In the Supreme Court of British Columbia

No. 0843
Smithers Registry

Smithers, B. C.
November 28, 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
ELSIE QUAW

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CROSS-EXAMINATION ON AFFIDAVIT
OF
ELSIE QUAW

MS. LOUISE MANDELL, appearing for the Plaintiffs;

MS. LORYL RUSSELL, appearing for the Defendant Attorney-General for Canada;

DARRELL O'BYRNE, Esq., appearing for the Defendant Province of British Columbia.

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November 28, 1988.

ELSIE QUAW, a witness for the plaintiffs, after first being duly sworn, testified as follows:

MS. RUSSELL: This is the cross-examination of Mrs. Elsie Quaw. My name is Loryl Russell, I am acting for the Attorney-General of Canada, and before we commence, Ms. Mandell has advised me that there are changes to be made to Mrs. Quaw's territorial affidavit. She will put those changes on the record at this time.

MS. MANDELL: Thank you. Mrs. Quaw, I am going to show to you an affidavit which was sworn on July 28th and ask you whether or not that's your signature?

A It is.

Q And did you swear that affidavit?

A Yes.

Q At paragraph one it says that you are a hereditary chief; is that information correct?

A No.

Q And in paragraph two it says that your Cheslatta name is Thallah, is that your chief's name or was that the chief's name of your grandmother?

A My grandmother's name.

MS. MANDELL: I propose to strike, in paragraph one, the words "hereditary chief". And you are the daughter of Keom Morris, are you not?

A Yes.

Q And in its place put daughter of Keom Morris, so paragraph one would read: "I am a Cheslatta, daughter of Keom Morris" and the words hereditary chief would be struck from that paragraph.

And in paragraph two I propose to strike the first sentence, "My Cheslatta chief's name is Thallah" and leave paragraph two to then read, "I am a member of the Gitdumden clan"; is that correct now?

A Yes.

<u>CROSS-EXAMINATION BY MS. RUSSELL</u>:

MS. RUSSELL:

Q I have some questions for you, Mrs. Quaw, and if you don't understand them or can't hear me, tell me and I will repeat my question or if you need a break or have

to stop to have a glass of water, tell me and we will all try to accomodate you.
A Yes.
Q Please forgive my mistakes in pronunciation. I will do my best.
A Okay.
Q Mrs. Quaw, where were you born?
A I was born in Hospital Point -- I was born at Uncha Lake.
Q And Hospital Point is a place --
A That's where I was born but my dad and mum were living at Uncha Lake; that's where I was raised up.
Q And when were you born, Mrs. Quaw?
A July 20th, 1927.
Q And did you live all your life at Uncha Lake until you were married?
A Yes.
Q I see. And did you go to school in the area of Uncha Lake?
A I went to school at the residential school at La Jacques School.
Q La Jacques Residential School?
A Yes.
Q When did you go to La Jacques residential school?
A 1936 to '43.
Q And were you employed, Mrs. Quaw, did you have a job?
A Any specific time?
Q Sorry, after you finished school.
A No.
Q Did you work at all before you were married?
A No.
Q And did you -- were you employed after you were married?
A No.
Q And were you married to Jimmy Quaw?
A Yes.
Q And, I am sorry, you are married to Jimmy Quaw?
A Yes.
Q When were you married, Mrs. Quaw?
A 1947, April.
Q And where is Mr. Quaw from originally?
A Stoney Creek Reserve.
Q And you are now both members of the Cheslatta Band, are you not?
A No.
Q No? Please correct me. What band are you members of?
A Right now I am Honcaagh Ben.

Elsie Quaw (For Plaintiffs)
Cross-exam by Ms. Russell

Q And Mr. Quaw, what band is he a member of?
A He is a Stoney Creek Band in Vanderhoof.
Q And where do you live at present?
A Grassy Plain.
Q And your husband, he -- has he been employed since you were married?
A He was self-employed in the bush.
Q As a logger?
A As a tie hacker.
Q And when was that, Mrs. Quaw?
A That was in '49 to '51.
Q And what has he done since that time in the way of employment, Mrs. Quaw?
A I don't know if it got anything to do with me because I am divorced from him in '69.
Q I see. Before your divorce, what did he do as employment?
A He work on the highways, he worked for a while at B. C. Tel and Hydro.
Q Did he hunt, Mrs. Quaw?
A Yes.
Q And where did he hunt?
A Where did he hunt?
Q Yes, where did he do his hunting? Was there one particular area or several?
A Excuse me. It's got nothing to do with this area.
Q Okay, you can tell me if he didn't hunt in the claim area, you can tell me that?
A Yeah.
Q You have to answer my questions.
A It doesn't concern this area where he is hunting. He comes from Stoney Creek.
Q So he didn't at any time hunt in the Honcaagh Ben area?
A No.
Q He didn't. Was he a trapper, Mrs. Quaw?
A Yes, all Indians are trappers.
Q But did he go trapping for a living?
A Yes.
Q Did he trap in the Honcaagh Ben area?
A No.
Q Did he trap to support the family?
A Yes.
Q And did he trap every year that you were married?
A Yes.
Q And, Mrs. Quaw, did you trap?
A Oh, yes.

Elsie Quaw (For Plaintiffs)
Cross-exam by Ms. Russell

Q And did you go trapping every year to support your family?
A When I was single I did go with my dad on his trapline.
Q How many years would you have gone with your dad on his trapline?
A The whole family goes so I was along every season when they had to go trapping and hunting.
Q Does that include the years that you were at school at La Jacques, did you go trapping with him then too?
A No.
Q So those years you didn't trap with him?
A No.
Q 1946 did you say -- sorry -- what years did you go to school at La Jacques?
A 1936 to '43.
Q So for those seven years you didn't trap with him?
A No.
Q Did you trap with him after 1943?
A Yes.
Q And do you remember how many years you went trapping with him after 1943?
A '44 To '46.
Q '44 to 1946?
A Yes.
Q I see. Did you trap -- you were married in 1946?
A '47.
Q Did you trap with your husband after 1947?
A No.
Q So did he go trapping at all after 1947?
A No. I was in Stoney Creek, not Honcaagh Ben.
Q And are you a fisherperson, Mrs. Quaw, did you go fishing?
A Yes.
Q And did you do that every year?
A Yes.
Q And you went with your family except for the years that you were at school?
A Yes.
Q And did you go fishing with your husband after you were married?
A Oh, yes.
Q And where did you go fishing with your husband?
A In Stoney Creek.
Q I see. Did you go fishing with your father in the Honcaagh Ben area?
A Yes.

1 Q Were there fishing sites that he went to at Honcaagh
2 Ben?
3 A Yes.
4 Q Can you tell me where those fishing sites are, the
5 names and the locations?
6 A The fishing sites are where the white people are
7 living now.
8 Q Go ahead. Sorry.
9 A One place is a white man put an A-frame house by the
10 lake, it's Lots c'et, that means a white fish, you
11 know, where white fish comes to the shore and my
12 sister's deceased now, Nancy K. Morris, they fought
13 with that white man from toe to toe, but she lost out
14 and that guy build a house there. Building is there
15 now.
16 Q So you couldn't fish there any more?
17 A No.
18 Q When did he build the house there?
19 A I don't know because I was then at Vanderhoof, Stoney
20 Creek.
21 Q When was the last time that you went fishing at the
22 fishing sites in the Honcaagh Ben area?
23 A I'd say 1943, winter.
24 THE TRANSLATOR: The last time?
25 A Oh, the last time. Went this fall.
26 MS. RUSSELL:
27 Q Sorry, that was --
28 A We are going one whole week, we went fishing at Uncha
29 Lake.
30 Q When was that?
31 A This October and November.
32 Q This year?
33 A Yes.
34 Q And this is now November of 1988 so you went in
35 October of 1988?
36 A Yes.
37 Q And before that, Mrs. Quaw, when was the last time you
38 went fishing in Honcaagh Ben?
39 A That's 1946, when my mother died.
40 Q And your mother was Emelia, was it not?
41 A No, her name is Amanda.
42 Q I am sorry. Beg your pardon. Amanda. Thank you.
43 And did you hunt in the Honcaagh Ben area with your
44 father?
45 A Yes.
46 Q And when was the last time you went hunting in the
47 Honcaagh Ben area?

A The last time I went hunting is -- he went hunting with us about two years before he died.
Q And he died in 1973?
A '73, yes.
Q So the last time you went hunting with him was 1971?
A Hm-hmm.
Q And did you go hunting with him before 1971, the last time before 1971?
A No.
Q You hadn't gone hunting with him since you were a child; is that correct?
A I did go hunting with him.
Q When did you go hunting with your father in the Honcaagh Ben area as a child?
A All my life because as an Indian family, we are nomads, we go from place to place and not only my family, all the families of the Indian, our neighbours, just go from camp to camp, fishing camp.
Q And you went to school so you couldn't hunt those years with your father, you told me you couldn't go out on the trapline with him, and you couldn't hunt with him either, is that correct, when you were at school?
A Yes.
Q So did you go hunting with him after 1943.
A Yes.
Q 1944?
A Correction there.
Q Please, go ahead.
A I went to school ten months of the year, and there is a summer time, one week of hunting.
Q So you went hunting in the summer holidays with your father during those years?
A Yes.
Q And after you finished school in 1943, did you go hunting with him again in 1944?
A Yes.
Q And 1945?
A '43 to '46.
Q You hunted then?
A Yes.
Q And after 1946 when was the next time you hunted in the Honcaagh Ben area?
A I don't recall.
Q Would it be in the last ten years, Mrs. Quaw?
A Less than that. We went hunting a lot of times but I couldn't say exact date.

Q Did you go hunting every two years or three years as you needed meat perhaps?
A In those years, I was in Stoney Creek so I come back every once in a while on some holidays and then go hunting.
Q I see. So, would you come back every year, every two years or can you recall?
A I came back every year, most of the time.
Q So did you hunt every year then in Honcaagh Ben after you moved?
A Yes.
Q And you're certain of that?
A Hm-hmm.
Q What did you hunt for in the Honcaagh Ben area?
A We hunt black bear, moose, deer.
Q So that you visited for pretty well the whole of the hunting season every year?
A Yes.
Q You came back to your family home and visited every year?
A Yes.
Q And did you hunt for food for the feasts?
A Yes.
Q I see. And what foods did you hunt that were used in the feast?
A Like beaver and a moose and a deer.
Q Anything else?
A And the fish.
Q Okay. When was the last feast that you attended, Mrs. Quaw?
A I attended the last feast in Lake Babine in Burns Lake.
Q In Burns Lake.
A Yes.
Q When was that feast?
A That was about a month ago.
Q About a month ago. And whose feast was that, do you recall?
A That was member of my clan, Gitdumden, and it was burial feast.
Q Do you remember the name of the person for whom the feast was held?
A Yes, Peter Alex.
Q And before Mr. Alex's feast, when was the feast that you attended before Mr. Alex's feast?
A That was my stepmother's burial feast at Grassy Plain.
Q That's Mrs. Veronica Morris?

A Yes.
Q When was that feast?
A I don't recall. Jerico can refresh my memory.
Q That's fine, it's not something I am concerned about particularly. It was in the last three or four years?
A No, last year.
Q Thank you.
Before Mrs. Morris's feast, can you tell me the feast you went to before her feast?
A It was my sister's burial feast.
Q Nancy K. Morris?
A Yes.
Q Do you recall when that was, Mrs. Quaw?
A That was -- she died in '86, Christmas day, and then that was in -- it was soon after.
Q Thank you. Can you tell me, Mrs. Quaw, what traditional foods were served at -- let's start with Nancy's feast, Nancy K. Morris's feast, what kinds of foods were served at that feast?
A Beaver and venison and moose and fish.
Q And were these foods gathered from the Honcaagh Ben territory?
A Oh, yes.
Q Mrs. Quaw, can you tell me something about the Wet'suwet'en laws with which you are familiar, can you tell me what the Wet'suwet'en law is about use of territory, concerning who can use that territory?
A Gilseyhu.
Q Sorry, if it's Gilseyhu, what's the concern of law if it's concerning the territory, laws of the territory if it's a Gilseyhu territory?
A Well, they use it for hunting and trapping and fishing and all what it doesn't separate the Indians from what they do, everybody does the same thing.
Q All the Gilseyhu people can use the Gilseyhu territory?
A Yes.
Q Does it matter what house in the Gilseyhu they are in, whether or not they use the territory?
A In the Honcaagh Ben area, that's Lucy Namox, the House of Goohlaht.
Q And you're referring to your affidavit. Please go ahead.
A Yes. Do you want me to --
Q That's fine. Do you know --
A Obtain permission to -- I have been up --
"...permission from Goohlaht, a plaintiff in this

1 action, to describe and speak of the Honcaagh Ben
2 territory claimed by the house of Goohlaht. This
3 territory is located south of Tsee K'ez Ceek (Burns
4 Lake) 104 miles southeast of the Village of Kyah
5 Wiget." That's Moricetown. "I was instructed about
6 the Honcaagh Ben territory and its boundary by my
7 father, the former Tabeeneleegh." That's my dad, Keom
8 Morris.
9 Q Thank you, this document is already in evidence, it's
10 part of the trial so you're welcome to refer to it but
11 you don't need to read it in. It's part of the
12 evidence.
13 A Yeah.
14 Q I was really asking you whether you knew about any law
15 concerning trespass on the Gilseyhu territory, do you
16 know any law about what happens to trespassers on the
17 territory?
18 A There is a law a person has to get permission from
19 Goohlaht to go ahead and do any fishing or hunting.
20 Q Are you a member of the House of Goohlaht yourself?
21 A No.
22 Q You're not. But your father was?
23 A Yes.
24 Q What house was your mother in?
25 A She is -- my -- I was thinking about my grandmother's
26 name is -- what was her name?
27 Q You're referring to your affidavit there?
28 A Yes, Thallah, her name is Thallah, she wouldn't have a
29 name if she didn't -- if she was not a hereditary
30 chief.
31 Q Yes.
32 A So she must have had a name like that, if her dad or
33 her mother was not a chief, she wouldn't have a name.
34 Q Okay. And your mother's mother then was chief
35 Thallah, right, your grandmother was Thallah?
36 A I have no recollection of that because they were all
37 dead before I was even born.
38 Q But in your affidavit, before it was changed, there
39 was a mistake, that's correct, isn't it?
40 A Yes.
41 Q And it should have said in paragraph two, "My
42 grandmother's name was Thallah"?
43 A Hm-hmm.
44 Q Do you recall what your mother's chief's name was or
45 did she have one?
46 A No.
47 Q She did not have a chief's name.

1 Do you know what house she was in?
2 A No.
3 Q Do you know what clan she was?
4 A She was Gitdumden Clan.
5 Q She was Gitdumden?
6 A Yes.
7 Q Do you know where your mother was born?
8 A Cheslatta.
9 Q Cheslatta Reserve?
10 A Yes.
11 Q Do you have a name, Mrs. Quaw, an Indian name?
12 A No.
13 Q Did your father tell you the stories of his house, did
14 he tell you the Kungax of his house?
15 A I don't understand.
16 Q I am sorry. Your father was a member of the House of
17 Goohlaht, correct?
18 A Yes, husband is.
19 Q And his name was Tebeeneleegh?
20 A Tebeeneleegh.
21 Q Tebeeneleegh. Did he tell you the Kungax, the stories
22 of the House of Goohlaht?
23 A I don't understand what you mean by Kungax.
24 Q Kungax.
25 MS. RUSSELL: The word person is going to help us here.
26 A Oh, the Kungax.
27 Q I am sorry, Mrs. Quaw, forgive my pronunciation, the
28 Kungax. Did your father tell you the Kungax of the
29 House of Goohlaht?
30 A Like walking the line.
31 Q Pardon me?
32 A Walking a straight line as an Indian, true Indian.
33 Q All right. Can you tell me about that, what you mean
34 by walking a straight line as an Indian?
35 A Like respect yourself and not to say anything wrong
36 against another, another person with a name.
37 Q Okay. And did he tell you the history of the House of
38 Goohlaht?
39 A History?
40 Q Did he tell you where the people in the Gilseyhu Clan,
41 in the House of Goohlaht, where they came from, where
42 they began?
43 A I never studied that but --
44 Q I am not trying to trick you, I just wondered if your
45 father told you these stories, told you any stories
46 about the House of Goohlaht?
47 A He told stories about big names like that I couldn't

1 understand when I was young and I never listened.
2 Q Kids never listen to their parents.
3 A No. Because my dad was a big man and he acted his
4 role as an Indian.
5 Q Okay. Did he tell you a lot of stories about the
6 names in the House of Goohlaht when you were a child,
7 Mrs. Quaw?
8 A He said the House of Yex t'sa wit'ant' and about the
9 different houses he mentioned I couldn't recall.
10 Q Did he mention the Thin House?
11 A Yes.
12 Q And --
13 A Well, that's the one, Yex t'sa wit'ant'.
14 Q Did he tell you which village the Thin House came
15 from?
16 A I don't recall. Because he mentioned all the houses
17 and then who belongs there, they got lots of names I
18 couldn't pronounce.
19 Q It's hard to remember them all now, isn't it?
20 Did he tell you about longhouses?
21 A Yes, longhouses was mentioned.
22 Q Did he live in a longhouse?
23 A Oh, yes.
24 Q And do you recall where that longhouse was located?
25 A He had a house -- it's a house that belongs to
26 Goohlaht, and that's where all the members of his clan
27 gather.
28 Q Did he -- was he raised as a child in the longhouse of
29 Goohlaht?
30 A Yes.
31 Q He was. Do you know how old he was when he left that
32 longhouse?
33 A He was always active until his death.
34 Q No, I understand that. Do you know how old he was
35 when he moved out from the longhouse?
36 A I don't recall.
37 Q He didn't tell you that?
38 A No. He never -- any business going on with his clan,
39 that's Gilseyhu Clan, he is always there, he travel
40 from Hazelton right down to Prince George, Stoney
41 Creek, wherever things going and his -- in his clan he
42 goes there.
43 Q Okay.
44 A So that he couldn't go to one specific longhouse.
45 Q I am sorry, Mrs. Quaw, that's my fault. I wondered if
46 he had, as a child, lived in the longhouse of the
47 Wet'suwet'en?

A I don't recall because that is a long time ago.
Q He didn't tell you about living in the longhouse then?
A He probably did because I didn't listen.
Q But you don't recall now if he told you about living in the longhouse as a child?
A Yes.
Q I am sorry, you do or you don't recall that he told you that?
A I know he told me but I don't recall that place he mentioned, I don't recall it. Because the Indians they have a lot of names and a lot of names for things that I didn't understand.
Q So you don't know if he grew up in the longhouse, you just know that he told you at sometime about a longhouse?
A Yes.
Q Do you know where your father was born?
A He was born at Uncha Lake.
Q At Uncha Lake. Okay. I am sorry if I have asked you this, where was your mother born?
A Cheslatta.
Q I am sorry, I did ask you that.
And, Mrs. Quaw, I would like you to tell me about your family, how many brothers and sisters did you have and what were their names?
A Thomas K. Morris, he is present here, and Mary Thomas is married in Stoney Creek.
Q Mary Thomas was her name?
A Yes.
Q And is she your half sister?
A My full sister.
Q Your full sister.
A And my sister Nancy deceased '86. And myself.
Q And is your sister, Mary Thomas, married to Steven Quaw?
A No.
Q I have got the wrong Mary?
A No, Mary Jasper Thomas from Stoney Creek.
Q And is Mary Thomas her married name?
A Yes.
Q Did your father have a trapline, Mrs. Quaw?
A Yes.
Q And where was his trapline?
A Up the Whitesail River, that's a big mountain across Ootsa Lake.
Q Okay. Do you know whose territory that trapline was in?

A That was Gilseyhu.
Q Gilseyhu Clan?
A Yes.
Q Do you know what house that territory belonged to?
A Goohlaht.
Q To Goohlaht?
A Yeah.
Q Is it familiar to you to be called a Goohlaht Caspit territory, are you familiar with the name Caspit?
A Yes.
Q Is that correct that his trapline was in a Goohlaht Caspit territory?
A I believe so. Because my dad mentioned the name.
Q And as a member of the Gilseyhu Clan, could he trap in any Goohlaht territory?
A Only where he was registered up Whitesail River and all that area, you know, Whitesail.
Q I see. So he trapped in the Whitesail River area where he had a registered trapline. Did he also trap in Honcaagh Ben territory?
A Only if he had permission from his brother because he was raised up in Uncha Lake and then so was his brother.
Q Which brother would that be?
A Joseph Morris.
Q So he would have to ask permission from Joseph to trap in the Honcaagh Ben area?
A He never had no permission, he just went ahead because that's his territory. Goohlaht territory.
Q So that happened in both areas then, in Honcaagh Ben and in the Whitesail River territory?
A No, not until government registered them.
Q Do you recall when he was registered in the Whitesail River area?
A All his life.
Q So he was registered there when, in the 1920s?
A Well, there were -- I believe so, because as I grew up everybody went there and I know as a child the first time I could remember, I was up there.
Q By up there you mean the Whitesail River area?
A Yes, yes.
Q Did you go more often to the Whitesail River area than you did to the Honcaagh Ben area to trap?
A No, we were all over the place. No, not one place.
Q Are you tired, Mrs. Quaw? Would you like to take a break.
A Yes, please.

1 (PROCEEDINGS ADJOURNED AND RESUMED FOLLOWING RECESS)
2
3 MS. RUSSELL:
4 Q Mrs. Quaw, there are a number of people who are not in
5 Goohlaht's House who live on the Honcaagh Ben
6 territory; is that correct?
7 A Yes.
8 Q And there are a number of people, both Indian and
9 non-Indian, who are not members of Goohlaht's House
10 who live in the Honcaagh Ben territory, that's
11 correct, isn't it?
12 A Yes.
13 Q And among those people there are a number who have
14 traplines in that Honcaagh Ben territory; is that
15 correct?
16 A Yes.
17 Q Do you know Mr. Hoyt Burt?
18 A Yes.
19 Q Does he have a trapline in the Honcaagh Ben territory?
20 A I don't know.
21 Q You don't know. Okay. And do you know Mr. Richard
22 Skin?
23 A Richard Skin?
24 Q Yes.
25 A Yes, I know him.
26 Q Does he have a trapline in the Honcaagh Ben territory?
27 A He is towards Skins Lake, not in the area of Honcaagh
28 Ben.
29 Q Okay. Do you know Steven and Mary Quaw?
30 A Yes.
31 Q Do they have a trapline in the Honcaagh Ben territory?
32 A No.
33 Q Where is their trapline, Mrs. Quaw?
34 A I don't know.
35 Q But you know that it's not in the Honcaagh Ben
36 territory?
37 A They got no trapline in Uncha Lake.
38 Q Within the boundaries of Goohlaht's territory, known
39 as the Honcaagh Ben territory, they have a trapline?
40 A No.
41 Q How about Tommy Morris, do you know Tommy?
42 A Yes.
43 Q Do you know whose house he is in?
44 A Yes, he is Gitdumden Clan like me.
45 Q Does he have a trapline in the Honcaagh Ben territory?
46 A Yes.
47 Q Do you know if he asks permission of Goohlaht to have

that trapline?
A Not after the government registered them to trap.
Q Do you know if he asked permission before he had this registered trapline in the Honcaagh Ben territory?
A I don't know.
Q Do you know a Mr. George Noth?
A Come lately.
Q Pardon me?
A He came lately.
Q What do you mean he came lately, when did he come?
A I didn't know he was there until this year.
Q And he is a non-Indian, isn't he?
A Yes.
Q And he has a trapline in the Honcaagh Ben territory, does he not? I am sorry, it's in the Honcaagh Ben territory, but he is down by Binta Lake, is he not?
A No, he is right across from the reserve, he lives across the reserve.
Q But it is in the boundary, within the boundaries of the Goohlaht territory known as Honcaagh Ben?
A Yes.
Q Do you know if Mr. Noth asks permission to be there?
A I don't know because he doesn't ask permission. He wants the Indian to ask his permission because he takes traps out from Tommy and whoever traps there. Tommy's trapline, my brother Thomas.
Q And did he complain to the game warden? Did they complain to the game warden?
A No.
Q Do you know a Mr. Guenther, Ted Guenther?
A There is all the white people trapping in there. I don't know their names.
Q Do you know a Mr. Fraser Louie?
A Yes.
Q And he is an Indian person, is he not?
A Yes.
Q Is he in Goohlaht's house?
A No. He probably is. I don't know. He is not.
Q He is not in Goohlaht's house?
A Yes, he is my clan.
Q So he is Gitdumden?
A Yes.
Q Do you know if he asks permission to be in the territory?
A It's his -- which place are you talking about?
Q He has a trapline within the boundaries of the Goohlaht territory known as Honcaagh Ben, doesn't he?

A No, no.
Q You say he doesn't?
A No.
Q And Clifford Bennett, do you know a Mr. Bennett?
A Clifford Bennett? No. I know his name but I don't know him.
Q Do you know if he has a trapline in the Honcaagh Ben area?
A No.
Q No, he doesn't have a trapline?
A None that I know of.
Q Mr. August Meutzner, do you know him?
A No.
Q Do you know if he has a trapline in the Honcaagh Ben area?
A No. None that I know.
Q Do you know a Mr. Russell Skilleen?
A No. Not familiar.
Q Do you know if he has a trapline in the Honcaagh Ben area?
A No.
Q Do you know a Mrs. Nellie Nooskie?
A Nellie Nooskie? Yes.
Q Do you know if she has a trapline in the Honcaagh Ben area?
A No.
Q She doesn't have a trapline in the Honcaagh Ben area?
A Not that I know of.
Q Okay. Do you know a Bob Peebles?
A Bob Peebles? Yeah, the name is familiar, the people are familiar.
Q Do you know if he has a trapline registered in the Honcaagh Ben area?
A Not that I know of.
Q Do you know Norman Louie?
A Norman Louie? Where does he come from?
Q I don't know where he comes from. Does he have a trapline in the Honcaagh Ben area?
A No.
Q Do you know -- you don't know if he has a trapline in the area or are you saying he does not have a trapline?
A In the Uncha area, is that where you're talking about, the Uncha area?
Q I am asking about the area that you described in your affidavit as the Honcaagh Ben area, I am talking about traplines within the boundaries.

A Within the boundaries, yes.
Q In that area.
A Correction there.
Q What would you like to correct?
A Louie, what's his name? Fraser Louie, yes.
Q Fraser Louie has a trapline in the area?
A Yes.
Q And you told me Fraser Louie is not in Goohlaht's house?
A Is not.
Q Is he in Goohlaht's house, Fraser Louie?
A No.
Q Do you know if he asks permission of Goohlaht to trap in her area?
A I don't know how to describe it. Because Fraser Louie's grandmother came from that area in -- where Mary and Thomas are living now and he owns a trapline around there.
Q So you say he has a right through his grandmother, is that what you're telling me?
A Yes.
Q To be there. Do you know what clan his grandmother was in?
A Well, when I say that they sit with me, when I sit at a feast they sit with me so they are probably in the same clan as I am in.
Q So they are in the Gitdumden Clan?
A Yes.
Q Is his grandmother Gitdumden?
A Yes.
Q So he is Gitdumden but he is trapping in the Gilseyhu area?
A He is not trapping, he leases a trapline to a white man down there.
Q So he leases it to a white man and the white man uses the area?
A Yes.
Q What about Norman Louie then?
A Norman Louie?
Q Do you know him?
A I don't know the name right away.
Q And you don't know if he has a trapline in the Honcaagh Ben area then?
A The Honcaagh Ben or the boundary?
Q I mean within the boundary of that whole area?
A None that I know of.
Q Okay. Mrs. Quaw, when I describe the area as Honcaagh

1 Ben I am not just referring to Honcaagh Ben itself, I
2 am referring to that whole area within the boundary
3 that you described in the affidavit that's an exhibit
4 in this trial.
5 A Hm-hmm.
6 Q Okay?
7 A Yes.
8 Q And Patrick Issac junior, do you know Patrick Isaac?
9 A Patrick Isaac? Yes.
10 Q And does he have a trapline in the Goohlaht area that
11 you have described?
12 A None that I know of.
13 Q None that you know of?
14 A No.
15 Q Do you know Spurgeon Sherwood?
16 A No.
17 Q Do you know if he has a trapline in the area that you
18 have described?
19 A No.
20 Q Do you know Elwood Shaffer?
21 A No.
22 Q And do you know if he has had a trapline in the area
23 you described in your affidavit?
24 A No.
25 Q Do you know a Toby Charlie?
26 A Toby Charlie? Yes.
27 Q And do you know if he has a trapline in the area that
28 you described in your affidavit?
29 A No. None that I know of.
30 Q Okay. And your brother, Thomas K. Morris, has a
31 trapline in the Honcaagh Ben area; that's correct,
32 isn't it?
33 A Yes.
34 Q And do you know if he got the right to this trapline
35 through your father?
36 A Through the -- he probably has because he is my
37 father's son.
38 Q But your brother is in the Gitdumden Clan, isn't he?
39 A Yeah.
40 Q Do you know about the Wet'suwet'en law which allows a
41 son to trap in his father's territory?
42 A Yes.
43 Q Do you? Is that Neg'edeld'es?
44 A Neg'edeld'es? Yes, I know.
45 Q I thought I said that so well.
46 A That's if you're married into a Gilseyhu Clan, and
47 that will be just like -- what do you call it? Just

like my brother married into Gilseyhu so my brother is Neg'edeld'es.
Q Your brother is married to a Gilseyhu woman?
A Yes.
Q Is that how he got the right to trap in the Goohlaht area?
A Well, the one -- he probably will describe it better than me.
Q Okay. About the Neg'edeld'es right, that is a right which dies with the father, when the father dies, does that right die as well?
A No.
Q No?
A No.
Q How long does it last, Mrs. Quaw? Perhaps you can explain.
A Forever.
Q So if the right to use the territory is gained through the father then the sons then have the right to trap in the father's territory, is that how it works?
A Well, all the children are on their mother's side.
Q Yes. The children have the right to trap, they are part of their mother's clan, isn't that correct?
A Yes.
Q And they, of course, can trap in the territory that goes to their mother's clan, right? Do they have a right to trap in their father's territory through Neg'edeld'es?
A Yes.
Q They do?
A Yes.
Q Does that right last forever then?
A Yes.
Q So when the father dies the children can continue to trap in the father's territory?
A Yes.
Q Do you know Johnny Mack or did you know Johnny Mack? He is now deceased.
A I heard his name.
Q Do you know his chief's name?
A I was little when I heard his name but I wouldn't know his chief's name.
Q His chief's name, forgive me, is Klo um Kuhn?
A Klo um Kuhn.
Q Thank you. And Mr. Mack died quite recently. Do you know if Klo um Kuhn had a territory?
A They are our neighbours.

1 Q They are neighbours of the Goohlaht Honcaagh Ben
2 territory?
3 A Yes.
4 Q Do you know that Klo um Kuhn claimed Uncha and Binta
5 lakes in 1987?
6 A No.
7 Q And does --
8 A Klo um Kuhn, they are neighbours, as I say.
9 Q And you didn't know then that Klo um Kuhn said that
10 Uncha and Binta lakes were in his territory?
11 A No.
12 Q Did you ever talk to Johnny Mack about his territory?
13 A No.
14 Q When did he go on the trip with your father in
15 Honcaagh Ben in which he described the names of the
16 territory? The names of the features in the
17 territory, do you know when that trip took place?
18 A It continuously -- not only at one trip, all our lives
19 he mentions names and places.
20 Q Do you know when the last trip that you took with your
21 father in the Honcaagh Ben territory took place before
22 he died?
23 A Before he died?
24 Q Yes.
25 A About a couple of years before he died.
26 Q So about 1971?
27 A Yes.
28 Q And did you know Johnny Mack died in 1988?
29 A No.
30 Q Did you know that he swore an affidavit, he answered a
31 question in 1987, in which he said he owned Uncha and
32 Binta lakes?
33 A No.
34 Q You didn't know that. Are you a Carrier person?
35 A Yes.
36 Q Was your father a Carrier person?
37 A Yes.
38 Q Was he also a Carrier-Sekani?
39 A No, he was Gitksan-Wet'suwet'en.
40 Q And your mother, was she a Carrier-Sekani?
41 A I don't know what you call Sekani but she was Carrier
42 from Cheslatta.
43 Q A Carrier from Cheslatta. Okay. What about your
44 sisters and your brother, are they Carrier people?
45 A Yes.
46 Q Are you a member of the Carrier-Sekani Tribal Council?
47 A I was but we are transferring to Gitksan-Wet'suwet'en,

April 1st of '89.
Q Why are you doing that?
A I belong to Nee tah ben now.
Q And Nee tah ben -- sorry, go ahead. Is Nee tah ben part of the Gitksan-Wet'suwet'en Tribal Council?
A Yes, now.
Q Are you aware of a land claim that the Carrier people have made to the federal government?
A Yes.
Q Do you know where the area is that they have claimed?
A Yes.
Q Can you tell me where that area is?
A You mean the Uncha area?
Q Yes.
A Yes, I have got it right down there.
Q So you tell me that -- are you telling me then that the Uncha area is claimed by the Carrier people?
A By the Gitksan-Wet'suwet'en.
Q By the Gitksan-Wet'suwet'en. Do you know if the Carrier-Sekani Tribal Council has made a claim to land in the Uncha Lake area?
A None that I know of.
Q None that you know of.
Do you know about a meeting that took place in Burns Lake in 1987 between the Gitksan-Wet'suwet'en Tribal Council and the Carrier-Sekani Tribal Council?
A They had a meeting and I learned of it there.
Q But you weren't --
A I wasn't there.
Q You weren't at the meeting?
A No.
Q How did you learn of the meeting?
A My sister-in-law.
Q Who is your sister-in-law?
A Mary Jane, Thomas's wife.
Q And Mary Jane attended the meeting, had she?
A No, just heard about it.
Q Do you know what the purpose of that meeting was?
A Land claim overlapping.
Q What do you mean by land claim overlapping?
A I mean they claimed some land into the Wet'suwet'en area.
Q The Carrier-Sekani people claimed some land into the Wet'suwet'en area, is that what you mean?
A Yes.
Q Do you know the result of that meeting?
A I don't know.

Elsie Quaw (For Plaintiffs)
Cross-exam by Ms. Russell

1 Q Are you currently a plaintiff in this case, Mrs. Quaw?
2 A No.
3 Q And how did you come to give evidence in this case?
4 A I was a witness because my dad is Laksilyu in Goohlaht
5 house, House of Goohlaht.
6 Q And did someone ask you to give evidence?
7 A Yes.
8 Q And who is that person? Is it someone that was at
9 this tribal --
10 A Marvin George, yes.
11 Q Marvin George?
12 A Yes.
13 Q And did you prepare this affidavit that you signed
14 with Marvin George's assistance?
15 A Yes.
16 Q I see. And did he come to speak to you about your
17 territory?
18 A No.
19 Q No, he didn't?
20 A No.
21 Q How did he learn about your territory to prepare this
22 affidavit?
23 A I described it.
24 Q You described it?
25 A Yes.
26 Q And when -- where did you describe it to him?
27 A At the Nee tah ben band office.
28 Q So he called you and he met you at the Nee tah ben
29 office?
30 A Yes.
31 Q Did he present you at your first meeting with a
32 document that looked like this?
33 A Yes.
34 Q And did he read it to you?
35 A Yes.
36 Q And it contained a description of territory, in the
37 document that he showed you?
38 A Well, what I described he put it on the paper.
39 Q He took notes of that first meeting with you, did he?
40 A Yes.
41 Q And he wrote down your description?
42 A My description, yes.
43 Q Then did you meet with him again?
44 A No. Just this one time.
45 Q Just one time. That time that you met him, Mrs. Quaw,
46 did he show you a document that looked like this
47 document?

A Yes.
Q So he had that ready for you at that first meeting?
A No.
Q Okay. Let's go through it again.
He met with you at the Nee tah ben band office, and you described your territory to him; is that correct?
A Yes.
Q And he took notes of it?
A Not my territory, my dad's territory. Gilseyhu, his name is --
Q I am sorry, I am not trying to attribute the territory as belonging to you, I am simply trying to understand how you described it. So forgive me if I call it your territory.
A Yes.
Q You met with Marvin George and you described the Goohlaht territory that your father used; is that correct?
A Right.
Q And did he take notes of that description?
A Yes.
Q And he took notes of the interview with you?
A Yes.
Q He did. And then did he meet with you a second time?
A No.
Q So, you gave him the description and then you met with a lawyer who took your signature; is that right?
A Yes.
Q And you signed the document that looked -- that is this document? You signed this document, this is your signature?
A Yes.
Q And at the time you signed this document, did you read through it?
A Yes.
Q And you did read through it in English, of course?
A Yes.
Q And did you have someone there to explain the names to you in Wet'suwet'en?
A Oh, yes.
Q There was a translator present?
A Yes.
Q And did you make any corrections to the document at that time?
A Yes, I corrected this first -- like my own description, like. I corrected my mother was not a hereditary chief and all that. And it was my

1 grandmother's name is Thallah.
2 Q So, you corrected this document at the time you signed
3 it?
4 A Yes.
5 Q But the correction wasn't made to the affidavit at the
6 time you signed it?
7 A I don't understand.
8 Q Okay. At the time that you signed this document, it's
9 the same as yours -- you signed it in front of a
10 lawyer named Shirley Meldrum; is that correct?
11 A Yes.
12 Q And when you signed this document in front of Miss
13 Meldrum, did you tell her that paragraphs one and two
14 were wrong?
15 A Right.
16 Q You told her at that time?
17 A Yes.
18 Q That was in the 28th day of some month, which is not
19 mentioned. Do you remember when you signed it?
20 A August.
21 Q Was it in August of '88? Okay, 28th day of July, it
22 was July 28th.
23 A Yes.
24 Q At that time you told Miss Meldrum that these two
25 paragraphs were incorrect; is that correct?
26 A Right.
27 Q But she didn't correct it at the time?
28 A No.
29 Q So you swore the affidavit as it read before we made
30 the corrections?
31 A Correction there --
32 Q These corrections that you have explained to us
33 today --
34 A Yes, before I signed the document, these corrections,I
35 told about these corrections.
36 Q You told Shirley Meldrum?
37 A Yes.
38 Q But these corrections weren't made on the document at
39 the time you signed it?
40 A No.
41 Q Whose information was this that was incorrect, did you
42 give this information first to Mr. George that you
43 were a Cheslatta hereditary chief?
44 A He misunderstood because I just mentioned that I came
45 from Cheslatta and my grandmother's name is Thallah,
46 and to his understanding if an Indian got a name,
47 well, they had to be a chief before then. So I guess

that's why it's written like a hereditary chief.
Q So, it was his misunderstanding of your evidence?
A Hm-hmm.
Q As far as you know, that resulted in these mistakes?
A Yes.
Q Did Mr. George have a translator with him at the time you met with him at the Nee tah ben office?
A Oh, yeah. John was there.
Q Joan?
A John. Jerico.
Q Did anyone else besides you describe the Honcaagh Ben territory to Mr. George?
A My brother, Thomas K. Morris.
Q I see. Was he present at that meeting with Mr. George?
A No.
Q When did Mr. Morris describe the Honcaagh Ben territory to Mr. George?
A Mr. George is on a field trip because everybody's not present at the same location.
Q Okay. And of course Mr. Morris is here today?
A Yes.
Q Are you related to Lucy Namox?
A Not that I know. My dad is.
Q And how was your dad related to Lucy Namox?
A Come from the same clan in the same house.
Q But there is no relation other than through the clan, he is not a cousin or an uncle or a relation like that, is he?
A There has to be a relation because they all come from the same clan.
Q So are all the people in a clan blood relations?
A Yes.
Q Did you discuss the Honcaagh Ben territory with Lucy Namox?
A No.
Q To the best of your knowledge, did Lucy Namox ever travel to the Honcaagh Ben area?
A Yes.
Q When was that?
A Oh, I don't recall. I wasn't present when she came around in the time she gave permission for us to witness.
Q How were you aware that she came to the Honcaagh Ben territory?
A The band office.
Q Pardon me?

A The band office. There is a bookkeeper and there is band councillors and she went there. And I wasn't present.
Q I see. You mean she didn't travel around the territory, she came just to the Nee tah ben band office; is that correct?
A Yes.
Q Pardon me? Sorry.
A I wasn't present, I don't know when she travelled around. All I know is that she went to the band office.
Q So you don't know if she has been to the Honcaagh Ben territory to go around it? You don't know that?
A Yes, I know she has been there.
Q You know she has been to the band office?
A Yes.
Q But you're not aware of what else she did on that trip, are you?
A I am not aware of what she did.
Q On that trip to the band office you're not aware of what else she did?
A Well, she did see the band members, like my brother there.
Q Have you ever heard anyone describe the Honcaagh Ben territory in the feast?
A In the feast? No.
Q You have, what, 13 children, Mrs. Quaw?
A Yes.
Q What house are they in?
A They belong to Stoney Creek so nobody's got a house out there. They probably have.
Q But don't they take their clan membership through you as their mother?
A Yes, only they have two clans. They don't have a clan like we do around here, we have Gitdumden and Gilseyhu, Laksilyu, them they just have Noolkie Lake and Tacha Lake, that's two lakes connecting, between the -- Stoney Creek lies between the two lakes and they take their names by the two lakes only.
Q Okay. Isn't it the Wet'suwet'en law that they take their clan membership from you though?
A Yes.
Q So are they not members of the Gitdumden Clan?
A Oh, yeah. Well, if they travel this way they are Gitdumden and if they stay in they are Gitdumden and if they stay in Stoney Creek they are Tacha Lake.
Q Do you know if any of your children have attended any

1 feasts in the claim area?
2 A No.
3 Q They have not attended any feasts?
4 A No.
5 Q Do any of your children hunt or trap in the Honcaagh
6 Ben area?
7 A No.
8 Q Your stepmother, Veronica Morris, lived in the
9 Honcaagh Ben area, didn't she?
10 A Yes.
11 Q And she lived on territory that was purchased for the
12 band with money she received as compensation for the
13 Alcan flooding; is that correct?
14 A I believe it was exchanged land because she never
15 received any money, none that I know of. The only
16 place I know she is -- she lived on that land where
17 she got exchange from the Alcan for her territory
18 where she came from Cheslatta, well she got this land.
19 That's where she lived and died.
20 Q Okay. Do you know what clan Veronica was in?
21 A The same clan as me, Gitdumden.
22 Q Gitdumden?
23 A Yes.
24 Q Did she have permission from Lucy Namox to live in the
25 Honcaagh Ben area?
26 A You have got creeks in there because it's not in the
27 Uncha Lake, or in the boundary.
28 Q Within the boundaries of that area?
29 A Yeah. I don't think the Alcan put them there and it's
30 got nothing to do with Lucy Namox.
31 Q Do you know a Jimmy Andrews, Mrs. Quaw?
32 A Yes.
33 Q Do you know what clan he is in?
34 A I think he is Laksilyu.
35 Q He is not Gilseyhu in any case, is he?
36 A No.
37 Q Do you know that your brother has said at one time
38 that Mr. Andrews owns Binta Lake?
39 A He probably does, because he is older than I am.
40 Q He is what? Beg your pardon?
41 A An older person than I am.
42 Q Do you remember your father telling you that he wanted
43 to leave his share of the trapline that he shared with
44 Steven to your sister Nancy and to her son, Sylvester?
45 A I had a recollection of that. It was mentioned to me
46 when I was in Stoney Creek.
47 Q And who mentioned it to you?

A My sister, Nancy. She is deceased now.
Q Is that in accordance with your tradition for your father to leave the trapline to Nancy and to her son?
A As a next of kin. Isn't that the white man law?
Q Is it your law?
A If the father wishes, his wishes be kept.
Q So it's your law to keep the father's wish on his death?
A Yes.
Q Is that a traditional Wet'suwet'en law, to keep the father's wish on his death?
A Yes.
Q Do you know that Lucy Namox answered questions -- in this case -- for the provincial government?
A No.
Q You don't know that. Do you know that she prepared a map of the area which is surrounded by her boundary in the Honcaagh Ben area?
A Oh, yes, I am aware of that but I didn't know she was in court or whatever.
Q No, she wasn't in court, Mrs. Quaw, I am sorry if I misled you. She prepared some answers to some questions.
A Hm-hmm.
Q Do you know that she prepared a map of the area?
A Yes.
Q Have you reviewed that map?
A I don't know how to read maps.
Q At the time that Mrs. Namox prepared that interrogatory, those answers to the questions in 1987, did you help her with the preparation of the map?
A No.
Q Do you know if the boundary of the area that she described is the same as the area that you described in your affidavit?
A I wouldn't know what she described but what I described to George and I had it here.
Q You know what you described but you're not aware of what she described as the boundaries of that area; is that correct?
A Right.
Q Can you tell me who was Goohlaht before Lucy Namox?
A Goohlaht was a hereditary chief?
Q Yes. Do you know who carried that name, Goohlaht, before Lucy Namox?
A I know Goohlaht but I don't know what his birth -- white man name is.

Q Do you know where he lived?
A He lived in Uncha Lake area.
Q And do you know when he died?
A No.
Q Do you know when Lucy Namox took the name Goohlaht?
A Recently.
Q Within three or four years?
A I am not aware of.
Q You don't know when she took the name Goohlaht, except that it was recent?
A Yeah.
Q Then you don't know when the former Goohlaht died?
A No.
Q Do you know when your father got the name Tebeeneleegh?
A I -- to my knowledge, since I was a child, all my lifetime he had this name.
Q Do you know what the name means?
A Tebeeneleegh, that means -- I had it but I -- Tebeeneleegh -- powerful swimmer.
Q Okay. Mrs. Quaw, when your father traps for furs, in the Whitesail River area or in the Uncha-Honcaagh Ben area, where did he take his furs to sell?
A He send it away to -- down to Edmonton or Regina.
Q He didn't take it --
A Very first, when I first knew he was trapping, you know, when I come to know that he was trapping, sending it away down to Regina and Edmonton and later on when we wants quick cash he sold it to Billy Bickle, Grassy Plains.
Q Did he ever sell any furs to Cyril Shelford's father?
A No, exchange of food and -- like hay and stuff. Never sold it, just exchanged.
Q Who was your sister Mary married to?
A Jasper Thomas. He is deceased.

MS. RUSSELL: Those are all my questions, Mrs. Quaw. I believe Mr. O'Byrne may have questions for you.

<u>CROSS-EXAMINATION BY MR. O'BYRNE</u>:

MR. O'BYRNE:

Q For the record, my name is Darrell O'Byrne, and I am appearing as agent for counsel for the Government of British Columbia in this matter.

Mrs. Quaw, you will have to excuse my pronunciation for any Wet'suwet'en name, because it's far worse than my friend so I will apologize right now.

1 You were asked about the Goohlaht before Lucy
2 Namox and you said that you don't know when that
3 person died; is that correct?
4 A That's correct.
5 Q Did the previous Goohlaht die in your lifetime?
6 A No.
7 Q So he died before you were born?
8 A Probably. Because -- probably died before I was born.
9 Q When you first met with Marvin George to discuss the
10 affidavit that you have here, was there a translator
11 present at that meeting?
12 A Yes, for the names that I couldn't get, they got some
13 names that I couldn't pronounce.
14 Q Was it the English names you couldn't pronounce?
15 A No, Indian names.
16 Q The Wet'suwet'en names?
17 A Yes.
18 Q Who was that translator who was present?
19 A John.
20 Q John?
21 A John Thomas.
22 Q John Thomas?
23 A Yes.
24 Q Now, the second time when you swore the affidavit and
25 you pointed out those corrections to the lawyer,
26 Shirley Meldrum, was there a translator present at
27 that time?
28 A Let's see, who was present? Yes.
29 Q And what was the translator's name that time?
30 A Marvin.
31 Q Marvin?
32 A Marvin George.
33 Q Now, did Marvin George translate then the typewritten
34 words on the papers that you signed?
35 A He didn't have to translate this, only the hard names,
36 the Indian names.
37 Q All right. So Marvin George translated the Indian
38 names to English; is that correct?
39 A No.
40 Q Did he translate the English names to Indian names?
41 A He translate his own version of the Indian language
42 and then it comes to my mind that he translate it
43 different and then I correct them.
44 Q Okay. How many times did you correct Marvin George?
45 A Only on the Indian names.
46 Q Did you do that more than once?
47 A Yes.

1 Q Did Marvin George come to you twice with pieces of
2 paper like this written up?
3 A No.
4 Q Only once?
5 A Yes. He didn't have this written down the first time.
6 Only when he took the -- my description, and he took
7 notes, and then after that you will probably have to
8 ask me again when I signed this.
9 Q All right. When you gave the description of the
10 territory that you described here to Marvin George,
11 did you give him that description in English?
12 A In English and in Indian.
13 Q All right. Was that the Wet'suwet'en language?
14 A Yes.
15 Q I just want to be very clear, how many times did you
16 meet with Marvin George, once or twice?
17 A The first time when I described the territory,
18 Goohlaht territory, and the second time I did not meet
19 with him because I just signed this affidavit.
20 Q All right. When you signed the affidavit, was there
21 any translation done of anything on that affidavit?
22 A Translation? We just corrected these first.
23 Q And that's -- just so we are clear -- the two
24 corrections where you took out "hereditary chiefs" and
25 "chief" and you pointed out that was your
26 grandmother's chief's name?
27 A Yes.
28 Q Other than that was there any other part of this
29 affidavit when you signed it translated to you by
30 anybody?
31 A Translated?
32 Q By that I mean from English to Wet'suwet'en or from
33 Wet'suwet'en to English?
34 A I don't understand.
35 Q All right. When you signed this affidavit, did you
36 read it all over?
37 A Yes.
38 Q Did you understand all of it?
39 A Yes.
40 Q Did you understand the Indian names that are written
41 down there in the affidavit?
42 A The spelling was wrong so I had to ask somebody.
43 Q Now, who did you ask?
44 A John, John Thomas.
45 Q And did you only ask about spellings?
46 A The spellings and the pronunciation.
47 Q You asked about spellings and pronunciations, anything

1 else?
2 A The -- I don't know. I couldn't remember.
3 Q All right. When you were being asked questions
4 before, you told us that Lucy Namox came down to the
5 band office and gave you permission to witness, do you
6 remember saying that?
7 MS. MANDELL: I don't think she said that.
8 MR. O'BYRNE: I am working off my notes.
9 MS. MANDELL: I think that's confusing. I don't think that's
10 the evidence at all.
11 MR. O'BYRNE: All right. I will ask you.
12 Q Did Lucy Namox come down to the band office and
13 discuss you giving or making this affidavit?
14 A I was not present when she give her permission.
15 Q Who -- how did you find out she gave her permission?
16 A There is the band bookkeeper and the councillors and
17 the chief.
18 Q And did they tell you --
19 A They all know that.
20 Q And did they tell you?
21 A Yes.
22 Q Before you described this land that's in your
23 affidavit, did you talk to Lucy Namox about the land?
24 A No.
25 Q You're aware that the House of Lucy Namox has two
26 pieces of land that are side by side in this area, is
27 that correct?
28 A Yes.
29 Q And you're aware that your brother Thomas Morris has
30 sworn an affidavit about the piece of land that is
31 adjacent or the area that's adjacent or next to it?
32 A A piece -- could you repeat that?
33 Q Certainly. Goohlaht has a territory that is next to
34 the territory you have described in your affidavit,
35 correct?
36 A Yes.
37 Q And do you know that your brother Thomas Morris has
38 sworn an affidavit about the boundaries of that
39 territory?
40 A Oh, yeah.
41 Q Did your father take you on that territory that your
42 brother Thomas swore an affidavit about?
43 A Oh, yes.
44 Q And did your father take your brother Thomas on the
45 territory that you swore an affidavit about?
46 A Yes.
47 Q Who made the decision that you would swear the

1 affidavit about this territory and your brother Thomas
2 Morris would swear the affidavit about the other
3 territory?
4 A Could you repeat that?
5 Q Certainly. Who made the decision that you would swear
6 the affidavit about this territory that you described
7 in your affidavit and that your brother Thomas Morris
8 would prepare or swear an affidavit about the other
9 territory that's next to it?
10 A I don't quite understand.
11 Q Well, did you talk to Lucy Namox about swearing the
12 affidavit for the territory you described?
13 A I did not talk to Lucy Namox, Lucy Namox talked to
14 probably Thomas and we were -- I came as a witness
15 because I was raised up on Uncha Lake territory by my
16 father and that's how I come to be here.
17 MR. O'BYRNE: That's all the questions I have.
18
19 (PROCEEDINGS ADJOURNED AND RESUMED FOLLOWING RECESS)
20
21 RE-EXAMINATION BY MS. MANDELL:
22
23 MS. MANDELL:
24 Q Elsie, I get to ask you a few questions now that came
25 about because of the questions that they have asked
26 you.
27 Your mother was Cheslatta; is that right?
28 A Yes.
29 Q And you're Cheslatta?
30 A Yes.
31 Q And it was your father who was Wet'suwet'en?
32 A Yes.
33 Q Now, you mentioned that there are some Indian people
34 that are living in the Goohlaht territory, there is
35 some Indian reserves there and the Cheslatta people
36 are now on those reserves; is that correct?
37 A They exchanged land from Alcan.
38 Q And are you aware that those reserves were set up by
39 the Department of Indian affairs around 1952?
40 A Yes.
41 Q And do you have -- do you know whether or not the
42 Cheslatta had any say over whether they got lands
43 there or anywhere else?
44 MS. RUSSELL: I am going to object. That didn't come out of my
45 cross-examination. I didn't ask her about reserves
46 and I don't think that's correct re-direct
47 examination.

MS. MANDELL: Off the record.
MS. RUSSELL: No, on the record.
MS. MANDELL: Well, you asked her about the others that are living in the area, the other Indians and non-Indians.
MS. RUSSELL: I asked her only that and she said there were other Indian people, not in Goohlaht's house living in the area. I did not ask her about reserves.
MS. MANDELL: Well, those are the Indian reserves.
MS. RUSSELL: Maybe this is one for the Chief Justice to settle. That's not proper re-examination.
MS. MANDELL:

Q You don't have to answer that question. There's been an objection taken to it.

You mentioned that at one of the meetings where the affidavit was being prepared you mentioned the people that were present, was it Tommy Morris who was present at that meeting?

A There weren't a lot of people there. I could not name -- look at all of them.

Q Do you remember whether it was Tommy Morris or Thomas K. Morris who was present?

A I don't recall.

Q And do you recall whether or not at the first meeting when Marvin was first in talking to you, whether Alfred Joseph and Richard Overstall were present at that time?

A Yes.

Q And that at the second meeting when the affidavit was sworn, a lawyer, Shirley Meldrum, and Marvin George were present at that time?

A Yes.

MS. MANDELL: I have got no further questions.
MS. RUSSELL: Thank you Mrs. Quaw.

(Concluded)

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

Wilf Roy
Official Reporter