In the Supreme Court of British Columbia

(BEFORE THE HONOURABLE THE CHIEF JUSTICE)

No 0843
Smithers Registry

Smithers, B.C.

March 17. 1989

BETWEEN:

DELGAMUUKW, also known 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 PAT NAMOX

S. RUSH, Esq;	Appearing for the Plaintiffs
J.M. MACKENZIE, Esq;	Appearing for HMQ of the Province of British Columbia
J.A. MACAULAY, Q.C.	Appearing for the Attorney-General of Canada

UNITED REPORTING

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March 17, 1989
SMITHERS, B.C.

(INTERPRETER: George Holland)

PAT NAMOX, one of the Plaintiffs herein, having been duly sworn, testified as follows:

MR. RUSH: We're ready to proceed with the examination of Mr. Pat Namox on his affidavit sworn March 3rd, 1989, and Mr. Namox's evidence will be translated by Mr. George Holland, who's here, and I think it's agreed need not be sworn himself to interpret. Just to advise for the sake of the record that in the room as well are Mr. Charlie Austin and Mrs. Margaret Austin. And we can proceed I think.

CROSS-EXAMINATION BY MR. MACKENZIE:

Q Mr. Namox, I represent the provincial government. My name is MacKenzie. I'm placing before you a copy of an affidavit sworn March 3, 1989. Is that your affidavit?

A Yes, that's it.

MR. RUSH: Do you want to mark that in the proceedings as 672-A? Would that make sense?

MR. MACKENZIE: Or would you like to do 672-1?

MR. RUSH: That's fine with me.

MR. MACKENZIE: Just because we may have several.

MR. RUSH: No problem.

MR. MACKENZIE: So that will be Exhibit 672-1.

(EXHIBIT 672-1: Affidavit of Pat Namox sworn March 3, 1989)

MR. MACKENZIE:

Q Mr. Namox, was that affidavit translated to you before you swore it?

A Yes.

MR. RUSH: We will be providing a translation affidavit. I haven't been able to prepare it just yet, but we will get one in due course from Mr. Holland.

MR. MACKENZIE:

Q What is your chief's name?

A Gasgabahs.

Q And the spelling for that, please?
MR. RUSH: It's in the affidavit spelled G-a-s-g-a-b-a-h-s.
MR. MACKENZIE:
Q And you are a sub-chief in the house of Wah tah kwets?
A Yes, one of the chiefs there.
Q And who are the other chiefs in the house of Wah tah kwets?
A Hagwilnegh, Wah tah k'eght.
MR. RUSH: It's number 68 on the plaintiffs' list.
THE WITNESS: And Wah tah kwets.
MR. RUSH: That's 69.
MR. MACKENZIE:
Q And you say -- which clan are you in?
A Laksilyu.
Q And are there any other houses in the Laksilyu clan?
A Kwah Beah Yax, G'en egh la Yex.
MR. RUSH: Kwah Beah Yax.
THE WITNESS: Tse kai kal kai yax.
MR. RUSH: Kwah Beah Yax I can spell is K-w-a-h B-e-a-h Y-a-x. G'en egh la Yex, G-'-e-n e-g-h l-a Y-e-x, and the last was Tse kai kal kai yax, and that is T-s-e k-a-i k-a-l k-a-i y-a-x.
MR. MACKENZIE:
Q And you have given me three chiefs' names. Do you know any other chiefs in the Laksilyu clan?
A Gidum Skanist, Max lax lex.
MR. RUSH: G-i-d-u-m S-k-a-n-i-s-t, Gidum Skanist. M-a-x l-a-x l-e-x, Max lax lex.
MR. MACKENZIE:
Q Can you think of any others?
A Yax.
MR. RUSH: Y-a-x.
THE WITNESS: Ka'kl.
MR. RUSH: K-a-'k-l.
THE WITNESS: There is a lot of names that I can't recall momentarily, but the ones that I have mentioned are the more higher chiefs.
MR. MACKENZIE:
Q And which house is Max lax lex in?
A G'en egh la Yex.
MR. RUSH: That's the second of the two houses that I spelled for you.
MR. MACKENZIE:
Q Now, Mr. Namox, you live at the Moricetown Reserve now?
A Yes, that's where I live.
Q And how old are you today?

A Sixty-five.
Q And you have recently retired from the Canadian National Railway?
A Yes, last summer.
Q And how long did you work for the railway?
A Thirty years.
Q And what were your duties when you were working for the railway, in general?
A All we did was fix the roadway for them and that's all we've been doing all over the place.
Q Before you started working for the railway, whom did you work for?
A Hanson Timber Company.
Q And what did you do when you worked for Hanson's?
A I didn't work for him myself, but I worked for the people that were subcontracting for that company.
MR. MACKENZIE: And what products did that company make?
MR. RUSH: Which company?
MR. MACKENZIE:
Q Hanson's.
A They made cedar poles and ties also.
Q Before you worked for Hanson's what occupation did you have?
A Before that I was out trapping with my father.
Q So have you worked for any other -- sorry, have you worked at any other occupations in your career besides those we've mentioned?
A I've also worked on sawmills occasionally, wherever I got a job.
Q And I understand that you're currently the church chief at Moricetown?
A Yes, I am.
Q How long have you had that position?
A I think it's almost three years now.
Q Who had that position before you?
A Peter Alfred.
Q What are the duties of that position?
A Our job would be if some of the church members are not doing the right thing, and then our job is to go and talk to them and rectify any problems.
Q Are you a member of a registered trapline?
A Yes, I'm also included in that.
Q And where is your registered trapline?
A McDonell Lake.
Q You are a member of the house of Kwah Beah Yax; correct?
A Yes, I'm one of them.

Q Where are the territories of the house of Kwah Beah Yax?
A Sde keen t'aat.
MR. MACKENZIE: Better get a spelling for that, please?
MR. RUSH: What's that?
THE WITNESS: Sde keen t'aat.
MR. RUSH: Just put a one on that. I'm not quick to give you a spelling.
MR. MACKENZIE:
Q Where's that location?
A McDonell Lake.
Q Where are the other territories of the house?
A Kilwoneetz, Dennis Lake.
Q Now, you say Dennis Lake. Is that what you mean by Kilwoneetz?
A Yes, same area.
MR. MACKENZIE: Did you need a spelling for Kilwoneetz?
MR. RUSH: K-i-l-w-o-n-e-e-t-z. Did I say K-i-w or K-i-l-w? I meant to say K-i-l-w.
MR. MACKENZIE:
Q Where are the other territories of the house?
A Round Lake, Coos Tl'aat.
MR. MACKENZIE: And a spelling for that?
MR. RUSH: That's in the affidavit. C-o-o-s, new word, T-l-'-a-a-t.
MR. MACKENZIE:
Q Are there any other territories of the house?
A There's other areas that belong to the Laksilyu clan, but all these areas have belonged to other chiefs.
Q And can you use those other Laksilyu clan areas?
A It's always been like that in the past that when they talk about it then we are allowed to use it.
Q Does the Kwah Beah Yax house have a crest?
A Yes, they do have a crest.
Q And what is the crest of your house?
A It's a frog.
Q Does the house have any crests other than that crest?
A Yes, that's the way it is.
Q I'm sorry, I didn't hear that?
A That's -- they are like that.
Q Are there any other crests?
A I know of caribou, wahdsi.
Q Are there any other crests of the house?
A I'm not sure of the other crests.
Q Does Wah tah kwets have a personal crest?
A I'm not aware of Wah tah kwets'. All I know is the frog.

Q Wah tah kwets is your brother John Namox?
A Yes, my brother.
Q When did you receive your name?
A It's a long time ago. It's about ten years ago.
Q And did you receive your name at a feast?
A Yes, that's where I got it.
Q And did you make a contribution at the feast to take your name?
A Yes, I contributed.
Q And how much did you contribute?
A At that time expenses weren't so high. I spent about 3, $400.

MR. MACKENZIE: You were telling me about the house's territories and you told me about McDonell Lake.

MR. RUSH: McDonell.

MR. MACKENZIE:

Q McDonell Lake, Dennis Lake, and Round Lake. Are there any other territories owned by your house?
A In our house it's -- they are the only ones.
Q Which chief is the highest chief in the Laksilyu clan?
A Gidum Skanist and Wah tah k'eght.
Q Gidum Skanist is higher than Wah tah k'eght?
A Yes, that's the way it is.
Q And who holds the name Gidum Skanist?
A Willie Simms.
Q Which house is Willie Simms in?
A G'en egh la Yex.

MR. RUSH: That's the second of the two.

MR. MACKENZIE:

Q Did you have another name before your present name?
A No, I didn't.
Q The name you have now is the first chief's name you have held?
A Yes, that was the only name.
Q You also were once a member of the Alfred Namox registered trapline?
A Yes, I was also included on there.
Q And that was a registered trapline near Goosley Lake?
A Yes.
Q Alfred Namox was your father?
A Yes, that was my father.
Q And in your youth you trapped on the trapline near Goosley Lake?
A Yes, that's where we were trapping.
Q When did you become a member of the McDonell Lake trapline?
A It was shortly after my father passed away.

1 Q Was that about 1977?
2 A Yes, about that time.
3 Q Who's trapping at McDonell Lake today?
4 A I've trapped out there and also David Dennis' grandson
5 are trapping around the Dennis Lake area.
6 Q And when was the last time you were there trapping?
7 A Winter last year.
8 Q And when was the last time before winter last year?
9 A Since I was included in that trapline. Louie Joseph
10 used to come along with us. We trapped out there
11 quite a bit.
12 Q Before 1988, when was the last time you were trapping
13 at McDonell Lake?
14 A '87.
15 Q Do you trap -- after 1977 did you trap anywhere else?
16 A Yes. I trapped out in -- out in my -- on my wife's
17 territory.
18 Q Your wife is Lucy Namox?
19 A Yes.
20 Q Her name is Goohlaht?
21 A Yes, that's her.
22 MR. MACKENZIE: Which territory did you trap in along with your
23 wife?
24 MR. RUSH: Just a moment.
25 MR. MACKENZIE: Do you want a spelling for that?
26 MR. RUSH: Goohlaht is 12 in the plaintiffs' list, and I can
27 spell it, G-o-o-h-l-a-h-t.
28 MR. MACKENZIE:
29 Q Which of your wife's territories did you trap on?
30 A Around Morice Lake.
31 Q And can you say where -- which part of Morice Lake you
32 are trapping at?
33 A Both side of the -- where the lake is.
34 Q Do you know that the Morice River flows out of the
35 north end of Morice Lake?
36 A Yes, I know.
37 Q Where were you trapping in relation to that?
38 A We go past the outflow of the lake and we go way above
39 that on the other side.
40 Q You're on the -- you're on the north-west side of the
41 lake or on the south-east side of the lake?
42 A Yes, we go to the -- we go to the east side first and
43 the west side is larger.
44 Q Do you do any hunting?
45 A No.
46 Q Have you ever done any hunting?
47 A I never go hunting up there.

Q Did you go hunting anywhere?
A Yes, I've hunted up around our own territory around the McDonell Lake area.
Q Do you hunt anywhere else?
A Yeah, I've also hunted around the Moricetown area.
Q And which animals do you hunt?
A Xeda.
MR. MACKENZIE: What type of animal is that?
MR. RUSH: Just a moment. What's the Wet'suwet'en name, please, Mr. Holland?
THE WITNESS: Xeda.
MR. RUSH: Xeda?
THE WITNESS: Xeda.
MR. RUSH: Thank you.
MR. MACKENZIE:
Q What does that mean in English?
A It's the name of the animal.
Q What's the English name for that animal?
A It's moose.
Q And where around Moricetown did you hunt moose?
A Across from Moricetown and up on the hills.
Q You mean on the east side of the Bulkley River?
A Yes, around there.
MR. MACKENZIE: And whose territory do you hunt moose in?
MR. RUSH: Excuse me, in respect of this particular event or --
MR. MACKENZIE: That he's speaking about, yes.
MR. RUSH: Maybe just clarify that because it wasn't clear to me.
MR. MACKENZIE:
Q You said you hunt moose east of the Bulkley River. Whose territory do you hunt moose in there?
A It's Laksilyu territory. It belongs to Wah tah k'eght and Ha de kha max, who's Bazil Michell.
MR. RUSH: The first is 68 on the plaintiffs' list. Ha de kha max is -- we'll get you a spelling for that. I think it's H-a d-a k-u m-a-x, I think, Ha de kha max, Bazil Michell.
MR. MACKENZIE:
Q In your affidavit you speak about the Round Lake territory; correct?
A Yes, that's the area I speak of.
Q When was the last time you were in the Round Lake territory?
A There's a road going through there and we travel through there quite often, and I know where the area is.
Q Highway 16 goes through that area?

A Yes, it goes through there.
Q And is that the road that you travel on?
A Yes, that's -- we travel through there.
Q And have you been in the Round Lake territory off Highway 16?
A Yes, I've -- yes, I've travelled off the road around Coos Tl'aat ben territory.
Q When was that?
A Yes, there's roads around a lake and in the summertime we travel through there quite often.
Q When was the last time you were in that territory?
A About two, three years ago.
Q When was the last time before that you were in the Round Lake territory?
A A long time ago, I was pretty young then, when I used to travel through there and Round Lake Tommy used to live there and we set up camp there. That was when we travelled through there right by the lake.
Q And when was that?
A I was pretty young that time. I couldn't remember the date, but I was about six or seven years old when we used to travel through there.
Q You said Round Lake Tommy lived there. Did he live there when you were six or seven years old?
A Yes. They had a house there. That's where they used to live and they always came back to that place.
Q Well, Round Lake Tommy had another house didn't he?
A Yes, he lived at that place by the lake and then he also had a place across Wedzen Kwe where -- that's where he had another house.
Q Round Lake Tommy actually owned land down south of the Round Lake territory?
A He owned that territory and he had farm land elsewhere; is that what you're talking about?
Q Yes. Down around Barratt; is that correct?
A Yes, I know of that.
Q Yes. You know that Round Lake Tommy had received Crown grant land from the government down near Barratt?
A I don't know how he come about that farm land there, but I do know he lived there and he raised stock there. He had a large piece of land there.
Q So you never trapped on the Round Lake territory, did you?
A No.
Q And you haven't travelled around the boundaries of the Round Lake territory, have you?

A I never walked around the boundary, but I -- I was told about the boundary itself.
Q Okay. Who told you about the boundary?
A Louie Tommy.
Q When did he tell you about the boundaries?
A It was at the village at Moricetown. He used to come in and visit us and he used to tell us about these places.
Q So do you know where Tl'ooliits Yanlii is?
A Yes, I know where it is.
Q Where is that?
A It's -- it's along the highway, and the river comes -- the creek comes down and it's called Deep Creek.
Q Do you know two lakes at the head of Deep Creek?
A No, I know of two lakes in the Round Lake territory. Coos Tl'aat and Dzii Ben.
MR. RUSH: The first is C-o-o-s, new word, T-l-'-a-a-t, and the second is D-z-i-i, new word, B-e-n.
MR. MACKENZIE:
Q And do you know who is -- who has registered traplines in the Round Lake territory?
A Peter Jim holds the registered traplines in that area.
Q And do you know that -- do you know if any white people have registered traplines in the Round Lake area?
A I heard about that, but I don't know who it is.
Q Who's the -- I'm sorry, do you know who the neighbouring territories are?
A Yes, I know who holds territories around there. The Indian people.
Q Which house holds the territory to the south of the Round Lake territory?
A Smogelgem.
Q Do you know Florence Hall?
A Yes, I know her.
Q Do you know that she has a trapline around Walcott?
A Yes, I know of that.
Q Do you know that her trapline goes into the Round Lake territory?
A It sits parallel to it.
Q Florence Hall is Chief Kweese?
A Yes, she's Kweese.
Q And she is in the Tsayu clan?
A Yes, Tsayu.
Q And her trapline is on the southern boundary of the Round Lake territory; is that correct?
A Yes, it's on that side.

1 MR. MACKENZIE: Okay. Do you want to take a short break now?
2 I've got some documents to file and not too many more
3 questions.
4 MR. RUSH: Good. Sure.
5
6 (BRIEF RECESS TAKEN)
7
8 MR. MACKENZIE:
9 Q Now, Mr. Namox, I understand that Johnny David plans
10 to pass his name, Max lax lex to you; is that correct?
11 A He has spoken to me about it and that is within his
12 plans, and how that's going to take place I don't
13 know.
14 Q Will you -- if you take that name Max lax lex, will
15 you receive territory with that name?
16 A That is the way they have done it in the past
17 traditionally.
18 Q Which territory would you take?
19 A Wherever Max lax lex is entitled to territory.
20 Q Do you happen to know which territory Max lax lex is
21 entitled to?
22 A I -- I don't really know the territories itself.
23 Q Now, I wanted to ask you a few questions about the
24 McDonell Lake registered trapline. Do you know if
25 Louie Joseph tried to sell that trapline to Wally
26 Forsythe in 1979?
27 A Yes, I know of it.
28 Q And Louie Joseph was a member of the registered
29 trapline at that time?
30 A Yes, I know of that.
31 Q And Louie Joseph is a Wet'suwet'en person?
32 A Yes, he was Wet'suwet'en.
33 Q I'm showing to you an application for registration of
34 a trapline dated November 10, 1981. Can you identify
35 your signature on that, please?
36 A Yes, that's my name.
37 MR. MACKENZIE: Exhibit 672-2, please.
38
39 (EXHIBIT 672-2: Application for registration of a
40 trapline dated November 10, 1981)
41
42 MR. RUSH: Can you give us a copy of that --
43 MR. MACKENZIE: Yes.
44 MR. RUSH: -- please, front and back?
45 MR. MACKENZIE: Yes.
46 MR. RUSH: Thanks.
47 MR. MACKENZIE:

1 Q I think we have -- I'll certainly give you another
2 one.
3 As you say, you became a member of that McDonell
4 Lake -- McDonell Lake trapline in 1987; correct?
5 A Yes.
6 Q And you know that in 1980 George Joseph gave John
7 Carlson, C-a-r-l-s-o-n, permission to trap on that
8 line?
9 A No, I didn't know about that.
10 Q George Joseph was the head man on that trapline before
11 you took over, wasn't he?
12 A Yes, I know of that.
13 Q And he was a member of the Lake Babine Band, wasn't
14 he?
15 A Yes, he belonged to that band at that time.
16 Q He lived down on Burns Lake?
17 A Yes. He lived there.
18 Q Were you consulted when -- or sorry, did George Joseph
19 ever speak to you about leasing the trapline to white
20 people?
21 A No.
22 Q Now, is George Joseph a Babine person?
23 A No, he wasn't.
24 Q You say he was Wet'suwet'en?
25 A Yes, he was Wet'suwet'en.
26 Q Were you ever a member of the Moricetown Band Council?
27 A Yes.
28 Q And your brother John Namox was also a band councillor
29 for many years?
30 A Yes. He was a member there a while back, and how long
31 he was there I don't know.
32 MR. MACKENZIE: I'm showing to you a band council resolution of
33 the Moricetown Band dated June 11, 1980. Can you
34 identify that as the band council resolution that
35 appointed you head man of the McDonell Lake trapline?
36 MR. RUSH: Just -- excuse me, just before you answer, the
37 resolution does not use your language of "appointed".
38 The resolution says, in paragraph 2, "be it therefore
39 resolved that John Baptiste Namox, band member 67,
40 Moricetown Band, born June 02, 1923, be head man of
41 the company". If there's anything that you mean by
42 the use of the term "be appointed" I just think that
43 should be asked of the witness. If you don't mean
44 anything particular by that, then I don't have any
45 problem with the question.
46 MR. MACKENZIE:
47 Q Okay. Can you identify this band council resolution

as the one by which you became head man of the company at the McDonell Lake trapline?
A Yes, that's the one.
MR. MACKENZIE: Next exhibit, please.

(EXHIBIT 672-3: Band council resolution dated June 11, 1980)

MR. MACKENZIE:
Q You are also known as John Baptiste Namox?
A Yes, that is what my name is.
Q And are you aware that that band council resolution Exhibit 672-3 was sent to the Fish and Wildlife Branch for action?
A Yes, I'm aware.
Q Do you have any knowledge at all about white people trapping on the McDonell Lake trapline?
A No, I wasn't aware of it.
Q Now, you know Frank Patrick?
A Yes, I know him.
Q And he lives in Smithers?
A Yes, that's where he lives.
Q And which clan does he belong to?
A I don't know.
Q His name is Wah tah kwets?
A Frank Patrick?
Q Yes.
A Yes, I know him.
Q Which clan is he in?
A In the Laksilyu.
Q Is he a member of your clan?
A Yes, he is of our clan.
Q And does he have a claim to your territory, your house's territory?
A Yes, he also has rights to it within our house.
Q And he speaks your language?
A He speaks our language.
Q He attends your feasts?
A Yes. He comes and helps us.
Q And he also -- well, he has the name Wah tah kwets?
A Yes, he also has the name Wah tah kwets.
Q How does his name differ -- sorry, how does his status differ from your brother, John Namox, who also has the name Wah tah kwets?
A Yes, he is Wah tah kwets when he was -- he lived out in Babine before, and that's where he received that name, so as a result of that he is Wah tah kwets for

1 the Babine area.
2 Q Now, I want to ask you some questions about the Peter
3 Jim registered trapline. Now, Peter Jim worked for
4 this CN Railroad for a long time, didn't he?
5 A Yes.
6 Q And he recently retired?
7 A Yes. He quit working there before his retirement.
8 Q Speaking about the Round Lake territory, there are
9 white farms on that territory?
10 A Yes, there's quite a few white people have farms in
11 the area.
12 Q And there is logging on that territory?
13 A Yes, they've logged in the area.
14 Q I understand that Peter Jim worked for the CN for
15 about 35 years; is that correct, as far as you're
16 aware?
17 A Yes, I know.
18 Q I understand he said there wasn't much time for
19 trapping when he was working for the railway. Was
20 that the case for you also?
21 A I was in the same position and we didn't trap all that
22 much.
23 Q I'm showing to you a band council resolution of the
24 Moricetown Band dated September 10, 1979. Can you
25 identify your signature on that copy?
26 A Yes, that's mine.
27 MR. MACKENZIE: Next exhibit, please.
28
29 (EXHIBIT 672-4: Band council resolution of Moricetown
30 Band dated September 10, 1979)
31
32 MR. MACKENZIE:
33 Q And can you confirm that that is the band council
34 resolution resolving that Peter Jim be head man of the
35 company at the Round Lake trapline?
36 A Yeah, that's -- that's where Peter Jim was to be the
37 head man in the Quick area.
38 Q And are you aware that that band council resolution
39 was sent to the Fish and Wildlife branch for
40 processing?
41 A Yes.
42 MR. MACKENZIE: At Lucy Bazil's commission we filed John
43 Namox's interrogatory questions, 58-A, 59-C, and 63,
44 as Exhibit 828, and part two of two maps as Exhibit
45 828-A. I'm now submitting John Namox interrogatories,
46 map, part one, as an exhibit in these proceedings, and
47 I think that I'm submitting it to be marked in these

proceedings because this is the Round Lake map.

MR. RUSH: You're submitting a document which appears as, and I'm quoting, set of two maps of territorial boundaries of the house of Wah tah kwets, in brackets, John Namox, part one of two, marked draft copy.

MR. MACKENZIE: Yes.

MR. RUSH: Do you have an extra copy of this?

MR. MACKENZIE: Yes.

MR. RUSH: Thank you. And this is Exhibit 5 of the sequence?

MR. MACKENZIE: Yes.

MR. RUSH: Thank you.

(EXHIBIT 672-5: John Namox interrogatories map)

MR. MACKENZIE: I'm going to show you another map which I'm handing to Mr. Rush entitled "Territory of Wah tah kwets" dated May 13, 1987.

MR. RUSH: Okay.

MR. MACKENZIE:

Q I'm just going to show it to Mr. -- Mr. Namox, this map is entitled Territory of Wah tah kwets, in parenthesis, K'hay La'h. Have you ever seen this map before?

A I've never seen this map before.

Q Is K'hay La'h the name of a chief in the house of Wah tah kwets?

A K'hay La'h is a name within the Laksilyu, and I'm not exactly sure where she fits in.

MR. RUSH: It's spelled here K-'-h-a-y, new word, L-a-'-h.

MR. MACKENZIE:

Q This map that we are looking at depicts a territory surrounding Topley. Does Wah tah kwets have a territory surrounding Topley?

A Not that I know of.

MR. MACKENZIE: Mr. Rush, this hasn't been identified, but I would submit it for marking as an exhibit for identification.

MR. RUSH: No problem.

MR. MACKENZIE: So that would be Exhibit 672-6 for identification.

(EXHIBIT 672-6 FOR ID: Map entitled "Territory of Wah Tah Kwets")

MR. MACKENZIE:

Q Your sister's name is Sarah Tait?

A Yes.

Q Did your father Alfred Namox have a cabin near the Moricetown Reserve?
A Yes, he had a house there.
Q Was that outside the reserve?
A Yes. There was another reserve. That's where he had another house.
Q So you say his house was on a reserve?
A Yes.
MR. MACKENZIE: I've finished my cross-examination.
MR. RUSH: Just before you start, Mr. Macaulay is the lawyer for the Attorney-General of Canada, and he is entitled to ask questions at this cross-examination as well.

CROSS-EXAMINATION BY MR. MACAULAY:
Q Mr. Namox, did your house have its long house at Hagwilget?
A It was long before our time, and we were told about it.
Q Was it called the House beside the Fire?
A They use that name Kwah Beah Yax wherever they travel.
Q Do you know it was next to a Gilseyhu house called the Dark House?
A Yes. Yex Tsowil Gus, Dark House, is a house belonging to Gilseyhu. And the way they had it I don't know about.
MR. MACAULAY: At the feast who are the people who sit on your right and on your left, that is, the feast of your house?
MR. RUSH: If I can just interject, you mean at a feast where Mr. Namox is the guest?
MR. MACAULAY: Guest, yes.
MR. RUSH: All right. Fine. Perhaps just explain that.
THE WITNESS: They all have seats according to their names and they all have different seats.
MR. MACAULAY:
Q But who do you, you yourself, sit next to when you're a guest at the feast?
A Legiboo, Peter Jim, sits beside me.
Q And on the other side, who sits on the other side?
A I know the person. I know the person. Always it's Axgot.
MR. RUSH: That's like A-k-'-k-o-o-t.
MR. MACAULAY:
Q Does that mean heartless?
A Yes.
Q Did your house have a crest that was the Hudson Bay Company flag?

A No, I don't know of it.
Q You never heard that?
A No.
MR. RUSH: What is the Hudson Bay Company flag?
MR. MACKENZIE: I think I know what it is. With a bear in the middle?
THE WITNESS: Whenever we have feasts there's no Hudson Bay people around.
MR. MACAULAY:
Q Does your house have a fishing station at Hagwilget?
A I was pretty small at the time when we were down there. They had smokehouses and they had fishing stations, and -- but I can't really recall because I was pretty young that time.
Q Did you ever fish yourself at Hagwilget?
A I was too small at the time. Only my father went fishing then.
Q Did your father live at Hagwilget at one time?
A Yes, they also lived there at one time.
Q When did he move to the Moricetown area, your father?
A Before they resided in Moricetown they always travelled back and forth between the two places.
Q When did your father establish a permanent residence at Moricetown, near Moricetown?
A Could have been around 1940.
Q And did you move to Moricetown with him and live with him in 19 -- around 1940?
A Yes, I was with them.
Q Did your house have fishing stations at Moricetown?
A Yes, they had fishing station.
MR. MACAULAY: And was it -- were the fishing stations on the east side of the river or the west side of the river?
MR. RUSH: Just a second. That distinction may not be relevant in terms of his understanding of directions.
MR. MACAULAY: How about railroad side and other side?
MR. RUSH: That's fine. Some other means -- or the highway side.
MR. MACAULAY: Highway side and other side.
MR. RUSH: Yes.
MR. MACAULAY:
Q Well, I'll ask the question again. Were these fishing stations on the highway side of the river or the other side of the river?
A It's on the highway side.
Q Have you fished there yourself?
A Yes, I've fished for a lot of salmon in there.
Q Is that with a gaff?

A Yes.
Q Do you still fish there in the fishing season?
A I don't go fishing anymore, but somebody always goes fishing for us.
Q What are -- who makes the arrangements for the appointment of a person to go fishing for you?
A I always appoint somebody younger, stronger, younger people like my grandson. He always goes fishing for us.
Q What is your grandson's name, the one who goes fishing for you?
A Herbie Naziel.
Q And what house does he belong to?
A He's of Gilseyhu.
Q Yes, but that's his clan. What house does he belong to?
A I always get mixed up in the houses.
Q Did your brother John Namox have contracts with the Department of Fisheries to clear the Bulkley River of obstacles?
A Yes, he's done that.
Q Was your brother John Namox ever a Fisheries guardian at Moricetown?
A Yes, he was one summer.
Q Is there a Wah tah kwets house in the Babine country?
A Yes, it's the same out there. They also have a house.
Q And does that house have the same chief's names as your house?
A Yes, it's much the same.
Q And do the members of that house have rights on your house's territories?
A Yes, they can come and have the same rights because of being similar house.
Q And do you have rights in Babine country and the territories of Wah tah kwets in that Babine territory?
A Yes, they would be aware of it if I was to travel there, and they would treat me the same way as we would them.
Q Have you ever either fished or trapped in Babine country?
A No.
Q Do the members of the Wah tah kwets people in Babine country, do they speak the same language as you do?
A Yes, we speak the same language.
Q And do people with chief names in your house, that is, Wah tah kwets, in Babine country come to feasts at Moricetown?

A Yes, they come and they help us always.
Q When your house puts on a feast, as the host of a feast do they help? Do they assist your house at putting on the feast?
A Yes, they come and help us.
MR. MACAULAY: Those are my questions. Thank you, Mr. Namox. Shall we break for lunch?

RE-EXAMINATION BY MR. RUSH:
Q Well, I'm going to do some redirect.
I get to ask you some questions now, Mr. Namox. Frank Patrick is Babine Wah tah kwets; is that right?
A Yes, he's Babine Wah tah kwets.
Q That's 69. Wah tah kwets.
Does Babine Wah tah kwets have separate territory in the Babine?
A Yes, they have territories of their own up there.
Q Do you know the names of the other chiefs in Babine Wah tah kwets' house?
A I know of some.
Q What are their names?
A In Indian?
Q Yes.
A Axgot.
Q A-k-'-k-o-o-t-s? What's the pronunciation again?
A Axgot.
Q Axgot?
A A-x-g-o-t.
Q A-x-g-o-t. Okay.
A Gyetlets.
Q Gyetlets. I'll have to try a spelling on that. Are those the two you remember, Mr. Namox?
A Them are the ones. Them ones are that I can remember.
Q All right. Now, I want to ask you about Peter Jim. Peter Jim, you said, sits beside you at the feast hall when you're a guest in Moricetown -- at a Moricetown feast?
A Yes, he sits beside me.
Q And you told us his name was Legiboo?
A Legiboo.
Q Yes, and that's spelled L-e-g-i-b-o-o. It's been mentioned a couple of times.
Now, is Legiboo a chief's name?
A Yes, it's a chief's name.
Q Okay. And is Peter Jim -- is Peter Jim in your house Kwah Beah Yax?
A Yes, he's a member of Kwah Beah Yax.

Q Okay. And is Legiboo a chief's name in the house of Kwah Beah Yax?
A Yes, he's a chief of there.
Q Okay. Now, do you sit -- when you sit as a guest at a feast, do you sit in the back row?
A We sit in the front row.
Q Okay. And who do you sit in front of?
A Wah tah kwets.
Q Is that your brother John Namox?
A Yes, that same person.
Q Okay. Now, I just want to ask you about Peter Jim again. You said that Peter Jim was the head man in the Quick area. Is Quick a village, the name of a village?
A When they go to hunt and trap in the Coos Tl'aat area, the clan members they go to live there, and that whole area is within Coos Tl'aat area territory.
Q Quick is in the Coos Tl'aat territory, Coos Tl'aat territory?
A Yes, Quick is within Coos Tl'aat territory.
Q That's C-o-o-s -- we've been talking the same -- T-l-'-a-a-t. Mr. Macaulay can you give me the B.C.R. please which we had marked as Exhibit 672-4? It's the one involving Peter Jim. Thank you very much.

On one of the documents marked earlier, Exhibit 672-4, this is the band council resolution where it was resolved that Peter Jim be the head man of the company, and it describes a trapline, a registered trapline, by its co-ordinates. Part of this, and I'm going to read to you, says:

> "It is whereas Louie Tommy is deceased be it therefore resolved that the name of the trapline be changed to Peter Jim and Company trapline."

That's the first paragraph I've read of that B.C.R.. Okay. My question, Mr. Namox, is that the same Louie Tommy who was the former Wah tah kwets who instructed you about the territory?

A Yes. That's the same person, Louie Tommy, who was Wah tah kwets.
Q Thank you. You told Mr. Mackenzie that there had been logging on the territory at Coos Tl'aat. Did you see the logging and the -- did you see the logging there?
A Yes, I've seen it.
Q Okay. And when you saw the logging, what was the land

like after the logging?
A Yes, it was a large tract of land that was -- that was logged off.
Q What did it look like?
A There was no timber whatsoever. It was -- it looked like a big field.
Q At the very beginning of the questioning this morning, Mr. Namox, Mr. Mackenzie asked you about other chiefs in Wah tah kwets' house and you said that Hagwilnegh, Wah tah k'eght, and Wah tah kwets, were those chiefs, and I want to ask you if those are chiefs of the Laksilyu clan or are they chiefs of Wah tah kwets' house?
A They're the chiefs within the clan.
Q You were asked about your father, Mr. Namox, and what was your mother's name?
A Josephine.
Q Okay. Did she have a name in Wah tah kwets' house?
A She had -- she also had a chief name. It just slipped my mind for the moment. I'll remember after.
Q Okay. You were asked about Sarah, your sister, Sarah Tait?
A Sarah Tait.
Q Yes. Sarah Tait is your sister?
A Yes, that's my sister.
Q Okay. And is she -- is she older than or younger than you?
A She's older than myself.
Q Okay. And is she in Kwah Beah Yax?
A Yes, that's where she belongs.
Q Okay. And does she have a name in Kwah Beah Yax, a chief's name in Kwah Beah Yax?
A Yes, she holds the same name as the one my mother had.
Q Okay. And the name of your sister and your mother slipped your mind, has it?
Mr. Namox, I'll ask you just a couple other questions. You were asked about when you travelled through the territory of Coos Tl'aat Ben and you said that you went along the road there. You went -- travelled along the road. I wanted to ask you if you travelled through the territory in the train?
A Yes, I travelled through there on the train.
MR. RUSH: Those are all my questions. Thank you, Mr. Namox. That's all.

(PROCEEDINGS ADJOURNED)

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

Tanita S. French
Official Reporter