

In the Supreme Court of British Columbia

No. 0843
Smithers Registry

December 7, 1988
Smithers, B. C.

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
FREDDY CHARLIE



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CROSS-EXAMINATION ON AFFIDAVIT
OF
FREDDY CHARLIE

Ms. L. MANDELL

appearing for the Plaintiffs

Ms. T.A. SIGURDSON

appearing for Her Majesty the
Queen in right of the Province
of British Columbia

J.A. MACAULAY, Esq.

appearing for the Attorney-
General of Canada



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FREDDY CHARLIE

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F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

SMITHERS, B.C.
DECEMBER 7, 1988

GEORGE HOLLAND, Interpreter: Previously sworn

FREDDY CHARLIE, a witness herein called on
behalf of the Plaintiffs, having been duly
sworn, testifies as follows:

CROSS-EXAMINATION BY MS. SIGURDSON:

Q Mr. Charlie, my name is Thora Sigurdson, I'm a lawyer
for the Province and I would like to ask you a few
questions. I'm showing you an affidavit?

A Yes.

Q I'm showing you an affidavit that has been marked
Exhibit 663 in the trial. Could you tell me if that
is your signature on the last page?

A Yes, that's mine.

Q And the affidavit describes the territory around
Smithers and Telkwa?

A Yes.

Q Can you read English, Mr. Charlie?

A I don't read English and I don't speak English very
good, but I'm able to answer sometimes.

Q The affidavit was read to you?

A Yes.

Q And in what language was it read to you?

A In Wet'suwet'en, yes.

Q And who read the affidavit to you in Wet'suwet'en?

A Marvin.

Q Marvin George?

A (WITNESS NODS HEAD IN RESPONSE)

Q You are nodding yes?

A (WITNESS NODS HEAD IN RESPONSE)

Q I note that we haven't been provided an affidavit of
translation.

What year were you born?

A 1924, May 24th.

Q And where were you born?

A Across from Topley Landing in place called Yin K'et.

Q And you now live at Fort Babine?

A Yes.

Q And how long have you lived there?

A Eleven, twelve years.

Q Have you lived in any other places besides Yin K'et
and Fort Babine?

A Old Fort was my village.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

- 1 Q Have you lived in any other places?
2 A I used to come in during the winter months and trap
3 for my old man in this territory here.
4 Q When you say "your old man", you are referring to your
5 stepfather, John Baptiste?
6 A Yes.
7 Q Are you a member of the Lake Babine Band?
8 A Yes, I am a member of the Lake Babine Band.
9 Q Are you on the band council?
10 A Yes.
11 Q What position do you hold?
12 A I'm not a council member anymore. I was finished as
13 of July last year.
14 Q And how long were you a counsellor at the Lake Babine
15 Band?
16 A Three and a half years.
17 Q You were aware that the Carrier-Sekani Tribal Council
18 has a land claim?
19 A Yes.
20 Q And the Lake Babine Band is the -- is a member of the
21 Carrier-Sekani Tribal Council?
22 A Yes.
23 Q If the Carrier-Sekani Tribal Council is successful in
24 its land claim, do you claim an interest in that land?
25 A Yes.
26 Q You are a member of the House of Wah Tah Keg'ht?
27 A Yes.
28 Q And that's the Laksilyu Clan?
29 A Yes.
30 Q What is the English name of the head chief of Wah Tah
31 Keg'ht?
32 A I don't know in English.
33 Q Is it Henry Alfred?
34 A Yes.
35 Q I understand there are two houses of Wah Tah Keg'ht:
36 one in the Babine and one in the Wet'suwet'en; is that
37 correct?
38 MS. MANDELL: Excuse me, I don't think that question is
39 accurately phrased. I don't think the Wet'suwet'en is
40 a territory. I think you should put it in a way that
41 reflects what the -- where the two houses might be.
42 MS. SIGURDSON:
43 Q Is there a Moricetown House of Wah Tah Keg'ht and a
44 Babine Wah Tah Keg'ht?
45 A Yes.
46 Q And those two houses are closely related?
47 A Yes.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

- 1 Q Members of those two houses speak the same language?
2 A Yes.
3 Q Are you a member of the Moricetown House of Wah Tah
4 Keg'ht or the Babine House of Wah Tah Keg'ht?
5 A Yes. Oh, just a minute. It's two houses.
6 Q There are two houses of Wah Tah Keg'ht. Which house
7 of Wah Tah Keg'ht are you a member of?
8 A I belong to one, Laksilyu.
9 Q You belong to the Laksilyu Clan. Are you also a
10 member of the House of Wah Tah Keg'ht?
11 A No.
12 Q Well, perhaps I can come back to that. Do you have a
13 chief's name, Mr. Charlie?
14 A No.
15 Q Have you ever had a chief's name?
16 A No.
17 Q Is it correct to say -- no I won't say that. Do you
18 participate in feasts for the House of Wah Tah Keg'ht?
19 A Yes.
20 Q Where do you go to feasts, in Moricetown or in the
21 Babine area?
22 A Moricetown.
23 Q When were you last at a feast in Moricetown, please?
24 A It was last year.
25 Q And before that?
26 A I forget -- I forget when Andrew -- Andrew Alfred
27 passed away. That was last time before.
28 Q As you attend feasts in Moricetown, is it correct to
29 say that you are a member of the Moricetown House of
30 Wah Tah K'eght?
31 A Yes, I am a member also.
32 Q If the Gitksan and Wet'suwet'en are successful in a
33 land claim, do you claim interest in the territory of
34 the land claimed by the House of Wah Tah Keg'ht?
35 A Yes.
36 Q I would like you to tell me about the types of work
37 you've done since you were a young man?
38 A My job I talk, okay.
39 Q You are free to speak in English if you wish, Mr.
40 Charlie, it is your choice.
41 A I worked on sawmills as a sawyer.
42 Q When was that, please?
43 A 1941 is when I started.
44 Q And when did you stop?
45 A 1979.
46 Q And where did you work as a sawyer?
47 A All over around the territory and Smithers.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 Q Did you work as a sawyer year round or was it seasonal
2 work?

3 A When I had jobs during the wintertime.

4 Q And what type of work did you do in the summer?

5 A I always looked for other jobs.

6 Q Did you fish?

7 A Yes.

8 Q Did you fish on the coast?

9 A Yes.

10 Q When did you start fishing on the coast?

11 A 1954.

12 Q And how long did you fish on the coast?

13 A I worked on fishing boats in two-week periods for
14 about four months.

15 Q And that would be June through September?

16 A Yes.

17 Q Okay. And you started doing that in 1954. What was
18 the last year you did that?

19 A I can't remember what year it was.

20 Q All right. Approximately how many years did you fish
21 on the coast, five years, ten years?

22 A Just one season.

23 Q Okay. What other kinds of jobs have you held?

24 A I was hauling lumber and logging. Nordeene's camp.

25 Q I'm sorry, I missed that?

26 A Nordeene's camp.

27 Q Did you have any other jobs, Mr. Charlie?

28 A In 1951 I was -- I was called out to Queen Charlotte
29 Island by manpower to take a job as sawyer.

30 Q And how long did you do that job?

31 A Six months.

32 Q Did you serve in the army?

33 A No, I'm scared of them.

34 Q I would like to ask you about your affidavit. Could
35 you tell me when you were asked if you would sign an
36 affidavit? When were you asked if you would sign an
37 affidavit about the territory at Smithers and Telkwa?
38 A September.

39 Q Is that when you were asked if you would sign the
40 affidavit, or when you signed?

41 A Yes, that was when I signed.

42 Q Okay. When were you asked if you would sign an
43 affidavit?

44 A I wanted to explain the territory, what I knew of the
45 territory, and then I asked them to come out.

46 Q Who did you ask?

47 A Marvin George.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

- 1 Q When were you aware that Mr. George wanted someone to
2 describe the territory around Smithers and Telkwa?
3 A I -- I didn't hear about it, I just requested it.
4 Q When did Marvin George come out to talk to you?
5 A He called me over to sign this affidavit, I believe it
6 was in friendship centre.
7 Q And that's in Smithers?
8 A Yes.
9 Q Did you speak to Mr. George before the day you signed
10 the affidavit?
11 A Yes. It was before I signed this affidavit. The
12 reason I was talking to Marvin George at first was
13 because I was concerned about white people building
14 houses on that territory, that's why my conversations
15 started with him.
16 Q Before you signed this affidavit on September 9th,
17 1988, how many times did you talk to Mr. George?
18 A Yes. I spoke to him on affidavits just once when they
19 came out to Babine to see me.
20 Q And that was on September 6th, three days before you
21 came to Smithers to sign the affidavit?
22 A Yes.
23 Q Did anyone else come with Mr. George to the meeting in
24 Fort Babine?

25 THE INTERPRETER: Referring to the translator.

26 MS. SIGURDSON:

- 27 Q Mr. Holland. Was anyone else present?
28 A No.
29 Q I'm showing you notes which I am advised are notes Mr.
30 George took of the conversation, and I ask Mr. Holland
31 to review them with you, Mr. Charlie.
32 A Yes, that's right.
33 Q Now, Mr. Holland has just read to you the notes of Mr.
34 George of your meeting of September 6th of 1988. I
35 would like to tender that as an exhibit in these
36 proceedings

37 MS. MANDELL: Well, I think they can be tendered for
38 identification. He can -- he has had something read
39 to him but he can't identify what it is. It is only
40 on your word, so why don't you tender it for
41 identification.

42 MS. SIGURDSON: That's fine. This will be Exhibit 1 for
43 Identification on the cross-examination of Mr.
44 Charlie.

45
46 (EXHIBIT 1 FOR IDENTIFICATION - Handwritten Note dd.
47 September 6, 1988)

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 MS. SIGURDSON:

2 Q Mr. Charlie, Mr. Holland has read the notes to you.
3 Do those notes accurately reflect what you told Marvin
4 George on September 6th, 1988?

5 A Yes, that's right.

6 Q Do they summarize all that you told Mr. George?

7 A That's all that I told him on that paper.

8 Q Did Mr. George bring a map to the meeting on September
9 6th, 1988?

10 A Yes.

11 Q Did it have boundaries drawn on it?

12 MS. MANDELL: Well, just a minute before you answer that
13 question. All maps have boundaries, so why don't you
14 just identify what boundary it is that you are
15 attempting to ascertain.

16 MS. SIGURDSON:

17 Q Does it have a boundary around the territory at
18 Smithers and Telkwa?

19 A Yes.

20 Q Did Mr. George tell you the boundary was right? Did
21 Mr. George tell you the boundary was right as drawn on
22 the map?

23 A Yes, it was right by -- he identified -- he went
24 around the boundary with me and I agreed with it. It
25 was right by my identification.

26 Q Could you describe the map to me?

27 A No, I can't read maps, but I know my own map in my own
28 mind.

29 Q Mr. Charlie, in your affidavit -- or let me ask this:
30 When you signed this affidavit, was this affidavit
31 brought to you?

32 MS. MANDELL: Just a minute. That question doesn't make any
33 sense to me. What are you asking?

34 MS. SIGURDSON:

35 Q When you met in Smithers to sign the affidavit, did
36 someone bring a copy of this for you to sign?

37 A Yes. It was brought to me on the table where I signed
38 it.

39 Q Did you make any changes to the affidavit after it was
40 read to you?

41 A Nope.

42 Q There are handwritten parts added to paragraphs 6 and
43 8. I would ask Mr. Holland to read those to you.
44 Were those handwritten notes there when the affidavit
45 was brought to you to sign?

46 A I can't read, so it was read to me is when I signed
47 it.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 MS. SIGURDSON: Do you recall -- or perhaps, Mr. Interpreter,
2 did you read the full paragraph 6 to Mr. Charlie, if
3 not, could you do so.

4 THE INTERPRETER: I didn't read it to him at all. I asked him
5 if he signed this with this addition to it and I
6 should have read it to him.

7 MS. SIGURDSON:

8 Q Perhaps we can do that now. Would you read paragraph
9 6 and then I'll ask Mr. Charlie if that's what was
10 read to him.

11 A Yes.

12 Q All that was there when you signed the affidavit?

13 A Yes. Yes, I remember now.

14 Q Was the description of the territories in the
15 affidavit explained to you?

16 A Yes.

17 Q Who explained it to you, please?

18 A It was Marvin and translator.

19 Q Marvin George and George Holland?

20 A Yes. I -- it was read to me and I -- with -- I told
21 you guys what was right, I agreed with it, with the
22 addition, that is when I signed it. I asked him if
23 everything was okay with addition, that is when I
24 signed it.

25 Q All right. And you were told it was okay with the
26 addition?

27 A Yes.

28 Q And that was Marvin George who told you it was okay
29 with the addition?

30 A He read it through for me, he asked me if everything
31 was okay with the addition, I said it was okay, and
32 that is when I signed it.

33 Q Do you understand the references to directions and
34 mileages in the description?

35 MS. MANDELL: I think that the words are too difficult. Maybe
36 what you could ask him, is point to something in the
37 affidavit and ask him if he understands what is being
38 referred to. I think it's too high level an
39 abstraction.

40 MS. SIGURDSON:

41 Q All right, I am quite prepared to do that.

42 In paragraph 5, you start describing the
43 territory around Smithers and Telkwa as follows:

44
45 "Starting at the confluence of C'ede'i Kwe
46 (Driftwood Creek) and Wedzen Kwe (Bulkley River),
47 the boundary then runs northeast along the south

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 bank of C'ede'i Kwe (Driftwood Creek) --"

2
3 And carries on from there. Could you translate that,
4 Mr. Holland?

5 A Yes.

6 Q And you understand what that description says?

7 A Yes.

8 Q Wouldn't the boundary line run southeast from the
9 confluence of Driftwood Creek and Bulkley River, not
10 northeast?

11 A I wish I can read map.

12 MS. MANDELL: Well, just a minute. It depends which way you are
13 going whether it will be running southeast or
14 northeast.

15 MR. MACKENZIE: I'm sure if he understands the description he
16 can answer that, his description that he understood.
17 Do you really think there is a problem with that, Ms.
18 Mandell?

19 MS. MANDELL: Yes.

20 MS. SIGURDSON:

21 Q Well, Mr. Charlie, in your own words, starting at the
22 confluence of Driftwood Creek and Bulkley River, how
23 do you describe the first part of your boundary on the
24 east side of the Bulkley River?

25 A Starting on the east side, from the corner of the east
26 it goes across, there is Dome Mountain, there is a
27 lake there and it takes -- and half of that lake then
28 it goes down towards Quick. On the other side is
29 somebody else's territory.

30 Q Is Quick a boundary?

31 A It's this side of Quick.

32 Q How far this side of Quick?

33 A It comes down in a curve and takes in *Tye Lake. It
34 comes down across from Tatlow, there is a big field
35 there. I know -- I know it up to that point, the rest
36 is not too familiar with me.

37 Q Is that because when you trapped with your stepfather
38 you trapped on the east side of the Bulkley River?

39 A Yes.

40 Q When you trapped with your stepfather, the first time
41 was when you were 14; is that right?

42 A Yes.

43 Q And that was in 1938 or thereabouts?

44 A Yes.

45 Q And your stepfather was in his mid '60s at that time?

46 A I think he's about 58. I remember the birthday party
47 we had for him, he was about 60 years old.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

- 1 Q Was that when you started going out on the trapline
2 with him?
3 A Yes. We went out, caught some marten and I fixed it
4 for him, and that was the money we make from that, we
5 bought food and stuff for his birthday.
6 Q And the last time you were out on the territory was in
7 about 1951; is that correct?
8 A Yes.
9 Q Was your stepfather with you at that time?
10 A No. After he showed me the territory initially, he
11 would mark out the trapline where I'm going to be
12 setting traps and -- on the territory, and I would use
13 that to go to the area where I was going to set traps.
14 Q All right. When was the last time you were on the
15 territory with your stepfather, John Baptiste?
16 A I forgot what year it was.
17 Q Would it be in the 1940s?
18 A No.
19 Q -- early 1950s?
20 A I'm not sure. That may have been 1951 I was over in
21 Queen Charlotte, and I left Queen Charlotte October 18
22 and I came back. And I think it was the same time I
23 went out with the old man.
24 Q He would have been about 70 years old at that time,
25 72, 73?
26 A I don't know what year, but I remember he was 60 years
27 old. I don't know how old he would have been, but all
28 I can remember is 60 we had a birthday party for him.
29 Q All right. Your stepfather held the chief's name
30 Sk'aliiil?
31 A Yes.

32 MS. SIGURDSON: Perhaps we could --

33 MS. MANDELL: Take a break for a minute.

34 MS. SIGURDSON: Could we just -- I'm sorry, could you fill in
35 the conversation? Can you advise us of the tone of
36 conversation?

37 MS. MANDELL: I was asking him whether or not he wanted to take
38 a break and he was telling me about the fact that he
39 was still willing to answer questions, but I think
40 that at this point I would like to take a brief break
41 and speak to the interpreter to talk to him about it.

42 MS. SIGURDSON: All right.

43 (BRIEF ADJOURNMENT TAKEN)

44 MS. SIGURDSON:

45 Q Mr. Charlie, your stepfather held the chief's name
46 Sk'aliiil?

47 A Yes.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 Q Did he hold any other chiefs' names?

2 A No. No, I didn't know of any.

3 Q John Baptiste had a registered trapline in the area
4 you describe in your affidavit; is that correct?

5 A Yes.

6 Q And your mother, Clara Baptiste, was a member?

7 A Yes.

8 Q I'm showing you a copy of an application for
9 registration of a trapline in the name of Baptiste
10 Francois, or in brackets, John Baptiste and company.
11 Have you ever seen an application -- this application
12 before?

13 A No, I never seen that.

14 MS. SIGURDSON: At this point, I would like to tender this as an
15 exhibit for identification. It was on a notice to
16 admit that we have not had a further response from the
17 plaintiffs, and I'm hoping that that may resolve the
18 problem. But subject to Miss Mandell's comments, I
19 tender that as an exhibit for identification.

20 MS. MANDELL: No objections for it being marked as an exhibit
21 for identification.

22 MS. SIGURDSON: Okay. This will be Exhibit 2 for
23 Identification.

24
25 (EXHIBIT 2 FOR IDENTIFICATION - Application for
26 Registration of Trapline)
27

28 MS. SIGURDSON:

29 Q Were you aware that your stepfather, John Baptiste,
30 wanted the trapline to go to your mother, Clara
31 Baptiste, her children and her grandchildren?

32 A Yes, I know of that.

33 Q And the line was transferred to your mother and many
34 people were named as members, including yourself?

35 A Yes.

36 Q I'm showing you a document dated September 16th, 1983,
37 concerning the transfer of the trapline of John
38 Baptiste to your family. I understand your mother
39 could not sign her name; is that correct?

40 A Yes, I knew of that. I never seen this paper, I
41 wasn't aware of that, but I know that she wasn't able
42 to sign her name.

43 Q Okay. Your nephew, Dan Baptiste, also signs this
44 document. Do you recognize his signature?

45 A No.

46 Q Okay. Do you know Andrew George?

47 A Yes.

F. Charlie (for Plaintiffs)
Cross-exam by Ms. Sigurdson

1 Q He is a brother of Leonard George?

2 A Yes.

3 Q Who holds the name Smogelgem?

4 A Yes.

5 Q Do you recognize his signature?

6 A No.

7 MS. SIGURDSON: Well, Miss Mandell, on the same basis as the
8 application form, I would also tender this as an
9 exhibit,

10 MS. MANDELL: That's fine. I've got no objections for it being
11 tendered as an exhibit for identification.

12 MS. SIGURDSON: All right.

13 THE INTERPRETER: He is just asking to confer with me, and I say
14 that it's not proper.

15 MS. SIGURDSON: Could we tender this as an exhibit, Madame
16 Reporter This will be Exhibit 3 for Identification.

17
18 (EXHIBIT 3 FOR IDENTIFICATION - Document concerning
19 the Transfer of the Trapline of John Baptiste to the
20 Family dd. September 16, 1983)
21

22 MS. SIGURDSON:

23 Q On the document that appears to be signed by your
24 mother, Clara Baptiste, is this statement:

25
26 "On our last trip to the trapping grounds; my
27 husband, John Baptiste, verbally stated to me
28 that, I, Clara Baptiste, my children and
29 grandchildren, have full use of the 'John Baptiste
30 and company trapping grounds'."

31
32 Did your mother tell you that as well?

33 A I don't know about that, but we were on the trapline
34 one time, me and my father, we had lunch and he
35 discussed this with me, and seems to me that document
36 is much in the same line as what he had told me.

37 Q The document lists the members that are of the
38 Mitchell Baptiste and Company trapping grounds.
39 Mitchell Baptiste is your brother?

40 A Yes.

41 Q I would like to review the list of members with you.
42 The first person listed is Clara Baptiste and she is
43 your mother?

44 A Yes.

45 Q And she holds the chief's name Heywon in the House of
46 Wah Tah Keg'ht?

47 A Yes.

F. Charlie (for Plaintiffs)
 Cross-exam by Ms. Sigurdson
 Cross-exam by Mr. Macaulay

- 1 Q The next person is Mitchell Baptiste and he is your
 2 brother?
 3 A Yes.
 4 Q And he is also a member of the House of Wah Tah
 5 Keg'ht?
 6 A Yes.
 7 Q And the next person is Kathleen Baptiste and she is
 8 your sister?
 9 A Yes.
 10 Q And the next person is Danny Baptiste and he is your
 11 nephew?
 12 A Yes.
 13 Q And he is also a member of the House of Wah Tah
 14 Keg'ht?
 15 A Yes.
 16 Q The next person is Jason Floyd Baptiste?
 17 A I don't know. I don't know of him.
 18 Q The next person is Freddy Charlie and that is you?
 19 A I don't know him at all. I don't know of him, I don't
 20 know where he is.
 21 Q The next person is Bernard Eric Baptiste and he is
 22 your nephew?
 23 A Yes.
 24 Q And he is a member of Wah Tah Keg'ht?
 25 A Yes.
 26 Q And then Gary James and Robert Allan Baptiste are also
 27 your nephews?
 28 A Yes.
 29 Q And Emma and Veronica Baptiste are your sisters?
 30 A Yes.
 31 Q And they are, of course, also members of Wah Tah
 32 Keg'ht?
 33 A Yes.

34 MS. SIGURDSON: Those are all my questions. Thank you, Mr.
 35 Charlie.
 36

37 CROSS-EXAMINATION BY MR. MACAULAY:

- 38 Q Mr. Charlie, does -- is the name of your house "The
 39 house on a flat rock"?
 40 A Yes.
 41 Q And was the house itself, was that up at Hagwilget or
 42 was it at Moricetown?
 43 A Moricetown.
 44 Q And what are the chiefs' names in your house?
 45 A No, I don't know the names.
 46 Q There are several chiefs in your house, aren't there?
 47 A There is lots but I don't know their names.

F. Charlie (for Plaintiffs)
Cross-exam by Mr. Macaulay

1 Q Your mother's name, Heywon, is that a Wah Tah Keg'ht
2 name?

3 A Yes.

4 Q And is Dzeeh a chief's name in your house?

5 A Yes.

6 Q Who has that name now?

7 A Madeline, would be my Auntie.

8 Q What are the crests of your house?

9 A It's Wadzeeh.

10 Q Is there an English word for that?

11 A Caribou.

12 Q Are there any other crests that you know of for your
13 house?

14 A No.

15 Q Does your house --

16 MS. MANDELL: Just a minute, he has something to add.

17 A No. Just wondering. I couldn't remember for sure.

18 MR. MACAULAY:

19 Q Is there a totem-pole that belongs to your house?

20 A No.

21 Q Do you attend feasts of the Wah Tah Keg'ht house in
22 Babine country?

23 A Yes.

24 Q And is the head chief of the Babine house, is he -- is
25 his name Wah Tah Keg'ht?

26 A Yes.

27 Q And is there a chief named Dzeeh in Babine country?

28 A Yes. In Burns Lake.

29 Q The Dzeeh who lives in Burns Lake, do you know his
30 English name or her English name, whichever it is?

31 A Nobody holds that name in Burns Lake.

32 Q Do you have a seat, a place at the feast of Wah Tah
33 Keg'ht in Babine country?

34 A Yes. I sit with the Laksilyu.

35 Q You are always invited to -- whenever there is a feast
36 involving the Laksilyu in Babine country?

37 A Yes.

38 Q Are you always invited to the feasts of the Laksilyu
39 in Moricetown?

40 A Sometimes.

41 Q Have you heard of the position of church chief?

42 A Yes.

43 Q Johnny Mooseskin was the church chief many years ago?

44 A Where, in Babine?

45 Q In Moricetown?

46 A Yes, that's right.

47 Q Is there also a church chief in Babine country?

F. Charlie (for Plaintiffs)
Cross-exam by Mr. Macaulay

1 A Yes, there is also church chief there.

2 Q Does the -- in Babine country, does the church chief
3 have a seat at the feast?

4 A Yes.

5 Q And at Moricetown, does the church chief have a seat
6 at the feast?

7 A Yes.

8 Q Do you fish for your own needs now?

9 A Yes.

10 Q And do you do your fishing in Babine country or at
11 Moricetown?

12 A Both places, Moricetown and Babine.

13 Q Do you have a fishing spot on Babine Lake?

14 A Yes. Got smokehouse also.

15 Q Do you have -- your house has a fishing spot or
16 position at Moricetown?

17 A Yes, in Moricetown.

18 Q And you sometimes use that fishing place at
19 Moricetown?

20 A Yes. I've -- I've used them. I fish for my aunt and
21 uncle.

22 Q And do you have a smokehouse at Moricetown?

23 A Not me, but my auntie's house has a smokehouse down
24 there.

25 Q And whenever you need to, you can use your aunt's
26 smokehouse?

27 A I don't -- I don't use it that much, but I do help
28 them whenever I can.

29 Q This smokehouse in Babine country, is that your own
30 personal smokehouse?

31 A Yes. It belongs to within my wife's territory.

32 Q Does anyone use it other than yourself and your wife
33 and your immediate family?

34 A Me and my wife, I do the fishing for them with nets
35 and we do all the smoking and then we share it with
36 all her people, relatives and uncles, people Fort St.
37 James and Tachet and Burns Lake.

38 Q Your wife belongs to the Gitdumden Clan?

39 A Yes.

40 Q And is there a Gitdumden head chief in Babine country?

41 A Yes, there is one. I don't -- I can't recall his
42 name.

43 Q Does your wife attend the Gitdumden feasts in Babine
44 country?

45 A Yes.

46 MR. MACAULAY: I have no more questions. Thank you, Mr.
47 Charlie.

F. Charlie (for Plaintiffs)
Re-exam by Ms. Mandell

1 MS. MANDELL: I just -- I may have a few questions.
2

3 RE-EXAMINATION BY MS. MANDELL:

4 Q You were asked by the -- by Miss Sigurdson, who was
5 questioning you for the province, about where you
6 worked, and you talked about working at sawmills from
7 about 1941 to 1979. My question is, did you continue
8 to hunt and trap during that period?

9 A Yes, that's true.

10 Q And did you also, during that time, continue to fish
11 either at Moricetown or at Babine Lake for food?

12 A Yes. The way I lived, I -- during the winter months
13 maybe you might be able to work about four months and
14 then you would get into spring breakup and then you
15 had time to get into other activities, you can go
16 fishing, hunting, that's -- that is the way I have
17 lived.

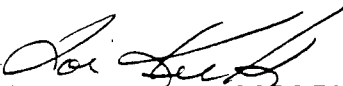
18 Q And do you still live like that today?

19 A Oh yes, I still go hunting yet.

20 MS. MANDELL: Okay. I have got no further questions
21

22 (PROCEEDINGS CONCLUDED)

23
24 I hereby certify the foregoing to be
25 a true and accurate transcript of the
26 proceedings herein transcribed to the
27 best of my skill and ability.
28

29
30 
31 -----
32 Toni Kerekes,
33 O.R., R.P.R.
34 United Reporting Service Ltd.
35

