what?
MR. MACKENZIE: And Exhibit 24-A, my lord, the trapline map.
THE COURT: 24-A. Yes. Thank you.
MR. MACKENZIE: Does your lordship have that?
THE COURT: Yes. Tab B is a table?
MR. MACKENZIE: Yes. Your lordship may wish to have that overlay handy for reference during the discussion of the traplines.
MR. RUSH: Of course, my lord, you should be aware of the fact that the description of the trapline boundaries on this overlay, and I have all of the same problems with this overlay, and I think your lordship has taken this as something that you can refer to but you have never marked these as exhibits.
THE COURT: No.
MR. RUSH: But there is, again, an assumption built into my friend's observations here that these trapline boundaries in some way relate to the application descriptions that are contained on the applications, and they don't.
MR. MACKENZIE: Well, my lord, I am not going to make any bold assertions about this, except to say that this is a guide, which, in my instructions, shows a general, generally useful to show the areas of these various traplines.
MR. RUSH: But my point is that great moment is made of the application for the traplines that have been advanced to your lordship and my instructions are that what appears here is a numbered, and described trapline area, does not coincide with the descriptions that are given in the applications which you have been -- which I have been -- which have been admitted today and which may well be put to the witness.
THE COURT: Well, let's take, for example, Wisan Skit --
MR. MACKENZIE: That's Territory I, my lord, Antgulilbix.
THE COURT: The Exhibit 486 shows the west boundary of Antgulilbix's territory, to be west of the Kispiox River -- I think that's the Kispiox, isn't it?
MR. MACKENZIE: Yes, that's correct, my lord.
THE COURT: And the Tab A purports to show the trapline boundaries slightly to the west of the boundaries shown on Exhibit 486.
Now, is that the sort of thing that's in doubt, Mr. -- not necessarily that one, but that sort of thing? Is that what you say is not an accurate and

1 faithful representation of what the trapline
2 registration applications show?
3 MR. RUSH: Well, if your lordship separates the underlay, which
4 is Exhibit 486, or I believe an attempt to draw
5 that --
6 MR. MACKENZIE: It's a photocopy of Exhibit 486.
7 THE COURT: It's the same thing, I think.
8 MR. RUSH: The overlay was, what I say about the overlay, is
9 that the lines which purport to be the boundary of the
10 traplines contained in the overlay, do not coincide
11 with the descriptions given in the applications which
12 you have before you. That's my point. I am not --
13 and I think that therein lies the frailty of using
14 this without some evidence of somebody from the Fish
15 and Wildlife Department, or somewhere else, about what
16 those boundary representations show.
17 THE COURT: Well, I have understood throughout that these
18 overlays with the blue trapline boundaries and the
19 trapline licence numbers shown, are unproven and they
20 are no more than a representation of what someone out
21 of court has informed counsel is a representation of
22 the trapline boundaries and it goes no further than
23 that at the moment.
24 MR. MACKENZIE: To use the table at Tab B, my lord, and to
25 continue with your lordship's example --
26 THE COURT: The second from the bottom?
27 MR. MACKENZIE: Yes. So territory A, or Territory I would be
28 second from the bottom on tab -- or on page one of
29 that tab. And your lordship will see the name of the
30 chief there and then the territory name, Wisan Skit,
31 and then following across your lordship will see what
32 we are instructed are the traplines within that area.
33 For example, 630T021 is Stanley Wilson and we know
34 Stanley Wilson is Tsibasaa, who is Mary Johnson's
35 brother, and in the house of Antgulilbix, just as an
36 example.
37 THE COURT: But he is not deceased?
38 MR. MACKENZIE: No, he is not deceased. He is alive. And his
39 traplines, the applications on that trapline are at
40 tab 15 in the blue volume four and then there is some
41 information about whether the person is alive,
42 village, clan and the house that follows that. We
43 weren't able to determine that for every person. That
44 is an expeditious way to see, to get an idea of what's
45 happening or what may be happening with registrations
46 of traplines in these territories.
47 And I just should point out, just above that on

1 page one, you see Kliiyem lax haa, one, that should be
2 H-1 and Wii mugulasxw is H-2, which is the paragraph
3 number in the -- Mr. Muldoe's affidavit.
4 THE COURT: Yes.
5 MR. MACKENZIE: And really the territorial designations have
6 been left off the left-hand side of this tab B, it
7 should be A, B, C, D, et cetera, commencing with
8 Gitludahl at the top of page one. And that would
9 correspond to the letter designations in Mr. Muldoe's
10 affidavit and on the trapline overlay.
11 THE COURT: Well, if you go A, B, C, D, F, you get down to
12 Kliiyem lax haa is F, there is no G?
13 MR. MACKENZIE: There is no G. Mr. Rush indicated that.
14 THE COURT: There is H-1 and H-2.
15 MR. MACKENZIE: Yes. And they Gwiiyeehl is J and there is no K,
16 and Delgamuukw on page 2 is L, and then the second
17 Gwiiyeehl is M on page 2 and the Geel is N, O, that's
18 Lax Didax, Geel is O, and then the next Delgamuukw is
19 P, and then it goes Q for Wii Minosik and R for
20 Wiigyet. And that finishes off the descriptions of
21 the territories in Mr. Muldoe's affidavit.
22 And what follows in the table are other territories
23 that have been discussed in the evidence. For
24 example, the Gitludahl Territory at Salmon River and
25 then some other territories that will be discussed in
26 the evidence.
27 THE COURT: This doesn't purport to be abstract of trapline
28 registration title, that is, it purports to represent
29 current trapline registrations, does it?
30 MR. MACKENZIE: Yes, my lord.
31 THE COURT: Not an historical review of all the traplines?
32 MR. MACKENZIE: That's correct, my lord. We have included
33 historical applications in the volume and some of them
34 have been admitted but the vast majority sent over
35 with the Notice to Admit have not been admitted, but
36 we have gone through the ones that have been admitted.
37 THE COURT: Thank you.
38 MR. MACKENZIE: I first want to deal with the traplines held by
39 Mr. Muldoe and his family and the next one I wish to
40 speak about is Ken Muldoe's trapline at tab 10.
41 THE COURT: I am sorry, tab 7?
42 MR. MACKENZIE: Tab 10, my lord, and going to tab 10 C.
43 Q Now, this, this file comes from trapline number 630T
44 016, and now, Mr. Muldoe, that is a letter from Ken,
45 your son, to the Fish and Wildlife Branch, dated
46 November 19, 1974?
47 A Yes.

1 MR. MACKENZIE: Yes. Next exhibit, my lord.
2 MR. RUSH: That's not the question, the question is can you
3 recognize the signature? Obviously it's a letter from
4 Mr. Ken Muldoe, I can testify to that.
5 MR. MACKENZIE: My lord, I get Mr. Rush's point. Perhaps I can
6 rephrase the question.
7 Q Just referring to Ken's signature here, can you
8 identify that as Ken's signature on that letter, Mr.
9 Muldoe?
10 A It could be. I don't look at the signature every day.
11 Q You have identified Ken Muldoe's signature on several
12 Band Council resolutions.
13 THE COURT: Excuse me, Mr. Mackenzie.
14 (Interruption in proceedings)
15 Sorry, Mr. Mackenzie. I just directed this trial
16 be heard by a County Court judge.
17 I am sorry, Mr. Mackenzie, I am not sure where you
18 were.
19 MR. MACKENZIE: We were just referring to the documents at tab
20 10.
21 THE COURT: WeLL, I am looking at 10 C, have you finished with
22 it?
23 MR. MACKENZIE: No, my lord. My lord, I think I will just move
24 on to another subject.
25 Q Now, Mr. Muldoe, you said that Ken has a trapline up
26 on Cullon Creek?
27 A Yes, part of it.
28 Q I am instructed that Ken Muldoe is the registered
29 holder of trapline 0630T016, my lord, and that appears
30 in the -- on the overlay.
31 THE COURT: The number again, please?
32 MR. MACKENZIE: 630T016.
33 THE COURT: 630T0 --
34 MR. MACKENZIE: T016. On the overlay it goes up into southern
35 Wiigyet Territory and it takes in part of -- that's
36 territory B, and takes in part of Delgamuukw
37 territory, L, and then comes down in to the Gwiiyeehl
38 Territory, J. Does your lordship have that?
39 THE COURT: Yes.
40 MR. MACKENZIE:
41 Q Now referring to Tab 21, and looking at document 21 E,
42 page 21 E, this is, I am instructed, my lord, trapline
43 number 630T025, 630T025, which, generally speaking, is
44 up in the Gwinageese area.
45 MR. RUSH: Can my friend tell us how he relates the number to
46 the documents in front of the witness?
47 MR. MACKENZIE: These are the documents found in that file in

the Fish and Wildlife Branch, my lord, and other repositories, related to that trapline.

MR. RUSH: I am not sure really that is the answer, my lord, of the relationship of the number to the description. It could well be there is a number on a file in the office, but what does that have to do with the description?

THE COURT: Well, I am prepared to take counsel's statement that this document came from the file with that number. And that may be as far as the matter goes at this point. The defence hasn't had a chance yet to call any witnesses, so in the absence of admissions, there is nothing the defendant can do except put these forward with the implied assumption that they will be proven.

MR. RUSH: My lord, I don't have any difficulty with my friend advising you that his information is that these come from a file with the file number on it. But I do have a difficulty with him leading the witness to a document and having the suggestion that the document in some way relates to the description on the overlay. That's the only difficulty I have. Because my advice is that they do not correspond. Not that all of them don't correspond, but that, as a general matter, the ones that you have been referred to does not correspond.

THE COURT: You say do not correspond at all or precisely?

MR. RUSH: It depends on the time. It's completely a question of the year. And in some cases they may well correspond, in other cases there is no correspondence.

THE COURT: Well, the defendant has to be allowed to proceed in the absence of proof because, as I said a moment ago, the defendant hasn't yet had a chance to adduce any evidence. I think that I have to allow Mr. Mackenzie to make statements as counsel, put them to the witness and ask him to assume these things and that's implicit in however he puts it. I don't think, again, it's necessary to use magic words but it's an assumption that he is asking the witness at this point to accept. I don't know of any other way to do it. And I know that it's -- it tends to be unsatisfactory, but I don't see how perfect or even close to perfection can be achieved. It seems to me it has to be done this way. Unless your objection is one that would require me to stop the defence from this line of investigation, and I am not disposed to do that.

MR. RUSH: My objection merely goes to the question, the way the

1 questions are framed to the witness and what the
2 assumption is about how the correspondence is in
3 these -- I mean if we want to ask the witness if he
4 can track through the geographical descriptions
5 contained on 21 E, and how that relates to the
6 overlay, I mean there is no basis for the witness to
7 be able to track through that description.
8 Well, maybe there is if he was a cartographer, I
9 suppose he could do that. I can't do it. But my
10 point is, that the questions ought not to suggest that
11 there is something in this description which by its
12 description relates to the portrayal of that or the
13 depiction of that on the overlay.
14 THE COURT: Well, I think that what you say is valid, Mr. Rush,
15 but I have a practical problem to deal with. I think
16 Mr. Mackenzie has to try and make the witness
17 understand these suggestions he is making to him and
18 if it isn't phrased in precisely those terms, I am
19 taking it to be that it is a suggestion and nothing
20 more than that and it will be for the defence in due
21 course, if they are so advised and they are able to
22 perform, to match up these various files, numbers, and
23 maps and plans. You go ahead, Mr. Mackenzie, and we
24 will see how we get along.
25 MR. MACKENZIE:
26 Q Now, referring to the document 21 E, this is -- this
27 appears to be an application for registration of a
28 trapline dated May 14, 1979, by George Muldoe. And
29 the other members on the trapline appear to be Albert
30 Tait, Lloyd Muldoe, Earl Muldoe, Samson Muldoe, Ken
31 Muldoe, Ray Mowatt, Albert Mowatt, Lottie Muldoe and
32 Sadie Mowatt. Now, can you identify that as George --
33 A Yes.
34 Q Yes. And that's George Muldoe's trapline?
35 A Yes, Delgamuukw's hunting ground but they transfer it
36 to George. And that's not only -- it's just some of
37 the main persons, elderly persons on there, but the
38 rest of the grandchildren and all them they are
39 supposed to be on there too, as well as the people in
40 there.
41 MR. MACKENZIE: The next exhibit, my lord.
42 THE COURT: 550.
43
44 (EXHIBIT 550: APPLICATION FOR REGISTRATION OF
45 TRAPLINE, GEORGE MULDOE, DATED MAY 14, 1979)
46
47 MR. MACKENZIE: And at 21 D there is a Band Council resolution

of the Kispiox Band dated April 2, 1979, and this appears to transfer a certain trapline from Albert Tait to George Muldoe. And one of the signatures of the Band Council appears to be that of George Muldoe. Can you identify that as George's signature on that band council resolution?

A Yes.

(EXHIBIT 551: BAND COUNCIL RESOLUTION DATED APRIL 2, 1979)

MR. MACKENZIE:

Q We are talking here about the trapline at Gwinageese, aren't we?

A Yes.

Q And you call that area Gwinageese?

A Gwinageese Territory, yes.

Q And you testified about the cabin that you built there?

A Yes.

Q And you built the cabin on the lake you call Gwinageese Lake?

A Yes.

Q But the white people call it Fred Wright Lake?

A Yes, that's the wrong name. They call the next lake from that Gwinageese, but it's wrong.

THE COURT: Are all these people on Exhibit 550, Mr. Muldoe, are George Muldoe, Albert Tait, Lloyd Muldoe, Earl Muldoe, Samson Muldoe, Ken Muldoe, Ray Mowatt, Albert Mowatt, Lottie Muldoe and Sadie Mowatt all in the House of Delgamuukw?

A Yes.

THE COURT: And George is what relation to you?

MR. MACKENZIE:

Q George is your son?

A George is my son, yes. That's George and Lloyd and Earl --

Q Earl is your son?

A Yes. Samson and Ken.

Q Ken is your son?

A Yes.

Q And Lottie is your wife?

A Yes.

Q Now, referring to tab 22 on that continuing relation to that territory, at document 22 A, there appears to be an application for Crown land by George Muldoe dated June 27, 1980. And this appears to be related

to Fred Wright Lake. Is that George Muldoe's signature on there?
A Yes.
Q Yes.
THE COURT: Exhibit 552.

(EXHIBIT 552: APPLICATION FOR CROWN LAND, GEORGE MULDOE, DATED JUNE 27, 1980)

THE REGISTRAR: Exhibit 552, 22 A.
MR. MACKENZIE:
Q At document 22 C is a letter dated, apparently September 3, 1982, to George Muldoe, relating to an application for a licence to occupy certain land as shown on an annexed sketch. And there is a sketch attached, which is part of document 22 C, and at page ten of the document we are looking at what purports to be an acceptance dated May 27, 1983, signed apparently by George Muldoe. Now, can you identify that as George's signature again?
A Yes.
MR. MACKENZIE: My lord, I submit the document, entire document 22 C pages one to 11 as the next exhibit.
MR. RUSH: One to 11?
THE COURT: Seven to 11, isn't it?
MR. MACKENZIE: Seven to 11. Beg your pardon. Thank you, Mr. Rush.

(EXHIBIT 553: TAB 22 C, LETTER DATED SEPTEMBER 3, 1982, TO G. MULDOE WITH ATTACHED SKETCH AND ACCEPTANCE DATED MAY 27, 1983)

MR. MACKENZIE:
Q And looking at page 11, that shows the location of a cabin just to the northeast of Fred Wright Lake, that's the cabin you were speaking about; is that right?
A Yes, the river runs right outside of it here.
Q Pointing to the Gwinageese River?
A Gwinageese river.
MR. MACKENZIE: Does your lordship have that reference?
THE COURT: Yes.
MR. RUSH: Now, my lord, there were two cabins mentioned in the evidence and my friend says that's the cabin you were speaking about. Does he mean speaking about in reference to this application or speaking about in reference to what?

MR. MACKENZIE:
Q This is the location of the cabin that you and the boys built?
A Yes. And all those cabins we built them all on our own expense, we hauled all the material in there, we have to rebuild the road before we got in there too. And the bridge they had there, the forestry, rotted down so the boys had to rebuild everything. We even take the Cat in there.
THE COURT: This is the cabin where you showed us some photographs of you and your grandsons inside the cabin?
MR. MACKENZIE:
Q Did you show us pictures of that cabin?
A Yes. That's the other cabin. The area is not shown on this one. Further north.
Q The pictures were of the other cabin further north?
A Yes.
Q So this cabin is the southern one?
A Yeah. That one is on the lake but the other is between the lake and the river.
Q And to orient this area, I think your lordship has the orientation, but looking at the sketch on page 11 in this exhibit, 53, your lordship can see Williams Lake just in the lower right hand corner and of course that's in the top northwest part of the plaintiffs' Exhibit 486.
THE COURT: Yes.
MR. MACKENZIE: So this is just off the plaintiffs' Exhibit 486 to the northwest.
THE COURT: You say Williams Lake is shown on Exhibit 486?
MR. MACKENZIE: Yes, it's up in the very top -- I am sorry, it's in Territory I Antgulilbix, in the lower left-hand part of Antgulilbix, Exhibit 486.
THE COURT: Oh, yes.
MR. MACKENZIE:
Q So now Ken has his own trapline?
A Yes.
Q And he is also a member of this trapline?
A Also a member of that trapline.
Q At Gwinageese?
A Yes. And even his children can have rights to trap in there.
Q Now Ken is a member of another trapline, isn't he?
A Yes. In a different territory.
Q That's Ralph Michell's trapline, right? I am speaking about a third trapline now. Now, you know Ralph

1 Michell is Wii Siiks?
2 A Yes.
3 Q And you know that he has a trapline up near the Bell-
4 Irving River?
5 A Well, it's the former person that had that Bell-Irving
6 River. I forget his name.
7 Q Allan Brown?
8 A Yes.
9 Q That's David Gunanoot's son?
10 A He is adopted, yes.
11 Q His adopted son?
12 A Adopted, yes.
13 Q And you arranged for that trapline or you asked for
14 that trapline to be transferred to Ralph Michell after
15 Allan Brown died, do you recall that?
16 A No, I think it's David Gunanoot arranged all those
17 things. But I think as far as I know, Ralph threw
18 that up because he didn't want anybody to bother him
19 out there.
20 Q What did you say Ralph did?
21 A He gave it up.
22 Q He gave it up.
23 A So many people talk about it, to say it belongs to
24 them, so I think he said he is going to give it up.
25 Q Now that's tab 19.
26 A All that area is all logged out now anyway. You go up
27 in you see nothing but stumps.
28 Q Whose territory is that, that's Johnny Wilson's,
29 Skiik'm laxha, is it not?
30 A I am not too familiar with that territory.
31 Q Skiik'm laxha is number 59 on the plaintiffs' list.
32 A I think, I don't know, Jessie Sterritt is talking
33 about all that, Ralph or I don't know which names he
34 is holding. I know the older person that they claimed
35 this own this is Skawill.
36 Q That's Daniel Skawill.
37 A Yes. But somewhere or other if any of the Skiik'm
38 laxha spent money in there for a funeral feast or
39 something like that, that's when they pass the
40 trapping ground into the other person. That's just
41 the way it happened that's, why Allan get ahold of
42 that and also David Gunanoot is in there.
43 Q David Gunanoot is the Wolf Clan?
44 A Yes.
45 Q And look at tab 19, there is a letter here dated
46 October 1 --
47

THE COURT: I think before you do that, Mr. Mackenzie, we will take the morning adjournment, please.
MR. MACKENZIE: Yes, my lord.
THE COURT: Thank you.

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

Wilf Roy
Official Reporter

(PROCEEDINGS RESUMED PURSUANT TO A MORNING ADJOURNMENT AT 11:33 A.M.)

THE REGISTRAR: Order in court.
THE COURT: Mr. Mackenzie.
MR. MACKENZIE: My lord, before the adjournment, we were speaking about a trapline area that Mr. Muldoe seems to have indicated Ralph Michell was interested in at one time, and I just -- and I think we know it is up near the Bell Irving River, so I thought I'd now just show your lordship where that is, that area.
THE COURT: Yes, all right.
MR. MACKENZIE: And using Canada's map, may be a useful way to do it. I can ask people from Canada. It's north-east of -- north-east of Bowser Lake.
THE COURT: North-east of Bowser Lake.
MR. MACKENZIE: Yes. Does your lordship have Bowser Lake? Go directly north-east and my lordship will see the Bell Irving River goes right down passed Bowser Lake, Bell Irving River, quite a big river going right down south-east of -- running directly south-east.
THE COURT: I see -- I don't see the writing that identifies it.
MR. MACKENZIE: The title is directly north-east also and --
THE COURT: Oh, yes, I see it. Thank you.
MR. MACKENZIE: If your lordship will then look at that, you will see Taft Creek pointing into the Bell Irving River directly north-east of Bowser Lake just above the words Wildfire Range.
THE COURT: No, I can't see it. It is very difficult to see that map with the light shining on it.
MR. MACKENZIE: This is Bowser Lake and Taft Creek is right here, just north-east of Bowser Creek. Does your lordship have that reference?
THE COURT: Yes, I have it.
MR. MACKENZIE: That's where this area is that we are speaking of. There is a map that we are --
THE COURT: What you said to me in the territory of Skiik'mlaxha --
MR. MACKENZIE: I am suggesting that's Skiik'mlaxha which is --
THE COURT: Yes, all right.
MR. MACKENZIE: -- which is number 59 on the plaintiff's list. And, my lord, if your lordship will turn to tab 19, if your lordship will turn to last page in that tab.
THE COURT: Yes, 19F.
MR. MACKENZIE: Yes, my lord. Your lordship will see the Taft Creek going through this area which -- on which is written Ralph Michell and at the bottom of the map 19F

is Bell Irving River.
THE COURT: Yes.
MR. MACKENZIE: So your lordship has an idea of where that area is?
THE COURT: Yes, thank you. What is the number for Skiik'mlaxha?
MR. MACKENZIE: Yes, my lord. It is number 59 on the plaintiff's list.
THE COURT: Thank you.
MR. MACKENZIE:
Q And Skiik'mlaxha is Frog Clan?
A Yes. Who you say?
Q Johnny Wilson, Skiik'mlaxha is Frog Clan?
A Yeah, Johnny Wilson.
Q Yes. And Ralph Michell of course is Fireweed Clan?
A Yes.
MR. MACKENZIE: Now, the reason I am asking you about this is the letter at page 19B, it is a letter from the Superintendent of the Indian Agency to Mr. Les Cox dated October 2, 1970. Does your lordship have that reference?
THE COURT: Yes.
MR. MACKENZIE:
Q And in that letter in the third paragraph, Mr. McFarlane, who's the Superintendent, says that Mr. Gunanoot and Mr. Peter Muldoe were concerned about getting the trapline registered in the name of a person of their clan called at the office and requested the line be registered in the name of Ralph Michell, number 251, Moricetown Band. So do you recall going in to talk about that with David Gunanoot?
A I don't think I ever -- I don't think I ever go in that -- probably to -- probably David might have mentioned my name, but I don't think I go in.
Q Tab 19D, there is what appears to be an application for registration of a trapline in the name of Ralph Michell and Company dated March 14, 1973, and looking at the next page, the reverse, it looks as if Ken Muldoe is a member of that trapline and it also appears that this is the trap -- former trapline of Allan Brown. It's been cancelled because Allan Brown was deceased. Now, can you say whether -- can you identify Ralph Michell's signature on that trapline?
A Yes.
MR. MACKENZIE: Yes, next exhibit, my lord?
THE REGISTRAR: 554, 19D.

(EX. 554 TAB 19D - APPLICATION REG. RALPH MICHELL MARCH 14, 1973)

MR. MACKENZIE: Yes, that's right. Referring to the map --
THE COURT: Well, Mr. Muldoe, how does a member of the House of Delgamuukw get an interest in a trapline and territory of a Frog Clan?
MR. MACKENZIE: My lord, may I assist your lordship with that question?
THE COURT: Well, through the witness you might be able to.
MR. MACKENZIE:
Q Yes, in the sense that Ralph Michell is a member of Fireweed Clan; isn't he?
A Yes.
MR. MACKENZIE: Does your lordship have that point?
THE COURT: Who is?
MR. MACKENZIE: Ralph Michell.
THE COURT: Yes, he is Fireweed?
THE WITNESS: He is one of my grandsons.
MR. MACKENZIE: He is one of the witness's, Mr. Muldoe's, grandsons. Is your lordship's question about Ralph Michell?
THE COURT: No. I was asking about Kenny Muldoe.
MR. MACKENZIE: I beg your pardon, sorry.
THE COURT: Who I understand is -- I am sorry.
MR. MACKENZIE: I beg your pardon.
THE COURT: What clan is Delgamuukw?
MR. MACKENZIE:
Q Delgamuukw is the Frog Clan?
A Yes.
THE COURT: Yes.
MR. MACKENZIE:
Q And Ken Muldoe is a member of this Ralph Michell trapline?
A No.
Q You don't think so?
A No.
MR. MACKENZIE: Oh.
THE COURT: Well, you say that he is not a member of this trapline?
MR. MACKENZIE:
Q You say Ken Muldoe is not a member of the trapline?
A No, Frog Clan.
Q He is Frog Clan but his name appears on the application. Do you know anything about that?
A No. The only thing that I know that I believe Ralph

1 wants Ken to go out and trap but Ken don't bother with
2 that. Never did go out there and I don't think ever
3 been out there.
4 THE COURT: Let me ask the next question then. Apart from Kenny
5 Muldoe, how does Ralph Michell of Fireweed get an
6 interest in a trapline that is in Frog Clan country?
7 MR. MACKENZIE:
8 Q How does Ralph Michell, Fireweed, get an interest in
9 a trapline in Frog Clan territory?
10 A Well, I don't know too much about it but whatever
11 David Gunanoot tells of that is a true story but, from
12 me, this is way out of my territory so I don't know
13 anything about what has been going on and how they get
14 it and, as I told before, David spent more money on
15 that territory on some funeral case or David on
16 Allan's, that's how those things have been transferred
17 to them and that is before any registration was
18 started.
19 Q And David is David Gunanoot?
20 A Yes.
21 Q He is Wolf Clan?
22 A He is Wolf Clan, yes.
23 Q And he adopted Allan Brown into the Wolf Clan?
24 A Fireweed. Allan Brown is a Fireweed but he is a
25 stepson.
26 Q Oh, yes. And Johnny Wilson, whose territory this
27 appears to be, is Frog Clan?
28 A Yes.
29 MR. MACKENZIE: My lord, that's as far as I can take that.
30 THE COURT: Yes, all right.
31 MR. RUSH: Does your lordship want to take the unidentified
32 portions of the tab out at this point?
33 MR. MACKENZIE: Well, I am just going to ask the witness about
34 that, my lord.
35 THE COURT: All right.
36 MR. MACKENZIE:
37 Q Here is a map of what appears to be a map of Ralph
38 Michell's trapline up there and you were saying that
39 there has been some logging up there; correct?
40 A Yeah. They log all the way along the highway there.
41 Q So you have been up in that area?
42 A I go up there once a year, go through it, picking
43 berries or go to Date Lake hunting.
44 Q Can you identify this as Ralph Michell's trapline
45 area along Taft Creek?
46 A It just mentions some of the creek name but I don't
47 know any part of that territory, any of the name. I

1 think the only name I know is those creeks as we are
2 going through the highway. In other words, I don't
3 know anything about just where the boundary is and
4 that. I don't know anything about it, about where the
5 boundaries are, or the name of the place or anything.
6 Just some of the creek that we going through like the
7 Taft Creek, Skawill Creek and all that.
8 Q You know the name Taft Creek?
9 A Bill Edward. Just going through the highway, you
10 know, not stopping.
11 Q You know the name Taft Creek?
12 A Yeah, we passed through there.
13 Q That's where Ralph had the trapline?
14 A Yes.
15 MR. MACKENZIE: Well, my lord, I would submit that as the next
16 exhibit. Mr. Muldoe has candidly said he doesn't know
17 the exact boundaries but he does know that's the area
18 around Taft Creek.
19 THE COURT: Well, to say it is around Taft Creek is a far cry to
20 saying this has been proven to anything even closely
21 resembling the trapline. I hadn't compared the leaps
22 and bounds description.
23 MR. MACKENZIE: Well, my lord, looking at Exhibit 554 --
24 THE COURT: I don't know why there is so much difficulty about
25 all this, but it seems to me this is a terribly
26 ponderous way to try and get some information but, if
27 I started at the mouth of the Taft Creek on the east
28 side of the Bell Irving River and I can do that, I
29 guess SLY means southerly along the Bell Irving River
30 to junction of said river and south something of
31 something 73.
32 MR. MACKENZIE: Well, that's where we start to have some
33 problems, my lord. These are the administrative
34 boundaries. If your lordship is looking at the map
35 19F, you will see the number 73 right in the middle of
36 the Ralph Michell territory and that, I am instructed,
37 relates to the boundaries -- the areas surrounded by
38 these boundaries and heights of land and river, et
39 cetera.
40 THE COURT: They go easterly, northerly and westerly and
41 southerly. I don't know how you do that.
42 MR. MACKENZIE: That's following the dotted line there, my lord,
43 if your lordship -- on the map at 19F.
44 THE COURT: I see. What does CPT mean?
45 MR. MACKENZIE: Southern boundary of compartment 73, my lord, I
46 am instructed.
47 THE COURT: That takes me to the Bell Irving River. I just left

the Bell Irving River.
MR. MACKENZIE: You go right around to the Bell Irving River, my lord. Right around the boundary of compartment 73 back to the Bell Irving River. And so, my lord, your lordship having undergone that journey shown on the map at 19F appears to be correspondence between the map and the description.
THE COURT: I think there is a sufficient connection that some other evidence makes wind at some point that I wouldn't remove the map at this point but I wouldn't, nor would I make it a part of the exhibit at this time. I may be able to make some sense of it.
MR. MACKENZIE:
Q Now, can you say, Mr. Muldoe, who else is claiming this territory? You said other people are claiming it?
A I think the one there is mentioned about -- who's his name.
Q Johnny Wilson?
A Yes, Johnny Wilson and their family, I think.
Q Do you know that the Nisga'a people are claiming this territory as well?
A No. They don't go up there.
Q And Ralph hasn't been up there logging, has he?
A No.
Q I am sorry?
A He went up there with the swede saw.
Q He went up there with a swede saw. Ralph hasn't been up there -- Ralph Michell hasn't been up there trapping, has he?
A No.
Q And finally tab 11, referring to document 11C now. This is a map which has the name Joseph Starr printed in the centre of the map and through the centre of the map runs the Deep Canoe Creek from -- apparently from west to east, and on the map is indicated Dominion Telegraph Trail. And also the Skeena River appears in that map apparently flowing from north to south and up to the north-east is an indication of Kuldo Indian Reserve. Now, is that the area that Joe Starr's trapline covered generally speaking?
A Yeah. That's the area what -- what is shown in there. It doesn't show the proper -- the proper boundary of where it goes in there. It is in the same area but it doesn't cover in the same boundary. And also in here, it's Delgamuukw's territory right next to this one, when you have Chris Skulsh in there,

Chris Skulsh. Gwiiyeehl is now below Delgamuukw.
Q You are referring to the name of Chris Skulsh at the bottom of this document 11C, aren't you?
A Yes. Delgamuukw had a line between there and Gwiiyeehl.
Q I am going to ask you about that, but you recall that Chris Skulsh had the line that's shown here south of Joe Starr's line, didn't he?
A No.
MR. MACKENZIE: He had the trapline. You don't recall that?
MR. RUSH: No. He said, no, he didn't.
MR. MACKENZIE:
Q Yes, so you don't recall that? You don't recall Chris Skulsh having the line as shown on here south of Joe Starr's line? You remember that now?
A Well, this map doesn't seem to be correct to me.
Q Okay. Just asking you a question now about this map. You recall that Chris Skulsh had the trapline just south of Joe Starr's trapline?
A Well, Chris Skulsh used to go out with his grandfather the former Delgamuukw, and he used to go up from here up this way somewhere.
Q And do you recall that Ken Muldoe took over Chris Skulsh's trapline?
A Yes. He took over former Delgamuukw's.
Q Yes. Now, Chris Skulsh's grandfather was whom?
A Former Delgamuukw, Isaac Skulsh.
Q So that's the trapline that we are speaking about. It was Isaac Skulsh, then Chris Skulsh, and now Ken Muldoe; correct?
A Yes.
Q So on this map 11C is where the trapline was located; isn't it?
A Mm-hmm.
Q Yes. And we are still referring to 11C, document 11C. The line showing above Joseph Starr's line is Richard Benson. Now, you know Richard Benson, don't you?
A Yes.
Q He is Luus, L-u-u-s?
A A lot of people been --
Q Yeah, he is Luus now?
A No.
Q He is in the House of Luus?
A He is in the House of Luus.
Q Luus is number 42 on the plaintiff's list, and you are right, it is Jeff Harris Sr. who is Luus?

A Yes.
Q Yes. And that's the Wolf Clan?
A Yes.
Q And that area has been Wolf Clan territory, hasn't it, for some time?
A It's from the Kuldo, along the Kuldo mountain on the height of land; be about three miles from the Skeena, that's where the Kuldo lands going up from there. But other words, the Fireweed is all along the river.
Q You will agree with me that's Richard Benson's trapline?
A Richard Benson is on the north side -- on the north side of that.
Q Of Joe Starr?
A Yes.
MR. MACKENZIE: Now, so Richard Benson's trapline now goes into the Wiigyet territory, doesn't it, as shown on Exhibit 486?
MR. RUSH: Is the question there, my lord, that the map that's been referred to the witness indicates that there is a trapline belonging to Richard Benson that it goes into the Wiigyet territory?
THE COURT: Yes. I think that's the question.
MR. MACKENZIE:
Q Now, just following up on that question. On the map, Exhibit 486, Wiigyet territory goes along the Skeena River?
A Yes.
Q And it passes across Kuldo Creek?
A Yes.
Q Doesn't it?
A Yes.
Q And then it passes along passed Kuldo Indian Reserve, doesn't it?
A Yes.
Q Can you agree with me that Richard Benson's trapline comes down to the Skeena River near the Kuldo Indian Reserve?
A No. They don't come right down this. I have been told from former Luus that mountain goes -- Kuldo mountain goes right along here and there is a little creek comes down right in here apart from -- with three miles from the Skeena River, and that's where the boundary is, and also the other boundary comes up to the little Kuldo Creek and comes all the way around it down to Dam Tsim Axs.
MR. MACKENZIE: Mr. Muldoe is referring to Exhibits 486 and he

was following around the boundary of the Wiigyet territory in the area of Kuldo Creek and proceeding west from there.

MR. RUSH: To Dam Tsim Axs.

MR. MACKENZIE: To Dam Tsim Axs which is shown on Exhibit 486.

THE COURT: Yes.

MR. MACKENZIE:

Q Well, I think we are at cross purposes again, but before I go into that in any more detail, perhaps I could ask you to now agree -- I think you already have -- that this is the area of Joseph Starr's trapline and his neighbours?

A Yes.

MR. MACKENZIE: So, my lord, I submit that document as the next exhibit.

THE COURT: Any objection?

MR. RUSH: Well, my lord, you know, my friend could have asked me all the same questions, I could have agreed with the document, but I don't know how that makes it an exhibit.

THE COURT: Well, I think it is some evidence of the location and some of the physical features of Joseph Starr's trapline in which seems to be the source of some of the rights that this witness claims. It may be that trapline registrations don't mean anything in this case or it may be very significant, I really don't have any way of knowing at this point. But it also locates this area to the Kuldo Indian Reserve which is a convenient reference point that permits me to transpose certain locations from one map to another and, for that reason, I think it can be marked as an exhibit. It doesn't prove anything except the relative positions of some of these locations to others, but I think it is of some use in that regard and I see no reason why it shouldn't be marked as an exhibit. I think it may be the next exhibit.

THE REGISTRAR: Exhibit 555.

(EXHIBIT 555 TAB 11C - MAP JOSEPH STARR TRAPLINE)

THE COURT: Is that the right name, the Dominion Government Line, or is there something else there? I can't read it.

MR. MACKENZIE: My lord, it does say Dominion Government Line on there.

THE COURT: Fine.

MR. MACKENZIE: I can't answer that question except in the most

1 general way to say that I am aware of several names
2 for that: Dominion Telegraph Trail, Dominion
3 Government Line, Yukon Telegraph Trail, and other
4 designations.
5 THE COURT: All right, thank you. Does it actually go out into
6 the river, run alongside that little island and back
7 again? It seems like that's a very steep canyon
8 there.
9 MR. MACKENZIE:
10 Q Let's look at this trail. On this map we were
11 looking at Exhibit 555, is that the general or
12 approximate location of the Telegraph Trail?
13 A Just about where the trail is but some of the lakes
14 are not in there, showing any lake at all; doesn't
15 even show where Deadhorse Lake is.
16 Q Does the trail go along the west bank of the Skeena
17 River up towards Kuldo?
18 A It goes along the west bank of the Skeena River
19 until you get into -- just about into Kuldo Creek,
20 then goes up about mile up, then it crosses the creek
21 from there and, from there, it goes right through the
22 Kuldo Reserve.
23 THE COURT: All right, thank you.
24 MR. MACKENZIE: I don't think it goes in the river, my lord.
25 THE COURT: All right.
26 MR. MACKENZIE: But that trail is also shown, as Mr. Rush
27 pointed out, our approximation is also shown in
28 Exhibit 486 in that area.
29 THE COURT: Yes.
30 MR. MACKENZIE:
31 Q That is on the base map to Exhibit 486. Just to
32 finish off with Exhibit 555, down at the bottom of
33 that Exhibit 555 is Fritz Harris' name. Now, do you
34 see that?
35 A Yes.
36 Q He was your father-in-law?
37 A Yes.
38 Q And his chief's name was Luus?
39 A No, Frog Clan.
40 Q Yes. He was Frog Clan? Was he Delgamuukw?
41 A Just don't remember that, what name he was using.
42 He wasn't Delgamuukw.
43 Q That's right, he was Frog Clan. And do you recall
44 that's the area where he had his trapline generally
45 south of --
46 A Well, yes. It's in -- it is the west side of Joe
47 Starr's territory. It is on the west side of it.

1 Q And the final name is hard to read but I think it
2 says Jonathan Johnson. Now, Jonathan Johnson was
3 Wii'muglusxw?
4 A Wii'muglusxw, that's correct.
5 MR. MACKENZIE: That's number 78 on the plaintiff's list.
6 THE COURT: 78?
7 MR. MACKENZIE:
8 Q Yes, my lord. He was Wolf Clan?
9 A He was Wolf Clan, yes.
10 Q Yes. Looking over to the south-east of Joseph Starr
11 we have Austin Matthew. Now, Austin Matthew was in
12 the House of Gwoimt; wasn't he?
13 A Yes.
14 Q That's number 21 on your lordship's list. And
15 that's a Wolf Clan?
16 A Yes.
17 Q From Kisgagas?
18 A (Nod)
19 Q Yes. Do you know that that line is now held by Fred
20 Wale?
21 A Yes.
22 MR. MACKENZIE: Yes.
23 THE COURT: How do you spell Fred Wale?
24 MR. MACKENZIE: W-a-l-e, my lord.
25 THE COURT: Thank you.
26 MR. MACKENZIE:
27 Q And Fred Wale's mother is Kathleen Wale. Do you
28 know that?
29 A Yes.
30 Q And her name is -- her chief's name is Gwoimt?
31 A Don't -- never remember -- know her name.
32 Q Again, Gwoimt was number 21 on the plaintiff's list.
33 Now, are you aware that Fred Wale's trapline comes
34 into Wiigyet's territory just above Carrigan Creek?
35 A Yes, just comes in little piece in there, just a
36 little piece in here, but his other territories comes
37 right from An laga Sim deek and also I believe he
38 covered some of Wale's territory on the south side of
39 it on part of it Tsuwinhl Geets. He went over too far
40 on that.
41 MR. MACKENZIE: We have to get the spellings on those now. You
42 said the name of -- what was the first name you said?
43 THE INTERPRETER: An laga Sim deek.
44 MR. MACKENZIE:
45 Q Can we get the spelling of that? Is that the old
46 village?
47 A It is an old village in there, just below Kisgagas

1 Village.
2 Q On the Babine River?
3 A On the Babine River, on the left-hand side coming
4 down.
5 Q That's an old Gitksan village just west of Kisgagas;
6 correct?
7 A Yes.
8 MR. MACKENZIE: Just getting the spelling of that, my lord.
9 THE SPELLER: A-n space l-a-g-a space S-i-m space d-e-e-k
10 underline.
11 THE COURT: Thank you.
12 MR. MACKENZIE: I have some more questions on that but there
13 were some more words, weren't there?
14 THE SPELLER: The other one is T-s-u-w-i-n-h-l space G-e-e-t-s.
15 MR. MACKENZIE: And which one was that?
16 THE SPELLER: Tsuwinhl Geets?
17 THE INTERPRETER: Tsuwinhl Geets.
18 MR. MACKENZIE:
19 Q You were referring -- you were referring to the
20 boundaries of the Gwoimt trapline, weren't you?
21 A Yes, but I was referring to just along the Skeena,
22 not the whole works.
23 Q I want you to help me here because his lordship may
24 not have follow the question that I -- I mean, the
25 point of the question that I was asking you. I was
26 asking you about Exhibit 486 in the Wiigyet territory,
27 territory B, and you agree with me now that that Fred
28 Wale trapline now comes into the Wiigyet territory and
29 around Cutoff Mountain; correct?
30 A Just that little piece there.
31 Q Comes in around Carrigan Creek?
32 A Carrigan Creek.
33 MR. RUSH: Where did he point to?
34 MR. MACKENZIE:
35 Q He pointed to south of Carrigan Creek. That's
36 Gwoimt's territory; isn't it?
37 A Yes.
38 Q I am speaking about Gwoimt's, Fred Wale's, trapline?
39 A I wouldn't know where his trapline is because I
40 haven't been in there. Travel through this there and
41 that's it.
42 Q You didn't know that Fred Wale has a trapline,
43 registered trapline, around Cutoff Mountain in
44 Wiigyet's territory?
45 A No, never heard of it. My Uncle Joe Starr went out
46 trapping with Austin Matthew but they never came
47 across on the west side of the Skeena. They stayed

1 right on the east side of the Skeena, and they were
2 there for I don't know how many times because Joe
3 Starr's out from Gwoimt's family.
4 Q Gwoimt is number 21 on the plaintiff's list. Joe
5 Starr came from that family?
6 A Yes, his father is, I think.
7 Q Well, now that we are speaking about Gwoimt, I have
8 another series of questions to ask you, and they
9 relate to the territory shown on your Exhibit 486,
10 around the Nangeese River and have you been up -- you
11 walked passed there once?
12 A I walked passed there and also I worked in there
13 with a cat pushing in road for the -- some of the
14 people that had the timber licence up there. I think
15 it was Twin River or something like that.
16 MR. MACKENZIE: Does your lordship have the location of Nangeese
17 River?
18 THE COURT: Well, I have heard of it but I have forgotten. Can
19 you tell me again?
20 MR. MACKENZIE:
21 Q It is just between the two Geel territories, that's
22 a territory O and territory N. There is a steep
23 valley there, the Nangeese Valley. There is a couple
24 of questions I have on that, though.
25 First of all, when were you working up in that
26 area with your cat?
27 A Yes.
28 Q When was that?
29 A I forgot just what year it was. When we are not
30 operating -- somewhere around -- that's the 60's I
31 think when I was up there. I just don't recall the
32 year.
33 Q And you think you were working for the Twin River
34 Logging Company?
35 A Yeah.
36 THE COURT: Was that your company?
37 THE WITNESS: Twin River.
38 THE COURT: That was your company?
39 MR. MACKENZIE:
40 Q Was that your company?
41 A Well, that's the same company supplying the lumber
42 to.
43 Q Yes. You were supplying lumber to that company;
44 weren't you?
45 A Mostly just lumber.
46 Q You were supplying lumber to that company from your
47 timber limit north of Kispiox?

1 A Yes.
2 Q At 19 Mile?
3 A Yes.
4 Q And then later they came in and they logged off the
5 area for you?
6 A Yes.
7 Q When you lost your equipment?
8 A Yes. What happened in there, when I was in there, I
9 have that -- all that lumber along the -- along the
10 river.
11 Q Along the Skeena River?
12 A Yes. And then top part of that boundary, if I had
13 the map, I could draw you a map right out of it, and
14 they have all the little timber -- parts of the little
15 timber to use for seedling, and the bottom part, they
16 have timber about a hundred yards wide or more, and it
17 runs up to about a mile each, all the way along on the
18 foreign parts. Then the part of the timber, on the
19 upper part, must be about 160 acre and they said those
20 timber are immacured. And the timber --
21 Q Do you mean immature?
22 A Yeah. They said it was immatured. They said it was
23 too young to log. The forest is open so they just
24 left a seedling in there and I build a road all the
25 way from the camp and I hired -- hire something to
26 build right down to the river. They had another road
27 where my mill site, then I build it down to the river.
28 One of my son, Earl, build that river.
29 Q You were speaking -- sorry.
30 A When -- after he took over everything, just a few
31 months later, the Forestry just let them have all this
32 patches where they wouldn't let me log and even the
33 place where they said it was immatured, they let them
34 log it off and they clean everything off and, when I
35 was up there, they told me not to log everything off.
36 Q You were speaking of the timber limit at 19 Mile?
37 A Yes.
38 Q Just referring to Nangeese River again. What sort
39 of an operation was going on there?
40 A It was logging. And it is all clear cut log there.
41 Q Okay. Now, in your affidavit, you say that --
42 perhaps I will rephrase that question. You say that
43 the Kitwancool people own that valley, don't you?
44 A That's right. We have quite a few court about that
45 and actually the Wale family got nothing to do. It
46 belong to Kitwancool just at a little place of land in
47 there.

1 Q Referring to tab 20, my lord. Now, just before we
2 look at the documents there, Mr. Muldoe, you came back
3 to Kispiox about 1931; didn't you?
4 A Yes.
5 Q And you went up into this area with Albert Tait
6 about 1933; is that correct?
7 A Something like that.
8 Q Now, when you were -- you were about 23 years old
9 then; weren't you?
10 A Oh, more than that.
11 Q Well, you were in your 20's; weren't you?
12 A Over 20. Twenty-five or something, 27, 30. Like I
13 say, no more than 26.
14 MR. MACKENZIE: You knew about the disputes over that valley;
15 don't you?
16 THE COURT: I am sorry, which valley?
17 MR. MACKENZIE:
18 Q Nangeese Valley, my lord. You know about the
19 disputes over the Nangeese Valley?
20 A I heard about it. I have been told about it by
21 former Luus and I have been told about it by Jonathan
22 Johnson. He trapped right next to that, not too far
23 from there.
24 Q And tell me if I am wrong now, but what happened in
25 1932 was Amos Williams from Kitwancool claimed that
26 valley, didn't he?
27 A I wouldn't know about it. That's all I hear about
28 it is when they said they would be mad somebody
29 dispute about it, about who owns the territory, but
30 they had a court over that and I think the -- some of
31 the Kispiox people, they prove that place belongs to
32 Kitwancool and that's all I know about it. I don't
33 know how they go about it and I wouldn't know who owns
34 it now.
35 Q Okay. Now, the people from Kitwancool claim that
36 valley; don't they?
37 A Yes.
38 Q And the people from Kispiox; that is, Gwoimt's
39 family also claimed the valley; didn't they?
40 A They claim it but I don't think they claim it after
41 they lost the court in there.
42 Q Okay. And they brought their dispute to the game
43 ward; didn't they?
44 A Maybe.
45 Q I am sorry?
46 A I wouldn't know knowing about it.
47 Q I don't --

A The dispute maybe before my time.
Q They brought their dispute before the Indian Agent, didn't they?
A I wouldn't know it.
Q They -- you heard that?
A I just been told about.
Q Yes. And you and the people who have told you passed away?
A Yes.
Q And some of them are the informants in your affidavit, such as Jonathan Johnson?
A Jonathan Johnson and Luus.
Q Luus, and who was that?
A Robert Wilson. All of them. They all know all about this place.
Q But they told you that the matter had gone to court?
A Yes.
Q And they told you that it was Gwoimt's family that was part of the dispute?
A Yes.
Q And that's Austin Matthews' family; isn't it?
A Yes, same family.
Q That's Charles Johnson's family?
A Who?
Q Charles Johnson. Do you know Charles Johnson also known as Charles Gwoimt?
A Charles Gwoimt is Fireweed.
Q Yes. Do you know -- did you know Moses Gwoimt?
A I don't know him.
Q No. And Freddie Wale is in that Gwoimt House now, isn't he?
A I don't know.
Q Yes?
A I wouldn't know anything that way in the past.
Q I am asking you now Fred Wale today is in Gwoimt's house; isn't he?
A Yes.
Q I just want to ask you what the information you have about that dispute is? Now, your informants told you it went to a court?
A Yes.
MR. MACKENZIE: And did they tell you it went to the Indian Agent?
MR. RUSH: Isn't this all hearsay?
THE WITNESS: I wouldn't know who was in there and --
THE COURT: Getting close to it.
MR. MACKENZIE: I am, to use my friend, Mr. Rush's, terminology,

1 I am very surprised that he would say that; that he
2 would even have the temerity to make that objection.
3 MR. RUSH: Well, I have, quite temerarious.
4 MR. MACKENZIE: My lord, the entire affidavit that this witness
5 has filed consists of information received by the very
6 persons that he's referred to in this evidence and
7 this is directly related to the evidence in that
8 affidavit which says that this area is Kitwancool
9 area. It deals with a dispute which is -- which is
10 set out in some detail in the archival documents which
11 is at this tab.
12 THE COURT: Well, let me ask Mr. Rush this: If you put in
13 evidence what someone said to the witness, Mr. Rush,
14 is it not competent for counsel to cross-examine and
15 say what else did that person tell you?
16 MR. RUSH: But I didn't put any evidence about what somebody
17 told this witness about this.
18 THE COURT: I am taking Mr. Mackenzie's statement of counsel
19 that much of his affidavit, in particular a reference
20 to an individual territory now which I am not aware of
21 at the moment, is based on what these people told him.
22 MR. RUSH: Well, yes, that's right. But the whole question of
23 the admissibility of reputation evidence meeting
24 certain standards of reputation that we debated last
25 summer, and a key part of the debate, a key part that
26 was taken by my learned friend senior, Mr. Goldie, on
27 the issue of the recentness of reputation evidence and
28 the ruling was in respect of evidence that was led by
29 Mr. Grant about -- from Mrs. McKenzie concerning an
30 event in 1931 is that events of that recent origin do
31 not fall within the Adaawk if that -- those events
32 could be proved by other means and the whole point, my
33 lord, of our argument at that time was to try to
34 convince you that reputation evidence of oral history
35 could have an expensive meaning and could include
36 events which occurred in a more recent time. You
37 rejected that.
38 Now, this is an event said to happen in 1931 or
39 '32, and my friend is advancing it on the basis that
40 he was told -- that is, Mr. Muldoe was told about
41 these incidents by some of the informants who are
42 named in the affidavits and that is true and those
43 people are deceased. Does that meet the
44 qualifications that you established in terms of the
45 admissibility of the reputation evidence that
46 reputation evidence it has been tested in the
47 community has been tested in terms of having been

mentioned at feasts, and having been mentioned by other people? And my point here is that it doesn't come within the exception which you established for the admissibility of oral history.

THE COURT: Thank you.

MR. MACKENZIE: Well, my lord --

THE COURT: Before you say anything further, Mr. Mackenzie, are you asking the witness specifically about what he has been told by people now deceased about a dispute over territory that's not in issue in this action?

MR. MACKENZIE: It's -- it is not an issue in this action in that it's not included within the land claims area, but it is an issue in this action insofar as the disputants are part of the Gitksan people, and this of course is relevant to the whole question of reputation evidence, because this story or this dispute goes back many generations according to the archival documents and the testimony in the archival documents made by some of the people who were the informants apparently of Mr. Muldoe, so that's one aspect of the relevance to this action, my lord.

THE COURT: Well, I am having trouble seeing what the benefit of it is and it may be that it doesn't appear at this stage. If there was a dispute going back many, many years over in the Nangeese Valley or which I take it we have been hearing about, does it really matter if the plaintiffs now concede that the area belongs to non-plaintiffs?

MR. MACKENZIE: No. It goes to the question of the boundaries anywhere, my lord, because the point is that the registered trapline in that area is held by the Gitksan people who are parties to the dispute and it also deals with the question of Gitksan law because the whole dispute involved the killing of a great grandfather and the handing over of the territory to the Gitksan people as a peace offering for time of memorial, and now we have maps being produced saying that this is not Gitksan territory.

THE COURT: You say it is a matter of oral history that this property -- this territory was given by the Kitwancool to the Gitksan as compensation?

MR. MACKENZIE: Yes, my lord. I am saying that that's the evidence that was -- that was given at the -- on the occasion that Mr. Muldoe speaks and that the situation since those days is that the area has been a registered trapline in the hands of the Gitksan people.

1 MR. RUSH: Well, firstly, the Kitwancool are Gitksan people,
2 they are not plaintiffs in the court case, and that's
3 the first distinction to draw. That area is outside
4 of the claim by the Gitksan people who are the
5 plaintiffs in the court case. In my submission, it is
6 neither here nor there that there might be a trapline
7 there and, if there is a trapline there, it's
8 immaterial to the question of the admissibility of
9 this evidence. The question is in -- under what rule
10 does this evidence come in as an exception to the
11 hearsay, and I think it must satisfy your lordship as
12 we have had to satisfy you or attempt to satisfy you
13 about the admissibility of hearsay evidence on the
14 basis of it being reputation of information within the
15 community and tested by the standards of that
16 community under requirements of necessity. And I
17 don't think this evidence fits that. I don't think,
18 my lord -- I think it is consistent with what you
19 ruled last June in keeping out the evidence or
20 rejecting the admissibility of evidence pertaining to
21 the feast that Mary McKenzie was going to speak about.
22 THE COURT: I understand this goes back much beyond 1930's. It
23 goes back into the -- because I don't know when this
24 compensation package was put together. Do you know,
25 Mr. Mackenzie, or what would the evidence be if you
26 were allowed to call it?
27 MR. MACKENZIE: It was in the time of the grandparents of the
28 people who were 80 years old in 1932, as I understand.
29 THE COURT: It is not going back to 1932, it is going back well
30 beyond that.
31 MR. MACKENZIE: Sorry, when this came to the court, Mr. Muldoe
32 raised this point first and that's what led me to --
33 he spoke about the dispute and that's what led me to
34 the dispute.
35 THE COURT: I don't think you can blame Mr. Muldoe.
36 MR. MACKENZIE: I don't mean to blame him. I mean to say that's
37 how it arose.
38 THE COURT: I think I have to hear the evidence before I can
39 rule on it and I think I am going to have to do that.
40 You remind me, please, Mr. Mackenzie when you finish
41 this part of it and if you don't, Mr. Rush will, and I
42 will then have to deal with it. We will adjourn now.
43 THE REGISTRAR: Order in court. Court will adjourn until two.
44
45 (PROCEEDINGS ADJOURNED AT 12:32 P.M.)
46
47 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.

_____
TANNIS DEFOE, Official Reporter
United Reporting Service Ltd.

1 (Proceedings resumed at 2 o'clock p.m.)
2
3 THE COURT: Yes, Mr. Mackenzie?
4
5 CROSS-EXAMINATION BY MR. MACKENZIE: (Continued)
6
7 MR. MACKENZIE:
8 Q Now, Mr. Muldoe, you know Silas Johnson, didn't you?
9 A Yes, I know Silas.
10 Q You went, in 1933, with him up into the Delgamuukw
11 Territory?
12 A Yes.
13 Q Did you know he had a trapline on Nangeese Creek?
14 A They had a trapline on Sweet In River.
15 Q Did you know Charles Johnson?
16 A I know Charles Johnson.
17 Q Is he related to Silas?
18 A Yes.
19 Q In what way?
20 A I don't know just how he is related, but he was in the
21 same family anyway.
22 THE COURT: What was the first name?
23 MR. MACKENZIE: Charles, my lord.
24 THE COURT: Charles Johnson.
25 MR. MACKENZIE:
26 Q And did you know Charles Johnson was from Gwoimt?
27 A As far as I know, he is in Geel's House.
28 THE COURT: I am sorry, in whose house?
29 MR. MACKENZIE: Geel.
30 THE COURT: Geel.
31 MR. MACKENZIE: Number 80 the plaintiffs' list.
32 Q Now, referring to tab 20, I have just handed up a map
33 which should be at the beginning of tab 20 in the blue
34 volume, this map is an excerpt from a trial Exhibit
35 455. Trial Exhibit 455 appears in its entirety at tab
36 C of this blue binder. And trial Exhibit 455 shows a
37 the trapline throughout this area in the western part
38 of the land claim and in the Kitwancool Valley. And I
39 refer you to the area now in this map at tab 20
40 surrounding the Nangeese River and I am instructed
41 that has been given a trapline designation 0630T022.
42 The Sweet In River is just on the left hand --
43 correction, right-hand side of this map, do you see
44 that? That's the Sweet In River?
45 A Yes.
46 Q Now, who has the trapline along the Nangeese River, do
47 you know?

A I wouldn't know who owns that.
THE COURT: I don't see the Sweet In River -- yes, I do. I have it, thank you.
MR. MACKENZIE: Your lordship will see that this is the tongue of land that sticks up between the two Geels on Exhibit 486.
Q Going over to, I am going to skip over the dispute for a moment and go over to document 20 B, this appears to be an application for registration of a trapline dated March 10, 1949, in the name of Silas Johnson. Now, my lord, just referring to the map we were looking at at tab 20, if your lordship will kindly refer to that map and the description of the trapline, the description of the trapline on Silas Johnson's application appears to correspond with the boundary of the area designated as 630T022 on the Nangeese River. And just as a quick means of comparison, your lordship will see Lot 679 in the lower right hand corner of the map just over from Flat Fish Lake, and that's where the trapline description commences at a point on the Kispiox River about one mile upstream from Lot 679 and then goes north seven and a half miles, then west six and five-eighths miles to the height of land, then southeasterly along the height of land 12 miles to a latitude 55 degrees, 39 north, and longitude, 128 to 26 west, and thence northeasterly to three miles to the point of commencement including intervening territory.
THE COURT: Well, I can't follow that on this map, Mr. Mackenzie.
MR. MACKENZIE: Yes, my lord, and having read it over, and it -- there appears to be a distinction at the end of that, between the trapline boundary and the description at the end of that area. So, I think I will have to just move on to the trapline dispute or the hunting ground dispute.
Q Did you know that Charles Johnson had a trapline in this area, that is, the Nangeese River area?
A No, he didn't have no trapline in that Nangeese area. That belongs to the Kitwancool. They don't go in there.
Q I am just going to speak about this dispute again, and referring to page 79 in the document number 20 A, now, you knew Abel Oakes, didn't you?
A I know a few years but he died a long time ago.
Q He was from the House of Gwoimt?
A Yes. I believe he is a former Gwoimt.

1 Q Gwoimt is number 21 on the plaintiffs' list.
2 Now, in this document at page 79, Abel Oakes
3 appears to have said that the Kitwancool people killed
4 Phillip Johnson's grandfather in the Nangeese River
5 area; did you ever hear about that?
6 A No.
7 Q And he said that Kitwancool people as compensation
8 then handed over the Nangeese hunting ground to Moses
9 Gwoimt's family, did you hear about that?
10 A No.
11 Q And he says according to Indian law, a trapline given
12 as a peace offering because of a killing stands
13 forever; is that true?
14 A I wouldn't know anything about that.
15 Q I am asking you that now, is that a true statement of
16 Gitksan law, according to Indian law a trapline given
17 as a peace offering because of a killing stands
18 forever?
19 A In someplaces they do that, but if the thing is not
20 true they don't go by that.
21 Q But that's the law, isn't it?
22 A That's the law.
23 Q Now, you heard that from your informants that have
24 passed away that the dispute went to court, correct?
25 A That's right. I heard about that.
26 Q Do you know when it went to court?
27 A I wouldn't know where they go to settle that dispute,
28 whether they go to the DIA or go to Wildlife or
29 anything like that, I wouldn't know where they go to
30 settle that.
31 Q And now at the bottom of his comments on page 79, Abel
32 Oakes describes where the hunting ground is and he
33 says, in summary, that it includes all of the area
34 around Nangeese Creek. Now, did you know Samuel
35 Johnson?
36 A Yes.
37 Q And where did you know him from?
38 A From Kispiox.
39 Q Samuel Johnson says that --
40 MR. RUSH: No, it's reported that he said.
41 MR. MACKENZIE:
42 Q It's reported that Samuel Johnson said that this
43 gentleman, this great grandfather, received three
44 warnings in the Nangeese River and then he was shot.
45 Did Samuel Johnson ever tell you about that?
46 A No.
47 Q Did you ever hear about that?

A No.
Q And Samuel Johnson is reported to have said the Kitwancool people after the shooting had to give over the hunting ground as a peace offering, did you know about that?
A It was way before my time and I wouldn't know anything about what's going on there.
Q But the dispute in the court is during your time, after you came back from Kispiox -- you came back to Kispiox?
A I don't remember hearing anything about it, what was going on there.
Q And did you know James White?
A Yes, I seen him but he died a long time ago. I seen him, but I don't know what year he died. He died quite a while ago.
Q He died in 1941 about?
A It could be.
Q Yes. And James White also says that his great grandmother told him about the shooting, and that the Kitwancool had to forfeit their hunting ground after the shooting, did James white ever say anything about that to you?
A I never even talked to James White.
Q But you did know Charles Johnson, didn't you?
A Yes.
Q Was his name also Charles Gwoimt?
A I don't know where, he is an older man than I am.
Q Was he about 45 years old in 1932?
A It could be more than that, I guess.
Q Okay. And you also knew Henry Aluux, didn't you?
A Yes.
Q Okay. So, I think we have come to the point where all you know is that there was a dispute; is that correct?
A Yes, that's all I know about it.
Q And all you know is that the dispute went to some court?
A Yes, some, went to some court but where they settled I don't know where.
Q And you knew the dispute related to the Nangeese River?
A Yes.
Q Did you also know that the dispute was between the Kitwancool people and the House of Gwoimt?
A Yes, that's what I hear.
Q And how did you hear the dispute had been settled?
A Well, they were always talking about anything like

that, they talk about it amongst some of the elderly people, but I never asked questions about why or how they settled these things.
Q Do you know George Wesley from Glen Vowell?
A Yes, I think I know George Wesley.
Q Are you aware he has a trapline up on the Nangeese River?
A No.
Q We have been talking about the Nangeese River, and you have said the Kitwancool people claim that, didn't you?
A Yes.
Q You are also aware that they claim the Sweet In River, correct?
A I seen the map there when they overlaps, but what that map is is a true map.
Q You know that the Kitwancool people claim the Sweet In River?
A I see it on the map that they claim the Sweet In River and also further down, but I don't know how they settle that one.
Q In your evidence you spoke also about the fact that the Kitwancool people once claimed Mount Baldy too, correct?
A Yes.
MR. RUSH: My lord, when he said that he -- the true map, he was pointing at the map in front of him.
THE COURT: I didn't think he identified the map.
A They was always talking about when they claimed Baldy.
MR. RUSH: He was speaking about another map but when he said what the true map was he was pointing to the one in front of him.
THE COURT: All right. Were you referring to that map that Mr. Mackenzie has in front of you as the true map.
MR. MACKENZIE:
Q Did you say this was the true map?
A Yes.
MR. MACKENZIE: Exhibit 486.
THE COURT: Well, it doesn't show the Sweet In River, does it?
MR. MACKENZIE: No, it doesn't, my lord.
THE COURT: Then I don't know what he meant.
MR. MACKENZIE:
Q What you meant is that you saw another map from -- showing the Kitwancool claim for Sweet In River, correct?
A Well, this is just the only map, this is a true map, which show all the territory on this one.

1 Q You are talking about Exhibit 486.
2 Let me show you, let's just finish off this line --
3 A Just a minute. You asked about the territory on the
4 Baldy, the Kitwancool people, they never -- just a few
5 years back before Silas Johnson -- not Silas Johnson,
6 Albert Tait died, Delgamuukw, they mentioned something
7 about that, they asked him who owns Baldy Mountain,
8 and he says Gwiiyeehl owns the territory there, and
9 the Kitwancool figured they were the ones that owned
10 it.
11 Q Gwiiyeehl is number 19 on the plaintiffs' list.
12 And his lordship is maybe wondering where Baldy
13 Mountain is, it's up in the Gwiiyeehl Territory; is
14 that right?
15 A Yes. That's the one. Just a little small patch.
16 Q It's right in the centre of the territory, that peak
17 that's shown in the map on page 486, my lord, the base
18 map.
19 Okay. And do you know that the Kitwancool people
20 also claim the Upper Kispiox River too, don't they?
21 A I don't -- I know they take in quite a bit of area
22 there too but that -- and I think the Kispiox people
23 call them to come to Kispiox and settle this thing up.
24 They called them once and they didn't come, then they
25 called them again and they didn't come over. So, from
26 there on, they never did come over to the Kispiox
27 chiefs to settle this and they were just trying to get
28 right over and take the whole thing.
29 Q When you say they, you are speaking about the
30 Kitwancool chiefs?
31 A Yes.
32 Q The Kitwancool chiefs?
33 A Yes, Kitwancool.
34 THE COURT: When you say wanted had to take everything, what do
35 you mean by that?
36 MR. MACKENZIE:
37 Q When you said the Kitwancool chiefs wanted to take
38 everything, where were you speaking of when you said
39 that?
40 A Right over to the Sweet In and beyond, they are
41 overlapping the Kispiox Territory.
42 Q Now, I want to ask you some more questions about the
43 Wiigyet Territory, and I am looking at the table from
44 Tab A of the blue volume. Does your lordship have
45 that table?
46 THE COURT: Yes, thank you.
47 MR. MACKENZIE:

1 Q Now, Wiigyet appears on your map as territory B, your
2 map Exhibit 486, and I want to ask you about some of
3 these other traplines. Now, the first one I want to
4 ask you about is Sarah Gunanoot. Now, she is in the
5 Wolf Clan, isn't she?
6 A Yes. Who was that?
7 Q Sarah Gunanoot?
8 A Yes.
9 Q She was related to Moses Nii kyap?
10 A Yes, I think so.
11 THE COURT: Nii kyap is spelled how, please?
12 THE TRANSLATOR: It's 52 on the list.
13 MR. MACKENZIE: It's 52 on the plaintiffs' list, my lord.
14 THE COURT: Thank you.
15 MR. MACKENZIE: There is a different spelling on the trapline
16 application, at tab 1 in the blue binder, but --
17 Q Now, is Sarah Gunanoot still alive?
18 A Who?
19 Q Sarah Gunanoot?
20 A She died quite a few years ago.
21 Q Are you aware that her family had a trapline north
22 of -- northwest of Kisgagas, going into the Wiigyet
23 Territory, and I am pointing to the Wiigyet Territory
24 just northwest of Kisgagas along the Skeena River.
25 A I see her name was on here, just lately, but it's not
26 true. That belongs to Wiigyet all up along the Skeena
27 and right up to Xsi Agat.
28 Q You were pointing to the Skeena River just south of
29 Sam Green Creek, you said you saw her name on there?
30 A I saw her name on there but she doesn't belong to
31 there. I don't know how she got her name on there but
32 I saw her name on it.
33 Q Now, she is a Wolf Clan, correct?
34 A She is a Wolf Clan.
35 Q At tab 1, document 1 C, I have a photocopy of an
36 application for a registration of a trapline dated
37 June 14, 1952 in the name of Sarah Gunanoot & Company,
38 document 1 C, And this trapline at 1 C has a
39 description, it starts at the Kisgagas Indian Reserve
40 on the Babine River and then it goes west along the
41 north bank of the Babine River to the confluence with
42 the Skeena River, and then northwesterly along the
43 Skeena River to Giist Creek. Now Giist Creek was in
44 that territory of Wii elaast, isn't it, on Exhibit
45 486, that's territory D on Mr. Muldoe's Exhibit --
46 A What's the name of the creek?
47 Q Giist Creek.

A Giist Creek, yes.
Q I am not going to read the rest of the description but I am just going to ask you whether you are able to say anything, are you able to identify that trapline application as Sarah Gunanoot's?
A I never heard of it, never heard of Sarah Gunanoot ever been there, and that is in 19 -- the first time I went up to, up with Joe Starr and we turned over at Kisgagas to visit the former Wii siiks and he is talking about a place in there. He was talking about the place and Wiigyet's territory, all along here.
Q Referring to Exhibit 486 -- you are now referring to Exhibit 486 and you are talking about Sam Green Creek?
A Yes, all along this one here and he has mentioned about that his wife owned the left-hand side of that Sam Green Creek as you are going down. I forget what her name was.
Q Was she in Miluulak's House?
A Yes. And also --
Q That's northeast of Sam Green Creek, right?
A Yes. And also talking with Thomas Wright and he described that place which belonged to Wiigyet, all the way from there, up to the place they call Xsi agat. And they say how did Sarah Gunanoot get the name and he doesn't know.
Q You referred to the place Xsi Agat, X-S-A --
THE COURT: A-G-A-T?
MR. RUSH: X-S-I.
THE COURT: What's that?
MR. MACKENZIE: X-S-I, A-G-A-T.
THE COURT: All one word?
MR. MACKENZIE: On the map there are two separate words, one on, one above the other, my lord.
THE COURT: Thank you.
MR. MACKENZIE:
Q Now, I have already asked you about Fred Wale, and you agreed he is in the Wolf Clan as well?
A Yes.
Q Yes. But you don't know about his trapline coming into your territory, Wiigyet?
A No.
THE COURT: When you say coming into your territory, you mean the territory of Gitludahl?
MR. MACKENZIE: The territory of Wiigyet, territory B.
A At the time Joe Starr, my uncle, trapped with us with and Austin Matthews in there, they never mentioned anything coming over this side. But they mentioned

1 something coming up the Kispiox River and then cross
2 around George Beirnes' farm, and they crossed there to
3 get into that place, because during that time was
4 Kisgagas trail, just a trail, pretty rough, so the
5 shortest way they could get in and then they cross the
6 river.
7 Q Beirnes is B-E-I-R-N-E-S. So that was the time that
8 Joe Starr went trapping with Austin Matthews?
9 A Yes.
10 Q And Austin Matthews is Wolf Clan?
11 A Yes.
12 Q And finally -- no, not finally, the next one is we
13 talked about Ken Muldoe's trapline at Deep Canoe, do
14 you recall that, or Cullen Creek?
15 A Cullen creek?
16 Q Yes. You recall that one, we spoke about it?
17 A And did you say Deep Canoe?
18 Q Cullen Creek.
19 A Cullen Creek.
20 Q That goes up in the Wiigyet Territory also, doesn't
21 it, territory B?
22 A It's on the west side of the Cullen Creek. And right
23 into Deep Canoe.
24 Q Yes. Does your lordship have Deep Canoe Creek there?
25 THE COURT: Yes, I know where Deep Canoe Creek is now.
26 MR. MACKENZIE:
27 Q And as you say, Ken is in the Frog Clan?
28 A Yes.
29 Q And then we referred this morning to Richard Benson's
30 trapline, and that also comes into the Wiigyet
31 Territory, doesn't it? That would be trapline number
32 630T018. And that appears at tab 12. Your evidence
33 this morning was that Richard Benson's hereditary
34 territory follows the boundary on the map here?
35 A Yes.
36 Q That's Exhibit 486. Do you know that his territory
37 comes or his trapline comes right down to the Skeena
38 River?
39 A No, he doesn't come to the Skeena River, comes about
40 three miles from the Skeena to where they have the
41 boundary there.
42 Q Referring to tab 12, document 12 B --
43 A There is so many people that been holding that Kuldo
44 River before Richard Benson, just recently when
45 Richard Benson take over, I didn't know that he take
46 over the place there.
47 Q Richard Benson is Wolf Clan?

A Yes.
Q And I am looking at a trapline application dated September 6, 1950, in the name of Richard Benson, and it's at document 12 B in the volume four, the blue book, and the description of the trapline boundaries is commencing on the west bank of the Skeena River opposite Giist Creek. So that would be just opposite the Wii elaast Territory, wouldn't it, where the Giist Creek is?
A Yes.
Q Pointing to Exhibit 486.
And then the description is northwest, northerly along the west bank of the Skeena approximately six and a half miles excluding Kuldo Indian Reserve to Quarter Cabin, and Quarter Cabin is the came of a cabin on the Telegraph Trail, isn't it?
A Quarter Cabin, yes.
MR. MACKENZIE: My lord, I am not going to complete that description. I just want to make the --
THE COURT: Your point is that the description on the application is that it runs along the bank of the Skeena.
MR. MACKENZIE: Yes. And as an aid memoir, your lordship will look at the trapline overlay, your lordship will match up the boundary there with the Skeena River, your lordship will see trapline 0630T018 and apparently on this overlay, coming down to follow along the Skeena River. That, just to --
THE COURT: Actuall, it crosses the river in two places.
MR. MACKENZIE: Well, my lord, this is an aid memoir, and the description of the traplines, it goes along the west bank of the river and just to show your lordship the general location of that trapline using the trapline overlay and the on the plaintiffs' map, Exhibit 486.
In summary, it seems to come in just about where the neck of Wiigyet Territory B is on Exhibit 486.
It seems to come down to the river there.
THE COURT: Yes.
MR. MACKENZIE:
Q So, I take it that what you are saying is that you weren't aware that Richard Benson's trapline comes down into Wiigyet's Territory?
A He could have just made it up himself. Actually, I went up along the Kuldo Creek with the former Luus, Abel Tait, that's Albert Tait's father, as we go up along he wants to show the territory, of course his sister was also -- she was holding that territory of,

1 Maryanne Jack, you recall that? And then he said I
2 want to show you the boundaries, it's a creek that
3 runs out of the mountain, Kuldo Mountain, and when we
4 reach that place in there, he stopped there and he
5 says this is the creek that is a boundary. The Kuldo
6 people don't come over the mountain, they come right
7 up to the top of the mountain, after they go over the
8 mountain then it's their territory and towards the
9 river all this pass, all the way down to Kuldo.
10 Q Yes.
11 A That's all the way a down along here. All the way
12 down to the Skeena.
13 Q Pointing to territory B, the Wiigyet Territory on
14 Exhibit 486?
15 A Yes. And that's the way he describe it to me. And he
16 said it's been like that and it's still like that. So
17 Richard Benson it he makes that thing there, make it
18 up by himself, he is in the wrong.
19 Q I just want to ask you about one more Wiigyet
20 Territory, and that's the territory up north of Kuldo,
21 that's territory R on the east bank of the Skeena
22 River, and I won't pronounce that but it's just north
23 of Smokey Lake there, and this is territory R and it
24 appears on page 2 of the table that I am referring to,
25 these areas and the traplines. And it appears that
26 Alice Williams has a trapline that covers that area,
27 do you know Alice Williams?
28 A I know Alice, yes.
29 Q And she is quite close to your family, she is Steve
30 Morrison's mother?
31 A Yes.
32 Q Is there any other relationship between you and Alice
33 Williams?
34 A Well, she is Steve Morrison's mother.
35 Q This appears to be quite a long trapline, it's tab 2
36 of the blue volume, Alice Williams is in Wolf Clan,
37 isn't she?
38 A Yes.
39 Q Now --
40 THE COURT: Are we talking about the Lark Worthy Creek
41 Territory?
42 MR. MACKENZIE: Right now we are talking about the territory R,
43 my lord, north of Kuldo, the Wiigyet Territory that is
44 Baskyatsinhlikit --
45 THE COURT: Never mind. Tommy Jack anyway.
46 MR. MACKENZIE: Yes, my lord. Perhaps the speller to give the
47 spelling of that word to the reporter.

1 Now, my lord, looking after the overlay, before we
2 look at the trapline documents, if you line up the
3 overlay, my lord, you will see that according to this
4 aid memoir, that Alice Williams would, is
5 representative of Alice Williams' trapline, 0607T011,
6 0607T011, appears to go all the way from Wii elaast,
7 Territory D, up the eastern bank of the Skeena, way up
8 into -- past, up to the Tommy Jack Mountain area.
9 THE COURT: Yes.
10 MR. MACKENZIE: And I am now referring to the trapline
11 application at tab 2, it's a trapline application of
12 Alice Williams & Company, apparently dated April 29,
13 1946, and I am just going to read the first sentence
14 of that trapline description, my lord.
15 THE COURT: Yes.
16 MR. MACKENZIE: And I am referring to tab 2, and particularly
17 the second document at tab 2 in the blue volume.
18 Commencing on the north bank of Giist Creek -- now we
19 have mentioned that several times, that is in the Wii
20 elaast territory, Giist Creek, yes, and its confluence
21 with the Skeena River, thence northerly along the east
22 bank of the Skeena River to the mouth of the Sicintine
23 River, approximately 17 and a half miles. And then
24 the rest of the description gives the remainder of
25 that trapline going -- moving over to the east and
26 then coming south and back to the beginning.
27 Q Now did you know that Alice Williams' family had a
28 trapline along the Skeena in that area?
29 A They had at Giist.
30 Q Yes, they --
31 A Not the one on Wii elaast, this one here.
32 Q Referring to Exhibit 486, and territory D, the Wii
33 elaast territory. That's number 72 on the plaintiffs'
34 list. What I am wondering about, did you know that
35 Alice Williams' trapline went from Giist Creek north
36 17 miles up to the Sicintine River?
37 A Yes.
38 Q Did you know that?
39 A It's all wrong on there, I was around with Abel Tait
40 for a long time. Actually Alice Williams and all
41 the -- Abel Tait, former Luus, they are just like
42 brothers, but they both were Wolf Clan. Wolf Tribe.
43 And they never mentioned only place where Alice in
44 there 60 years ago was in there and further up it's
45 Luus, up in there.
46 MR. RUSH: The place he pointed to is the Wii elaast territory
47 indicated on 486.

A Then and they still keep this separate from Luus's Territory, because this -- that little piece of hunting ground, it's just been given to Alice Williams. The former people that used to own that place there is Daniel Skawill.
Q And referring again to the territory D.
A Giist.
Q Yes, Giist.
A And his brother or somebody, that owns the place and he passed on I guess and the place was too small for them so he gave it to Alice Williams and that's how Alice Williams gets that place. Ever since then they just been passing on to their own family.
Q I just note on this trapline application we read, Steven Morrison, your brother-in-law, appears to be a member of that trapline company, were you aware of that?
A That's Alice Williams' son?
Q Yes. But I guess to summarize your evidence, you weren't aware that there was a trapline or if there is a trapline of Alice Williams going all the way up and covering the Wiigyet Territory up in the north there?
A I don't know how she got up there, but never been mentioned anything about it.
Q Okay. Now, looking at your Exhibit 486 again, you said that McCully Creek, just northwest of Kispiox was a Skiik'm laxha Territory?
A Yes.
Q And Skiik'm laxha is Wolf Clan?
A Yes.
Q That would be territory H-1 on Mr. Muldoe's affidavit.
THE COURT: How do you spell McCully Creek?
MR. MACKENZIE: Yes, my lord, M, small c, capital C-U-L-L-Y.
THE COURT: Thank you.
MR. MACKENZIE:
Q Just looking at the table for that trapping area, it appears that Norman A. Weget, W-E-G-E-T, has a trapline in that area, do you know Norman Weget?
A Yes, I know him.
Q And is he Alvin Weget's brother?
A Son.
Q And, he is Fireweed? I am speaking about Norman.
A Wolf.
Q Norman is Wolf Clan?
A Yes.
Q It's his father Alvin who is --
A Alvin, yes.

1 Q Gitludahl.
2 And what house is Norman A. Weget in?
3 A He is in Luus's house. Luus or Wii elaast, they are
4 both in the same family anyway.
5 Q And did you know that Norman had his trapline along
6 McCully Creek?
7 A Yes, I see they had a trapline in there and I believe
8 he has been trapping some beaver in there, but he was
9 in the wrong place. He never did have a -- anyone of
10 their clan never did have a trapline in there. Where
11 he was trapping, it's at a little place I believe
12 Yagosip's Territory.
13 Q Yagosip's Territory is just including Helen Lake and
14 Pence Lake?
15 A Yes, just that little piece --
16 Q Referring to Exhibit 486 to the area just --
17 MR. RUSH: Well, it's bounded by the two Kliiyem Lax Haa
18 territories and the Gwiiyeehl Territory.
19 MR. MACKENZIE: Yes, that's right.
20 Q And Gwiiyeehl is number 19 on the plaintiffs' list and
21 Kliiyem Lax Haa is number 35 on the plaintiffs' list.
22 I am referring to tab 5, the trapline documents for
23 that trapline, Norman A. Weget appears at tab 5. And
24 just holding up the trapline overlay, and aligning the
25 eastern boundary with the Kispiox River, my lord, you
26 will see the approximate area of trapline 0630T007,
27 0630T007, seems to cover that Kliiyem Lax Haa
28 Territory, H-1. And looking at tab 5 C, this appears
29 to be an application for registration of a trapline in
30 the name of Norman A. Weget dated January 13, 1976.
31 THE REGISTRAR: January 13?
32 MR. MACKENZIE: Yes, January 13, 1976.
33 Q It says there that this was formerly the trapline of
34 Hazel Angus, did you know her?
35 A I know her, Mary Angus, yes.
36 Q What house is she?
37 A It's in, right now it's on Jimmy Angus's brother, Wii
38 elaast.
39 THE COURT: It says here Hazel Amelia Angus, is Mary is that
40 correct?
41 A Amelia, yes.
42 THE COURT: That's who you call Mary?
43 A Amelia.
44 MR. MACKENZIE:
45 Q Her name is Amelia?
46 A Yes.
47 THE COURT: What house is she in?

MR. MACKENZIE: She is in Wii elaast House now?
A Yes, she died quite a few years ago.
Q So Norman, you think, is in Luus's house, right?
A Yes.
Q How did -- do you know how Luus's House, Norman got to be trapping in Kliiyem Lax Haa's territory at McCully Creek, if that's what he's doing?
A I don't think Luus ever go into -- they go into their own territory.
Q You say Norman Weget so should not be in there?
A Actually that place, I asked a lot of questions about that after hearing about, how did Norman get that and some of the people said Mary Angus used to own that place. I never heard of Mary Angus ever owned that place, always was owned by Mary Johnson and the name of that place is An uuxs Da Gahlxw.
MR. MACKENZIE: We have to get the spelling of that.
A I asked Albert Tait if he knows anything about that, he says he doesn't know how Norman gets in there, and then after Mary Angus died, I don't know how they arranged that to get it that way. Right up today it's still the same thing.
MR. MACKENZIE: We are trying to get the spelling now of that name.
A An uuxs Da Gahlxw, like across the river I haul her over.
MR. MACKENZIE: Yes. We are just going to get the spelling of that and then I will ask you another question.
THE TRANSLATOR: A-N,space, U-U-X-S, space, D-A, space, G-A-H-L-X-W.
MR. MACKENZIE:
Q Now you said that Mary Johnson owned that place?
A Yes.
Q And she is Antgulilbix?
A Sorry, not Mary Johnson. That's Albert Johnson's wife. Her name is Yagosip.
Q Yes, fine.
Just -- on this question of Norman Weget getting that trapping area, I am referring you now to document 5 B in the blue volume, and this is -- appears to be a Notice of Trapline Transfer from Hazel Amelia Angus to Norman A. Weget and it appears to be signed by Alvin Weget and Amelia Angus and Norman Weget. And do you recognize that other signature is that Frank Cassidy's signature?
A I wouldn't know any of these. I don't know who witness that.

Q You are referring to the indecipherible signature on that document, 5 B. You can't identify any of those signatures?
A I wouldn't know how they sign their name or anything like that.
THE COURT: Should be take the adjournment now, Mr. Mackenzie?
MR. MACKENZIE: Yes.

(PROCEEDINGS ADJOURNED FOR SHORT RECESS)

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

Wilf Roy
Official Reporter

1 (PROCEEDINGS RESUMED PURSUANT TO AN AFTERNOON ADJOURNMENT
2 AT 3:20 P.M.)
3
4 THE REGISTRAR: Order in court.
5 THE COURT: I have this feeling that someone is looking over my
6 shoulder. Thank you. Mr. Mackenzie.
7 MR. MACKENZIE: Now, I want to ask you some questions about your
8 territories. Referring to your Exhibit 486.
9 MR. RUSH: Maybe that should be placed in front of the witness.
10 MR. MACKENZIE:
11 Q Oh, yes. First question I want to ask you is how
12 did Gitludahl first get his territory?
13 A The former Gitludahl name is Alexander Gitludahl.
14 Q Who decided that Gitludahl would have that
15 territory?
16 A I wouldn't know. It is before my time.
17 Q Do you know any story in the Adaawk of Gitludahl,
18 how he got that territory?
19 A He didn't mention a thing about it. That's all I
20 know is it's been passed on from Alexander Gitludahl
21 to Moses Morrison. That's when he takes over the
22 name.
23 Q Do you know how the people at Kispiox came to have
24 ownership of these territories on Exhibit 486?
25 A Well, it is all different clan and different houses.
26 They own territories and they never used to go by any
27 registration, by any Fish and Wildlife. They never
28 used to have any registration at all until just not
29 too long ago when the Fish and Wildlife, they probably
30 get together with the DIA and tell them that you have
31 to register your trapline, and some of them go for it
32 and some, they don't go for that because they said if
33 you register your trapline, you get all the protection
34 you're going to get, they say. Nobody is going to get
35 in there but right now the small white people are
36 getting into that territory without anybody's
37 permission. It goes through the Fish and Wildlife.
38 That's why Indian people never used to have any
39 registration. They go by the landmark and by their
40 territory and they go in whenever they want to go in
41 there.
42 Q So you don't know how they first came to get the
43 territories?
44 A Well, they passed them on from generation to
45 generation because nothing -- all just Indians live in
46 that territory.
47 Q Well, now, why would -- I don't know whether you can

1 answer this question. Why does Wiigyet have a larger
2 territory than Gitludahl?
3 A Well, the Wiigyet -- well, right now, just using
4 Wiigyet's -- for everything. Over on this territory
5 it is Geel.
6 Q Geel on Exhibit 498. Geel is number 8 on the
7 plaintiff's list?
8 A Wiigyet territory right here.
9 Q Referring to Shaladamus?
10 A It is from the Kuldo and over this other Wiigyet
11 territory and Kisgagas.
12 Q Referring to the Kisgagas area?
13 A Yeah, the people live from Kisgagas and so on from
14 that and all this area. Actually three different
15 territories; one here, one here, and one over on this
16 one and that one.
17 Q Yes. We are referring --
18 A And what you call Wiigyet's got some other
19 territory, too.
20 Q We were just referring to territory B on Exhibit 486
21 and let me see if I can summarize what you said.
22 Territory B on your map is really a combination of
23 several territories; is that correct?
24 A Yes.
25 MR. RUSH: He said three. And he pointed them out. You're
26 going to give them?
27 THE WITNESS: That's what --
28 MR. MACKENZIE:
29 Q Yes.
30 A That's what the Game Department ask me was how did
31 you get -- your family get so many territories. Well,
32 I says, just like any other people, make one -- some
33 rich guy that have a hotel, Sandman Inns all over the
34 country, same as Hudson Bay, just like that.
35 Q Some families are richer than others?
36 A Yes, family richer than others and they live in
37 different places like Kuldo, Kisgagas, Kispiox.
38 Q Let's talk about the Wiigyet territory and, as Mr.
39 Rush was assisting us here, the northern part of
40 Wiigyet, that was -- that was owned by the people at
41 Kuldo; is that correct?
42 A Kuldo, yeah. Luu goo'mx and all that.
43 Q I have to get the names of these now. That's the
44 name you once had?
45 A Yeah.
46 MR. MACKENZIE: Ms. Howard has that name now, my lord.
47 THE SPELLER: L-u-u- space g-o-o stop m-x.

THE COURT: What is that, please?
THE SPELLER: Luu goo'mx.
MR. MACKENZIE:
Q That is one of the names of the people at Kuldo?
A Yes.
THE COURT: I am sorry, a person or a family?
MR. RUSH: A person.
MR. MACKENZIE:
Q A person?
A Pardon?
Q That was the name of a person at Kuldo?
A Yes. All the rest of the family are within that too, but he is using the name on the territory.
Q That was the name of a person at Old Kuldo?
A Yes.
Q Let me carry on with these questions. This area in the northern part of territory B near Shaladamus, was that known as Wiiseeks' territory?
A That's the one I was just talking about. It's Luu goo'mx on the Kuldo side.
Q Yes, okay. That was owned by the people at Kuldo?
A Yes.
Q And they were in the Fireweed Clan?
A All Fireweed Clan.
Q And what was the name of the house?
A The name of the house was Luu goo'mx.
Q Okay.
A House, but they had their own house but never did know the name of the house, what they were referring to.
Q Okay. The people who lived at Kuldo were part of a house in the Fireweed Clan and they owned --
A Yeah.
Q -- the land around Shaladamus?
A Shaladamus, yeah.
Q You don't know the name of that house?
A No.
THE COURT: I thought --
THE WITNESS: Actually they all combine together.
THE COURT: I thought Mr. Muldoe gave us the name of the house of the people at Shaladamus, did he not?
MR. MACKENZIE: I think he gave the name of one of the principal people in that house. I think Mr. Rush would agree with that.
THE COURT: I didn't get the name if he did.
MR. MACKENZIE: It was the name we mentioned several times.
MR. RUSH: Luu goo'mx.

THE COURT: Was that the same word that he used again?
MR. RUSH: Yes.
THE COURT: Thank you.
MR. MACKENZIE:
Q And then in the central part of the Wiigyet territory at Canoe Creek?
A Yes.
Q Deep Canoe Creek, that was owned by another house, wasn't it?
A Yes. That's part Wiigyet and Am mayt lilixws.
Q We are getting the spelling for that name, my lord. We are looking for the spelling of that name, but the name of the house you gave was the house of Joe Starr; is that correct?
A Yeah, the former Am mayt lilixws.
MR. MACKENZIE: You used that name again. Now that Ms. Howard has that again.
THE SPELLER: A-m space m-a-y-t space l-i-l-i-x-w-s.
THE COURT: And what is that, please?
THE SPELLER: Am mayt lilixws. It is Joe Starr.
THE COURT: His name or his house?
MR. MACKENZIE: That's Joe Starr's house?
THE SPELLER: His name.
MR. MACKENZIE:
Q That's Joe Starr's house?
A That's Wiigyet, Am mayt lilixws.
Q I wonder if you could help me. We haven't heard that name before. Is that the name of Joe Starr's house?
A It's a name of Joe Starr's house, yes, from all the name.
Q Joe Starr's chief's name was Wiigyet, was it not?
A Yes, he had that name before Am mayt lilixws. When Jack Williams died, then he took the name of Am mayt lilixws. When after Alexander White passed on and he took the name of Wiigyet.
Q Is it better for me to say then that the central part of the territory was owned by the house of which Joe Starr was a member?
A Yes.
Q Is that true?
A Yes.
Q Okay. And that house, the Joe Starr house if I can call it that --
A Yes.
Q -- those people live in Kispiox?
A Yes.

1 Q And then the part of territory B that's over near
2 Kisgagas, that was owned by a house of people who
3 lived at Kisgagas?
4 A Yes, lived by Wiiseeks and Waiget.
5 Q Yes. That was a separate house?
6 A That was a separate house.
7 Q And so you have joined all the territories together?
8 A Yes.
9 Q And who owned the territory up north of Kuldo?
10 A That's the same people that owns this one here is
11 Luu goo'mx.
12 Q Luu goo'mx, that's the people from Kuldo?
13 A Yes.
14 Q These people -- sorry.
15 A The house of Wiiseeks, house name was P'doohl'lim
16 Haast. The people there, they all have a name of the
17 house but can't recall them, can't remember. That's
18 the only one houses I can remember.
19 MR. MACKENZIE: So now we are getting the spelling for that,
20 but --
21 THE SPELLER: It is 1534.
22 MR. MACKENZIE:
23 Q 1534, my lord. What you have told us now is that
24 there were several separate houses -- I am sorry.
25 There were at least three separate houses owning these
26 territories?
27 A Mm-hmm.
28 Q And they had different names, didn't they?
29 A Different names and also they can use the same names
30 any other -- all amongst the three of them.
31 Q They were in the three villages, Kuldo, Kispiox and
32 Kisgagas, but they were all in the Fireweed Clan?
33 A They all in Fireweed Clan.
34 Q So what we are looking at here -- is it fair to say
35 what we are looking at here in territory B is a
36 Fireweed Clan territory?
37 A Yes.
38 Q And really that's the -- I am going to say that's
39 the distinguishing feature of that territory, that
40 it's Fireweed Clan; it was not the territory of one
41 house?
42 A No.
43 Q No. Now, we spoke about Gitludahl's Adaawk. I take
44 it you are not familiar with Gitludahl's Adaawk?
45 A Except for the one but I think it's already been
46 told by one of the ladies from Skeena Crossing, it's
47 about Skaawo'o. I think it's already been told by

1 Miss Ryan. I said the same thing.
2 MR. MACKENZIE: We will have to get spelling for that.
3 Skaawo'o, is that correct?
4 MR. RUSH: Skaawo'o I think it was.
5 THE SPELLER: It is S-k-a-w-o stop o.
6 THE COURT: S-k-a-w-o stop o.
7 MR. MACKENZIE:
8 Q There is another house of Wiigyet in Kitsegukla,
9 isn't there?
10 A Different -- actually that name came from Kispiox,
11 the lady from Kispiox go down to Kitsegukla and they
12 got the same -- Kitsegukla never usually have that
13 same name.
14 Q They are in the Fireweed Clan, too; aren't they?
15 A Yes.
16 Q They have separate territories; don't they?
17 A Yes, they have a separate territory. I wouldn't
18 know what they have.
19 Q We have been talking about different houses having
20 different territories. Now, can you agree with me
21 that the house of Amagyet also had a separate
22 territory?
23 A Yes, they all have separate territory.
24 MR. MACKENZIE: My lord, the spelling I have for that doesn't
25 appear to be on the plaintiff's list. A-m-a-g-y-e-t.
26 THE COURT: A-m-a-g-y-e-t, thank you.
27 MR. MACKENZIE:
28 Q Now, today, Percy Wilson is Amagyet; isn't he?
29 A Yes.
30 Q He lives at Kispiox?
31 A He lives in Kispiox.
32 Q Yes. Now, Percy Wilson's territory is on McCully
33 Creek; isn't it?
34 A It is just east of Date Creek. Pardon me, it is
35 north side of Date Creek, just another strip goes in
36 there. It is not shown on the map here.
37 Q No, it is not shown on the map, Exhibit 486?
38 A It is Date Creek, may be in here somewhere, but it
39 goes up to that Guup sa.
40 Q Referring to Exhibit 486, and that feature on the
41 map as G-u-u-p new word s-a. So you don't know about
42 any territory of Amagyet along McCully Creek?
43 A No. I don't think it goes in there.
44 Q Okay. Amagyet is Wolf Clan; isn't he?
45 A He is a Wolf Clan.
46 Q Now, do you know a creek in this area that's
47 sometimes known as Deep, Deep Creek?

A What's the name of the -- Deep?
Q A Deep Creek?
A Deep Creek?
Q Yes?
A Deep Canyon.
MR. MACKENZIE: No. My lord, just to make -- to indicate the point of those questions at tab 7 -- sorry, just handed a red volume on territories, volume 5, and I was referring to tab 7 in that volume.
THE COURT: Tab 7 of the red volume.
MR. MACKENZIE: Tab 7 of the red volume, my lord. This is an exhibit -- correction, an excerpt from trial Exhibit 5 and simply quickly refer to the Amagyet territory that's shown just north-west of Kispiox going along McCully Creek. And I am pointing that out to Mr. Muldoe. Does your lordship have that reference?
THE COURT: Yes.
MR. MACKENZIE: There is a small Amagyet and then there is a larger Amagyet along McCully Creek.
THE COURT: Yes.
MR. MACKENZIE:
Q So you don't know anything about that McCully Creek/Amagyet territory?
A No, never heard of it. They all in the Wolf Clan but it's McCully Creek, Kliiyemlaxha.
MR. MACKENZIE: My lord, filing the interrogatory response of Amagyet which is found at tab 1 of the red binder. We have an affidavit of Percy Wilson dated March 13, 1987, and we have interrogatory 59 subparagraph C.
THE COURT: All right. The affidavit then will be the next exhibit.
THE REGISTRAR: 556.
THE COURT: And the 59 tab C will be the same number.

(EXHIBIT 556 TAB 1 - AFFIDAVIT PERCY WILSON DATED MARCH 13, 1987 WITH INTERROGATORY 59C)

MR. MACKENZIE:
Q Now, the next house that -- we were speaking about houses owning these territories. The next house I want to ask you about is Dawamuxw's house and that's number 3 on the plaintiff's list. Dawamuxw today is Charles Clifford; is that correct?
A Yes.
Q And Dawamuxw has his separate territory as well?
A Dawamuxw -- that's Thelma Blackwater, is it?
Q Today it is -- I understand it is Charles Clifford,

Charles Clifford?
A Oh, yeah. Well, that's his sister.
Q Does Dawamuxw have his separate territory as well?
A Well, they have the same territory as Geel.
THE COURT: Same territory as Geel?
MR. RUSH: Yes.
MR. MACKENZIE:
Q Yes, my lord. That's number 8 on the plaintiff's list.
Dawamuxw is Fireweed Clan as well?
A Yes.
Q And Dawamuxw territory is at Stevens Lake; isn't it?
A Yes.
MR. MACKENZIE: Yes. Filing the interrogatory at tab 2, my lord.
THE REGISTRAR: What's his name?
MR. MACKENZIE: Interrogatory tab 2 is the interrogatory of Mr. Larry Patsey, P-a-t-s-e-y, whose chief name is Sto'maliit, S-t-o-'-m-a-l-i-i-t, speaking for Dawamouxw's affidavit dated February 10, 1987 with interrogatory 59C.
THE COURT: All right. The affidavit will be --
THE REGISTRAR: 557, my lord. With the interrogatory?
THE COURT: And interrogatory 59C will be the same number.
THE REGISTRAR: Thank you.

(EXHIBIT 557 TAB 2 - AFFIDAVIT LARRY PATSEY FEB. 10, 1987 WITH INTERROGATORY 59C)

MR. MACKENZIE:
Q The next person I want to ask you about -- I better say -- make this point, Mr. Muldoe. Looking at Exhibit 486, Stevens Lake is over in Geels' territory, isn't it?
A Yeah.
Q You don't show Dawamuxw's in your map, do you?
A Well, exactly in the same family.
Q But he's got a separate house, doesn't he?
A Yeah, they could built the same houses there. It is sitting on the same --
Q They are a separate plaintiff in this litigation?
A Yeah.
Q You understand that. So he has a separate house, doesn't he?
A I don't know if they have the separate house but they always in their relative house when they have a feast; they work together in there.

1 Q They are in the same clan?
2 A In the same clan.
3 Q But they are separate houses; aren't they?
4 A I am not sure if they have a separate house.
5 Q Now, referring --
6 A I think the former Dawamuxw was one of the Stevens,
7 I think -- I forgot his -- Moses Stevens I think if I
8 am right. Well, they have -- yeah, I believe they
9 have on their own house but they always work together
10 on the same territory.
11 Q I want to ask you about another plaintiff with a
12 separate house, and that's Hawaaw', H-a-w-a-a-w.
13 Sorry, that's number 30 on the plaintiff's list. And
14 that's Alice Wilson; isn't it?
15 A Pardon?
16 Q Hawaaw' is Alice Wilson?
17 A Hawaaw'?
18 Q That's Alice Wilson?
19 A Yeah.
20 Q She's in the Wolf Clan?
21 A Yes.
22 Q But she has a separate house, doesn't she?
23 A I believe she has a separate house, yeah.
24 Q But she has a separate territory as well, doesn't
25 she?
26 A Yeah, she has a separate territory.
27 MR. MACKENZIE: I am referring to tab 4, my lord. Filing the
28 affidavit of -- sorry, my lord.
29 THE COURT: All right. The affidavit will be Exhibit 558.
30 MR. MACKENZIE: The affidavit of Alice Wilson dated February 15,
31 1987, and interrogatory 59C.
32 THE REGISTRAR: Exhibit 558.
33
34 (EXHIBIT 558 TAB 4 - AFFIDAVIT ALICE WILSON DATED
35 FEB. 15, 1987 INTERROGATORY 59C)
36
37 MR. MACKENZIE:
38 Q Now, referring to your map, Exhibit 486, you don't
39 have Alice Wilson's territory on there, do you?
40 A Pardon?
41 Q You don't have Alice Wilson's territory drawn on
42 your map, Exhibit 486?
43 A Well, it's Alice Wilson and Kliiyemlaxhaa. It is
44 all combined in the same family and also another lady
45 from -- like the former George Wilson, he passed on
46 and --
47 THE INTERPRETER: Rosie?

THE WITNESS: Rosie, yeah Rosie Pierre and Alice Wilson, they all together, and that's part of their territory on this one of Kliiyemlaxhaa. All this here, Alice Wilson.
MR. MACKENZIE:
Q I am sorry. You are referring to Kliiyemlaxhaa as two territories?
A Yeah, two territories. It is right in here.
Q You are continuing to refer to the two Kliiyemlaxhaa territories on Exhibit 486?
A Yeah, all Kliiyemlaxhaa's name on that.
Q Alice Wilson says her territory is at 17 Mile on the Kispiox River. Do you know where her territory is?
A Yes. As I mentioned, it is all between here right up to the head of the Murder Creek and then to the west side of the Skeena.
MR. RUSH: Mr. Muldoe pointed to the Kliiyemlaxhaa territory which is, I guess, the right-hand territory as you look at the map.
THE COURT: 17 Mile Creek I suppose it is in Kliiyemlaxhaa's territory, is it?
MR. MACKENZIE:
Q 17 Mile is -- 17 Mile is where the 17 Mile Bridge is; is that correct?
A Yes.
Q Yes. That's just north of the Sportsman Lodge?
A Yes.
Q That's in the Kliiyemlaxhaa territory?
A Yes.
Q On your map?
A Yes.
MR. MACKENZIE: Now, the other territory I want to refer to, Mr. Muldoe, is your -- is your Wiigyet territory up at Sicintine River, that's territory R.
THE COURT: How are you spelling that Wiigyet?
MR. MACKENZIE: W-i-i-g-y-e-t, my lord, referring to Exhibit 486.
THE COURT: On the Sicintine River?
MR. MACKENZIE: Yes.
MR. RUSH: That's the one that's at Baskyatsinhlikit.
MR. MACKENZIE: I avoided that but Mr. Rush has put us face to face with that pronunciation.
MR. RUSH: It is easier to say than R, my lord.
MR. MACKENZIE:
Q Now, Mr. Muldoe, we have a trial exhibit, Exhibit 420, which says that Gwininitxw claims that territory north of the Sicintine River. Do you know anything

about that? Do you know about this?
A It is up along this Sicintine River and it goes up towards this way.
Q Yes. I am sorry?
A All on this area here.
Q Gwininitxw is north of the Sicintine?
A North of that territory.
Q That's number 20 on the plaintiff's list, my lord. And we have a map, trial Exhibit 417, that says that Luus claims the territory along the Skeena River up to the Sicintine River. Do you agree with that? That would cover your Wiigyet territory?
A What's that?
Q That's Luus?
A Luus is this -- the only place where Luus go, we all go along this territory and comes right pretty close to Sicintine River. Sicintine River comes right in a circle like this and then goes down.
MR. MACKENZIE: Mr. Muldoe has referred to Exhibit 486, and he is referring to the Luus territory on that exhibit. That's territory C in his affidavit, and he also showed the course of the Sicintine River which heads north in a loop just outside the map. I just ask you --
THE COURT: What's that map?
MR. MACKENZIE: North of the map, my lord.
THE COURT: Outside the boundary of the outlined areas.
MR. MACKENZIE: Yes, my lord. Well, the Sicintine River heads north in a loop that carries on north of the limits of this particular map, my lord.
THE COURT: You mean north of the outlined area in the map or outside of the limits of the map?
MR. MACKENZIE: Outside the limits of the map, my lord.
THE COURT: You better show me where that is. I thought I had the Sicintine all on the map.
MR. MACKENZIE: The Sicintine starts at the Skeena River, my lord, and then it continues north and outside the boundaries of the map, and that can be seen on either --
THE COURT: It doesn't flow in an angle?
THE WITNESS: Yeah. Well, these all include and --
THE COURT: Is this the route of the Sicintine up here?
THE WITNESS: Yeah, Sicintine up -- comes up right around here.
THE COURT: All right, thank you.
MR. MACKENZIE:
Q Well, the point I want to put to you, Mr. Muldoe, is that in that map which is Exhibit 420, Luus claims the

1 territory which you have marked as territory R. Now,
2 I have to put that to you. Do you agree that Luus
3 owns that territory?
4 A No.
5 Q Okay. And in that exhibit, it is Exhibit 417 I am
6 speaking about, Luus' interrogatory map, I was
7 speaking about that Exhibit 417. In that exhibit Luus
8 also claims the territory Q which you have as
9 Wiiminoosik. Do you agree with that?
10 A No. Luus for what, more than ten year, and every
11 time we go by, the first year we went by, point out
12 that little place, it's called Dam sgan djixit,
13 Wiiminoosik, and they always points out fishing trips,
14 show me finally the way it goes.
15 MR. RUSH: Pointing again to the Luus territory C on Exhibit
16 486.
17 MR. MACKENZIE: Just to show this point graphically, my lord, at
18 tab 7 is the excerpt from trial Exhibit 5, and your
19 lordship will see that Luus' territory doesn't go all
20 the way up on this map to the Sicintine River.
21 Gwininitxw comes down south of the Sicintine and joins
22 Luus, so both Luus and Gwininitxw claim that territory
23 which is covered by or, sorry, either Gwininitxw or
24 Luus claim that territory which is covered by the
25 territories Q and R on Exhibit 486. On referring --
26 MR. RUSH: That's not correct.
27 MR. MACKENZIE: Referring to trial Exhibit 5.
28 MR. RUSH: Trial Exhibit 5 shows one thing, the evidence of Mr.
29 Muldoe shows quite another.
30 MR. MACKENZIE: Yes, I agree. I am just pointing out that Mr.
31 Muldoe's evidence is different -- Mr. Muldoe disagrees
32 with the claim by Luus to these two territories.
33 THE COURT: Yes.
34 MR. MACKENZIE:
35 Q You also disagree with the claim by Gwininitxw to
36 those territories?
37 A Yes.
38 MR. MACKENZIE: Okay.
39 THE COURT: What do you think, Mr. Mackenzie? Is it convenient
40 to adjourn?
41 MR. MACKENZIE: Yes, my lord.
42 THE COURT: How are we getting along?
43 MR. MACKENZIE: I anticipate that I will be -- this is the last
44 part of my cross-examination, my lord. I anticipate
45 finishing about the break tomorrow, just before the
46 break tomorrow morning.
47 THE COURT: How long do you think you will be, Ms. Koenigsberg?

MS. KOENIGSBERG: Not very long, my lord.
THE COURT: So we should be able to finish in regular hours tomorrow?
MS. KOENIGSBERG: I would be very surprised if I was until the lunch hour.
THE COURT: Be able to complete your re-examination?
MR. RUSH: Yes, my lord.
THE COURT: We will adjourn until 10:00 tomorrow morning. Thank you.
THE REGISTRAR: Order in court. Court will adjourn until ten.

(PROCEEDINGS ADJOURNED AT 4:05 P.M. TO MAY 26, 1988)

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.

TANNIS DEFOE, Official Reporter
United Reporting Service Ltd.