VANCOUVER, B.C.
July 18, 1989

THE REGISTRAR: Order in court. In the Supreme Court of British Columbia, this 18th day of July, 1989. In the matter of Delgamuukw versus Her Majesty the Queen at bar, my lord.
THE COURT: Mr. Willms.
MR. WILLMS: Thank you, my lord. We call as our next witness, Mr. Cyril Shelford.

CYRIL MORLEY SHELFORD, a witness herein called on behalf of the Provincial defendant, having been duly sworn, testified as follows:

THE REGISTRAR: Would you state your full name and spell your last name, please?
A Yes. Cyril Morley Shelford, S-H-E-L-F-O-R-D.
THE REGISTRAR: Thank you, sir. Please be seated.
MR. WILLMS:
Q Mr. Shelford, you were born in 1921?
A That's right.
Q And I just want to quickly go through the period from then until now to describe where you lived and some of the things that you've done. Between 1921 and 1939 you lived, farmed and trapped around Ootsa Lake in British Columbia?
A Yes. The west end of Ootsa Lake.
Q Between 1939 and 1945 you were with the Canadian army in Europe?
A Yes. I joined in September of '39 and came out in November of '45.
Q And during that period you were involved in fighting in Italy, France and Holland?
A Yes. I landed the first day in Sicily, and the first day in Italy and second day in France.
Q When you returned to Canada in 1945, between 1945 and 1952, you lived, farmed, logged, trapped and guided around Ootsa Lake?
A Yes, around -- I lived on the Shelford Ranch.
Q Between 1952 and 1972 you were the member of the legislative assembly for the Omineca riding for the Province of British Columbia?
A Yes.
Q And during that period, between 1968 and 1972 you were the Minister of Agriculture?

A That's right.
Q In 1972 I take it you were defeated as the MLA for Omineca and you then moved to Terrace between 1972 and 1975?
A Yes. I moved to Terrace and ran the Northwest Loggers Association out of Terrace.
Q And between 1975 and 1979 you were the member of the legislative assembly for the riding of Skeena in the Province of British Columbia?
A Yes.
Q And in that period of time, between 1978 and 1979, you were the Minister of Agriculture?
A Yes. For quite a short time.
THE COURT: What were the years again, please?
MR. WILLMS: '78 and '9 for the Ministry of Agriculture, my lord.
THE COURT: Thank you.
MR. WILLMS:
Q '75 to '79 as an MLA for Skeena. I take it you suffered the misfortune of defeat again in 1979?
A That's right. Happens to all of us.
Q And from 1979 on you've been a consultant and you've resided part time -- part of your time in Victoria, British Columbia and part of your time on the north shore of Francois Lake?
A That's right.
Q Now, going back to the beginning, where were you born?
A I was born in a little hospital at Southbank on the south shore of Francois Lake. A half a mile above the ferry landing there was a little tiny hospital, it had three beds, and the only people that could use them was ladies having their babies.
MR. WILLMS: And I wonder if you could just take -- I have a blue pen here, and we've been marking locations on Exhibit 55C. I wonder if you could put with a number "1" with a circle around it on the Francois Lake, as close as you can, the place where you were born.
THE COURT: What colour is he using?
MR. WILLMS:
Q He's using blue, my lord. And if you can put a "1" and a circle around the "1", Mr. Shelford, where you were born. Thank you. And at the time your parents -- where were your parents living?
A My parents were living at west of Wistaria, two miles back from Ootsa Lake. It was 45 miles by sleigh. My mother came out to the hospital.
MR. WILLMS: All right. And I suppose I should have got you to

do this when you were there. If you could mark with a "2" in blue pen with a circle around it as close as you can the location of the family farm near Ootsa Lake?

THE COURT: Is it Wistaria?

A Yes. A "2"?

MR. WILLMS:

Q A "2" please, yes. And was there a reference already on the map that you --

A Yeah, 690 is the lot number, west half of 690.

Q Thank you. Now, can you describe when and under what conditions you understand your father came to the Ootsa Lake area?

A Yes.

MR. GRANT: Objection, my lord.

A It was discussed many times --

MR. GRANT: Just a moment.

MR. WILLMS: You have to wait, Mr. Shelford, my friend has an objection.

THE COURT: Yes.

MR. GRANT: To this I would object, that this is hearsay.

THE COURT: Hearsay is as to when he was born too, isn't it?

MR. GRANT: It was hearsay as to when he was born. I gave my friend some latitude. It was hearsay as to the three-room hospital which the witness -- or the three-bed hospital, which the witness can't remember. I think now we're expanding hearsay well before the birth of this witness.

THE COURT: I'm surprised, Mr. Grant, that you would make an objection in view of the evidence that your clients were led to give many many instances, but your objection is a sound one. If you stand on it I must rule.

MR. GRANT: Well, the question, my lord, is that of course there was a question of reputation, community reputation. Now --

THE COURT: Your evidence --

MR. GRANT: My friend --

THE COURT: Mr. Grant, your evidence went far beyond that in many many respects. Each of your clients, practically each of your clients was asked where he was born, what his parents did, all those things, which was all hearsay in many respects, but if you're making the objection, I think it's sound in law, I will have to uphold it.

MR. GRANT: I'm not -- I mean if my friend is -- this is a large scope of his evidence. I mean if it's just a question

of his father coming in and things like that, that's one thing, but I'm not sure how far my friend is going on this.

THE COURT: I don't either, Mr. Grant, but you've made an objection, and if you're maintaining the objection I will uphold it.

MR. GRANT: Thank you, my Lord.

THE COURT: Are you?

MR. GRANT: Yes.

THE COURT: All right.

MR. WILLMS:

Q I'll come at it from a different way, and my friend may want to try to object again. Now, Mr. Shelford, you co-authored a book with your Uncle Arthur?

A Yes.

Q And that book is entitled "We Pioneered"?

A Yes. It was written by my uncle and it was never published, but the manuscript was given to the schools and local people. So many people wanted to read all about how they came into the country, what they did when they got there, that I was persuaded to write a 41-page lead into his story. And his story is based on his diary, which he kept all of his life.

Q All right. And so part of "We Pioneered" you wrote and part was written by your uncle?

A Yes. Forty-one pages I believe is my part, and the rest is completely my uncle's.

Q And your uncle wrote his part from a diary that he kept?

A Yes.

Q And you've seen that diary?

A Yes.

Q Now, did any of your other family members, to your knowledge, your father or your mother, keep a diary?

A No, they didn't.

Q But how did you come to learn about your family history?

A Of course families were very close tied in those days. There was no television, and so you sat around the kitchen table and discussed everything from politics to how the family got in. Like my dad had a very interesting life in Alaska, and so as kids naturally we wanted to know what it was like in Alaska and what it was like, how he came into British Columbia, so he came up the river by paddle steamer as far as Hazelton and walked into Ootsa Lake.

Q Now, and did you discuss those -- the days of your

father and your uncle coming into British Columbia with both of them from time to time?
A Many many times.
Q All right. And are those -- is that period of time also something that is covered in the part that your uncle wrote in "We Pioneered"?
A Yes, all of it.
Q And as you said, that was based on a diary that your uncle kept?
A Yes.
MR. WILLMS: My lord, with respect to the question that I asked and that my friend had objected to, I want to first note that here there was a diary, and that it is reflected in a book that was co-written by this witness, so there is a documentary basis for the evidence that the witness is giving, but secondly, and perhaps more importantly, as your lordship pointed out to my friend, the transcript of the evidence led by the plaintiffs is replete with stories of where grandfathers and great grandfathers came from, what they did. For example, in the evidence of Alfred Mitchell, page 3230 to 3231 he described who cut a trail to Decker Lake, something he had no personal knowledge of at all, he was just told by his grandfather who cut the trail to Decker Lake. Later on in the transcript, at page 3247, there's a description of how fire was made before the match was introduced, all of it was explained. All of it, as we understand, my lord, came in under the rubric of proof of oral history. There's no written record, so therefore without that proof of the oral history which met necessity and trustworthiness, that evidence came in, and it's my submission it would be most unfair if this defendant could not in certain circumstances, and in my submission this is a clear one, lead similar evidence that as a result of necessity, because maybe I should ask this --
THE COURT: What issue does it go to?
MR. WILLMS: The issue that it goes to is -- the issue that was raised by the plaintiffs. When were the plaintiffs in the area, what did they do when they were in the area, did they cut trails, did they shoot moose, did they hunt beaver, did they trap, did they pick berries, where did they pick berries, where did they live, where are their territories, how far do the trapping rights go, what was the life-style like. All of this evidence is in, much of the evidence is based on

1 hearsay, my lord, and in my submission the -- unless
2 there is a ruling resulting from my friend's
3 submission that goes to the plaintiffs' evidence as
4 well, and your lordship may recall that the oral
5 histories went in subject to objection, but unless we
6 can meet that evidence, unless we have a ruling that
7 they're inadmissible based on, I suppose, my friend's
8 concession now that they're all hearsay --
9 MR. GRANT: I didn't concede that.
10 MR. WILLMS: I thought that was his submission. If we're not
11 allowed to meet all of that hearsay evidence which was
12 heard subject to objection, then we're prejudiced in
13 the defence of this lawsuit.
14 THE COURT: Well, the evidence that your friend led -- your
15 friends led had to meet the tests of necessity and
16 trustworthiness, and for the purpose of admissibility
17 at least met those tests. What is the necessity for
18 the evidence that you now are seeking to lead? The
19 plaintiffs needed that evidence for part of their
20 claim for aboriginal title. What is the necessity
21 that you face? I don't have any problem at the
22 moment, subject to hearing your friend on the question
23 of trustworthiness, but what is the necessity?
24 MR. WILLMS: Well, the necessity is that Mr. Shelford's father
25 and his uncle are dead.
26 THE COURT: But why is the evidence necessary?
27 MR. WILLMS: Well, with all due respect, my lord, it's whether
28 it's relevant or not. And we say the necessity comes
29 in as to is there any other way we can get this
30 evidence in, and it's my submission, based on all of
31 the evidence that we've heard in this trial, and a
32 review of that evidence -- we've reviewed that
33 evidence, and in our submission this evidence is
34 relevant. And we would like to lead it to meet the
35 evidence, and I can tell your lordship we do not
36 intend to lead a great deal of evidence similar to the
37 evidence led by the plaintiffs in this case, but we
38 would like to lead evidence that we say is relevant to
39 issues raised in the plaintiffs' case, and we say that
40 it's relevant and we would like to lead it.
41 THE COURT: All right, thank you. Mr. Macaulay.
42 MR. MACAULAY: My lord, the -- I understand from what my friend
43 has said that there is a diary kept by the witness'
44 late uncle. I assume that for the most part that
45 diary will qualify as a historical document, and as
46 it's 30 years or more old, it's been circulated, in
47 fact it's been the basis of publication.

1 THE COURT: What's its relevance?
2 MR. MACAULAY: Oh, the question -- I was addressing the question
3 of admissibility. Well, the gravamen of the
4 plaintiffs' claim is from time immemorial and
5 continuously since then the plaintiffs have occupied
6 and have used these territories, including the ones
7 around Ootsa Lake, for the fishing, hunting, trapping
8 and berry picking. That was the foundation of their
9 ancient economy. It's the continuity asserted by the
10 plaintiffs, and quite rightly asserted by the
11 plaintiffs, because it's necessary to their case that
12 it's an issue before your lordship. Any evidence that
13 goes to that continuity to the use and occupation of
14 the land must necessarily be relevant because of the
15 very nature of the plaintiff's claim, not -- and of
16 course in the way the claim was advanced. A lot of
17 that evidence your lordship hasn't heard, because it
18 was -- it was set out in rather formal terms in what
19 we call territorial affidavits, and your lordship
20 hasn't heard that viva voce evidence, and all these
21 territories were covered in those affidavits, in which
22 the deponent asserted, swore that he and his ancestors
23 trapped, fished, hunted and so on in the -- in the
24 area in question. We're dealing with the territories,
25 as I understand it, with essentially of Goohlaht and
26 Samooh, maybe Knedebeas, and we have cross-examined on
27 that, the Provincial defendants and ourselves. I must
28 say, I have to agree with my friend, Mr. Willms, that
29 this evidence goes to the nub of the plaintiffs' case.
30 THE COURT: But the plaintiffs aren't claiming in this action
31 alienated or privately owned land.
32 MR. MACAULAY: Oh, I don't think this is evidence -- I don't
33 know the evidence is going to be that.
34 THE COURT: I don't either.
35 MR. MACAULAY: I assume though that it's going to be that
36 concerning a very large area of non-alienated land,
37 and that's particularly the land that's west of
38 Noralee and Wistaria. I noticed on the map, and I
39 just noticed this this morning, that there's an area
40 there called the Shelford Hills.
41 THE COURT: Yes.
42 MR. MACAULAY: I don't see any sign of surveys or subdivided
43 land there, and I'm assuming -- I have no idea, no --
44 I have not been told what his evidence is, but I'm
45 assuming it's going to be covering that kind of -- I
46 didn't understand either that the plaintiffs were not
47 claiming Crown granted land, but I may have missed

1 something, or making claims in regard to Crown granted
2 land.
3 THE COURT: Well, I may be wrong, but I thought the plaintiffs
4 were not seeking in this action clear title.
5 MR. MACAULAY: I'm sure my friends Mr. Grant and Mr. Rush can
6 clarify that.
7 THE COURT: They will have to, because that's my understanding.
8 MR. GRANT: Yes, my lord.
9 MR. MACAULAY: They may not be claiming it back, but they're --
10 THE COURT: Well, they're claiming damages in lieu of it, but
11 I'm not hearing that issue. Well, all right. Thank
12 you, Mr. Macaulay. Mr. Grant.
13 MR. GRANT: Thank you, my lord, yes. First of all, to assist
14 Mr. Macaulay, paragraph 79 of the statement of claim
15 clearly sets out that the plaintiffs confirm ownership
16 in fee simple of lands which have been transferred to
17 third parties and were held in fee simple by third
18 parties as of October 23rd, 1984 and make no claim to
19 those lands except for those claims for damages except
20 against the defendant Province, alienation of those.
21 Now, my lord, it's -- the concern that I have here is
22 that this suggests -- I understood that Mr. Shelford,
23 who is a person that's lived there a long time, is
24 going to talk about what happened after he was born
25 and grew up there. The issue here is that the
26 plaintiffs did not -- we -- that the plaintiffs did
27 lead evidence, that of the reputation of who was on
28 these particular territories in earlier times, and
29 they led that evidence as part of the oral history.
30 The plaintiffs did lead some evidence of specific
31 things that people saw and were taught about, that is
32 the trails, for example. But the plaintiffs did not,
33 in my submission, lead a large body of evidence of the
34 use of these specific areas, the areas around Ootsa
35 Lake, of the uses of these areas by earlier
36 grandfathers. That is the detail which I am concerned
37 is going to be presented. Now, my friend has laid
38 groundwork through what he says is a diary. I say he
39 has mischaracterized the book, and I think the witness
40 properly characterized it. This book is not
41 co-authored, this book is in two parts, one part by
42 the witness and one part by his uncle, and I presume
43 from my understanding the witness edited it after his
44 uncle passed on. The diary, which Mr. Macaulay
45 suggests is the foundation, has not to this moment
46 been disclosed to the plaintiffs, and it has not been
47 listed, to my knowledge, and I stand to be corrected

if I'm wrong in that, but I reviewed it and found that it was not disclosed, and I was unaware -- I assumed the diary had long since disappeared. It may not be the case. But what I submit, my lord, is that this is an opening up of the door, very broadly, and it's an assumption here. There's an assumption that the oral history principle and rules that you will apply should apply on this -- in the non-Indian community where this witness describes that there is a written record, and of course only last week your lordship dealt with and made a ruling about historical documents. We don't have a diary that's from a public archive here, we have something that is kept in a drawer or something, and I don't even know if it exists. It certainly has never been disclosed, and I submit that if this is -- this evidence is allowed this is going to expand the type of evidence way beyond what even in the size of this trial what everybody has been considering to date, because my friend did a categorization of a listing of an entire social organization, and there is a way for my friend to deal with that. There's a way for him to deal with that. He can call, for example, a historian, and they have a historian expert who's reviewed documents and can comment on the whole purview and give opinions of the documents. They can call an anthropologist, and that's what the plaintiffs did, to give opinion evidence in that field. If we are going to be faced with lay witnesses who are going to say "Well, all these things happened long before, you know, berries were picked here and they weren't picked there and fishing was there and it wasn't there", and how can -- my difficulty, my lord, is how can I effectively cross-examine this witness on that, because the witness has no personal knowledge except what he is told. I may be able to say "Well, are you sure your dad said that", but that doesn't carry us very far. That is the reason this evidence should not be admitted. The issue was quite different from what my friends faced, because we set out that there was a reputation in the community and it was widely known and they had witness after witness that they could challenge, and they did challenge those propositions with "you didn't pick berries on the mountain or you didn't do that". He could go to those different people and say "You were never told about this territory", so they could test the reputation. But

we're faced here with a person, the son of a settler, who is going to talk about all of these events before his time. And there is a written record of these things, there is correspondence which you've heard, I understand there's many volumes, for example, that have been put in about this era from our side, and I presume our friends are going to put them in about what was going on, correspondence from his father. One of the things I have requested is the pre-emptions. There is a written record of what happened at that time, and I -- that is at least in the correspondence and in the archival material. And I have relied on the archival material which I could access, and of course if requested by my friend to produce those I couldn't, but I submit I am in a situation where -- and I'm -- I submit that my friend has not answered your question of necessity. Where does it take you if this witness says "My father told me that there were Indian people there and they hunted beaver but they didn't hunt, trap marten", or something. I don't know what he's going to say, but where does that leave you, what does it help you with ultimately, because the --

THE COURT: You don't think that he should be allowed to say what his father told you as to when he arrived, and that part of it?

MR. GRANT: Oh, yes. And I think that's where I -- I think that you've heard some evidence to that from the earlier witnesses possibly, and that -- that's why I was endeavouring to be careful and I did not object, for example, to the birth, and when his father told him he arrived on this date. This is something that is a little easier.

THE COURT: Well, at the moment all the witness has been asked is "When did your father arrive" and -- that's as far as we got with it.

MR. GRANT: That was not my recollection of the question, my lord. That is -- my understanding from my -- what my friend is arguing, the question goes to his observations and the social organization and all of those things.

THE COURT: I haven't heard anything about that.

MR. GRANT: Well, if my friend is going to limit himself to finding out when his father said he arrived in the territory, I would -- on that question alone I would not maintain this objection. My recollection of his question was that it was much broader than that, and

he's -- you know, he's introduced now his father was very interested in Alaska, and I understand that the witness, of course, has already said in -- volunteered about his father, how he got here, came up to Ootsa Lake and things, and came up by paddle steamer to Ootsa Lake, but I submit if my friend is going to ask "Well, when did your father tell you he came", that is something that's not worth an argument over. It's like when you were born and where you were born, and may be objectionable, but it's not a big issue. But I understand from what my friend is saying that he's going to get into the diaries of Uncle Arthur and he's going to get into all of the observations over the course of a number of years. And that's what I object to, because I cannot properly cross-examine this witness on that.

THE COURT: What about evidence of this kind in rebuttal to the evidence of the plaintiffs' witnesses, who have attempted to establish occupation and possession and jurisdiction over these territories from time immemorial up to and including the present time. Why can't the defendants say well, at least from a certain time, from a certain time to a certain time, whatever occupation, place was not exclusive because there is a reputation in the community in which the plaintiff is a member that others used the territory from certain dates.

MR. GRANT: And according to this witness, who was born in 1921, he's going to be able to canvass that for a large period of time.

THE COURT: Come on, what about from an earlier time?

MR. GRANT: I submit that there -- maybe there are witnesses who can raise that, who can speak to that.

THE COURT: What about declarations made by deceased persons.

MR. GRANT: Well --

THE COURT: Such as his father and his uncle.

MR. GRANT: Well, the -- just referring to the Phipson test, of course death is one requirement and necessity, ancient facts being generally incapable of direct proof, and we're not talking here -- I mean I submit that there are other ways to prove this, and my friends have endeavoured to do it through an enormous body of documents, the guarantee of truth afforded by public nature of the rights. Well, I've requested, for example, the pre-emption documents of his father, and my friend has not disclosed those to me or provided me with the necessary information to get them to date,

1 but --
2 THE COURT: You see, the problem with the documents is
3 they're -- they've got -- they've been there for X
4 number of years, before he even applied for
5 pre-emption rights. What about that earlier period?
6 MR. GRANT: Well, suffice to say from my understanding, I don't
7 think that that's a problem, but I don't think my
8 friend can argue that. And then the public nature of
9 the rights, which tend to preclude individual bias
10 unless in danger of misstatements by exposing them to
11 constant contradiction, this is around the family
12 dinner table. This is a group of settlers with a
13 specific interest, and of course, not being at all
14 critical of course of the witness or his family, but
15 it's not a public statement, it's not what they have,
16 it's no parallel to the situation that the plaintiffs
17 had where these statements were made in public, and if
18 there was a conflict there were opposing chiefs to
19 raise that contradiction, and you've heard evidence of
20 those kinds of things. You've heard -- evidence has
21 been led that there's contradictions and others speak
22 out and examples of that. And -- but that's not what
23 we have here. We have -- we have -- all of which
24 would be very interesting but I submit is neither
25 necessary -- is not necessary and therefore is not
26 admissible. Now, if my friends had intended to do
27 this, my lord, why did they not produce the diary of
28 the uncle to me long before now, or if at all. This
29 is why I'm a bit surprised. I concede that there's a
30 published book, but it's -- clearly it's not a
31 transcription of the diary from -- the witness may be
32 able to clarify that, but it's not a transcription of
33 a diary from my reading, it's edited and everything
34 else, and I think it's late in the day for my friends
35 to now approach this when they have not even disclosed
36 that. And that diary is not something that is
37 accessible to the plaintiffs. I submit that if my
38 friends wish to prove this in the presence of his
39 father there's an easy way to do it, through the
40 pre-emption documents. If they're only asking him
41 when did your father -- when did he tell you he came
42 in, I agree that question goes to something like the
43 date of birth, but when he starts to talk about -- and
44 from 1921, we're not talking a large number of years
45 difference here, from 1921 on, or at least when he
46 remembers things, I'm sure this witness has lots of
47 experiences that you're going to hear about. I submit

1 my friends have other ways of proving it, and to use a
2 private diary they haven't disclosed is not the way to
3 do it.
4 THE COURT: All right, thank you. Mr. Willms.
5 MR. WILLMS: My lord, first of all on the diary, I didn't know
6 that the diary existed until yesterday. I didn't know
7 that that was the basis for Mr. Arthur Shelford's
8 recollections, which are in a published book which my
9 friends have read. I didn't think it would be a big
10 deal. All I wanted to lead out of this witness was
11 essentially what's in the book, what did his uncle say
12 about what they did, when did they get there, did they
13 build a cabin, then what did they do, when did they
14 pre-empt, nothing -- nothing that comes close to some
15 of the evidence that the plaintiffs have led under the
16 rubric of an exception to the hearsay rule. But it's
17 still my submission, whether based on the diary or
18 whether based on something that his uncle or his
19 father told him, that the issue of necessity doesn't
20 go to whether -- necessity and relevance are
21 different. In respect of necessity, his parent -- his
22 father can't give the evidence, his uncle can't give
23 the evidence, they're dead. That's necessity.
24 Relevance is a different issue, and I've already
25 submitted to your lordship that in light of all the
26 evidence that we've reviewed given by the plaintiffs'
27 witnesses, much of it based on hearsay, it is our view
28 that this evidence is relevant. It's not lengthy, but
29 it's our view that it's relevant, and we would like to
30 lead it.
31 THE COURT: I'm faced with what appears to me to be a possible
32 unfairness, but I do not think that declarations of
33 this kind, even by deceased persons, are admissible
34 under the exception to the hearsay rule under which
35 the plaintiffs operated. I think that's unfair, and
36 and I think that maybe you -- it would be better to
37 hear the evidence, but I'm not presently persuaded
38 that -- that the criteria for the test of
39 admissibility had to be satisfied inasmuch there is no
40 claim sought to be established in which these
41 declarations were made. They're not declarations of a
42 declaration of title, or there's no need or necessity
43 to prove such a reputation, and they are not
44 declarations of either a private right or a public
45 right that come within the exception. I am not at the
46 moment dealing with the admissibility of the
47 historical material in the book authored by Mr.

Shelford's uncle, I think that's a separate matter that counsel may wish to pursue further. And I do not think that it can be done through this witness. Counsel have indicated they will not object to hearsay establishing in the opinion of the witness when his father, and I think that would extend to his family, came to the area, but is presently advised he didn't want anything to go beyond that.

MR. WILLMS: Well, my lord, I would like to put the questions on the record, and if my friend wants to object to them --

THE COURT: You don't have to, surely not. That's an archaic practice. I've ruled, and I thought if there's something that wouldn't fit within the rule I would deal with it, but surely we've got past the stage where you can put questions in order to preserve a right to object. The ruling is clear -- at least it may not be clear, but it's recorded, and if I'm wrong you will have your remedies. That will not depend upon your form of putting the questions I've already ruled again admissible.

MR. WILLMS: My lord, I want to put a couple of questions on the documentary source of the information on the record.

THE COURT: Well, I will have to deal with them as you put the questions then.

MR. WILLMS:

Q Thank you, my lord. For the period of time between the time that your father came to the area and the time that you had your first recollection, where did you obtain your understanding of what went on between that -- those two periods?

A Well, I think mostly from my dad and my uncle, but also neighbours around the community, because in a small community like Wistaria, everyone got together for dances, picnics, et cetera, whether they be natives or whites, and they all told the stories of how they came into the country, whether they came from Bella Coola or they came from Caribou or they came in from Hazelton, so it's very well known, and quite a number of these people are -- the C.B.C. interviewed and their tapes are in the archives in Victoria, my uncle and Cliff Harrison and quite a number of others, and they all tell about the time they came in. There's a book written on Burns Lake that gives the dates of when different people come in, how they come in, and all of this.

Q All right. You talked about picnics attended by

native people too. Can you remember what native people would be at these picnics?
A You know, there's very few, of course, in the Ootsa Lake area. Of course our good friend Jimmy Andrew, who was sort of a member of the family because there wasn't any other white families close by, and he used to come to our place very regularly and we used to visit his place regularly.
THE COURT: Mr. Shelford, I'm sorry, I'm not sure I understand you. Did you say there were very few native or very few white families?
A It was just two families of natives that were in direct contact with our family. It was on the west end of the Ootsa Lake area. He was Jimmy Andrew on the west end of Ootsa Lake, north side of the west end, and Mathew Sam over on Francois Lake on the west end, and the pack trail came in from Houston, so it went right across -- Jim -- Mathew Sam's area over to our ranch on Ootsa Lake.
Q Just pausing there, so it was from what your parents had told you, what your uncle had told you what was a topic of discussion of community picnics, which included Jimmy Andrew. Would you include your uncle's diary as well in that?
A Yes. I would include the diary, because quite often the family went back to uncle's diary to prove what happened on a certain date.
Q All right.
A Whether it was cutting house logs or building fences or whatever it happened to be. It was very useful to the family.
Q All right.
A I wish I had have kept one.
Q All right. But that is the source of your knowledge as to what happened, and I take it I can ask this question because my friend said it was unobjectionable, your father came in in 1912?
A That's right.
Q All right. So between 1912 and your first recollection of seeing things, that is the source of your information?
A That's right.
Q And included within that information is information about what your -- what your family ate during that period?
A Yes.
Q Included with that information is --

A Of course what our family ate didn't change that much between --
Q Well, you can't -- sorry, you can't answer that, that's going backwards.
A Okay.
Q And my friend's objected to that. Does it also include where your uncle and your father trapped before your first recollection?
A Yes.
Q All right. Does it also include what your uncle and your father hunted before your first recollection?
A Yes.
Q Does that source of information also cover what your -- whether or not there were other sources of information -- sorry -- other sources of food available in the country to your uncle and your father before your first recollection?
A Yes.
Q Does it also include where your father and your uncle fished before your first recollection?
A Yes. Of course as youngsters we were very interested in where these different fishing holes were, so that's right, we listened very carefully.
Q All right. Now, without -- you can't say whether your uncle and your father built the cabin that you first recall because my friend objected to that, but can you describe that cabin?
A Well, the best description I guess of the cabin is in the book "We Pioneered", where there was a picture of the cabin, which was just a small one-room cabin with a dirt floor and split log roof with dirt on top to keep it warm.
Q And once again, I understand it that there was another -- when you were born, another cabin on the property. Don't say when it was built, but can you describe what it looked like?
A Well, the second building was also log. All buildings in that particular time were log buildings, because there were no sawmills. It was log, and the lumber for the roof and the lumber for the floor was all whip-sawn lumber. You put the log up on a stand and you had one fellow underneath and one on top pulling the saw up and down, and believe me, it was hard work. We tried it later on in life.
MR. WILLMS: And the dimensions of the first or the smaller cabin that you observed?
MR. GRANT: Oh, okay. My friend may have answered this in his

last phrase. I wonder if he can clarify when he's asking these questions whether the witness observed. The witness referred to the picture. I'm assuming the witness had seen these himself, but it wasn't clear from the question and the answer.

A Yes.

MR. GRANT: These two cabins.

MR. WILLMS: My lord, I'm bearing in mind very carefully my friend's objections.

THE COURT: I took it the witness had seen these things.

MR. WILLMS:

Q Oh, yes. I'm not trying to get around the objection that my friend took. Now, can you describe the smaller cabin?

A It was just a one-room log cabin with a dirt floor and --

Q Size, sorry?

A Size? Around 16 X 18.

Q All right. And the larger --

A Larger one was around 26 X 24, two stories.

Q And by 26 X 24, you mean feet?

A Feet, yes.

Q And from the -- from your first recollection, where did -- did your uncle live at the same location as your parents, or did he live in a different location?

A No. He lived -- he lived in the cabin with my dad until my mother came out in 1915, when my dad was married. Then he moved a mile away to his own ranch.

MR. WILLMS: Now, I take it I can ask when -- well, I better -- do you know when your mother arrived? Just wait, I have to see if my friend has an objection.

MR. GRANT: No, my lord. I appreciate my friend's care, but I said these little particular points like the date of his father and mother's arrival, as you said, the date of his family's arrival, I'm not objecting to that.

MR. WILLMS:

Q All right. Your mother arrived in 1915?

A That's right.

Q And did your -- from your recollection, did your parents continue to live on the farm near Ootsa Lake?

A Yes.

Q And until when?

A Until they died.

Q And your mother died in?

A In 1945.

Q Your father?

A In '51.

Q And they continued to live in the larger house that you've described?
A That's right.
Q And your uncle, who lived about a mile away, he was married in 1921?
A Yes.
Q Did your uncle -- how long did your uncle and his wife remain in the area?
A They lived there until 1976.
Q And then --
A Yeah, '76.
Q And then they --
A Then they moved to Victoria.
Q Now, from your first -- first of all, you --
A '66.
Q '66? One of the things that your father and your uncle talked about was how supplies came into the area?
A Yes.
Q All right. And is the source of your knowledge about how supplies came into the area prior to your first recollection, is that, as with some of your other evidence, from your uncle's diary, from your father, from discussions at picnics and the like, is that --
A Yes. There was quite a number of government publications, I believe, that referred to people coming into the area across from the Caribou, Bella Coola and Hazelton.

THE COURT: Isn't this what's been objected to?

MR. WILLMS:

Q No. I just want to know the source of the information, my lord, and I want to pick up personal information. Now, after you were born where did supplies come into that Ootsa Lake area from?
A By the time -- by 1921 it was a little store at the head of Francois Lake, and supplies -- the rest of the supplies came in from Houston over the Buck Flats trail by wagon and sleigh.
Q Now, from -- and is that the same way other machinery would get in, like farm machinery?
A My dad, he carried his farm machinery out with -- over the mountain from Bella Coola by pack horse.
Q You can't give that evidence because it's been objected to, but the machinery that was brought in that you recall coming in?
A I was told that this is the way the machinery came in, mainly from Bella Coola.

Q No, I'm sorry. From your first recollection, I suppose when you were six or seven, in the 20's, how do you remember, if you do remember, how machinery got in after that time?
A Oh, after that. Well, then it would come by wagon from Burns Lake and Houston.
Q Now, you have three brothers?
A Yes.
Q And your brother John was born in 1916, your brother Hugh in 1917, and your brother Miles in 1919?
A Right.
Q Can you tell his lordship where you received your education, formal education?
A I received my formal education in the living-room in the old log house by correspondence, through the Victoria Correspondence Course, and I was taught by my mother and my dad.
Q And can you describe the recreational pastimes that you recall from the late 20's, early '30's?
A Quite different to what they are today. One of our most interesting recreational -- I guess for excitement was to roll rocks down mountains on grizzly bears, and of course we did some skating, but mainly we thought hunting and trapping was our recreation.
Q Did you observe or assist your father or your uncle fishing?
A Yes. Right from when I could toddle along.
Q And can you describe, first of all, the method of fishing that was used by your uncle?
A My dad used to make his own fish nets. He would sit upstairs by the hour making fish nets, and he would set them under the ice, which I thought was very interesting, and I did it many times later on in life. You cut holes through the ice and then push a pole from one hole to the next and until you have a line under the ice, and you pull your net under the ice and leave it there overnight or for two days or whatever, and then you pull it back the other way and pull the net and the fish out, and you still have your line under the ice. And you leave it that way all winter. Of course if you're very smart you put it in in the fall before the ice comes, but most people quite often don't think of those things in time.
Q Did your father share or give those nets to anybody that you are aware of?
A The only one I remember, he built one for our friend Jimmy Andrews so that he could catch fish at the head

of Ootsa Lake, and Jimmy, being a good neighbour, used to give us some of the fish when he caught them, and same as we would give him moose meat or sugar or flower if he was in need.

Q All right. Do you remember the kinds of fish that you and your father and your uncle fished for in -- in the pre-war period?

A Yes. There were mainly trout, there was no char in Ootsa Lake system, they're in the Francois Lake system, so we were fishing mainly for trout, squaw(?) fish, suckers and ling. We put a ling line out with a fish head on it, and we caught quite a few fish that way, but nets were used a great deal in the summer-time, though we would go out with a willow stick and piece of string on it and catch fish.

Q And do you remember the lakes that you fished in and where you went as well with your father and uncle fishing?

A The most exciting trips of the year is when we would leave Ootsa Lake and paddle up to the head of Ootsa Lake, which was eight miles, and then up to Tahtsa River, to the junction of the Tahtsa and Whitesail, and we would travel up the Whitesail about 15, 20 miles, and catch Kokanees. They were a landlocked salmon around eight inches long and they're excellent eating, and we used to catch them and put them in barrels and salt them for winter use, and also can some, and quite a lot were dried for our foxes and mink.

Q Now, you mentioned trapping. Where did you trap?

A I started off trapping when I was very very young for weasel around the ranch, but our trapline -- or dad's trapline extended from the ranch west over the top of Shelford Hills, and it was between Jimmy Andrews' trapline and Mathew Sam's trapline.

Q Did you have any discussions with either Jimmy Andrews or Mathew Sam about your -- how your father came to have that trapline?

A Yes. It was -- I used to go fishing with Jimmy Andrew quite regularly in the wintertime out in the ice, and it was a mutual agreement, I think you would say, that Jimmy Andrew, he liked trapping the river delta area of Ootsa Lake, where there was lots of mink, muskrats and such like, and in the early days lots of beaver, and Mathew Sam went to the head of Francois Lake and the delta above Francois Lake for the same reasons. So dad took to set in the highland between the two

traplines, and there was never any disputes whatsoever that I can ever recall or were ever told about.
Q I wonder, Mr. Shelford, if you can just come over and look at Exhibit 24A, registered traplines, and look down just north of Ootsa Lake. Can you identify the trapline number that your dad had?
A This number or this one?
Q The long number?
A 0604T039.
Q All right. And perhaps you could identify the trapline number that Jimmy Andrews had?
A Yes. That would be 0604T042.
Q And using the same numbers, can you identify the trapline that Mathew Sam had?
A Yes. It would be 0604T041.
THE COURT: Where was your dad's again, please?
A This one.
THE COURT: It went along the north shore of Ootsa?
A No. It went in a strip this way. See here's Ootsa Lake, and before they flooded Ootsa Lake it only came up to about here, but it didn't take much at Ootsa Lake except here.
THE COURT: Is this the easterly boundary?
A Yes. Our ranch is right there.
THE COURT: Right, thank you.
MR. WILLMS:
Q All right, thank you. Now, in that pre-war period can you -- what kinds of fur did you trap or did your father trap?
A Yes. Once -- it was mainly marten, fisher, lynx, wolverine, muskrats, weasel, squirrels, foxes, coyotes, wolves.
Q Was there much beaver trapped before the war?
A Not when I first remember. Prior to that my dad said they were very plentiful.
Q You can't say that.
A But not during my time.
Q All right. In the pre-war period?
A Yes.
Q Now, were the first sold, and if so to -- who purchased the first?
A Our first were all sold mainly to Montreal Fur Auction Sales and Western Fur Auction Sales. Earlier on it was known as Pappas.
Q That's P-A-P-P-A-S?
A Yes. He used to travel through the north country in the early years and buy fur.

Q Now, you mentioned hunting in the pre-war period. Can you describe the areas that you've hunted in?
A Well, we mainly hunted right from our ranch towards the Shelford Hills, which would be also in our trapping area. We didn't have to travel too far and we didn't want to travel too far, because the only way we could get moose or deer, or whatever it was, back to the ranch was either pack it on our backs or come back home and get a pack horse and go out and get it. We kept fairly close to the ranch most the year.
Q And what -- do you recall the animals that you hunted in the pre-war period?
A Oh, it was mainly deer and moose. Occasionally in the wintertime we would go up Mount Wells and hunt caribou, but that was very rare.
Q All right.
A We would also hunt bears. My mother liked the bear for fat to make pies and also make soap. She made all our own soap.
Q Now, do you recall other foods in the pre-war period that you obtained from the land?
A Oh, yes. We had to obtain practically everything from the land, so berry picking was very important, from what I can first remember, especially huckleberries, blueberries, cranberries, raspberries, some strawberries, Saskatoons in some areas, but they weren't too common in the Ootsa Lake watershed.
Q Do you remember how far you would travel to pick these berries?
A Oh, usually three or four miles from the ranch, but sometimes we would go further afield, because if there was a forest fire -- the raspberries come up after a forest fire, so we would head for the forest fire area, and quite often you would meet your neighbours in the same berry patch. Our friend Jimmy Andrew of course would go picking usually in the same patch as we would, and we would have a sort of a picnic dinner and generally enjoy ourselves. So it was quite an outing as far as we would -- we were concerned as young people.
Q All right. Now, the -- I should have asked this while you were at the trapline map, Exhibit 24A, but did your uncle have a trapline as well?
A Well, I don't think my uncle's trapline was ever registered. It was before the registration. It was up the Tahtsa River, just below the Mosquito Hills. Let's find Mosquito Hills on here. It will be right

around in -- must be right in here. I can't find it.
Q All right. Perhaps we should mark that. You don't think that that trapline is registered?
A It would be right in here.
THE COURT: Just east of Tahtsa Lake?
A Yeah.
MR. WILLMS:
Q Could you mark with a "3" in blue on Exhibit 24A where your uncle trapped?
A "3"?
Q A "3", please. And we might as well get your brother's trapline while we're at Exhibit 24A. Your brother had a trapline, you don't need to mark it if there's a number there?
A Yes, there's a number there.
Q What number is identified?
A 0602T005.
Q And that's your brother John?
A Yes.
Q Now, you've mentioned Jimmy Andrew and Mathew Sam. I wonder, and -- if you could mark with a "4" on Exhibit 55C, the number "4" in blue, where Jimmy Andrew lived?
A This map of course is since the flooding of the lake, but it's approximately right there.
Q And that's just to the north-east of what is called now Whitesail Reach?
A Yeah, that's right.
THE COURT: North-east?
MR. WILLMS:
Q North and east of the marking on the map, my lord. It says Whitesail Reach. And Jimmy Andrew was someone that you knew during the pre-war period?
A Yes, very well. He used to come and work for us, and as I say, we hunted with him quite a bit, fished.
Q How many people were in the family that you can remember?
A Well, I remember most of them really quite well. Tony was the eldest boy, and then there was Alec, and Peter, and Jimmy and Irene, and there was three other girls, I think Esther was one of them, but I -- there was I think eight in total. They were younger than our -- just slightly younger than I was, for years, the eldest one.
Q All right. And do you know whether or not at that time Jimmy Andrew lived on or off the reserve?
A He lived just on the east side of the little reserve at the head of Ootsa Lake.

Q We've already heard some evidence about where Mathew Sam lived. You know that he lived on Francois Lake on a reserve?
A Yes.
Q Now, did -- in the pre-war period in your discussions with Jimmy Andrew did you learn anything about hunting or fishing or trapping or discuss that with him?
A All the time. Jimmy Andrew was certainly a person that taught us how to make a fyke, which the Indians used in those days, made of willows and willow bark. Willow bark had to be green, otherwise it would break, so the -- once it was wound around the upright willow sticks it was quite strong, and you could set it in a creek, and the fish coming upstream would go into the fyke, and then you could go next day and pick them out. I have to say, it was the most modern way of fishing that we have used to this point, because if there was fish you wanted to let go, you could, and it's unfortunate it isn't used today.
Q Now, how about hunting?
A Hunting? We used to go hunting ducks and geese mainly with Jimmy Andrew. He certainly was a great teacher, and he taught us kids how to crawl through the long grass and not make any noise to scare the geese, and you had to do it when it was raining hard, because rain makes a certain amount of noise and it's also damp so there wasn't any rustle of the grass. So Jimmy was an excellent teacher on hunting geese and ducks.
Q And I understand that he was not a bad marksman from time to time?
A He was excellent.
Q During the pre-war period, can you say on how many occasions you may have either hunted or fished or been with Jimmy Andrew when he hunted or fished?
A Well, several times a year, especially in the wintertime, because he used to come to -- there was a lake half a mile from our ranch that when I was about seven or eight years old we put trout in this lake where there wasn't any before, and they grew up to as high as 13 pounds, and so it was excellent fishing, so everyone in the country, during the depression years especially, came to Eastern Lake and set up a tent in the camp and caught fish and smoked them over the camp fire, and even canned fish right on the lake. Jimmy Andrew used to come there and get a fairly good supply for his family and take them back to his cabin at the

head of Ootsa Lake by panslide or pack board.
Q The name of this lake was?
A Eastern lake.
Q Eastern lake?
A Mainly because it was east of our ranch. We named most of those lakes in there.
Q Was it on your ranch or off?
A No. It was off the ranch.
Q Now, did -- at that time as well did you hunt or trap -- or sorry, hunt or fish with Mathew Sam?
A No. I never did hunt or fish with Mathew Sam. We used to see Mathew Sam quite often going to Frank Gale's store at the head of Francois Lake.
Q Now, from the time of your first recollection to the war, 1939, what was the source of income for your family and also for the other families in the area, to your personal knowledge?
A Well, actually trapping was by far the main source of income, especially in the earlier years. When you got into the depression years on to 1939, by that time we had foxes and mink on the ranch, and we also had cattle and sheep. So it wasn't quite as important in the late 30's as it was earlier, but to people generally, whether they be native or whites, trapping was really the main source of income.
Q What about you've talked about the game and fish and berries, what were the other sources of food for your family and other families in the area?
A Well, the family garden was very very important, and we had a root house built into the bank so it couldn't freeze, with double doors and everything, covered with two or three feet of metapeat(?) off our meta(?), and we used to keep a real good garden, potatoes, which we mainly had to grow up on my uncle's place because it was frost in the summertime down on our place, which was a lower piece of land, but carrots, cabbages, turnips. We could grow the best turnips in the world in the northern part of British Columbia.
Q And how about did you ever see a garden or anything like that at Jimmy Andrews'?
A Well, my dad tried to teach Jimmy Andrew how to raise a garden, and he finally mastered it quite well and he raised quite a few potatoes and turnips. He never got on to the other types of vegetables like lettuce and others, but he worked hard at it and it was nice to see, because it did help them a great deal because there was times when they had -- they suffered hard

times, like lots of white families did too. Of course in those days we didn't look on people as Indians and whites, they were just people, period, which is the way it should be.

MR. WILLMS: My lord, this may be an appropriate time to take the morning break.

THE COURT: All right, thank you.

THE REGISTRAR: Order in court. Court stands adjourned for a short recess.

(MORNING RECESS TAKEN AT 11:15)

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

Graham D. Parker
Official Reporter.
United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COURT: Mr. Willms.
MR. WILLMS: My lord, I am going to digress from the chronology for one question, because I know my friends are waiting in respect of your lordship's ruling yesterday.
Q During your period in Cabinet, Mr. Shelford, in 1968 to 1972, can you say whether or not minutes of the Cabinet meetings, the Executive Committee Meetings were kept?
A No. I am quite sure they weren't.
MR. WILLMS: All right. Now, my lord, I've asked for a search to be done and I have a letter from Ann Newby, the Director of Cabinet Operations respecting the Executive Committee Meeting and as Miss Newby says, she reviewed the cabinet and Cabinet Committee files for the period 1968 to 1972 and 1978 to 1979 in search of minutes that would reflect discussion of Indian policy or Indian land claim issues and that she's been unable to locate minutes. "In the time given, I have been unable to locate minutes related to either of these issues in the files." And in discussions with Miss Newby, my lord, I am advised that she has been through the years, all of the years that are reflected there, '68 to '72 under her control. So if that helps my friend, as far as we are aware there are none.
THE COURT: Well, I am not sure from this what there is none of.
MR. WILLMS: Well, yesterday --
THE COURT: The witness says that they didn't keep minutes and this says that there are no minutes that discuss these issues, which suggest there are minutes.
MR. WILLMS: No. Your lordship said yesterday that "minutes of the Executive Council while Mr. Shelford -- and policy related to the land claims territory and land claims policy should be disclosed." And the letter reflects my request. She doesn't know what Mr. Shelford said. I didn't tell her what Mr. Shelford said. I said go look for any minutes of the Executive Committee in that period and that's why -- that's why the letter is written that way, my lord. She went looking for it assuming there was minutes and found nothing. Now, as I have said Mr. Shelford gave evidence there weren't any minutes.
THE COURT: Yes.
MR. WILLMS: I hope that that now puts all this to rest.
MR. GRANT: Well, I find it amazing, my lord --

MR. WILLMS: Well, my --
THE COURT: Oh.
MR. GRANT: But it may -- I mean, all I am concerned about is this.
THE COURT: The government of this province doesn't keep minutes of representatives.
MR. GRANT: I am sure the government of this province may not kept minutes in sensitive times about Indian policy and land claims issues. But I am only concerned about the proviso of Miss Newby. Obviously she has made her search in the 24 hours and she provides in that time she has been able unable to find it. I am not sure whether that means she has looked at some and hasn't been able to look at all of them or she hasn't completed her review. I only ask that my friend ensure that she be able to complete her review and if that takes longer, that takes longer. Her review is not complete.
MR. WILLMS: It's complete, my lord.
MR. GRANT: She said, "In the time given, I have been unable to locate minutes related to either of these issues in the files." And I don't know whether that means she has truncated her search because she was given a 24 hour notice or something.
THE COURT: Well, I think this -- I think this carries it this far, that I would not require anything further in the absence of a formal application on notice so that material could be prepared. It seems to me that I have gone as far as I should go on an informal basis. This satisfies me that I would be straying from practice if I was to direct something additional to what's been done up to now in the absence of a formal application.
MR. GRANT: Well, and I reserve the right that we would bring on such a formal application. Of course not only covering these years but a broader spectrum relating to these documents.
THE COURT: All right.
MR. WILLMS:
Q Now, going back into the pre-war period, Mr. Shelford, were animals raised on your farm and if so, can you tell his lordship what animals were raised?
A Well, I think I mentioned before that we had foxes and mink, sheep, cattle, goats, occasionally some rabbits. We tried to raise fisher, but that wasn't too successful. We kept them around as pets for about ten years but never got any little ones.

Q And did any of those animals also contribute to the family income in pre-war years?
A Oh, very much so. Prior to having the family I can remember the day very clearly when my mom and dad went into the winter with five dollars in their pocket and they wouldn't get a cent until next spring when the fur was sold. It was that important. And I can remember that quite well.
Q Now, you talked earlier about visiting Jimmy Andrews. How often per year would you say that you visited Jimmy Andrews or were down at Jimmy Andrews' place at the end of Ootsa Lake?
A Some parts of the year we would be there every week because we had a half section of land on the head of Ootsa Lake which was later flooded out, but it was only half a mile from Jimmy's cabin. And so we would haul hay from up there back to the home ranch eight miles away, at least sometimes two and three times a week. And if it was a very cold day, and the wind really can blow on those lakes in the wintertime, we used to stop at Jimmy Andrews' cabin and go there and get warm and had our lunch and go over and pick up our load of hay and come back home. So we saw a great deal of Jimmy Andrews.
Q You said you dropped in and had lunch. Can you compare the food that you ate at Jimmy Andrews' place to the food that you ate at your own?
A Except that we had a far greater variety of vegetables than what he would have, it wouldn't be too different. He would have moose meat and the deer meat and occasionally even porcupine and bear meat which was very good and all I was -- well, I was old enough to get around, of course he had flour and they made their own bread. So it wasn't too different to our own, but it was times when Jimmy Andrews and his family were very very short of food. Sometimes in the wintertime.
Q And can you explain whether or not your family and Jimmy Andrews' family shared food either from you to him or from his family to yours?
A Oh, very often we had a cabin up at the head of Ootsa Lake. Just a cabin. We didn't lock the door at all. No one locked doors in those days. And we kept rolled oats, rice and other things that you could keep, like macaroni. Put them in cans. And if Jimmy was short of food, he would -- he would go and get what there was in the cabin. But he always told my dad. And he

always brought it back. And if he didn't bring it back, he'd come and say, "Well, I got your rice and rolled oats and I'll give you some muskrats for it."

Q Now, how about food from Jimmy Andrews' family to your family?

A Jimmy was -- would bring us fish, especially in the springtime when the big lake trout would run up Andrews Creek. He'd catch sometimes 30 or 40 fish in his net in a night. He would paddle his boat down to our land and bring us two or three fish. And if he killed a moose he quite often would give us a quarter. And if we killed a moose when we were up at the head of Ootsa Lake we would give them each. So we exchanged a lot back and forth, which that was a relationship of course valued a great deal by all settlers was sharing, because survival was the name of the game, let's face it, whether you were white or Indian.

Q You mentioned a cabin at the head of Ootsa Lake. How close was that to where Jimmy Andrews lived?

A About half a mile across the water. We could see Jimmy's cabin from our little cabin.

Q And was that cabin on you described a hay meadow. Was that where it was?

A Yes.

Q And that was land that was owned by your family?

A It was owned -- we owned a half section of it. And in the springtime when there was a runoff in the mountains the whole area flooded. So it was under water in the springtime and later the water went down and we were able to hay it. But it was a great insurance policy, because if we had a drought, which is very common in the interior of British Columbia, we could go up in these meadows and be sure of a crop of hay, because it always grew because there was lots of moisture underneath.

Q Did Jimmy Andrews have livestock?

A He had a cow he got from us and later on he got a calf from that cow and I don't think he ever had more than four. But the cow added quite a bit to his life of his family because he then got milk and such like and sometimes made butter even from the milk.

Q Any other livestock that you remember?

A No, I don't think he had any others except in dogs.

Q Now, you mentioned Matthew Sam earlier. How often do you recall in the pre-war years going to Matthew Sam and visiting with Matthew Sam or his family?

A We'd -- quite often we'd see Matthew Sam quite often at community picnics, but we would also see him in Frank Gale's store and my dad hauled hay over close to Matthew Sam when they were putting salmon in the Nadina River. And -- but we would see Matthew every year when we drove cattle from the home ranch to Houston to the railway track. That was an exciting time for all of us was a cattle drive because we collected five or six from all the various neighbours, marked them with paint and then shipped them out to Vancouver, sometimes Edmonton, but mainly Vancouver where they were sold and the cattle dealer would make sure what colour paint they were painted with and the owner of the cattle and such like.

Q The cattle drive that you did would go past the west end of Francois Lake?

A Yes. We quite often let our cattle graze on Matthews' fields while we spent a night at -- it was eight miles, a little better than eight from the home ranch to Matthew Sam's, and so we would quite often -- by the time we got all the cattle collected we would get them over as far as Matthew Sam's. We would spend the night there because the river was -- Nadina River kept the cattle from going home again and it was fairly easy to keep a watch on them. So we saw a fair amount of Matthew Sam, but nothing like that we did with Jimmy Andrews.

Q During the time that you were at Matthew Sam's did you share a meal?

A Yes. Matthew was -- he was a good neighbour and he would have fish from Francois Lake. Francois Lake have char and they are a very nice eating fish and they would grow as high as 25, 30 pounds and Matthew and his wife, Amelia, she certainly knew how to cook them.

Q Could you notice the similarities or differences between the types of food that you ate while you were there and the types of food that you ate at home?

A Not really too much. As I say, we were heavier on the vegetables, as I say, than they were. But as I say, I don't think there was too much difference.

Q Now, in addition to Jimmy Andrews and Matthew Sam in the pre-war years, do you recall any other native Indians that you either visited or visited you, your family and you at Ootsa Lake?

A The only ones I recall was Keom Morris used to come through and quite often his brother Uskew

(phonetic) -- Ishtoo (phonetic) and they would come through by sleigh as far as our ranch and unload their sleigh and put it on hand sleds and take it by hand sled up to the lake to go trapping up the Tahtsa and Whitesail rivers. Now, quite often we would be hauling hay at that time of the year from the head of the Ootsa Lake, so we would let them throw their supplies on our hay rack and they could climb on themselves and sometimes did. Other times they snowshoed up to the head of Ootsa Lake and did a bit of hunting on their way up there if they wanted meat or anything. But quite often they got on their sleigh on the sleigh and rode to the head of Ootsa Lake which saved them an eight mile walk and they had all their supplies ready to go up to the Tahtsa River.

Q What time of year?

A Most times they came through just before muskrat trapping when the lakes start to go out is the best time to catch muskrats. Some catch them in the middle of winter. We did as kids, but most people catch muskrats in late -- early April. Depending on the year. If it's an early spring it would quite often be early April. If it was a late spring it would be later in April. They got to know, like everyone else, the weather conditions and weather was suitable to go trapping. And other years occasionally they would come in in the fall in the end of October so they could get up to their trapline by the time the fur was prime and they would stay up there till Christmas and then come back. But usually have someone come and pick up their team of horses and sleigh and take them back to Grassy Plains, an area where they mainly lived.

Q And was this a regular --

A I would say reasonable regular, yes.

THE COURT: I didn't get their names.

A Keom Morris.

THE COURT: K-e --

A K-e-h-o-m-e, I believe.

MR. GRANT: K-e-o-m.

A K-e-o-m.

THE COURT: Morris?

A Morris.

THE COURT: M-o-r-r-i-s?

A Yes.

THE COURT: What did you say his brother's name was?

A Ishtoo.

THE COURT: Ishtoo?
A I couldn't spell it for you, I think.
THE COURT: All right. They lived at Grassy Plains, did they?
A Yes.
MR. WILLMS:
Q And did they tell you where they were trapping?
A Yes. They would tell us that they were heading up to the trapline at Tahtsa River, but they didn't give the exact location of where they were trapping as a rule. The Tahtsa River is a big chunk of country and so it's hard to just say well, I am going to such and such a spot.
Q Did you see them when they -- you saw them going in when they were going to go trapping. Did you see them come out and what they had with them when they came out?
A Yes. They would -- they would stop at the ranch and -- see, we had a telephone at the ranch and so we could telephone out to Grassy Plains and tell their relatives, wife, or whoever that they were there and send the sleigh out and -- but they would show my dad the fur that they caught and they were naturally very proud of what they caught.
Q Do you remember the kinds of furs that --
A It was mainly marten, fisher, wolverine, weasels, some squirrels, lynx, otter.
Q Pre-war how about beaver?
A There was very few beaver in that part of the country pre-war.
Q Now, other than the Jimmy Andrews family, the Matthew Sam family, Keom Morris or Ishtoo Morris, before the war do you recall any other native Indians that you met by name?
A Not really, no, I didn't. I mean we'd see Indians at the 1st of July picnics, for instance, 24th of May picnic, but I really didn't know who they were. They joined in picnics the same as everyone else.
Q Do you remember where those picnics were?
A They were usually held -- 1st of July was held at Stratham, which was a little bit east of Wistaria, and the 24th of May was usually held at the Wistaria school grounds.
Q Compared to -- the dress compared to the clothing that you and your family had, what were the Jimmy Andrews family wearing, the Matthew Sam family wearing, Keom Morris or Ishtoo Morris?
A Really no different to what we wore, I would say; blue

1 jeans was very common. The wintertime usually you
2 tried to have some sort of a wool pair of pants,
3 because jeans get wet very quickly if you are in the
4 snow country, but the wool keeps you warm. Even if
5 it's wet it keeps you warm.
6 Q Did you during in the pre-war period have discussions
7 with Jimmy Andrews, Matthew Sam or either of the
8 Morrises about their life and their quality of life?
9 A Mainly with Jimmy Andrews. I used to enjoy more than
10 anything else sitting on a frozen lake with a campfire
11 going and talking to Jimmy Andrews because he was --
12 he was short in formal education. In fact he didn't
13 have any at all. But he was certainly long in common
14 sense. And it was very interesting to hear him tell
15 stories of his dad and grandfather, how they lived and
16 how happy they were when the fishnets and the rifles
17 came in to make life a little easier.
18 Q Can you describe some of the other stories that -- or
19 events that were related to you by Jimmy Andrews about
20 the -- his life and his father's life?
21 A He told us of hardships they had especially in the
22 winter, you know, and I certainly have a great deal of
23 respect for anyone that can survive in a country like
24 that especially in the long winter when there is four
25 feet of ice on the lake and no fishnets to catch fish.
26 They had to look ahead a great deal to get a supply of
27 frozen fish, frozen meat and berries before winter set
28 in, otherwise they claimed it was a fair amount of
29 starvation.
30 Q By they you mean -- ?
31 A Jimmy Andrews and Matthew Sam. But we were always
32 disappointed that we tried to get them to go back
33 further, but I can understand myself how it's nearly
34 impossible to go back too far without something
35 written down. It's very difficult, and they did very
36 well to go as far as they did. Whether it was all
37 accurate or not of course I can't say.
38 Q Now, by go back what do you mean?
39 A I mean going back to their great great grandfathers
40 and such like and what they did and where they
41 travelled. There was not too much information
42 available. I often say the white man concocted a lot
43 of the history.
44 Q And how far back did Jimmy Andrews go in telling you
45 about his family?
46 A His grandfather was as far as he ever tried. We tried
47 to push him into going further back, but he'd just say

"not know" and I think that was true.
Q Did you have similar conversations with Matthew Sam or the Morrises?
A Not to the same extent as with Jimmy Andrews, because I would sit with Jimmy Andrews sometimes as I say on a frozen lake from daylight till dusk and then we would call it quits and he would go usually and camp somewhere and I would walk back to the ranch. But Matthew Sam not as much detail. We talked to him when we took our cattle through and discussed old times, but again we didn't get really as much information as we wanted because we were interested in living there and they were our friends, to find out what they did and where they come from, because the old saying if you don't know where you came from you don't know where you are going.
THE COURT: How much older was Jimmy Andrews than yourself?
A He'd been 15 years or so. Matthew Sam about the same.
MR. WILLMS:
Q Meaning about 15 years older than you?
A Yes. And he would be a good 15 years older.
Q And how about the Morrises?
A Maybe a few years older. Not too much.
THE COURT: About the same age group as yourself or them?
A They would be slightly -- they would be older than I am.
THE COURT: But not as old as Jimmy Andrews?
A I would think pretty close to the same age, yes. I never did know their exact age. Jimmy Andrews, we were fairly sure what his age was, but there is really very little records, excepting by the churches, of date of births. And Paddy Leon on Topley Landing, he claimed his dad was a hundred and five when he died, but there was no real record, and I know the Canadian Department of Indians Affairs tried to find records because they wanted to give him an award, but they couldn't get anything to pin the exact date on.
MR. WILLMS:
Q In the pre-war period did you ever talk to Jimmy Andrews about the game population in the area west and around Ootsa Lake?
A Yes. And Jimmy was really very good in describing the cycle of nature, which is far better than what we do in our schools today. But he explained that game population built up, which is quite true, and then it goes down once the predator population gets more plentiful than the game population, and then the

1 predators themselves die off and then the game
2 population starts to build up. Now, it's in these
3 valleys of game populations where the native Indians
4 naturally had difficulty in finding food. And I don't
5 know sometimes how they ever did it. You got to give
6 them credit.
7 Q And did Jimmy Andrews talk to you about that
8 difficulty?
9 A Yes. Many times. He maintained that some of the
10 weaker ones, families sometimes even died. And that's
11 why naturally any improvement of food supplies was
12 valued. And they used to, like us, used to set
13 forest -- small forest fires so that we would have
14 more game the next year or so, because game
15 populations always migrate to fires or fire areas
16 because the grass comes up, the little willows come up
17 and the feed is far better. Naturally they like dense
18 forest to go and lay down, but for feed they like
19 going to the forest fire areas.
20 Q And both you and Jimmy Andrews set fires?
21 A Yes, yes. Usually burn hillsides in the early spring
22 around the end of April, middle of May, because on the
23 north slopes of the hills they were still covered with
24 snow, so the fires couldn't get away too far. But
25 even forest rangers lit fires in those early days to
26 create grazing for cattle. Lodgepole pine was
27 considered a weed.
28 Q Now, did Jimmy Andrews or Matthew Sam tell you about
29 their reaction and the reaction of the native people
30 to the coming of the white settlers?
31 A Certainly both of them told us that they were very
32 pleased to get their hands on fishnets and rifles.
33 Q For the obvious reasons?
34 A It was easier to hunt game and catch fish.
35 Q Now, you'd described the sources of food, if I can
36 call it from the -- rather than the store-bought food
37 or the grown food, the source of food that your family
38 had for game and berries and fish. How did that
39 compare to the sources of food that Jimmy Andrews or
40 Matthew Sam had to your observation?
41 A Not really too much difference, except I go back to
42 the gardens and we also grew grain and in the
43 Depression years we used winter rye and roasted it and
44 ground it up for coffee. That was the only coffee we
45 had during the Depression years was baked rye. We
46 thought it was great. But I will bet if we drank it
47 today it would be terrible. Then we ground up wheat

and made our own bread. We milked cows and made our own cheese. We kept pigs for bacon, hams, etc., cured them ourselves. So we were better off that way than our neighbours Jimmy Andrews and Matthew Sam. That's once the farm animals came along.

Q Now, do you know where Jimmy Andrews, and this is from personal observation, where Jimmy Andrews hunted?

A Yes. He was very much like us. He mainly hunted west and north of his cabin. But he was in -- the best hunting area in that whole north country was the Ootsa Lake Valley prior to the flooding by the Aluminum Company of Canada, because there was thousands of acres of marshland which was great for moose and ducks and geese.

Q You have identified the trapline, Jimmy Andrews trapline. To your knowledge did he trap anywhere else? Did you see him trap anywhere else or did he tell you that he trapped anywhere else?

A I think his trapline was so large that it was -- took all his time to cover what he had. He didn't have to trap anywhere else.

Q For fishing, do you know from observations you have talked about fishing with Jimmy Andrews where he fished?

A He fished right out in front of his cabin mainly and over to Andrews Creek where it meandered up into the mountains which was around half a mile from his cabin. But he would fish all over the channels coming into the head of Ootsa Lake and it was practically an unlimited supply of fish in the summertime, but in the wintertime it was very difficult.

Q And just finishing with berry picking, compared to where you were picking berries where was Jimmy Andrews?

A Oh, quite often we were picking in the same area. There was so many berries that it was sometimes miles and miles of huckleberries, and if there was a forest fire then there was -- the whole forest fire area would be covered with raspberries. And so there was no shortage of fruit to pick. The same way with wild cranberries. They came up after a forest fire and they are easy to pick, because they are in clusters, as many as 14 or 15 berries in a cluster, and you boil them up and make jelly. They are beautiful jelly.

Q And getting to that -- you preserved and your family preserved berries?

A Yes.

Q And how about Jimmy Andrews?
A They preserved a fair amount. But they also dried berries which I guess is their traditional way of preserving fruit. Likely the only way they had at certain times.
Q All right. But by preserving berries generally what do you mean, canning?
A Yes.
Q All right. And did you observe the drying and how the drying was done?
A Oh, yes. They would proudly show us all the dried huckleberries they had. It's not easy in a small cabin like he had to find places where you could dry berries without the rain getting on them. But they would put either large leaves down and put the berries on top of them under spruce trees where the rain couldn't get to them or they would put them up in the attic of their cabin. It's not easy to find a dry place where -- because you need a place where wind can flow through easy, otherwise they are inclined to mold.
Q Now, how about preserving fish, how did your family preserve fish and how did the Andrews family preserve fish?
A Well, both them and us dried fish and dried moose meat. And we did most canning, though, of fish than they did. They did more drying.
Q But they did some canning?
A Some canning.
Q And for game meat, how did you preserve moose, deer?
A The only way you could keep moose meat was hang it up in the shade where the wind could circulate around to keep it from going moldy and then it would develop a black crust on the outside and you could keep it for three weeks to month. Even in September, October. In the middle of the summer we usually tried to get deer, because you could eat them up before they went rotten, and that's true whether you are white or Indian.
Q And how did Jimmy Andrews keep meat to your observation?
A Same as we did. I guess we likely learned from him, I would think part of it.
Q You mentioned smoking it. Did you smoke -- do you smoke moose meat? Did you smoke other meats?
A We didn't smoke as much as some families. One of our neighbours, the Blackwell family, they smoked bear meat the same as hams and used them as hams in the

wintertime, and they smoke very well. So Jimmy Andrews family smoked more meat than we did. We preserved more than they did, but they smoked more than we did. It's a good way to preserve it.

Q Now, you mentioned that you visited Jimmy Andrews' place from time to time. Did you also visit in the winter? Was the winter the time of year when you visited the Andrews?

A Yes. We used to go right by his door hauling hay from our hay meadows up across from his cabin.

Q And in respect of food supply at the Andrews' place, can you compare that at any time to yours from observations that you made?

A Well, we always had the vegetables where they quite often didn't. And we would supply them with the potatoes and turnips quite often when we went up to get hay. It wasn't always easy to take potatoes and turnips if it was cold weather. They would freeze before they would get there. One of the ways we used to keep vegetables in our trapping cabins, you would cut a hole through the ice and drop the vegetables down in in a sack, and of course under the ice they wouldn't freeze. And so when you came back to the trapping cabin two weeks down the road you could chop a hole in the ice and reach down into the sack and pick out unfrozen vegetables. And this is a practice used by settlers generally, whether they be white or Indian. Jimmy Andrews used the same method when he got vegetables like from us or he grew his own.

Q Do you remember observing Jimmy Andrews in a winter in respect of the food that he was eating and the effect that it may have had on him?

A Well, once or twice when we went up and it was a late freeze-up, because the lake doesn't always freeze at the same time of the year, and it has been known that the lake never froze about twice in our memory, that the lake didn't freeze at all. And so if we didn't get up there hauling hay, and there was times when we did get up there, that Jimmy was not in as good a shape as he might have been eating too much frozen -- or dried moose meat, which is great to take on a trapline, but you don't want to have a steady diet of it. When we went walking with him he couldn't keep up very far. So there was times that they had problems. And it wasn't Jimmy Andrews' family alone. There was white families in the area that were in pretty tough shape at certain times of the year too and had to go

to their neighbours for help.
Q And the periods of time when Jimmy Andrews was not able to keep up with you, was there anything that you observed which rejuvenated his energy?
A Well, once he got some rolled oats and rice and macaroni and a few vegetables he was great. See, Jimmy Andrews' place to the closest store is between 15 and 20 miles, so you don't dash down to the store every day, especially when you don't have a team of horses and a sleigh. So quite often he relied on us when we were going to the store to pick him up a sack of flour, a sack of sugar, rice, just basic things that they had to have. There was no luxury. We didn't have any luxury either. So --.
Q Now, I just want to go back. You talked -- gave evidence earlier this morning about Jimmy Andrews relating what his father had told you -- what his father had told him about his life. Was there something that Jimmy Andrews related to you about going to get fish that had changed in Jimmy Andrews' lifetime from his father or grandfather?
A No. I don't think there was too much change in fish. Fish populations usually stay fairly stable. Game populations don't. And no doubt if you are living in a coastal area or a river area it's far easier to supply yourself and that's why like Moricetown or any of the river areas with the salmon runs. See, on the Ootsa Lake system there was no salmon runs, so they had to rely on trout, sucker, squawfish, ling.
Q Now, you mentioned Moricetown. Was there any -- did that come up in Jimmy Andrews' discussions about what his father or grandfather had told him?
A Well, his grandfather, I guess, occasionally went through to Moricetown to catch fish in the fall or summer or fall whenever they came up. I am not sure why. I guess we weren't smart enough to ask him why they didn't go and fish on the Morice River which was really closer and maybe they did. I don't know. Jimmy Andrews -- there was certain jealousies, of course, same as there is in white community that you think so and so isn't as good or you are a little bit scared of them. And Jimmy Andrews didn't seem to want to go to Moricetown.
Q Did he tell you why?
A No, he really didn't. He just said, "oh, no like."
Q But he did tell you that his grandfather had gone?
A Yes.

Q And how about his father, did he talk about his father?
A He didn't mention him going there at all. That's why there is some gaps there that likely he may have gone to the Morice River instead. But the Morice River is across country, wouldn't be more than 20 miles.
Q Did you fish at the Morice River?
A No, never did. Not until the last ten years. I have never caught a fish in the Morice River. So maybe I am just a poor fisherman.
Q You gave evidence earlier about the Morrises trapping and Jimmy Andrews trapping and also Matthew Sam's trapline. Did you or your father in the pre-war period buy fur from native Indians?
A I certainly didn't buy any. My dad bought very few. And the reason he bought very few was because buying fur is a real speciality thing and he thought it was the best way to make enemies and he didn't want to make enemies with anyone because he valued the friendship of the people of the area, whether they be white or native. Because if you know fur, after it comes prime and a month or so later you hold it up to the light and you can see the ends of the hairs curled over. Now, a lot of people don't know this and if they sell their fur and you give them 20 per cent less because we called it singed fur, they would think you were a bit of a crook because you give them 20 per cent less which you had to to survive. And so rather than stand a chance of being criticized for being a crook my dad would advise them to go to sell them to the various fur houses, not to the travelling salesman. Sell them to Montreal Fur Auction Sales or Western Fur Auction Sales. It was good advice, too.
Q And you have heard that advice?
A I heard that advice, yes. And we practiced that ourselves.
Q Can you explain from your visits to the Andrews, this is pre-war, the division of labour in the Andrews household?
A They shared the chores the same as other families. Jimmy Andrews was a good trapper I would say and his wife was an excellent scraper. She scraped the fur and dried it and took care of it and she did an excellent job. The kids would do whatever chores there was to do. Take it, bring in the wood, cut wood, because they didn't have buzz saws, and all that sort of stuff or power saws to cut wood, so it was a

matter of cutting it with an axe or a hand saw.
Q Was there a difference between the contribution that you as a child were making to your family and the Andrews children?
A Oh, I would say a fair amount of difference because there wasn't the type of chores. Like we had to feed the cattle, feed the sheep, feed the pigs, feed the chickens before breakfast because that was our job, because after breakfast we had to start our correspondence school work and that was great training I think for young people too was to get up and do things before breakfast.
Q Did to your knowledge the Andrews children hunt?
A Yes. I would say they were no different to us. Once they could carry a 22 they would go out shooting squirrels, shooting grouse, and certainly by the age 11 or 12 they would be out with a 22 hunting. That was sort of the magic age for a young person for hunting was 11 or 12. Some of us snook out before that, but --.
Q Now, you gave some evidence about trapping on your father's trapline. Can you describe how you would get out onto that trapline and how long you might be on the trapline away from the farm in the pre-war period?
A Yes. We would -- we would leave home in the early morning and set our traps or look at our traps out -- we had a small cabin. It was eight by ten. And so we would walk out to the first cabin and spend the night and sometimes we would have traplines each way from the first cabin, which we would go and look at the next day. And then the following day we would go on to the second cabin, which was a further six miles away and we do the same thing. And they were just very tiny cabins, split-log roof, dirt floor, bunks with spruce bows for mattress and we had -- used to carry a sleeping bag. My mother made all our sleeping bags from the sheep wool we had on the ranch. She would cart it and put it into like an eiderdown and sew it up into a sleeping bag. It was an excellent sleeping bag, certainly better than what you can buy today.
Q How many cabins were there on the trapline?
A We had three cabins and once we got to the far end then we would start back. So it was usually somewhere around six days. If the going was good we might do it in five days or even four days. But in the early part of the winter when the heavy snow falls and you are

1 breaking trail through a foot and a half, two feet of
2 snow, you are plenty tired when you get to the first
3 cabin and you want to stay there for a day and
4 recuperate and just go on the short lines. Later on
5 in the year when there has been a bit of a thaw and a
6 crust on the snow you can skitter along on top of the
7 crust with snowshoes very easy and you can cover a lot
8 of country.
9 Q Other than on snowshoes after winter started and the
10 first snow came, how else could you get around or out
11 to the trapline?
12 A There wasn't any other way.
13 Q And what would be the length, the distance between the
14 farm and the furthest cabin out in the wintertime?
15 A Somewhere around between between 20, 25 miles.
16 Somewhere in that area.
17 Q And that could take three --
18 A That's by the way the crow flies. If you are the way
19 we travelled, of course when you are going uphill and
20 down mountains and such like it's quite a bit further
21 than that.
22 Q Now, how about your uncle, do you know how long he
23 would be out on his trapline from time to time in the
24 winter?
25 A He went out and he describes it in his book "We
26 Pioneered," but he went out in late October and would
27 come back sometime in April. Depending on the
28 weather. If the river started to go out, he'd get
29 home as quick as he could. But he'd try and get back
30 just as soon as the river started to move, because
31 once the ice moves it's difficult travelling for some
32 time. Because even when you get down as far as the
33 lake the ice is starting to get weak and it's foolish
34 to go too far out on the lake. We were always taught
35 to carry a pole with us. In case we fell through you
36 could get on the pole and get back out again, which is
37 the only way to travel really. If you are without a
38 pole and you fall through the ice you are in deep
39 trouble, because the ice keeps breaking as you try to
40 get up on it. I have fallen through and scared myself
41 to death actually.
42 Q Did you in the pre-war period -- can you just describe
43 the -- if I can put it this way, the technological
44 change that you recall between your first recollection
45 and beginning of the war 1939 in your area?
46 A Well, I suppose as far as young people were concerned
47 likely the coming of the automobile was the big

change. And even though the roads were still just stump roads, just still stumps we cut off at ground level, the cars could move a certain amount, except in the wintertime, because there was no snow plows even after the World War II. And so the automobile changed things a lot, because rather than going by sleigh to Frank Gale's store or later on to Schreiber's store down Ootsa Lake, which was over 20 miles away, we could then get in a car and we could drive to Burns Lake even though it was a full day's drive 60 miles there and back, because you had to travel so slow to dodge the stumps and that.

Q When did your family get their first vehicle?

A We got it in 1937. We shot eighteen hundred squirrels in one winter to pay for the car and then we got our preacher to go and buy it in Vancouver for $460, a Model A.

Q And he drove it back up?

A Yes. And he even taught us how to drive.

Q When do you recall telephone?

A Telephone came in very early in 1928 and it came through from Houston across the Buck Flats Road, across Matthew Sam's property, across the Nadina River and over to the ranch. We were the first telephone on the line from Houston to the ranch and it extended down Ootsa Lake and it was sometimes as many as 27 people on a party line. But it was great to have it. But if we had a storm and a tree fell over the line, it was sort of recognized as your neighbourly job to get on your saddle horse and ride down the telephone line and when you found the tree, to cut it off and then the line would be no longer grounded and you could again hear on the telephone. If the line was broken you always carried a loop of wire on your saddle horse and would join the line and everyone would be back in business again.

Q Did the telephone -- to your recollection was there a telephone at Matthew Sam's?

A No. No.

Q And how about Jimmy Andrews?

A No. No. They never had a telephone. See, they were eight miles away from the ranch, which Jimmy Andrews was, and so the telephone company, which was a government telephone system in those early days and then later on it was turned over to the B.C. Telephone Company, and they wouldn't extend lines unless there was so many per mile. And --

Q Now, other than telephone and the motor vehicle, were there other technological changes that affected the way of life, your way of life pre-war?

A Well, of course the farm was developing enough by that time that that changed things quite a bit as far as we were personally concerned. It took -- all of the clearing of land was done by hand with a pick and shovel and then we had stump pullers which were like a jack. You would crank them and finally pull a stump out. But I have seen my dad work a whole summer to clear one acre. And by the time World War II came around things were definitely improving, better gardens, more stock, a few more neighbours. All helped. Better stores, too.

Q I will just ask one more question and I will end the pre-war period. Did the family dependence on trapping change up to the pre-war period?

A Yes. A great deal, because we were starting to get some income from the cattle. Even though in the Depression years we were only getting two and a half cents a pound for our prime steers and half a cent a pound for our cows, it did help. So often you would get about $30 a head for your cattle, but $30 was a lot of money in those days.

MR. WILLMS: Thank you.

THE COURT: All right. Two o'clock, please.

(PROCEEDINGS ADJOURNED PURSUANT TO LUNCHEON 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.

Laara Yardley,
Official Reporter,
United Reporting Service Ltd.

(PROCEEDINGS RESUMED AT 2:00)

THE REGISTRAR: Order in court.
THE COURT: Mr. Willms.
MR. WILLMS:

Q Now, you said earlier that you served with the Canadian army between 1939 and 1945 in Europe, and you served -- you were in Italy, France and up to Holland. And you were on a gun crew?

A Yes. I was on an anti-aircraft gun, and it was used for anti-aircraft and anti-tank, both, and also used for shooting up pill boxes. We brought them up to the front line in the darkness and we'd shoot up a pill box and take off before the mortars could catch up with us.

Q And did you have -- were you in charge of the gun crew or --

A Yeah. I was a sergeant of the gun crew.

Q Did you have native Indians on that crew?

A Yes. I had Ray and Fred Prince from Fort St. James. They were excellent people to be with, and they went pretty well all through Sicily and Italy with me and on into into Europe, the rest of Europe.

Q Do you know how they came to be in the Canadian army?

A They were like the rest of us, they volunteered, and there was quite a number of native Indians in the Canadian Armed Forces, and I must say they were -- did very well. They were the same as everyone else. We didn't look on them as Indians or others, we just used to look on them as sunburned Canadians, because we were also sunburned when we got into Italy. Even the barmaids when we got back to England couldn't tell the difference between Ray and Freddie Prince and ourselves. They couldn't pick out they were Indians. We used to test them for a free drink, and we used to usually win on it.

Q And you returned from Europe in November of 1945?

A That's right.

Q And on your return, through either Legion functions or any returning men functions, did you meet any other native Indians in the area who had also fought in the war?

A Well, I quickly ran into one when I came back from overseas. They had a returning men's dance in Burns

Lake, and I took a couple of young ladies to the dance with me, and when we got to the door, he was Moses David, who served with the Canadian Forces. He lived in the Burns Lake district, and they stopped him from going in because he was a native Indian.

Q Who did that?

A The people at the door that were putting on the function for the returned men. And I had had a couple of drinks before I went and was quite upset about it, and said that if they didn't allow him in we would wreck the place. So it was not the smartest thing to say, I guess. Anyway, it worked, and they let him in.

Q And since that time have you or did you -- I take it you know that Moses David is now dead?

A Yes.

Q All right.

A I met him from time to time after that, and we used to laugh about the incident.

Q You know where he lived?

A He lived west of Burns Lake, and I understand sometimes he lived east of Burns Lake in the Perow area, but generally around the Burns Lake area. I used to normally -- every place I met him was in town when I would go to town. We would bump into one another, usually go have a cup of coffee and tell stories.

Q Now, when you returned, did you return to the -- the family ranch at Ootsa Lake?

A Yes, I did.

Q And can you just describe the -- your occupation and -- between 1945 and 1952?

A Yes. Well, I returned to the family farm, and after I got discharged in November '45 I was delegated by the family to feed the cattle on the family farm, and my brother went into contract logging with one of our neighbours, Alan Blackwell, and everything went fine and I was enjoying myself, taking it easy, feeding the cattle, when Alan Blackwell caught the measles and he had to quit, and so I was delegated then to go and get hold of the wrong end of a cross-cut saw to fall trees, and believe me, that's a lot of work, especially when you're a little bit soft. So that was my start in the logging business, and from there on I, with my brother, contract logged for a year and a half with the cross-cut saw and a team of horses, and then we finally bought ourselves the first power saw we could get our hands on, which we thought was just

great, and I continued then to contract log right up until 1952.
Q Now, where did you do your contract logging?
A It was -- we got a timber sale east of the ranch about seven miles, and I stayed right up in camp, because I was single at that time, and fed the horses in the early mornings and everything. My brother was married, so he went back home most nights if the weather permitted. There was no snowplows, so the only vehicle was my Jeep that I bought as soon as I came out of the army.
Q Was the place where you logged close to Ootsa Lake?
A It was back from Ootsa Lake about two and a half miles.
Q So you were about seven miles east?
A Yes.
Q And two and a half miles?
A Back.
Q Back, being north?
A North, yes.
Q I understand that your mother died in 1945, shortly before you returned from Europe?
A That's right. I heard about it the day the war ended.
Q And your father remained at the ranch, I think you said already, until he died?
A That's right.
Q You were married on June 9th, 1948?
A Yes.
Q And I understand that your book "From Snowshoes to Politics" should be corrected?
A Yes. My wife reminds me of that very regularly.
Q Now, where -- after your marriage where did you and your wife live?
A We lived on the old ranch at the old Shelford Ranch, and my two brothers moved to Wistaria, where we had bought another three quarters of a section of land, and so they ran that part and my eldest brother and I stayed on the home ranch. I ran the ranch part and my brother looked after the foxes and mink and caught fish and such like to feed them. And that lasted for -- went three years, and then my brother left the ranch, he got married and left the ranch and started a store in Burns Lake, and later a second one in Decker Lake.
Q Now, you mentioned the -- I think you mentioned a sawmill, but if you didn't, you and your brother had a sawmill?

A Yes, we did. We contract logged for several years, and the sawmill we were logging for couldn't keep up with our logging, so we decided we'd buy a sawmill ourselves. So it was one of my first experiences with a bank after I come back from overseas. I wanted to borrow $750 to buy a sawmill, and they said "You're a poor risk, you've got to have lots of money to go into the sawmill business". So I went to an oldtime logger that sold ties to the Canadian National Railway, and he said "Oh, $750, we can print that much tomorrow", sort of thing, and he gave it to me, and we paid him back within a month after he gave it to us.

Q Where was your sawmill?

A It was in the same location where I was contract logging in the Richardson Lake area, seven miles east of the ranch.

Q Now, what -- were there particular times of year when you were not logging or not working at the sawmill?

A Oh, yes. In the spring in that part of the country and in the fall it gets so wet that even horses can hardly move around skidding logs, and so most of our work was done in the wintertime, and the summer we were mainly farming anyway, so it worked pretty well. A lot of the sawmills at that time were cutting railway ties and railway decking for the C.N.R.

Q And what were you doing after you returned from the war? Were you trapping?

A Yes. I usually would start off early in the season trapping, and after break up started to come I would do some trapping in April and early May.

Q All right. And you were trapping -- it was still your father's line?

A Yes. Up until 1951, when he died, and then it was transferred to me.

Q To you? Now, other than you've described farming in the summer, logging in the sawmill in the winter and some trapping, what other outdoor activities did you do after you returned in '45?

A I don't think anything other than that, except in hunting and fishing, of course, for leisure, mainly. I joined the -- naturally, being a rancher, at that time I joined the Farmers' Institute and was soon a director of the Farmers' Institute. My uncle was secretary-manager, and so we made visits to Victoria every year to present the Farmers' Institute position to the cabinet. They met with the cabinet every year, and we all -- we had district A,B,C,D Farmers'

Institute in different areas around the province, and at each end they'd each send one delegate to meet with the cabinet.

Q What district were you in?

A District B, which included from Burns Lake to the Queen Charlotte Islands. District C was Prince George east to McBride, District J was up in the Peace River region. It was quite an interesting organization, because there was so many different lines of agriculture involved, from the grain farmers in the Peace River to the apple growers of the Okanagan, and vegetable growers of the Fraser Valley, and of course the cattle growers of Kamloops, Williams Lake area and Bulkley Valley. They were an interesting organization. They're still around today.

Q Did -- was that your first experience going to Victoria and speaking to government?

A Yeah. My uncle went as a delegate, I didn't go on that.

Q All right. Now, after you returned from the war, what can you say about Jimmy Andrews, Mathew Sam, and the Morrises in terms of what you described of their life before the war and after the war when you came back?

A I don't think their life-style changed really that much. They still trapped in the winters, and fished and that and hunted during the summer-time, and sometimes they would move to Burns Lake for a holiday for a week, ten days, sometimes a little bit more, but I don't think they really changed that much until the flooding of Ootsa Lake came along.

Q So when you came back from the war Jimmy Andrews was still on Ootsa Lake?

A Yes.

Q And you still visited him?

A Oh, yes. He would come and work in the forest once in a while.

Q And what kind of work did he do?

A One of the things he did, we decided we were going to raise beaver, because the beaver population went down to practically nothing, and so finally we found a pair of beaver from a farmer about 25 miles east of our ranch, and so we went down there and caught two of these beaver and brought them back and put them in a pond we were trying to make, and they did real well, and in order -- we wanted to keep them there so that we could raise pelts and have a regular beaver farm, and so we had Jimmy Andrew help dig a ditch around an

80-acre swamp, and that was quite some job because of the roots and everything in the ground, had to carry an axe and a sharp pick, and it was a real big job, and Jimmy Andrew worked all summer for us on that, along with us. We worked right with him. That was part of our job when we weren't doing our school work, like on Saturdays and after school.

Q Was this before the war or after?

A That was just before the war.

Q All right. And that's -- you brought, though -- the beaver you brought in before the war?

A Yes, just before.

Q All right. Now, after the war did -- was Jimmy Andrews doing any work for you or for your father?

A He came in sometimes helping us haying.

Q I take it Mathew Sam was still living in Francois Lake?

A Still at the head of Francois Lake. We didn't see him quite as often after the war, because by that time we were going more to Burns Lake and we would go down Ootsa Lake and across to Francois Lake and across the ferry rather than going around the head of the lake where Mathew Sam lived, because the road was so bad that you would get stuck most of the time going through it.

Q You mentioned the Morrises. Were they still, when you returned from the war, coming too?

A Yes. They were still doing their trapping and travelling through our ranch.

Q Were there -- between 1945 and 1952 were there other native Indians that you met or knew of in the area, in the Ootsa Lake area?

A No. Except in picnics such like we would see some of them there, but otherwise, no.

Q Any people working at the sawmills or --

A There was quite a number of native Indians worked in sawmills in the area. There was 81 sawmills south of Francois Lake. There were mainly two-, three-, four-men mills, and they brought the standard of living in that country up a great deal, because rather than even the native Indians relying on trapping alone, they were moved into the sawmill field as fallers, skidders, working in the mill itself, and soon you saw a lot more brand new pickups around the country, and it certainly helped a great deal. It was the greatest change really in that part of the country, was when the sawmill -- little sawmills

1 started to move in.
2 MR. WILLMS: Now, the --
3 THE COURT: Was that 81 south of Francois Lake?
4 A Yes.
5 THE COURT: Thank you.
6 A I think there's three today.
7 MR. WILLMS:
8 Q And by that you mean between Francois Lake and Ootsa
9 Lake?
10 A That's right. There was over five hundred in the
11 Prince George district.
12 Q Now, in the period '45 to '52, do you recall any
13 change in beaver trapping, for example, compared to
14 before the war?
15 A Yes, because there was a -- a lot of difference
16 between after we got our beaver in the pond and prices
17 dropped to nothing, and you could get them five
18 dollars for a real big beaver, so the beaver
19 multiplied like mad, because one other fellow, Alfred
20 Harrison, brought some beaver into the area to
21 populate the area, and so between our beaver and his
22 beaver and the few that were left on Jimmy Andrews'
23 line, they spread out over that country so fast you
24 wouldn't believe it.
25 Q And you mentioned the price of beaver. How did that
26 price compare to previous prices?
27 A Prior to that, beaver average price was normally
28 around $35, $40, and it dropped right down, same as
29 foxes, mink. That's when we went out of the fox and
30 mink business, because you couldn't get more than five
31 dollars for a silver fox and three dollars for a mink.
32 Our foxes originally come from Queen Charlotte Island
33 or Prince Edward Island.
34 Q Now, in respect of -- and I think in particular beaver
35 trapping, was there an occasion where you were
36 involved in showing beaver trapping to any native
37 Indian?
38 A It was quite interesting, because with so few beaver
39 in the area, of course Jimmy Andrew really had no
40 reason to show his kids how to trap beaver because
41 there wasn't any beaver to trap of any consequence,
42 and so his son Alec -- when I came back from overseas
43 and the beaver started getting plentiful, Alec, who
44 was still quite a young fellow, he decided he wanted
45 to know how to trap beaver, and so anyway, he was
46 camped around our ranch area, and so I showed him how
47 to catch beaver. It's -- it just shows how easy some

of these things that is really common knowledge among a community can easily be lost. They certainly showed me more than I showed them, I have to say that, like Jimmy Andrew.

Q Now, both pre- and post-war up to 1952 in the occasions when you were out on the trapline, on your father's trapline in the winter, did you ever see anyone else on that trapline or any evidence that someone else had been on the trapline other than your brothers or your father?

A No. And it's easy to tell that they weren't there, because when there's snow on the ground, as I always say, the snow tells the story far better than any human being can.

Q And I think you described a bit of this earlier when you were talking about the difficulties in the winter of travelling with the snow on the ground, but were there periods of time of the year when it was extremely difficult if not impossible for you to get to particular areas on the trapline?

A Normally in the end of November and December is rough travelling, because you get very heavy falls of snow and it's loose snow, so when you're even on good snowshoes you still go down pretty deep in the snow and it's tough tracking. Once you get a bit of a crust on the snow later in the winter and the snow packs, it's very easy to move around on snowshoes.

Q Now, both when you returned from the war -- I take it there was a road, and the road you described driving up the stump road, there was a road to your -- the family farm on Ootsa Lake?

A Yes.

Q Where did the road go from there?

A It ended right there. The only -- our road branched off the road that turned and went over to the head of Francois Lake, and that was purely just a wagon road.

Q Mm-hmm. When was the first time that there was a road put in from the family farm to the west?

A Around the time I left -- just before I left the farm in 1967 Eurocan came in and asked permission to put a road through the family farm, which I granted, and then they built roads out to Andrew Bay and put branch roads up on top of Shelford Hills and through that whole country.

Q I'll come back to that. But was -- prior to that road going in, and in particular in the pre-1952 period, was there logging taking place to the west of your --

the family farm on Ootsa Lake?
A No, no. There was no logging at that time. That came later.
Q All right. But you would describe the 81 sawmills, they were between Francois Lake and Ootsa Lake?
A They were scattered along between Wistaria, down Ootsa Lake and over through Grassy Plains, Tatalrose and over to Southbank, and some of it would be five or six miles from the road and some of it would be practically right on the road.
Q Now, before 1952 did you know the Grainger family?
A Very well.
Q And do you remember all of their names?
A Oh, yes. There's -- there was mom and dad -- Mr. and Mrs. Grainger, and then there was Martin, Kay, Barry and Barbara.
Q All right. And you know that Barbara then became Barbara Peden a little later?
A Yes, later on.
Q All right. And you also did -- did you, when you were on your cattle drives or any other times, spend time with the Graingers?
A We spent quite a lot of time, especially in later years, because I used to go hunting ducks and geese with them, and we would go over to their place and have dinner once in awhile. So we were really fairly close, even though we were eight or nine miles apart, or a little more than that apart.
Q And did you know whether any one of them had a trapline?
A Yes. I knew Barry had a trapline, because I used to discuss trapping with him, but we never went out with each other trapping.
Q Did you -- you mentioned duck hunting with a Grainger. Did you do any other hunting with a Grainger?
A Yes. We would go out hunting deer once in a while, and sort of like a Sunday outing, and he would come over and we would go hunting for awhile and didn't care too much whether we got one or didn't, and they would stay for dinner and have a few beers and generally enjoy ourselves.
Q After the war up to 1952 were you hunting with Jimmy Andrew?
A After the war?
Q Or his family?
A I would say no. I don't think I fished -- or hunted with Jimmy after the war, but I fished with Jimmy

1 several times.
2 Q After the war?
3 A Always through the ice in the wintertime.
4 Q How about the family? You said they had eight
5 children. Do you remember how many were still there
6 after the war?
7 A I went -- after the war I would think they were all
8 there. It was about that time that Tony would be
9 leaving, and I think he went out and worked in the
10 sawmill, and Alec, he went truck driving, and Peter,
11 he was certainly involved in the forest industry
12 fairly quickly, and so that helped their way of life,
13 of course, the same as it helped ours.
14 Q How about the daughters, did they go out and work, to
15 your knowledge?
16 A Not to my knowledge, but I'm not saying they didn't.
17 I just got busier with other things and I guess I
18 didn't see them as much as I did the boys, because
19 they were involved in the forest industry.
20 Q Now, after the war do you remember hunting with Mathew
21 Sam or his family?
22 A No, I didn't.
23 Q And in 1952 you became the member of the legislative
24 assembly for the Omineca riding?
25 A That's right.
26 Q Maybe can you just describe what it was, if there was
27 something in the community, or something that
28 interested you in becoming or seeking political
29 office?
30 A Yes, there certainly was. We were sort of minding our
31 own business doing our thing in the sawmill business,
32 and Alcan came along to flood the Ootsa Lake country,
33 and where I was living on the old ranch it wasn't
34 going to be flooded. So people came to me and said
35 "Well, you'd know a little about organization, what
36 can we do", and so I advised they get themselves
37 together and elect a chairman and take a delegation to
38 Victoria to protest the granting of the right to flood
39 the area before a settlement had been reached with the
40 population of the area. And so I arranged the meeting
41 and went to the meeting to tell them how to do it, and
42 they elected me chairman, which I didn't particularly
43 need, and so I led a delegation of five other people
44 to Victoria and met with the Premier and Minister of
45 Lands.
46 Q What year was this?
47 A This was in 1951.

Q Now, just backing up a minute, in terms of the community meeting and the discussions that you had with people in the community, was it restricted to non-native community or --
A No, no, no. Just people that wanted to come.
Q And there were native people?
A I believe there was. I was disappointed, of course, that they all didn't come.
Q All right. Now, you led the delegation to Victoria, and just generally what then took you into politics?
A And after the government told us there was nothing they could do, they granted the rights to flood us out, and we couldn't do anything with them. And so I said that if that's all they cared for the average person of British Columbia I would run in the Omineca riding and take it myself if nothing else, and they had a good laugh and asked what political party I belonged to, and I said "I don't belong to any, I vote for people not parties", and they had another laugh. And so I went to see Harold Wench, and I think he had had a bit of a party that day and wasn't his best, and so I ended up meeting W.A.C. Bennett, and that's how I got involved in -- I took a bunch of memberships back to Burns Lake and sold them.
Q And what memberships?
A Social Credit memberships.
Q All right.
A I was like the rest of the people of the province at that time, we didn't even know what it was hardly. We knew we didn't like the other parties. It didn't make any sense. When I was in Italy, if we wanted to build a road we built it in a matter of days and weeks and money was always found. When I come back nothing was happening in the building of roads, and it seemed such madness that you could find money for us to shoot someone we had never seen, and my good friend Jimmy Andrews used to say "What the heck were you doing over there shooting at someone you never seen", and I would say "Well, defending freedom". He said "Well, we have lots of freedom right here". And that's interested me in politics and motivated me to come into politics, was my experience in Italy and Sicily to see young people from both sides being shot, for what.
Q All right. And so you came back and you distributed these cards and how -- do you remember what you ran as?
A I just ran as a Social Credit member, but we didn't

have a leader in '52, so we really got elected as independents, and after 19 of us got elected then we elected W.A.C. Bennett as our leader.

Q Now, during the campaign, and maybe if I can just show you Exhibit 46A, which shows the electoral districts, I believe as of 1984, you will see in the lower right-hand portion in green "Omineca Electoral District", and then in yellow, "Skeena Electoral District". Just starting with the boundary between the electoral districts, is that approximately where the boundary was when you first ran?

A Approximately, yes. The boundary is just between Smithers and Telkwa on the west, and then it goes to Bentzi on the east, which is west of Prince George, half-way between Prince George and Vanderhoof, and then it went from the south down below the Nechako River, foot of Ootsa Lake, clear through to the Yukon boundary in those days was 56,000 square miles of territory, and the only way to get to some of the areas from Fort St. James, you had to go by riverboat up to the Indian villages of Takla and Drambler(?).

Q So the map that I just pointed you to, Exhibit 46A, the electoral boundaries were different when you were first elected in 1952?

A That's right. Later on, when North Peace River was put in as a riding, it took the northern part of Omineca into North Peace River, which made sense, because the only way you could get to the northern part of Omineca was drive up to Dawson Creek, Fort St. John, Fort Nelson, and up to Watson Lake up in that part of the country, so it did make sense.

Q Were there, in your first election, native indians that were part of the electorate?

A Oh, yes. They had only just recently got the right to vote, and like all people that -- in a democracy when they first get something like that they value it a great deal. Of course we have had it so long we don't value it like we should, but they all came out to meet us, practically -- you would go to a meeting like Stony Creek or Nautley or Stellako, and they would practically all turn out, and I enjoyed very much my meetings with the native people all across the Omineca riding. They were always very nice to me, they would take me in their motorboat here and there, and it was one of the best parts I would say of my life, was the friendships I was able to build up with these people.

Q And did --

A They were wanting really the same thing that the white people wanted, and they wanted roads, they wanted bridges, they wanted electric power. There was no electric power in the riding of Omineca when I was elected in 1952. The only electric power was a diesel generator in Prince George, Vanderhoof, Burns Lake, and Smithers was outside of my riding. Houston and some of these others didn't even have a diesel generator, we were still on gas lamps, candles, coal oil lamps, and so there was lots of challenges, and it was an exciting time to be there.

Q Did -- were there native people who worked for you during that first campaign?

A Oh, did they ever, yes. They certainly did. It was quite often that meetings in like Burns Lake and Fort Fraser, Fort St. James, the majority of the audience would be native Indians.

Q And do you remember the names of any of the people who helped you during that election campaign?

A I certainly remember my good friend Patty Leong at Topley Landing and Jimmy Donald and Michelle Charlie and the Princes at Fort St. James, who I knew so well in the army. Their dad was one of my stalwart supporters in the Fort St. James area.

Q How about from Burns Lake?

A Frank Tibbets was very helpful and Maxine George at the Nautley Reserve was good, and I have to say they certainly played a very important part in the political field at that time.

Q All right. Now, the flooding of Ootsa Lake started in 1952, and I take it that affected the Andrews family?

A Yes, it did, very much so. Because I was chairman of the group that was elected by the area to get a fair deal from the Aluminium Company of Canada, and so I wanted to take Jimmy Andrew, naturally as a friend of the family, under my wing, and I was told by Indian Affairs to mind my own business, that was strictly a federal affair.

Q All right. Did Jimmy Andrew and his family move?

A Jimmy Andrew and his family moved when the water started coming up, yes, and they were moved -- the Indian Affairs bought them some land out in the Uncha area, and they moved out there.

Q All right. Could you mark on the map where the Andrews family -- did you go to where they moved to?

A No. I never did.

Q All right. Well, so you never did see where?

A Not exact lot they were on, no.
THE COURT: Where was it?
A Uncha Valley, it's east of Southbank on Francois Lake.
MR. WILLMS:
Q After --
A But he also spent some of his time even at the head of Francois Lake along where Mathew Sam lived, so they moved around quite a bit after the flood.
Q Did he live at Francois Lake for quite a while?
A He lived at the head of Francois Lake not far from Barry Grainger and then lived close to Mathew Sam.
Q Did you still -- after he moved did you still see Jimmy Andrew from time to time or his family?
A From time to time, but not as much as I did before, because it just wasn't the same as when I was on the ranch, and he would come to the ranch for various things, either to telephone or whatever happened to be, so I did see him. Like I'd see him in town and sometimes I would see him on the ferry and such like, but I didn't have the same closeness as before that, because we didn't go fishing like we used to.
Q All right. Did you, either from personal observation or from discussions with Jimmy Andrew, did he continue to hunt and trap?
A Yes. I'm quite sure he did. I think he hunted and trapped until he died.
Q He died when?
A I'm not sure of the date, but actually he was killed in an unfortunate dispute with other natives of the area.
Q You don't -- sometime in the -- do you know when he died?
A I would think it would be in the 60's, late 60's or middle 60's, I would think, but I must say I really don't know the exact date.
Q Now, do you either know either from personal knowledge or from discussions with Jimmy Andrews after 1953 know where he hunted?
A He mainly hunted if he was at a place at Uncha Valley he hunted south, mainly south of his location, or if he was up around Mathew Sam's place he would hunt north of there in Crown land north of the reserve area.
Q And in respect of trapping, either from your own observations or from what Jimmy Andrew told you, do you know where he continued to trap after 1953?
A No, I really don't.

Q How long did you -- you inherited your father's trapline at Ootsa Lake?
A Yes.
Q And how long did you continue to trap that line?
A I trapped it right up until 1968. And my brother's son-in-law, Klaus and -- he rented it to trap, and my brother and him trapped both my line and my brother's line.
Q Mm-hmm. And I understand between 1952 and 1968 you were re-elected five times?
A That's right.
Q And in 1968 that's when you became the Minister of Agriculture?
A Yes.
Q How was it that you could be a member of the legislative assembly for that period of time and also trap? How much time did you spend at Ootsa Lake during that period?
A Well, see, in those years the session only lasted from the second week in January until Easter, and it was a good system, I have to say, because members now spend so much time in Victoria they don't have the same closeness to their constituents than they did then, because now the sessions are so long that their constituencies sometimes wonder who their member is, and it's unfortunate, because I know, of course, Jack Kempf quite well in the area I used to represent, and people say to me "Where's my member, you were always around here, how come he isn't here", but the whole system is different to what it was when I was there.
Q All right. But other than -- so from mid January to Easter I take it you would be in Victoria. Would you be in Victoria at any other time during the year while you were an M.L.A.?
A Not too often. You -- there would be some issues come up that I would be required to go to Victoria, but not very often. Sometimes if there was a delegation, say from any organization, that wanted to go to government and raise heck because they weren't building the roads fast enough or rural electrification fast enough, they would say they would like to go to Victoria, could you arrange a meeting with the Premier or minister concerned. So I did go occasionally, but it wasn't very often really.
Q During the period while you were an M.L.A. before you became a cabinet minister in 1968, how often did you travel through the Omineca riding?

A I used to make a point of always travelling once before the session so that I could find out what the problem areas were, and then I would make another trip around after the session to explain what had happened for anyone that was interested. I was always dissapointed that there wasn't as many people turn out as should have turned out to find out what their member was doing, even though they were only paying us $2,800 a year in those days. I thought they should come out and find out what we were doing for them.

Q All right. In your -- in these pre-travel -- pre-session and post-session travels would you just go to the major communities, or where would you --

A I would go mainly to the major communities, but I would -- while I was say in Vanderhoof, I would go out to Stony Creek in the daytime and talk to the chief or whoever was interested in talking to me about problems, usually how to -- when are we going to get hydro power into the reserve, which was a very legitimate question, and so if someone asked me that I've got a problem at Stony Creek or I've got a problem up Takla Landing, I would make an attempt to get there.

Q Did you attend at native villages as well?

A Yes, yes. Anytime that I was asked to go and it was possible to arrange a meeting time I would go. If not, I would meet with individuals that had a particular problem.

Q What names did you know for groups of Indians in the area of the various villages at that time?

A Well, I mean at that time it was just like the Burns Lake band, the Babine band, the Stillako band, the Nautley band, the Fort St. James, Stony Creek. That was the only names that I knew of.

Q All right. How about Grassy Plains?

A Grassy Plains. Well, I was there regularly, of course, because I went by there every time I went to other areas, unless I cut across by the head of Francois Lake and over to Houston and joined the Morice River Road.

Q Did you know of a name for the group of people living at Grassy Plains?

A Just Grassy Plains is all that I was aware of.

Q And Drummond Lake?

A The same thing.

Q There have been Indian names mentioned at this trial. Did you hear the name Carrier in that period, '52 to

'68?
A The Carrier Indian name of course was well known during that period and no doubt before, Carrier was, but --
Q What did you understand that it meant?
A Not really.
Q Did you understand anything about what it meant?
A No. I knew it was a name for a group of Indians in that particular area, that's really all I really knew. And as far as representing the area, we never looked on anyone as native or white, it was people with problems, and of course that's the way it should be too.
Q Now, in that period, '52 to '68, had you heard the name Wet'suwet'en?
A No.
Q All right. Had you heard --
A I never heard of that until very recently really.
Q Had you heard the name Gitksan?
A No, not until certainly after the '75 election -- certainly then I heard about it.
Q In the 1952 to 1968 period what -- did you hear or do you remember names of clans or houses?
A No.
Q In that period, and I shouldn't just say 1952 to 1968, because you were a member until 1972 of the area, so but in that 20-year period did you hear the name or title "chief" being used in relation to people in the area?
A Oh, chief, yes. That was very commonly used.
Q All right. And do you remember names of any chiefs that you knew or heard that were chiefs?
A I knew chief Pat Leong and Chief Tibbets and Maxine George at Nautley, and Prince at Fort St. James, yes. I knew some of them, because that's quite a long way back, and my memory is not always -- on names is not the swiftest.
Q And what was your understanding at the time of what they were chief of?
A Of that particular band.
Q In your travels in the 1952 to 1972 period in Omineca, I take it you came to know a number of people in the riding, you met people in the riding?
A Yes. I got to know a lot of people. That was one of the nicest parts about being in politics, was the nice people you met. I have to -- you met some of course you wish you hadn't, but the majority of people, if

you treated them as such, they're nice people.
Q Right. And do you know from the -- from that period of time approximately how many of your constituents or of the electorate were native versus non-native?
A I would guess, and it would be a guess, but I would say it would be roughly a quarter, but again I must stress that we didn't look on people as natives or whites. It was -- they were just people, and that was what I lived with during my years in the army, and I liked it that way, and I think all of us as Canadians should like it that way.
Q I take it that you had from constituents, and I'm not drawing any distinction between native and non-native, you had letters from constituents during that period about certain concerns that they had?
A Hundreds. But I did -- I did get involved with so many issues during my time as a member, like the gasoline inquiry and rural electrification. At one time I counted my letters and I found that 85 percent of all my letters came from people outside of the Omineca riding: Vancouver, Vancouver Island, Kootenays, Okanagan, because they were interested in some of the issues that I was taking up before the legislature.
Q What did you do with the letters that you received from constituents?
A I tried to answer all of them. I don't say I always -- no doubt someone would be able to say "You didn't answer my letter", but if I didn't it was by accident, because normally I took a letter, acknowledged that I had got the letter, and then I would go through the Ministry, whether it be Forests or Hydro or whoever it happened to be, and I would say what the information on this particular issue, because I want to reply to Mr. so and so in Skeena Crossing or wherever it happened to be.
Q And do you remember what happened; do you still have those letters?
A No. When I -- when I left government when I was defeated in 1972 I was one of the few I guess that stayed behind and met with the new minister, who was Dave Stupich of the N.D.P. and said "Now, all of my files are intact on various issues, and I would like to -- I will leave these with you in this office because when I -- you're dealing with getting a power line into the Kispiox or into Stony Creek", some of the letters are useful for the next person and to get

the project moving.
Q All right. He was the Minister of Agriculture?
A He was the Minister of Agriculture, yes.
Q Were those the M.L.A. files you left with him?
A I left everything.
Q Omineca M.L.A. files?
A I left him there. I told my secretary, who -- she left right away after I left -- that they might be useful to the new member of Omineca, and if they were -- feel free to pass them on because it was nothing secretive and shouldn't be. Letters that are addressed to members should be used no matter what party happens to be there.
Q Okay. Did you in respect -- and this is just based on your general recollection, were there any -- and I know you've said from time to time that you looked on your constituents as constituents, native or non-native, were there any different issues raised in letters from native constituents different from those raised by non-native constituents?
A Generally, no. The only thing that might be extra would be housing was always a greater problem in the native villages than it was outside, and most of the issues such as that I would acknowledge the letter and say that I would communicate with the people in -- the member in Ottawa, and they should receive a reply direct from the member, which I think they did in most occasions. I would hope, and I also would mention that if you don't get any satisfaction be sure and write me back.
Q Now, in terms of general concerns, what -- from your members, from the constituents in Omineca, what areas were -- you mentioned electrification and roads?
A They were two of the main ones. Of course telephones would come into it as one of the important ones. Some would have problems with getting timber sales, some at that time wanting to move off the reserve and get Crown land, for instance. So there was a variety of problem areas that people wanted information on. Some wanted to know how to organize say 4H clubs for young people who -- what organizations were available like the Farmers' Institute, what could they do for you.
Q Were there letters about land uses, logging?
A Yes. There was land usage. Certainly quite a few trapline owners would write and say the clear cut in my particular area is affecting my trapline, and I would take it up with the trapping division of

recreation and conservation, it was at that time, and now it's under the environment department.

Q Now, did you in respect of the letters from constituents on road, on electrification, and you just mentioned the trapline or the other issues, did they break down on native/non-native lines?

A Not really. I think they took a very reasonable approach. They addressed the problem rather than getting to those kind of issues. It's surprising how straightforward most people are when they have a problem. They will go to their member and they say "I want electricity, what do you want to do about it", and that's the way it should be.

Q And in terms of the source of the complaint, did the sources break down? In other words, were you getting more of a particular kind of complaint, like electrification and road from some constituents, non-native than native or --

A No. It would break down about even. I think the only place -- later on in my time in office of course we got electricity to places like Vanderhoof and Fort Fraser and Burns Lake and Houston and Telkwa, so you wouldn't get any letters from those areas about electricity, because they already had it, and so then you would get more letters saying "Well, the power comes to Vanderhoof, I live four miles south, why can't I get power". So I would write back to him and say "Okay, give me a sketch map of the places along the road, and if there's more than three per mile I can take it to Hydro, and likely we will be able to get a power line", so -- and if you didn't have anyone for seven miles and you had a little village say like Stony Creek, then your chance of getting power were really very good.

Q By the way, when did power reach the ranch on Ootsa Lake?

A It never did reach the ranch while I was there. I sold the ranch before power came into the Ootsa Lake country, and I was Minister of Agriculture and I was able to persuade Hydro that there should be power into areas such as this because it was X number of people per mile, and it was the head of some areas they were looking at, so every member tries to make the best case he can for the people of his area, and if he's strong enough and can present a good case, normally he gets power to those particular areas.

MR. WILLMS: Perhaps we can take the afternoon adjournment, my

lord.
THE COURT: All right.
THE REGISTRAR: Order in court.
(AFTERNOON RECESS TAKEN AT 3:00)

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

Graham D. Parker
Official Reporter
United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COURT: Mr. Willms.
MR. WILLMS: My lord.
Q Now, you -- while you were an MLA between 1952 and 1972 you continued to farm at Ootsa Lake?
A Yes, I did.
Q And did you continue to trap?
A Yes. In the early part of the winter and sometimes in the spring.
Q And that was on the trapline you had inherited from your father?
A Yes.
Q What other work did you do in addition to farming, trapping and being an MLA?
A Well, I ran a guiding outfit in the fall between when season started in September through to -- it used to go to December 15, but later on the season was cut back and cut back and now it's back to about the end of October I believe, which had to be.
Q Were you a guide outfitter or were you on --
A No. I was just working with a guide outfitter.
Q And who did you -- and maybe if you can just have reference to Exhibit 55C. Who was it that you guided for?
A Allen Blackwell.
Q That's A. E. Blackwell in the lower middle portion?
A Yes. This map is not the same map, same area as when I guided with and he went a way back into over here at that time.
Q You are pointing south off the map?
A That's right.
Q Right.
A And then I guided with Stanley Blackwell later on.
Q And that's S. Blackwell in the lower left-hand portion with the number eight?
A That's right.
Q And you notice his area comes right through to the ranch area.
A This very thin line through here comes through to here.
Q Now, did you guide for anyone else or guide in any other areas?
A No. No. I was a full partner with Stanley Blackwell and the name of the guiding area was in his name.
Q Did you -- now, there are some other names, J. R. Gourdeau with a nine in front of it. Did you know Mr.

Gourdeau?
A I knew him quite well. In the summertime we usually drive up to the road to Gale Lake where he has cabins and have a coffee with him and that's all. I never guided with him.
Q And over to the right, lower right in the middle number ten, H. S. Cowan. Did you know him?
A Very well. He was in the same unit as I was in Sicily in Italy.
Q And you knew him as guide outfitter?
A Yes.
Q And also just above him, number 15, H. H. Thom?
A I know him too.
Q Do you remember what his first name was?
A Harold.
Q And then there is down -- working down, number four, J. R. Comeau?
A I don't know him.
Q A. J. Van Tine, V-a-n-T-i-n-e?
A Van Tine.
Q Van Tine?
A Yes. He was brought up on the Ootsa Lake there, a very large family, and I know his family very well.
Q The name right now is B. Peden. You have already said you know Barbara Peden?
A Yes.
Q Did you know who guided there before or who had that territory before?
A No, I don't really
Q And then W. Barnett?
A Yes, I know the Barnett family. They had a farm between Topley and Smithers -- or Houston, but I don't know anything more about it than that. I bought a horse from him at one time.
Q Were you aware, and by aware I mean did you have personal knowledge of any native Indian guides in either the areas where you have guided or the adjacent areas?
A Well, there was two native Indians working with Allen Blackwell as guides. Donald Jack and Charlie Michell from the foot of Ootsa Lake. They are both good guides too.
Q Charlie Michell was from Ootsa Lake. Was Donald Jack from Ootsa Lake as well?
A He was from Grassy Plains.
Q And you talked with them from time to time?
A Oh, yes. Any time I see them in town we usually talk

to them and I don't see much as with Michell. He's gone up in years now and I don't see him as much as I used to.

Q Now, during the discussions with them about their guiding, did you talk to them about their hunting, whether they hunted themselves?

MR. GRANT: Well, I am not sure there maybe something here. All I have is that he -- the witness sees them in town and talks to them. He hasn't raised anything that he's talked to them about their guiding or their other activities. My friend maybe can lay a groundwork for that.

MR. WILLMS: I thought I did, but I will try it --

Q Did you talk to Donald Jack or Charlie Michell about guiding?

A Only just memories of camping out on the mountain in the snow storm. That sort of thing. Otherwise no.

Q All right. But they did talk to you about that?

A Yes. Yes.

Q And they talked to you about them doing guiding work?

A Yes. They enjoyed, of course, friendship we had together as guides and the good times and the bad times we had at packing over the mountains, because we -- we were packing close to 35 miles from the boat landing. We went, took the horses across in a scow and then packed them up and went over three mountains, Mount Wells, Tweedsmuir, Machele and over into the lakes below Machele Mountain. And so you get to know people pretty well when you are with them day and night in snow storms and good times.

Q Were you -- did you guide with them?

A Yes.

Q Did you ever hunt with them?

A No.

Q Did they ever talk to you about their hunting?

A Only to say that they figured they were pretty good hunters. Same as most people think they are good hunters even if they are not. They likely were good hunters. They were certainly good guides, so they must have been good hunters.

Q Was there a point in the period '52 to '72 when you stopped guiding?

A It would be '54 roughly when I -- it was '54 when I started guiding for Allen Blackwell and before that I might just take someone out, come to the ranch and I would take them out from there. But when I was with Allen Blackwell I used to stay out for two months at a

time. I'd go across to the far camp area and then Allen would fly hunters in from -- for the next trip. The first trip they would go over the mountain on pack horse and saddle horse.

Q What were you hunting?

A Hunted mainly caribou, grizzly bear and moose. Some black bear. Oh, and goats. Yes. We hunted goats too.

Q Now, you started in 1954. Was there a time when you stopped guiding?

A No. I guided every fall and right through to '68.

Q To '68?

A Yeah.

Q When you became a minister of -- the Minister of Agriculture?

A That's right.

Q How about trapping, was there a time when you stopped trapping?

A No. I trapped some every year right through till '68.

Q And in '68 did you do -- what did you do with the trapline? Did you --

A Well, I just rented it out to Claussen and him and my brother trapped it.

Q From '68?

A '68 till I sold it to Gary Blackwell.

Q And when did you sell it to Gary?

A '60 -- or '85. '83. '85. Yes, '85.

MR. GRANT: Who did you sell it to?

A Gary Blackwell.

MR. WILLMS:

Q Was there a time when you moved off or sold the farm at Ootsa Lake?

A Was there a what?

Q When -- did you -- was there a time when you moved away from or sold --

A Yeah. I sold the farm in 1968 when I joined the Cabinet. We -- my wife stayed there. I was appointed in May of '68 and my wife stayed there till after the summer holidays and then we moved to Victoria.

Q Now, in the period '52 to '72 can you describe some of the industrial development in the Shelford Hills/Ootsa Lake region?

A There was really no development until '67 is when Eurocan started to come in.

Q And you've described that earlier. That's when the logging started to the west of where the farm was in Ootsa Lake?

A Yes.
Q And did you during that period visit any of the logging areas or sawmills in the area?
A Oh, I visited the logging areas every year because I wanted to see what they were doing, whether they were planting trees, and I have to say Eurocan did a very good job of planting trees as soon as they cut them -- cut the old growth. And there was a good new growth growing in the area, so I go and take a look at it every year and see how it's coming along. And if there are new areas logging, had they been planted. And I would say it's one of the best examples in the province is the Eurocan area west of my ranch. They may have known that I was watching it, because I was chairman of the forestry committee for seven years when I was in the legislature.
Q And do you know the areas that you have been watching I take it up to the recent times?
A Yes. I was out there last year and the year before too. I go out every year.
Q Do you know how it was logged the first time? Were you there?
A Yes. And I had three nephews that were working on it besides. It was clear cut.
Q Now, in the logging in the area and in the sawmills in the area, what can you say about employment of native people during the '52 to '72 period --
A Oh, it was --
Q -- from your personal knowledge?
A They were -- there was a lot --
MR. GRANT: Well, now, my lord, I just wonder -- I mean there has been no evidence about -- from this witness of him working in the sawmills or anything else. I am not certain -- my friend tries to cover his question by saying from his personal knowledge.
THE COURT: I assume that he means either worked there or he walked by and saw it.
MR. GRANT: That's what I assumed too, but I'm not -- there is no groundwork for that. And if the witness understands clearly it's from his own observations, then that's fine. I'd like to know how he knows. Maybe something he was told.
THE COURT: Mr. Willms.
MR. WILLMS:
Q Well, either based on your employment of native people while you owned the sawmill that you gave evidence about earlier today or during the personal

observations of either logging in the area or sawmills that you visited in the area, what can you say about native employment in either logging or the sawmills between 1952 and 1972?

A Well, next door to where I had -- my brother had the sawmill, Allen Blackwell had his sawmill and he employed two natives and then my brother-in-law, he ran a larger sawmill of about eight or ten people and he had two or three natives pretty well all the time he was sawing in that area.

Q All right. And did you observe the types of occupations that native people were engaged in in that period?

A They were really engaged in pretty well all areas right from falling to bucking, to skidding, to sawmill work, carrying slabs or whatever. So they were -- it was no different to white people that were hired. There was some excellent fallers and excellent skidders and some good, some bad, like everyone else.

Q In respect -- and this is from your personal knowledge again of the development that you saw in the area between 1952 and 1972. Can you describe other land development in the Ootsa Lake/Shelford Hills, the area between Francois Lake and Ootsa Lake in that period?

A Well, I think we dealt with the flood in the Ootsa Lake by the alcan company. That was one of the major changes in land use in that particular area. There was no mines in that particular area even though there was a lot of interest and staking and such like, but there was none ever developed into a mine and so that pretty well covers it, I think.

Q Farms?

A Farms. After the flooding there was less farming because there was less good land available. Good land was mainly flooded. Like we lost 1800 acres of real good land. That's under 140 feet of water now. Then we lost a half section at the head of Ootsa Lake which was also excellent hay land.

Q How about ranching?

A Well, I should have said ranching. I guess I said farming. Because it's mainly ranching in that area. There are a few grow grain, but it's only just to feed their cattle. It's pretty well all used.

Q Now, from your own personal observations in the area 1952 to 1972, what can you say about employment of any native people other than the forest industry, other industries?

A There was quite a number were employed, like up at Granisle Mines and Bell Copper Mines on the Babine Lake. There was quite a number of natives that were working up there. And in the very early years there was some working in the mines up by Fort St. James. And also at the mine, Endako the molybdenum mine.

Q Any other industry or employment?

A Not that I can think of. Of course some of them are hired by the Department of Highways and some are used on telephone hydro crews. Pretty well -- during that period of time from '52 to '72 anyone that wanted to work could find work in that area. It was a good time for people that were looking for employment and quite a few came from various parts of the country because there was opportunity. That's not true today.

Q In that period 1952 to 1972 in the Omineca riding, can you estimate about how many of the native constituents of your riding you would talk to each year?

A I would -- I would think in a year likely I'd speak to certainly a third of them. Either at picnics or meetings or at visits to various areas. I'd meet an awful lot during a year.

Q Now, you've already given evidence about 1968 and certain things happening, renting the trapline, selling the farm. When you became Minister of Agriculture did that affect the amount of time that you could spend at Omineca?

A Yes, it did a great deal, because actually I was responsible for various programs in agriculture and spent a lot of time in other areas of the province and went on trips back to Ottawa to discuss Canadian agricultural development, even international agricultural development. So it took a lot of my time. And being a minister is not a plus in politics today where it used to be. It's a minus now.

Q Now, you moved -- you obtained a residence in Victoria?

A Yes.

Q And did you continue and do you continue to reside in Victoria?

A When I was defeated in '72 -- I should point out that even as a minister I was only paid $18,000 a year and a skidderman was getting 24 or 26 and my deputy was getting that. And so I was stone broke when I was defeated after the election campaign. So I had to sell my house in Victoria in '53 and I moved to Terrace.

Q You mean '73?
A '73, yes.
Q Okay. Now, just in terms of the time while you were the Minister of Agriculture from '68 to '72, about how much time during the year would you be able to spend or did you spend in Omineca?
A I still made my two trips a year, once before a session and once after. And then I would spend at least a month up in the area in the summertime as sort of a break to get my thinking together on what I was going to do when I got back to Victoria. That's something that's very important in public life today is to have enough time to deeply think about what you are going to do in the future. It's too easy just to bandaid various issues and not get at the roots of them.
Q Now, I understand that in -- was it in 1970 that you purchased another place close to Francois Lake?
A Yes. I purchased two and a half acres of land. It was the lease my brother owned, a grazing lease, and he released two and a half acres and I bought -- well, I got a lease on that. Later bought.
Q And I wonder if you could just mark with a five and a circle around it on Exhibit 55C where you -- where that location, the two and a half acres on Francois Lake was.
A Right about here.
MR. GRANT: What number is it again?
A Did you want it marked.
MR. WILLMS:
Q Number five.
A Number five.
Q Right. And you are on the north shore of Francois Lake?
A Yes. Here's the ferry landing right off there.
Q Between the west end and the ferry landing?
A Yes.
Q How far was that from -- that was east of Noralee?
A Yes. Quite a bit east of Noralee. It would be I would think eight miles east of Noralee.
Q Now, during this period did you still know Matthew Sam or speak to Matthew Sam?
A I saw Matthew Sam occasionally right up till he went.
Q Up to when he died?
A When he died, yes.
Q And do you recall when?
A No, I don't.

Q When you moved to the north side of Francois Lake was Matthew Sam still alive?
A He was still alive then.
Q Now, I take it have you owned that piece of property that you have marked with a number five since 1970 and you still own it today?
A Yes -- well, I leased -- I was only able to lease it in the first -- in the first few years because they wouldn't sell recreation property close to the lake. Well, then in '71, '72, in that area the government agreed to sell those kinds of properties to anyone that wanted to buy and I chose to buy it so that I would have a title to it.
Q And since that time?
A Since that time, yes.
Q Now, after your -- and I think you mentioned this a minute ago. After your defeat in the election of 1972, you moved from Victoria and you moved to Terrace?
A That's right. I went for a very short time to Fort St. James and I was going to take on the job as Town Clerk, but I am -- it wasn't quite the type of work that I was looking for and I had some sort of a medical problem that no one ever figured out what it was, but I collapsed in the snowbank and I had -- a few hours later I woke up and my doctor advised me I better take on something different. So that was a very short time I was there.
Q And --
A And I moved to Terrace and bought a house in Terrace.
Q You were with the Northwest Loggers' Association?
A That's right.
Q What was your position?
A Secretary-manager.
Q Can you describe what the association was and who it was run through?
A It was a group of independent loggers, anywhere from full stump to dump loggers, to small truckers, to skidder operators. Anyone that had anything to do with the logging industry. And then we had associate members which consisted of banks, Finning Tractor, other machine companies, trucking companies and such like. So we had altogether over 200 members or associate members, so it was quite a powerful organization, and I presented the case for the Northwest Loggers to the Pierce Royal Commission. I had had experience in this area before because I

1 presented a case to the Sloane Commission in 1955.
2 Q '75?
3 A '55.
4 Q All right. Now, the job with the Northwest Logging
5 Association, did that take -- can did you travel at
6 all or go around the committee?
7 A I travelled quite a bit. Part of my job was to go and
8 see if there was problems up at Hazelton, Kitwanga.
9 Occasionally we went up the Nass River. And I
10 travelled normally about every week to -- oh, and
11 Kitimat, I went through to Kitimat quite a bit,
12 because that was a loading area for logs that were
13 moving out the country. Which we didn't like,
14 naturally.
15 Q To your recollection were there any native Indian
16 members of the association?
17 A I only recall one that was a trucker up at Kitwanga
18 and so that's the only one I recall. But there was a
19 lot of natives. I went and visited the sawmills, like
20 Rim Forest Products at Hazelton which was started when
21 I was Minister of Agriculture under the ARDA Project,
22 and the reason for Rim Forest Products was to employ
23 natives in that particular area and it was agreed by
24 the company that developed it that they would hire
25 natives. And --
26 Q To your personal observation when you were at Hazelton
27 did they do that?
28 A Oh, yes, they did. They had an agreement with the
29 chiefs in that particular area that they would supply
30 so many people, and I think they kept their commitment
31 fully.
32 Q Now, did you also visit the -- any logging areas or
33 logged areas during this period 1972 to 1975 while you
34 were with the Northwest Logging Association?
35 A Yes. I used to do it quite regularly. I would hop in
36 a truck and go out with them to load their truck and
37 see what was going on in the area, whether there was
38 any tree planting going on, what was going on. And so
39 I saw most of the areas that were actively logged.
40 But I also drove around to areas that have been
41 previously logged to see whether the trees were
42 growing well and whether the regeneration had
43 happened. Some was good, some was bad.
44 Q All right. In the four logging areas were there
45 logging areas near Hazelton, Kitwanga, Kispiox where
46 you logged areas where you might have visited?
47 A Yes.

Q Or where you visited?
A There was active logging in all of these areas. It kept getting further and further back from the communities as time went on. Some of the valleys like the Kalum Valley was pretty well logged out. See, the tree farm licence was issued in 1951 prior to the Social Credit Government coming into power. So that's the oldest tree farm licence in the province was Tree Farm Licence No. 1 in Terrace.
Q When you were in -- and I don't know if you are aware of where the claim area is here, but sticking to around Hazelton, Kitwanga, Kispiox, and the logging areas, did you observe the make-up of the labour force in any of the logging areas that you were at?
A Only just in passing through. I mean I'd stop to take a look or as I say rode up in trucks to see what was going on and it would be quite often that native people were working. But as to how many I couldn't say.
Q And how about driving truck?
A Not too many.
Q Now, in that period do you recall -- you mentioned the word chiefs before. Do you recall any names in '72 to '75 names of chiefs in that area, Hazelton or --
A Well, I got to know Richard Morgan in Kitwanga really quite well. They are a very prominent family in Kitwanga. And he owns a fish boat and very progressive group. And then I got to know Hubert Maitland in Kitimat Village who I was trying to get him to agree to start a spawning channel in the river that comes into the reserve, but I was very disappointed in my three years in the Skeena riding because politics kept getting in the way of development projects and I thought it was very unfortunate. In fact, I was glad I was defeated in '79 really.
Q Okay. Well, we will try to get you elected in 1975. But in the '72 to '75 period you mentioned Richard Morgan. Did you know what he -- what he was the chief of?
A It was the Kitwanga Band. That's all I knew him as.
Q And Hubert Maitland?
A Kitimat Band.
Q The Kitimat Band. Did you know -- was there anyone else that you knew as a chief at that time?
A I knew Alice Maitland really quite well in the Glen Vowell.

Q This is before your election in the 1972, '75 period?
A Yes. I knew --
Q Alice Maitland?
A Alice Maitland.
Q And what did you understand she was the chief of?
A Glen Vowell. I discussed several times the possibility of starting 4H programs to teach young people public speaking, gardening, home gardening, growing the crops and all of that, because they have got some beautiful land on the Glen Vowell reserve and I thought it would be a good start to help young people to grow gardens and such like. It's good for all of us. Some day we may need it.
Q Okay. Now, in 1975 that name that you -- Alice Maitland. Do you also recall the name Alice Jefferies?
A Alice Jefferies, I am sorry.
Q Not Alice Maitland?
A Alice Maitland is the Mayor of Hazelton.
Q Thank you. Now, in 1975 you were elected as the MLA for the Skeena riding?
A That's right.
Q And just once again, if you could draw your attention to Exhibit 46A you'll see that the Skeena Electoral District is outlined in yellow. Can you say whether or not those were roughly the boundaries of the Electoral District when you were elected?
A Yes. That's roughly -- I am quite sure it's the same.
Q All right. Now, you'll see that it tails off on the left and bottom, that is the west and the south of the exhibit. How far south did the Skeena Electoral District go?
A It went right down to Hartley Bay and Kemano and of course included Kitimat and so it was a fairly large riding but nothing as large as Omineca.
Q And how about to the -- I see it moves off to the west. How far to the west did the Skeena riding go?
A To the west it goes up past Kalum Lake, which is northwest, I guess it would be, from Terrace and --
Q Did it include Prince Rupert?
A It doesn't go up to the Nass area, of course, Greenville and up in that part of the country, because that's in the Atlin riding or was until recent changes.
Q All right. But the did it include Prince Rupert?
A No.
Q Prince Rupert?

A Prince Rupert and Queen Charlotte Islands was a separate riding.
Q Now, in the Skeena riding were the following settlements: Hazelton, Kispiox, Glen Vowell, Kitwanga, Kitwancool, Kitsegukla and Moricetown?
A Yes.
Q I said Glen Vowell, did I?
A Yes, you said Glen Vowell.
Q Did you in '72 campaign -- or '75 did you campaign in these locations?
A Yes.
Q Among others?
A Yes. All of them. I didn't do a very good job obviously, but --
Q Well, in 1975 you --
A Well, I got elected, but I certainly wasn't -- I wasn't elected by the native Indian population. In the Omineca riding I had strong support, but not in the Skeena riding.
Q All right. Could you just explain -- how would you know that?
A You just take a look at the polls at Kitwanga or Hazelton or wherever the poll happens to be and you can see quickly how many votes you got. Skeena Crossing there was the 99 votes and I got one. In Omineca I used to get a hundred per cent sometimes. So it was quite a difference.
Q Yes. All right. And in your campaigning during the period campaign did you go and speak with native people at the locations that I mentioned?
A Yes.
Q And you mentioned Alice Jefferies from Glen Vowell. During your period of time as an MLA to for Skeena 1975 to 1979 did you meet and talk with her on a number of occasions?
A Not a great deal, but I met her on several occasions. And again we discussed the possibility of agricultural development and such like in those areas. Because I feel strongly that anyone that deals with agriculture usually feels they have a feeling to the land and I think it makes you feel good. I guess because I am a rancher myself.
Q And what did she say to you about the 4H discussions?
A She was very enthusiastic about it and I have to think she tried her best and likely we didn't have enough time between when we were last discussing the possibility till when I was defeated in '79. Because

I think we -- there is still a real opportunity and I am sure it would be beneficial to everyone, because believe me, the 4H youngsters that I run into in different walks of life, it's very rewarding really to see how well they have done.

Q Your travels in the Skeena riding while you were an MLA from 1975 to 1979, can you describe how often and where you would go in the riding?

A I would -- I would again travel around before the session and after the session and I would usually hold a public meeting in Kitimat, Terrace, Hazelton, Smithers. I would go to, of course, Kitwanga, Kitwancool and visit there. And up to the Kispiox, Glen Vowell. You never get around as much as you would like to because there just isn't enough hours in the day or days in the year when you are free to do this. Those ridings are so large that you never feel satisfied with what you are doing. You really don't.

Q Did the sessions, the legislative sessions change?

A A great deal.

Q And so that can you say whether or not you were able to spend the same amount of time or how can you compare the time that you spent travelling in the Skeena Electoral District while you were an MLA there to the amount of time on an annual basis that you spent in Omineca?

A Oh, far less, because the first session, second session lasted right into the late summer, you know, and I was travelling around the province on an agriculture committee that Len Bautre was chairman of, trying to figure out what we were doing right and what we were doing wrong in the field of agricultural development in the province, and we were taking a look at land uses in the various areas of the province. Whether it should be forestry. And there was lots of lengthy discussions, especially at Quesnel, whether the special sale area between Prince George and Quesnel should be kept as forest land or agricultural development. And so there was quite some bitter debates between agriculture and forestry. They maintained there was more dollars cutting trees once every 95 years than there was in agriculture and I maintained we could grow a crop every year and it was more valuable use of lands in agriculture rather than forestry. I notice it still hasn't been resolved. There is still lengthy arguments between forestry and agriculture in this regard and likely always will.

And no doubt the policies of government haven't been altogether as good as they should have been in the taxation area. It pays a farmer to push his trees into a pile and burn them rather than leave the trees, because he gets taxed on the standing trees. And I had many discussions with the minister of finance, but by the time I got him convinced he was usually moved to some other position and I would have to start all over again. And so there is a great need in this area.

Q All right. Now, during -- can you say -- I asked you earlier whether in the period '52 to '72 whether you had ever heard -- and I gave you some names. Carrier you had. And you said for Gitksan not yet. Can you recall the first time you heard Gitksan?

A I would think it would be around the '75 period, possibly I had heard it before that. But it's not something that I had heard. I don't know why but it certainly wasn't.

Q All right. What did you understand or who did you understand were the Gitksan when you first heard it?

A Well, I think some of the newspapers reported it, not usually too well, that it was a group of various Indian reserves in the area.

Q All right. And did you hear Gitksan/Carrier Tribal Council at any time?

A Not until '76, '77. Somewhere in that area.

Q How about Nishga?

A Nishga was well-known for a long time due to the Nishga court case back in '67.

Q Prior to that court case had you heard --

A I had heard Nishga for many years.

MR. WILLMS: My lord, this would be an appropriate time.

THE COURT: All right. Thank you. Are you on schedule?

MR. WILLMS: Yes, my lord.

THE COURT: All right. Thank you. We will adjourn then until 10 o'clock tomorrow morning.

(PROCEEDINGS ADJOURNED UNTIL WEDNESDAY JULY 19, 1989 AT 10:00 A.M.)

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

Laara Yardley, Official Reporter,
United Reporting Service Ltd.