

In the Supreme Court of British Columbia

No 0843
Smithers Registry

Smithers, B. C.
November 30, 1988

BETWEEN:

DELGAMUUKW, also know as KEN MULDOE,
suing on his own behalf and on behalf
of all other members of the HOUSE OF
DELGAMUUKW, and others,

Plaintiffs;

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA and
THE ATTORNEY-GENERAL FOR CANADA,

Defendants.

CROSS-EXAMINATION ON AFFIDAVIT
OF
MARY SKIN



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CROSS-EXAMINATION ON AFFIDAVIT
OF
MARY SKIN

MS. L. MANDELL	Appearing for the Plaintiffs;
J.A. MACAULAY, Esq., Q.C.	Appearing for the Defendant Attorney-General for Canada
J.M. MACKENZIE, Esq.	Appearing for the Defendant Province of British Columbia



M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

SMITHERS, B.C.
NOVEMBER 30, 1988

MARY SKIN, a witness herein called on behalf
of the Plaintiffs, having been duly sworn,
testifies as follows;

CROSS-EXAMINATION BY MR. MACKENZIE:

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3
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7
8
9 Q Mrs. Skin, I am acting for the provincial government
10 and I have some questions to ask you. Mrs. Skin, did
11 you sign an affidavit on June 24, 1988 -- sorry, can I
12 rephrase that question. Did you place your X on an
13 affidavit on June 24, 1988?
14 A Yes.
15 Q And what does that affidavit talk about?
16 A We're talking about my territory in my home, and there
17 was talk of land settlement and I haven't talked of my
18 hunting territory yet.
19 Q When did you first see this paper?
20 A I don't write, so the date must be written on the
21 paper. Yes, it's written.
22 Q And for the record, we're referring to the affidavit
23 which is marked as Exhibit 675. The date is written
24 on the paper. Is that the day you first saw the
25 paper?
26 A Yes.
27 Q Who brought the paper to you?
28 A I've forgotten who the people were.
29 Q Was that the first time you met those people?
30 A Yes.
31 Q Did someone translate the paper to you?
32 A Someone who accompanied the lawyer -- some Indian
33 lawyer was with them, whoever it was.
34 Q Did the Indian lawyer translate the paper to you?
35 A He came from Prince George.
36 Q Did you meet that man from Prince George before that
37 day?
38 A No.
39 Q It was a man from Prince George?
40 A Yes. Two chiefs from Moricetown were with this man.
41 Q And did someone explain the paper to you?
42 A Yes.
43 Q Was it the Indian man from Prince George who explained
44 the paper to you?
45 A Yes.
46 Q What did he tell you the paper was about?
47 A She talked about the loss of her territory and traps

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

1 and the loss of boats that were missing on her land,
2 and they've all been flooded out or floated away.
3 MR. MACKENZIE: She talks about the loss of her property at her
4 home, some machinery that she lost --

5 (OFF THE RECORD DISCUSSION)

6 MR. MACKENZIE:

7 Q Do you remember meeting with a woman lawyer from
8 Hazelton?

9 A That's the ones I'm talking about. She was living
10 alone and that's when she can't hear too well.

11 Q Did your visitors explain to you this paper was for
12 the land claims?

13 A Yes.

14 Q And you know that this is the land claims of the
15 Wet'suwet'en people?

16 A Yes.

17 Q Who was your father?

18 A Morris.

19 Q Do you know Jimmy Andrew?

20 A Yes.

21 Q Was he related to you?

22 A Yes. My brother-in-law.

23 Q Where were you born?

24 A Uncha Lake. The birth took place wherever the people
25 were living.

26 MR. MACKENZIE: And you were born in 1908?

27 THE INTERPRETER: She doesn't know. 92.

28 MR. MACKENZIE:

29 Q Is that how old you are now? So this year you're 92
30 years old?

31 A Yes.

32 Q And where did you live after you were born?

33 A Uncha, at daddy's place in there.

34 Q And your dad, Morris, lived at Uncha Lake?

35 A Yeah, Morris.

36 Q He lived at Uncha Lake all his life?

37 A No. Uncha Lake is the place my daddy --

38 Q Your daddy lived at Uncha Lake all his life?

39 A That's where his land was and that's where he lived.

40 Q Did your dad have a house at Uncha Lake?

41 A He has a house at Uncha Lake.

42 Q Did your father's father live at Uncha Lake also?

43 A That's what I've been told, that he also lived there.

44 Q Do you know Uncha Lake Tommy?

45 A I know him, but he is from Hazelton, he lived at Uncha
46 Lake for a long time.

47 Q Uncha Lake Tommy lived at Uncha Lake for many many

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

1 years, didn't he?
2 A Yes. He lived there for -- I was very small at the
3 time and I know that they had a house at Uncha Lake
4 and they lived there for a long time.
5 Q Did you know Long Charlie?
6 A Yeah. I know him, he's from Stelako, he lives at
7 Stelako.
8 Q Did you know -- or sorry -- did you know that Long
9 Charlie was born at Uncha Lake?
10 A No. I don't know that. It may have happened before I
11 was born.
12 Q Do you remember Long Charlie had horses at his home at
13 Uncha Lake?
14 A Yes. They had horses, my daddy got horse too.
15 Q And your father trapped near Uncha Lake?
16 A That's where he trapped. That's where he was -- his
17 parents were raised, that's where he trapped.
18 Q And then you got married when you were 17 years old?
19 A Yes.
20 Q And you married Johnny Skin?
21 A Yes.
22 Q And he lived at Skins Lake?
23 A His father was from Skins Lake.
24 Q And you then went from Uncha Lake to live at Skins
25 Lake?
26 A Yes. I moved to Skins Lake after marrying Mr. Johnny
27 Skin.
28 Q Johnny's father lived at Skins Lake all his life?
29 A That's where he lived all his life.
30 Q And his name was Skin Dyee?
31 A Yeah, Skin Dyee.
32 Q And Skin Dyee's mother and father lived at Skins Lake
33 also?
34 A All his father and mother were born at Skins Lake, is
35 what I've been told.
36 Q And Skin Dyee had horses at his home at Skins Lake?
37 A Yeah. And cows too, yep. He watched that, my
38 husband.
39 Q And Skin Dyee hunted and trapped near Skins Lake and
40 Ootsa Lake?
41 A That's where he trapped and hunted.
42 Q Skin Dyee spent the whole year at Skins Lake or on the
43 hunting grounds, didn't he?
44 A He lived there and he trapped from there. He traps
45 across the Ootsa Lake at times.
46 Q And Skin Dyee's mother and father also lived at Skins
47 Lake and hunted and trapped in that area?

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

- 1 A His father and mother have lived there, but I never
2 saw them.
- 3 Q And Skin Dyee also fished at Ootsa Lake?
4 A Yes. They hunted and fished.
- 5 Q You were a member of the Cheslatta Band?
6 A My father came from Cheslatta, but he lived at Uncha
7 Lake.
- 8 Q Which Indian band were you a member of?
9 A Grassy, Johnny Thomas' office.
- 10 Q Now you live on the reserve at Grassy Plains?
11 A Yes. I live at Grassy Plains.
- 12 Q And that is the Naitii Bund(?) band?
13 A Yes. I live with the Naitii Bund band.
- 14 MR. MACKENZIE: And are you a plaintiff in another lawsuit
15 relating to the flooding?
- 16 MS. MANDELL: Could you ask that in another way.
- 17 MR. MACKENZIE:
18 Q Yes. Are you involved in another lawsuit relating to
19 flooding of Ootsa Lake and that area?
20 A I was with my husband when they took away our land at
21 Skins Lake and flooded it.
- 22 Q There's a reserve at Skins Lake now?
23 A No -- our son Francis is at Skins Lake Reserve.
- 24 Q Your son Francis lives on the Skins Lake Reserve?
25 A Yes. He lives there when he's hunting. He goes back
26 in the wintertime.
- 27 Q And how many children do you have?
28 A Three girls and three boys, only one that's alive.
- 29 Q Who is alive now, Francis?
30 A Francis and George and Frank, Mabel, Jack, Angeline,
31 Elsie Skin, that's all.
- 32 MR. MACKENZIE: Have your sons -- have your sons been charged
33 with the police with criminal law offences?
- 34 MS. MANDELL: I object. I don't see how that has anything to do
35 with this lawsuit.
- 36 MR. MACKENZIE: It's an assertion of the government authority in
37 the area.
- 38 MS. MANDELL: Let's take that before the Chief Justice. I don't
39 think she should answer that.
- 40 MR. MACKENZIE: Have any of your sons spent time in prison?
41 MS. MANDELL: Again I object to that question.
- 42 MR. MACKENZIE: Have your sons been charged with offences under
43 the Wildlife Act is --
- 44 MS. MANDELL: I object to that.
- 45 MR. MACKENZIE:
46 Q You can't object to that. Fine, well, we may have to
47 adjourn the examination then. Not now, of course.

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

- 1 Now, you have a registered trapline, don't you, Mrs.
2 Skin?
3 A Yes.
4 Q And your husband, Johnny, had it before his death?
5 A Yes. I want -- I'm going to have the territory until
6 I pass on, and then our sons George and Francis and
7 Frank will take it.
8 Q And now, when you say territory, you mean your
9 trapline, is that correct?
10 A Uncha is the land every year you watch that -- Francis
11 Skin watches -- takes care of my trapline.
12 Q And is this affidavit about your trapline?
13 A Yes, it is. The reason --
14 Q You want to protect your trapline?
15 A Yes. I don't want to lose my property, and that is
16 why I'm here, and my sons are going to take over.
17 Q And after Johnny died you went to Burns Lake to sign
18 the trapline paper?
19 A Yes. I went and got the papers.
20 Q You went to the government office to sign the paper?
21 A Yes.
22 Q And you signed the paper with your cross at that time?
23 A Yes.
24 Q Do you know that -- are many white people trapping on
25 traplines around --
26 A I don't write, so I put a cross on it.
27 Q I'm showing you a trapline application with a cross on
28 it, it's in your name. Is that the paper that you
29 signed when you went to the government office for the
30 trapline?
31 A That's the only way I sign papers, I don't write.
32 Yes, it is mine.

33 MR. MACKENZIE: Exhibit 1.

34
35 EXHIBIT 1 FOR IDENTIFICATION - Trapline
36 registration for Mary Skin
37

38 MR. MACKENZIE:

- 39 Q Is Francis trapping on that line now?
40 A Francis and Frank are using the territory, the
41 trapline.
42 Q Frank is not home now, is he?
43 A He's home now.
44 Q He just got home?
45 A Yeah. He come back.
46 Q Yes. Came back from being away?
47 A Yes.

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

- 1 Q He was away in Prince George?
2 A Yeah. He's home now.
3 Q Yes. And how long was he away for?
4 A Oh, about two weeks he come back.
5 Q He's been home for two weeks?
6 A Yeah. He's home now.
7 MR. MACKENZIE: And why was he away?
8 MS. MANDELL: I object to that question.
9 MR. MACKENZIE: What's the basis of the objection?
10 MS. MANDELL: Because I know you're trying to get in through the
11 back door what you couldn't do through the front door.
12 MR. MACKENZIE: I'll do it through the side door. You're
13 objecting to the question as to why her son was away
14 from home?
15 MS. MANDELL: I'm objecting to the question because I believe
16 it's tied to the objections I've got earlier. If it's
17 not you could lead her.
18 MR. MACKENZIE:
19 Q Now, you know that there are white men trapping on the
20 traplines near your territory?
21 A Yes. A lot of white men, we know, see, but trappers
22 see plenty, Ski Doo, he use Ski Doo, and he hunts,
23 don't know what man he is. You know they're there and
24 see their tracks, but they don't know who the persons
25 are.
26 Q Did Francis want to sell the trapline in 1986?
27 A No. I tell him no.
28 Q Did Francis ask you to sell the trapline?
29 A Yes. When I die, then he do that.
30 Q You told him he could sell the trapline after you
31 died?
32 A Yeah, crazy, yep.
33 MS. MANDELL: I think you've put words in her mouth. Maybe you
34 can ask her what she did say to him?
35 MR. MACKENZIE:
36 Q What did you say to Francis when he asked to sell the
37 trapline?
38 A I gave him -- I balled him out and telling him that he
39 can't sell while she was alive.
40 Q Do you know Fraser Louie?
41 A Oh, I know Stelako Indian.
42 Q And he used to have a trapline also?
43 A Yes. But he no hunt, he got some trapline, but he no
44 hunt.
45 Q Fraser Louie lived in Vanderhoof?
46 A Yes, Stelako, Stelako.
47 Q Yes. And he's an Indian gentleman?

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

1 A Yeah. He's an Indian.
2 Q He's a Cheslatta Indian?
3 A No, Stelako Indian, his daddy.
4 Q His daddy was Andrew Louie?
5 A Yeah, Andrew Louie.
6 Q And do you know Fraser Louie sold his trapline?
7 A I didn't know.
8 Q Did you know he sold his trapline to a white man?
9 A Oh, I didn't know.
10 Q Do you know Mr. Burt, who traps on that trapline now?
11 A No.
12 Q Did you know Rubin Skin?
13 A Is my husband's brother's son.
14 Q Rubin Skin held the trapline at Takaisi Lake?
15 A He may have sold it.
16 THE TRANSLATOR: She's guessing that he may have sold.
17 MR. MACKENZIE:
18 Q Before Rubin Skin had the trapline -- did you know
19 Tommy Skin Dyee had that trapline?
20 A Yes.
21 Q And that's your husband's brother?
22 A Yeah, my husband, he's very --
23 Q Did you know that Rubin Skin sold his trapline to a
24 white man?
25 A Yes. She heard that it was -- that's what happened,
26 he told me somebody.
27 Q Did you know Joe Isaac Augusta?
28 A Yes. I know him.
29 Q He used to have a trapline too, didn't he?
30 A Yeah.
31 Q And he was an Indian gentleman?
32 A He was related to my aunt, but no trapline in -- Joe
33 Isaac has that trapline.
34 Q Now, Joe Isaac Augusta had the trapline north of Ootsa
35 Lake, didn't he?
36 A No, not that way. It's down Grassy way, back this
37 way.
38 Q His trapline went from Ootsa Lake up to Francois Lake?
39 A No. Grassy Plain this way -- is way -- what you call?
40 Q Did you hear that?
41 A He doesn't live there now. I guess he know.
42 Q Did you hear that Joe Isaac Augusta transferred his
43 trapline to a white man?
44 A Yeah, I doing it, my cousin, Joe Isaac.
45 Q Did he transfer his trapline to a white man?
46 A It may have happened, I don't know.
47 Q And there are -- are there many white farmers in your

M. Skin (for Plaintiffs)
Cross-exam by Mr. Mackenzie

1 territory?
2 A Lots of them. Maybe the white man, he got it.
3 Q Now, did you -- do you know Lucy Namox?
4 A Yep.
5 Q When did you first meet Lucy Namox?
6 A A long time ago, long time, when we girls at that
7 time, I know.
8 Q Has Lucy Namox ever come to your home?
9 A No. Just in the way she comes here to visit her, but
10 I never saw her at home.
11 Q Lucy Namox never goes to your territory?
12 A No, no, I never saw her.
13 Q Did Lucy Namox give you permission to talk about this
14 territory?
15 A No. What do you want to talk for? But they can't get
16 them, that's Indian way, you can't get it, that's my
17 trapline, that's long time game warden he takes them
18 that trapline when you die and the kids -- my kids,
19 they get them, other kids, and my grandson too, that
20 way he told me. My husband, he told him, that game
21 warden, long time game warden picks him, the first
22 time he picks that trapline, everybody.
23 Q This trapline is your territory, isn't it?
24 A Yes. It is mine, my own.
25 Q And it is not Lucy Namox's territory, is it?
26 A No, no, it's mine, it's mine. They can't get it,
27 that's big game warden, he come from Vancouver, he
28 picks them, that's trapline, everybody trapline, they
29 do that.
30 Q And where is your trapline?
31 A Skins Lake area.
32 Q And that's your territory?
33 A Yep, that's mine.
34 Q And do you know Steven Skin?
35 A Yes.
36 Q And he's your -- he's related to you?
37 A Yes. That's my husband's -- his brother, his kids.
38 Q Steven has a trapline?
39 A No.
40 Q Does -- do you know if Steven has a registered
41 trapline?
42 A I don't know.
43 Q No? Did he sell his trapline to a white man?
44 A I guess so, I don't know where it is, maybe cross
45 the --
46 Q Was Steve --
47 A We know -- I know where, I don't think that he has

M. Skin (for Plaintiffs)
 Cross-exam by Mr. Mackenzie
 Cross-exam by Mr. Macaulay

- 1 trapline.
 2 Q He doesn't go out trapping?
 3 A No.
 4 Q Oh, and your son, George, doesn't hunt -- doesn't go
 5 trapping either, does he?
 6 A Yeah. He's in jail now down in Vancouver. He does
 7 trapping, he's in jail now. He hunts, but not this
 8 time, he's in jail.
 9 Q And Frank doesn't trap either, does he?
 10 A Frank -- Francis, he go with him. He's with him every
 11 time, come back, he hands to Frank too; he knows how
 12 to hunt.
 13 Q Now, you don't go to the feasts in Moricetown, do you?
 14 A That's been quite a while since I've been over there.
 15 Q And you're a member of the Cheslatta people, aren't
 16 you?
 17 A Yeah. I know, yes, I works with --
 18 THE TRANSLATOR: She works with the Cheslatta people in the
 19 feast hall.
 20 MR. MACKENZIE:
 21 Q And where do the Cheslatta people have their feasts?
 22 A They got their own place, and they have an office, the
 23 office -- they have feasts at the office.
 24 Q Is the office at Grassy Plains?
 25 A Uncha.
 26 Q So you go to Uncha, like to the office, to have your
 27 your --
 28 A Yes.
 29 Q And that's where the Cheslatta people have their
 30 feasts?
 31 A Yes.
 32 Q Now, so that the only territory that you want to
 33 protect is your trapline, is that right?
 34 A Yes.
 35 Q And your trapline is the reason that you've come here
 36 today?
 37 A Yes.
 38 Q And that's the registered trapline for which you
 39 signed the paper in Burns Lake?
 40 A Yes.

(OFF THE RECORD DISCUSSION)

MR. MACKENZIE: I have no further questions.

CROSS-EXAMINATION BY MR. MACAULAY:

Q . Are you a member of the House of Goohlaht?

M. Skin (for Plaintiffs)
Cross-exam by Mr. Macaulay

- 1 A Oh, yeah, out of Moricetown. My -- all I know is my
2 mother come from there, that's all I know.
- 3 Q Have you ever heard of the Thin House at Hagwilget?
- 4 A I have heard it from my mother about that.
- 5 Q Was Caspit a member of the Thin House?
- 6 A Yes. My mother also told me about Caspit. She hasn't
7 been back since she has been married.
- 8 MR. MACAULAY: Before you were married did you attend any feast
9 at the Thin House?
- 10 THE TRANSLATOR: She stayed home at Uncha Lake. They didn't go
11 to feasts from there.
- 12 MR. MACAULAY:
- 13 Q Did her mother go to feasts at Hagwilget?
- 14 A Yes. My mother went to feasts. They brought their
15 furs from their hunting territories and went to
16 Hazelton and had feasts there.
- 17 Q Were you ever in Hazelton?
- 18 A When I kids, little kids I went there, but I don't
19 know when. When I was -- but I know my mommy told me.
- 20 Q And is Na'ek a chief in your house?
- 21 A Yes.
- 22 THE TRANSLATOR: She knows the name, but who holds it today she
23 doesn't know.
- 24 A When there is someone died in Hazelton they came from
25 their home to hold feasts at Hazelton.
- 26 MR. MACAULAY:
- 27 Q Did you know Samooh, a chief called Samooh?
- 28 A I know the name very well.
- 29 Q Do you know what his English name was?
- 30 A No.
- 31 Q Do you remember how long ago he died?
- 32 A No. I not been there, Hagwilget -- I have never been
33 back since I was small kid.
- 34 Q Did you spend your whole life after you were married
35 at Skins Lake?
- 36 A That's where we stayed. We moved out of there when
37 the flooding was started at Skins Lake, and we moved
38 to Grassy Plains.
- 39 Q Do you know a place called Windy Point?
- 40 A Yes.
- 41 MR. MACAULAY: How long is it since you have been there?
- 42 THE TRANSLATOR: Her husband -- she was with her husband when he
43 hunted there and she's been there a long time with her
44 husband's parents too.
- 45 MR. MACAULAY:
- 46 Q And how long ago did she last go to Windy Point?
- 47 A I haven't been back for quite sometime.

M. Skin (for Plaintiffs)
Cross-exam by Mr. Macaulay

1 THE TRANSLATOR: Her boys go there.

2 MR. MACAULAY:

3 Q Does the House of Samooh have territory near Skins
4 Lake?

5 A Not around Skins Lake.

6 Q Have you heard of the Birch-bark house?

7 A Yes, I've heard of the Birch-bark house, and my mother
8 always talks about it.

9 Q And that's at Hagwilget?

10 A Yes. It's at Hagwilget.

11 MR. MACAULAY: Who was the chief, the head chief of the
12 Birch-bark house?

13 THE TRANSLATOR: She doesn't know the present day head chief of
14 that house.

15 MR. MACAULAY:

16 Q Do you know?

17 A I don't know what they do down in Hazelton, long time
18 when I kids, that time the last I go there, and my
19 daddy goes too, and each --

20 Q Do you know a chief called Sats'aan?

21 A I've known the Sats'aan when I was a small child, and
22 I knew Sats'aan.

23 Q Did he live near Skins Lake?

24 A No.

25 Q Did he live at Hagwilget?

26 A That's where I saw Sats'aan, at Hagwilget.

27 Q Do you know what house he belonged to?

28 A I never knew --

29 THE TRANSLATOR: She didn't know what house he belonged to
30 because she was there when she was a young child and
31 did not know at the time.

32 MR. MACAULAY: In your affidavit in paragraph 9 you say you
33 heard that the Neetanii territory was owned by Samooh.
34 And you say that it was -- you heard that at the
35 Wet'suwet'en feast. What Wet'suwet'en feast was that?

36 THE TRANSLATOR: All she knows is that their territory was at
37 Neetanii and that they moved out of there when it was
38 flooded out, that's all she knows.

39 MR. MACAULAY:

40 Q When she says "their territory", meaning -- she means
41 her own territory?

42 A Yes.

43 Q But she never heard that it belonged to the House of
44 Samooh?

45 A Not lately.

46 Q When she was very young was she told that by anybody,
47 or did she hear that at the feast?

M. Skin (for Plaintiffs)
Cross-exam by Mr. Macaulay
Re-in chief by Ms. Mandell

- 1 A I never saw Samooh, I never saw him around there.
2 Q Do you know a person named Richard Skin?
3 A Yeah. That's my grandson, and Mabel's boy.
4 Q Does he live at Grassy Plains?
5 A Yes. He's still with his mother.
6 Q Does Richard Skin go on the trapline, on your
7 trapline?
8 A No, he doesn't.
9 Q Does he go to school?
10 A No. He's still with his mother, yeah, already
11 finished his school, he's getting old now.
12 Q Is Robert Skin your husband's brother?
13 A Yeah. That's his brother.
14 Q And did Robert Skin trap on your trapline?
15 A Yes. He used to accompany him, but they're all passed
16 on, dead, all.
17 Q What house did Robert Skin belong to?
18 A They're Laksilyu. They're all Laksilyu, her husband
19 and Robert.
20 Q Are they Neetanii?
21 A No, Babine. They come from Babine, his mother, he
22 come from Babine.
23 Q Johnny and Robert's mother is Babine?
24 A Yes. Robert's mother is Babine.
25 Q And they were Laksilyu?
26 A Yeah, Laksilyu.
27 Q And Madeline Skin, what house was she?
28 A My brother's daughter.
29 Q Well, Madeline Skin was Robert's wife?
30 A Yes.
31 Q And what house did she -- or clan did she belong to?
32 A Gitumden.
33 Q The head chief of your house is Goohlaht?
34 A He's from Hazelton. I'm not familiar with the chiefs
35 from Hazelton.
36 Q Who is Goohlaht?
37 A I don't know.

38 MR. MACAULAY: I have no more questions. Thank you.
39

40 RE-EXAMINATION IN CHIEF BY MS. MANDELL:

- 41 Q I have a few questions. May I see Exhibit 1. Mary,
42 can you tell your X from anybody else's X? Can you
43 tell when it's your X on a paper?
44 A Yeah, I know. Everything that my cheque makes sign,
45 make cross that way too.
46 Q And this is your X here, is it?
47 A Yes.

M. Skin (for Plaintiffs)
Re-in chief by Ms. Mandell

- 1 Q Did anybody -- do you remember whether or not anybody
2 read you this application when you put your X on it?
3 A No.
4 Q Was there anybody there to translate it in
5 Wet'suwet'en for you?
6 A No.
7 Q I'm referring the witness to Exhibit 1 with respect to
8 those last few questions. When you put your X on that
9 piece of paper did you think that you were -- when you
10 put the X on that piece of paper what did you think
11 you were doing, what did you think the paper meant?
12 A No.
13 MS. MANDELL: Did anybody tell you what that paper meant?
14 THE TRANSLATOR: Nobody has told her anything about it.
15 MS. MANDELL:
16 Q Do you know what your -- a registered trapline is?
17 A My husband, he finished that trapline later.
18 THE TRANSLATOR: And her mother, she says.
19 MS. MANDELL: Did she say anything else?
20 THE TRANSLATOR: They're the ones that new about that.
21 MS. MANDELL: All right. And when Mr. Mackenzie asked you
22 whether or not your affidavit was about your
23 registered trapline, he said what you want to do is to
24 protect your trapline. Were you referring to your
25 registered trapline, or were you referring to your
26 land?
27 THE TRANSLATOR: She wanted her rights protected for her and for
28 her children, and that's the way she wants everything.
29 MS. MANDELL:
30 Q All right. And is she -- when she says that she wants
31 her rights protected, is she talking about her
32 territory or about her registered trapline?
33 A Yes. I'm talking about the trapline and the land that
34 I'm living on, it's altogether, I want that protected.
35 MS. MANDELL: And when you're talking about the land that you're
36 living on, are you talking about the territory that
37 you described around Skin Lake in your affidavit?
38 MR. MACKENZIE: I object to that question.
39 MS. MANDELL: Well, I should just ask her directly what
40 territory is she talking about when she's talking
41 about the land she's living on?
42 MR. MACKENZIE: I asked that question.
43 MS. MANDELL: I'm trying to clarify whether or not what she's
44 meaning in answer to a question that you've asked her?
45 THE TRANSLATOR: She's talking about Skins Lake and the whole
46 area that she uses.
47 A Game warden, he picks already that trapline.

M. Skin (for Plaintiffs)
Re-in chief by Ms. Mandell

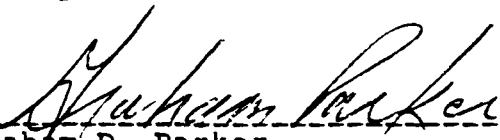
- 1 MS. MANDELL: Are you telling us that yintah and trapline are
2 the same thing?
- 3 MR. MACKENZIE: What's Yintah?
- 4 MR. MANDELL: That's a word which was earlier described meaning
5 land.
- 6 MR. MACKENZIE: I object to that question. I don't recall ever
7 having that word mentioned in this examination.
- 8 MR. MACAULAY: I haven't heard that word either.
- 9 MS. MANDELL: All right.
- 10 MR. MACAULAY: I don't think you can ask questions that way in
11 re-examination. I don't know what it means.
- 12 MS. MANDELL:
- 13 Q I believe that it was a word that Mr. Joseph
14 translated in the middle of an answer that Mr.
15 Mackenzie asked. You said to Mr. Mackenzie that you
16 wanted to protect your trapline because you don't want
17 to lose your property, that's why I'm here, and my
18 sons will take over. Why are you afraid of losing
19 your property?
- 20 A I want my children to make use of it after I'm gone,
21 there's three of them, three of my boys.
- 22 Q Mary, do you remember that Lucy Namox, Gooхлаht, came
23 to visit you with Marvin George and with George
24 Holland when you were preparing this affidavit; do you
25 remember her coming to your house?
- 26 A Yes.
- 27 MS. MANDELL: Do you know what house your father-in-law was a
28 member of?
- 29 MR. MACKENZIE: How does that arise out of the
30 cross-examination? I object to that question.
- 31 MS. MANDELL: Well, the questions which Mr. Macaulay asked had
32 to do with the knowledge of the witness that the
33 territory had been owned by the House of Samooh and
34 her father-in-law is -- I don't know how much she's
35 understanding, but the question relates to the -- to
36 that question -- the question which I'm about to ask
37 arises out of Mr. Macaulay's pursuing that point.
- 38 MR. MACAULAY: I just asked her about a quite plain statement in
39 an affidavit which I drew to her attention, her
40 affidavit which I drew to her attention, and the
41 evidence was quite clear on that and she told us also
42 that her husband and her husband's brother came from
43 the Babine country.
- 44 MS. MANDELL: Well --
- 45 MR. MACKENZIE: And her father-in-law presumably came from the
46 same Babine country.
- 47 MS. MANDELL: I think on redirect --

M. Skin (for Plaintiffs)
Re-in chief by Ms. Mandell

1 MR. MACKENZIE: Although I didn't ask that.
2 MS. MANDELL: I have a right to question the ambiguity that has
3 arisen.
4 MR. MACAULAY: Are you asking where her father-in-law -- that is
5 her husband's father came from?
6 MS. MANDELL: I'm asking his house.
7 MR. MACAULAY: Well, I'm not going to object to that.
8 MS. MANDELL: Okay.
9 MR. MACAULAY: All right.
10 MS. MANDELL: I would like to know Skin Dyee's -- does she know
11 what house she's from?
12 THE TRANSLATOR: No. She doesn't remember anything -- they
13 passed on a long time ago and they moved over to that
14 area after they died, or Skin Dyee died.
15 MS. MANDELL: All right. I've got no further questions.
16

17 (PROCEEDINGS CONCLUDED)

18
19 I hereby certify the foregoing to
20 be a true and accurate transcript
21 of the proceedings herein
22 transcribed to the best of my skill
23 ability
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