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# In the Supreme Court of British Columbia

(BEFORE THE HONOURABLE THE CHIEF JUSTICE)

No. 0843
Smithers Registry

Hazelton, B.C.
April 21, 1988 and
April 22, 1988

BETWEEN:

DELGAMUUKW, also known as ALBERT TAIT, 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 OF CANADA,

Defendants.

COMMISSION EVIDENCE OF
STANLEY WILLIAMS

VOL. 4

VOLUME 4

United Reporting Service Ltd.
OFFICIAL & FREELANCE REPORTERS
610-1030 WEST GEORGIA ST., VANCOUVER, B.C. V6E 4H4

(604) 689-1088

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APPEARANCES FOR APRIL 21, 1988

| | |
|---|---|
| PETER R. GRANT, Esq., | Appearing for the Plaintiffs |
| P. GEOFFREY PLANT, Esq. | Appearing for Her Majesty the Queen in Right of the Province of British Columbia |
| MS. MARVYN KOENIGSBERG, and MICHAEL W.W. FREY, Esq. | Appearing for the Attorney-General of Canada |

APPEARANCES FOR APRIL 22, 1988

| | |
|---|---|
| PETER R. GRANT, Esq. | Appearing for the Plaintiffs |
| P. GEOFFREY PLANT, Esq. | Appearing for Her Majesty the Queen in Right of the Province of British Columbia |
| MS. MARVYN KOENIGSBERG, | Appearing for the Attorney-General of Canada |

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April 21, 1988,
Hazelton, B.C.

(PROCEEDINGS RECONVENED AT 10:00 a.m.)

ALICE SAMPSON: Previously sworn as interpreter.
STANLEY WILLIAMS: Previously sworn.

CROSS-EXAMINATION CONT. BY MR. PLANT:

Q This is Thursday, April 21st, and second day of your cross-examination, Mr. Williams.
I want to ask you some questions now about your father and his house. Your father's house was Wii'mugulsxw?

A Yes, this is where my father is from. I just like to say that I was feeling pretty bad yesterday when I was trying to answer the questions that were referred to by my mother's parents, Sakxum higookx and his wife. This happened long time ago and I don't -- I never did see any one of them, and I don't remember any -- which -- where she is from. Whatever you ask me since I was born, since my lifetime, I will answer what I know and this is what I'll be doing.

Q When you said you didn't know where she was from, were you referring to Sakxum higookx's wife?

A Yes. Yes, I -- I -- my mother only told me that she was adopted by these two people and I never did knew them, I wasn't born yet.

Q All right. Now, to come back to your father's house. First, do you remember when your father passed away?

A Yes. I was there when he died and I was the one that paid the expenses, and I don't really know the exact years of how long ago was that. It was a long time ago.

Q Was it before or after your marriage to Fanny?

A Yes, she was with me then.

Q Had she been with you for a few years at that point or was it shortly after your marriage when your father died?

A I was with her for quite a long time and then my dad -- my father died.

Q Did your -- I still want to see if I can get some idea of the time when your father died. Do you remember when Arthur McDames, Hax bagwootxw, passed away?

A I know he died and I was the one that paid the expenses, and I never counted the years of how long ago that was.

Q Did your father die before or after Arthur McDames' death?
A My father died first and we were looking after Arthur McDames, he was living in the same house as my mother.
Q You mention Arthur McDames living in the same house as your mother. Did Arthur McDames live longer than your mother or did he pass away before your mother passed away?
A Arthur McDames died first.
Q Now, coming back to your father, Mr. Grant asked you if your father's house was close to Kliiyem lax haa's house, and you said, "Yes, close." Can you tell me what you mean when you say they are close?
A Wii 'mugulsxw and Kliiyem lax haa were very close, they -- they were quite close, just like -- take me and Gwaans, for instance, we are quite close and that is the same.
Q Does being close mean that you work together at the feast? And put it in the context of Kliiyem lax haa and Wii 'mugulsxw, would Kliiyem lax haa and Wii 'mugulsxw work together in a feast?
A When Kliiyem lax haa holds a feast Wii 'mugulsxw would go there, and when Wii 'mugulsxw holds a feast Kliiyem lax haa would go there and help out. And the reason for this is they're from the same wil'na t'ahl. It's the same with me. When Guxsan has a feast I go and help out, and also when Olive has a feast I go and help out, Gwaans.
Q Olive being Olive Ryan?
A Mm-hmm, Gwaans.
Q Did -- do Kliiyem lax haa and Wii 'mugulsxw come from the same house? I know you say they are in the same wil'na t'ahl, are they in the same house or did they have their own house, separate houses?
MR. GRANT: You mean today? You mean today?
MR. PLANT:
Q Well, if there is a difference, then let's start with today?
A In the ancient time their houses were side by side, but today they have their own house. Wii'mugulsxw has his own house and Kliiyem lax haa has her own house.
Q You just told me how it was in ancient times. Can you tell me who told you this or how do you know this is how it was in ancient times?
A My grandfathers trained me and they trained me about everything, the -- what is happening at the feast and the different houses at the feast. And my -- my

grandfather trained me, Arthur McDames trained me, and my uncle, James Ryan, whose name was K'aatim haayetsxw, these are the people that taught me everything.

Q You said that there -- that the houses of Kliiyem lax haa and Wii 'mugulsxw in ancient times were side by side. Are you referring to two buildings that were close together?

A Yes, two houses.

Q Are there any other houses that are in the wil'na t'ahl of Kliiyem lax haa and Wii'mugulsxw today?

THE INTERPRETER: Could you ask that question again, please.

Q Yeah. Are there any other houses that are in the same wil'na t'ahl as Kliiyem lax haa and Wii'mugulsxw today?

THE INTERPRETER: No, I think he misunderstood my question, but he said, "No, I never seen" -- like I think he is talking about the houses.

A I've never seen it today. He said he -- they used the hall today and this is what everybody uses today.

Q Gwis gyen, you told me that Kliiyem lax haa and Wii 'mugulsxw were from the same wil'na t'ahl, right?

A That's right. They are both of the wolf clan. If I die, what is supposed to happen is one of my relatives would call Kliiyem lax haa and she would buy the clothing and bathe me and put the clothing on me. And some -- one of my relatives would go to Wii 'mugulsxw and he would buy the coffin for me, and this is how the law is.

Q And --

A And our house members pay the expenses, the wil'na t'ahl.

Q And as I understand it, Wii'mugulsxw and Kliiyem lax haa are under this obligation because they are, as you've said, your wilksiwitxw; is that correct?

A Yes, that's our law, the law of the Gitksan. This is where my father is from, from the house Wii 'mugulsxw and from the wolf clan.

Q When you say that -- when you are talking about your wilksiwitxw, are you talking about your father's house or your father's clan?

A My father's clan. Wii'mugulsxw is the head chief, and he is the one that is supposed to get the coffin for me.

Q When you say he is the head chief, what is he the head chief of?

A He is the -- one of the head chiefs in the -- in the

1 Kispiox.
2 Q Well, I want to be sure that I understand one answer
3 you gave. When you die, will Kliiyem lax haa and
4 Wii'mugulsxw both have responsibilities to pay for
5 certain things?
6 MR. GRANT: Just before the question is translated, he has
7 answered that question both on direct once and on -- a
8 couple of times on cross, and I just -- I'm not
9 objecting at this stage but I will object to constant
10 repetition of the same question.
11 MR. PLANT: I've never asked that question in those terms, Mr.
12 Grant.
13 MR. GRANT: Well, the question that you've just asked has been
14 answered in exactly those terms at least twice, and I
15 believe three times by the witness.
16 MR. PLANT: Yeah, well thank you for your comment. I'll
17 certainly try to avoid repeating myself, but sometimes
18 it's difficult to understand just what evidence the
19 witness is giving. And in that situation, I think I'm
20 entitled to ask some more questions to clarify. So
21 let's just carry on.
22 MR. GRANT: He said -- he said -- just now he said Kliiyem lax
23 haa -- if I die, Kliiyem lax haa would buy the
24 clothes, Wii'mugulsxw would buy the coffin. I mean
25 this is --
26 MR. PLANT: What was the question I asked that produced that
27 answer?
28 MR. GRANT: That was the -- that was part of his answer.
29 MR. PLANT: I could have been asking him the time of day. I am
30 now asking him a very specific question, and that is
31 whether they both are under an obligation. He has
32 told me what they will do, I now want to know whether
33 they are both under an obligation to do this. You may
34 not see the difference but I see the difference, so
35 I -- I agree that it's unnecessary to be -- I mean
36 there is no call to be repetitious, but I don't see
37 how this question is even repetitious.
38 MR. GRANT: Well I take the position that it is repetitious. I
39 warn you that if you are repetitious in your
40 questioning I'm going to object. This witness is an
41 elderly witness, I think you are in a very sensitive
42 area and I don't want him to -- what for you and I
43 would not be a sensitive area, would be a sensitive
44 area for a witness like this. And I am not going to
45 allow that to go on, but I'm not objecting to this
46 particular question, but I just caution you.
47 MR. PLANT: All right. Well, Mr. Williams, after all that fuss,

1 I was really only asking you a simple question and
2 I'll try again.
3 MR. GRANT: That was not a fuss, it was a warning about respect
4 about objections.
5 MS. KOENIGSBERG: Mr. Grant, this is costing money.
6 MR. GRANT: Go ahead. Just ask the question.
7 MR. PLANT:
8 Q Mr. Williams, when you die, will both Kliiyem lax haa
9 and Wii'mugulsxw be under an obligation to pay for
10 expenses arising as a result of your death? By
11 obligation I mean under Gitksan law, do they have --
12 they both have obligations to pay for expenses?
13 A I -- this is the law of -- this is our law. When I
14 die, Kliiyem lax haa will buy the clothing for me
15 because she is a woman now. And today Wii'mugulsxw,
16 if I die, will buy the coffin for me. I said this
17 before. We are going -- we are following the laws
18 that we have, the laws of our grandfathers. And when
19 you die, who will buy your coffin?
20 Q Now Mr. Williams, your mother's father was Wixa?
21 A I'm asking you, who's going to buy you a coffin?
22 MR. PLANT: Well, Mr. Williams, after I've finished asking
23 questions and after Miss Koenigsberg has finished
24 asking questions and after Mr. Grant has finished
25 asking his questions, then you can ask me questions,
26 okay.
27 MR. GRANT: Well I --
28 MR. PLANT: Mr. Grant, will you please just let the examination
29 continue. I'm sorry, I --
30 MR. GRANT: Mr. Plant, I have a right to say something on the
31 record. This witness has indicated very strong terms
32 he wants you to answer his question, and you have gone
33 on saying that this -- that you will answer questions
34 afterwards. Are you assuring the witness that you
35 will be available to answer his questions of you
36 afterwards? I want to know that now, then the
37 witness -- I can assure the witness of that.
38 MR. PLANT: Well, Mr. Grant --
39 MR. GRANT: Of course, you are not under any legal obligation to
40 do so and I appreciate that, but --
41 MR. PLANT: And nor are you allowed to speak with the witness
42 while he's under cross-examination, so I don't
43 understand what the point is of the comment that you
44 are making. Let's just go on with it please, okay.
45 MR. GRANT: Why don't you answer his question and then he will
46 feel more --
47 MR. PLANT: I already have answered his question.

1 MR. GRANT: You haven't answered his question.
2 MR. PLANT: Well, in the interests of delaying things I'm going
3 to ask that the answer that I gave to the witness'
4 question be read back.
5 MR. GRANT: I know what you said to the witness. You did not
6 answer the question he asked you. Are you -- are
7 you -- I just want to confirm that you are going to
8 answer his questions after the conclusion of the cross
9 and redirect; is that correct?
10 MR. PLANT: That is, with respect, Mr. Grant, a most improper
11 question for you to ask.
12 MR. GRANT: Well you've advised this witness on the record that
13 you would do just that and I want to be sure that
14 that's correct.
15 MR. PLANT: Well, can you explain on a legal basis for your
16 interruption at this point?
17 MS. KOENIGSBERG: As a party to this litigation I object to this
18 entire conversation and I would ask both parties to
19 stop. They're wasting time and they are wasting money
20 and they are wasting the rights of all the parties
21 involved. Could we get on with the examination,
22 please.
23 MR. GRANT: The witness has asked the lawyer a question.
24 Counsel who is examining him said he will answer the
25 question later. I just want to be sure that that's
26 correct, that's all I want to know. If that's correct
27 then we can get on with it.
28 MR. PLANT: I'm prepared to discuss this with you off the
29 record, Mr. Grant, but not now
30 MR. GRANT: Okay, we will deal with it later. We'll deal with
31 it off the record today then. Thank you.
32 MR. PLANT:
33 Q Now, Mr. Williams, I had asked you whether your
34 mother's father held the name Wixa?
35 A Yes, that's -- Wixa is her father.
36 Q And as I understand it, Wixa would be your mother's
37 wilksiwitxw?
38 A She is -- her wilksiwitxw is the relatives of Wixa,
39 which is -- the plural for it is wilxsileks.
40 Q Are there circumstances in which you would say that
41 Wixa's relatives are also your wilksiwitxw under
42 Gitksan law?
43 A Wixa is my grandfather, but my -- my wilksiwitxw is on
44 my father's side.
45 Q Thank you. While your mother was alive, did you have
46 the right to travel on Wixa's territory?
47 A I -- I explained this yesterday or before that when --

when Wixa died, my mother and my father went to pay for the expenses. After they've paid for the expenses, the relatives of Wixa gave us -- gave my mother the land, Txaas 'wii lax habaasxw. This is where my father would take his children when -- when they are big enough. This is the -- this is our law, the Gitksan law, and before my mother died she gave me advice, she always let me know that if she was to die, that I would return this land that was given to us by Wixa, and I would return it if -- back to Wixa's relatives when my mother dies.

Q So the land that was given to your mother for as long as she lived, did -- did you also have the right to use that land because of that gift?

A Whenever I want to go on the territory, I would go to my -- to my mother's father's relatives and they would let me go on this territory because they know me

Q Is that true today?

A Yes, this is our law. This hasn't changed, it's -- it still happens today.

Q Well, when you say it still happens, the law still happens today, do you still have the right to go and ask for permission to use Wixa's territory today?

MR. GRANT: Just -- just a second. I just -- I think the formulation of the question is a little off. You say, "Do you have the right to ask permission"?

MR. PLANT: Yes. That's not terribly eloquent.

MR. GRANT: No. I think it's miss -- may mislead in that sense. Just could you rephrase it for me.

MR. PLANT:

Q Well, I asked you whether you could still use Wixa's territory today, and that's really all I want to know. And my -- when I ask you if you could do it, you said you could do it with permission. Now, is that the way it is today, you could use Wixa's territory today, right now, with permission?

A It is our law and it still happens today. If I want to go right now I'll go to Wixa's relative right now and they'll let me go today. I still have the blood of Wixa with me and the blood of Wii 'mugulsxw with me.

Q I want to ask you again about your father's house. Do you know where the territories of Wii'mugulsxw are?

A I know where it is, it's called Sgan Sna'at.

MR. PLANT: Perhaps while we get the spelling of that --

MR. GRANT: Can we go off the record.

MR. PLANT: -- we'll just go off the record for a minute to

change the tape.

(PROCEEDINGS ADJOURNED AT 10:45 a.m.)
(PROCEEDINGS RECONVENED AT 10:55 a.m.)

MR. PLANT:
Q Now, Mr. Williams, Chief Gwis gyen, have you travelled yourself to Sgan Sna'at, the territory of your father -- or the territory of Wii'mugulsxw?
A I went there just once with Percy Sterrit when we were out hunting moose and I've never returned back there again.
Q Do you know the boundary of this territory?
A No, I don't.
Q Now earlier today you were talking about wilksiwitxw and the laws of the Gitksan as they affect what happens when people die. There is another law that I don't think we talked about directly today, and that's amnigwootxw. Is amnigwootxw something that you would call a law of the Gitksan people?
A Yes. Amnigwootxw is one of our laws. The son of -- the son of the father is -- who is using the territory of his father is known as amnigwootxw.
Q In your lifetime, Chief Gwis gyen, have the Gitksan made any new laws?
MR. GRANT: Generally?
MR. PLANT: Hmm?
MR. GRANT: Generally?
MR. PLANT:
Q Generally, generally?
A Ever since the time begun when our people were created, they made these laws and these laws are -- still remain today, and there is no new laws today.
Q I'm going to change the subject again. After you married your wife Fanny, where did you live?
A I lived in Gitwingax.
Q At sometime in your life did you live in a place called Sunnyside Cannery?
A This is where I worked. I fished down there.
Q So when you fished at the coast, did you live at the cannery or near the cannery?
A I only stay at the cannery on the weekends and I'm out on my boat on the sea during the weekdays.
Q Well, when you were a young man, did most of the villagers, most of the men from Gitwingax go down to the coast to fish?
A Yes. Most of them, this is where they worked.

Q And what is the season that you would be down at the coast, what months of the year?
MR. GRANT: Now or then?
MR. PLANT:
Q During his time as a commercial fisherman?
A The fishermen go there in June, but the repairmen that repairs the cannery goes there in March.
Q Were there people from Gitwingax who worked as repairmen in the canneries?
A Yes, that's -- some of them went down, this is where they worked, and there was some people from Kispiox, Gitsequkla and Kitwancool.
Q And when did the commercial fishing season end in your experience?
A Long time ago it used to be till August. Today it's in December because we go up the Fraser.
Q We go where?
A Fraser.
Q What sort of jobs have you held during your lifetime when you haven't been fishing commercially at the coast?
A I'm logging.
Q And where have you done logging work?
A I go on the territory of the aluugigyet.
Q That's not a word that I recognize at the moment. Who are the -- or who is aluugiget?
A The -- I'm an aluugiget. It refers to the Gitksan people.
Q Did you do some logging work in the area around Gitwingax and Gitsequkla?
A Yes. Yes, both places.
Q Did you do some -- did you cut some trees on the reserves, Gitwingax and Gitsequkla?
A We don't do logging inside the reserve, we do it outside of the reserve on our own territories.
Q Did you work for a company or -- who did you work for is a better way of putting it?
A I was with Hobenshield for over 32 years.
Q Was that up until your injury a few years ago?
A Yes.
Q I'm going to change the subject again and ask you a little bit more about Gitksan laws. You've told us that in the old times the penalty for trespass was death, after I think it was three warnings. Do you remember telling us about that?
A Yes, I said it. This is our law.
Q When you say "This is our law," is there a Gitksan

word for law, in that context?
A It's called ayook. Lip ayook means our law.
Q Is that the same word that is used to describe the crests on a totem-pole?
A Yes. This is the law, the Gitksan has only one law. This law is in each house of the chiefs, and this is the law that they used.
Q How did you learn the law about trespass?
A My grandfather told me this, my uncle told me, they trained me because as a young boy I sat on my grandfather's seat, and they trained me of everything.
Q In your lifetime, has the death penalty ever been applied for trespass, to your knowledge?
A They did this in the ancient times but not in my time.
Q I think that probably answers the next question, but it's this: Has the Gitksan law of trespass ever been applied to the white man by the Gitksan so far as you know?
MR. GRANT: In his lifetime are you referring to?
MR. PLANT: No, it was actually ever.
THE INTERPRETER: Could you ask that question again.
MR. PLANT:
Q Sure. Has the Gitksan law of trespass ever been applied to the white man so far as you know?
A Yes, it applies to the white man too. Especially when they are out to steal the territory. There was -- in the time of my grandfathers there were no white people.
Q Are you aware of any instance where the death penalty was applied to a white man by a Gitksan for trespass?
A No.
Q Now changing the subject again. You told us the history of the four warriors who took their nephews up to Mezziaden for a battle. Do you remember telling us that history?
MR. GRANT: Are you referring to the Ts'its'aawit?
MR. PLANT: Well -- yes. The four warriors were 'Neekt, 'Yagaa deets', 'Naa gel gaa and Xsuu.
MR. GRANT: Xsuu.
A Yes, I remember I said that. They've always told this adaawk to their nephews, and I remember saying this. Today I tell the younger generation about this -- this event that happened thousands of years ago. All the adaawks that I know, I tell -- I tell them, the younger people, because I want them to learn what has happened before, and in order not for the white people to take the territories away.

MR. PLANT:
Q When you described the history of this battle, you spoke of the Ts'its'aawit people. Are these people sometimes referred to as the Stikeen people?
A Yes, it is the Stikeen.
Q Now, was it your grandfathers who told you that this battle happened a long time ago?
A Yes, my grandfather told me this. Everytime he gets a chance, he would tell me things, he would teach me things that has happened. The same with the -- with my uncle, James Ryan, who was Haayetsxw, and Arthur McDames who was Hax bagwootxw, they tell me these things.
Q What is the Gitksan expression which is translated as thousands of years ago?
MR. GRANT: The Gitksan words?
MR. PLANT:
Q The words, yes?
A La oo'y.
Q What does that word or do those words mean, thousands of years ago?
A I just tell you, thousands of years ago.
Q Okay. Well, how would you translate hundreds of years ago?
A Helt wil k'yaphl k'uuhl.
MR. GRANT: Can I just -- I just wanted to clarify because of the spelling of that last word, if that word La oo'y, is that the same word that is used at the end of the phrase limx oo'y, which is a type of song?
THE WITNESS: Yes, that's -- it refers to that song. Limx means song and oo'y of ancient times, of thousands of years ago.
MR. GRANT: The reason I ask that was because I noted the spelling was the same and I wanted to be sure I understood that.
MR. PLANT: Could we have the spelling of the expression that was translated as hundreds of years ago?
THE TRANSLATOR: Hundreds not thousands?
MR. PLANT: Yes, helt?
THE TRANSLATOR: Helt wil k'yaphl k'uuhl. Helt is H-E-L-T space W-I-L space K-'-Y-A-P-H-L space K-'-O-O-H-L -- change that "O" to "U", U-U-H-L.
MR. GRANT: In the last word?
MR. PLANT:
Q Yes. Now, you just referred to -- or Mr. Grant has referred to a type of song, a limx oo'y. Is that sometimes known as a mourning song or a dirge?

A Yes, it's a mourning song. When one of the persons pass on, this song is usually sung.
Q Now, when you have been telling us during the course of your evidence that the white man has only been here for a hundred years, what is the expression that you use for that? And by that I mean the time, the hundred years?
A Xwsdins wil k'yap is 50 years. Xwsdimoos wil k'yap --
MS. KOENIGSBERG: Maybe we should show that Gwaans gave that evidence.
MR. GRANT: Just let's have the answer first.
MS. KOENIGSBERG: Just so the record is correct.
A Xwsdimoos wil k'yap is 90 years.
MR. GRANT: I just don't want the interpreter -- translator interrupted when she's trying to get the words out, that's all.
I think the witness was -- for the record, the witness was trying to remember the phrase for a hundred years, and I think that's what the record shows, and he looked over at Gwaans.
MR. PLANT: Well, I don't -- Mrs. Ryan has spoken from time to time throughout the commission. I haven't really been too concerned about it.
A Okay. A hundred is xwsdimoos wil k'yap, that's ninety plus ten.
MR. PLANT: Okay, I want to ask you just one more question then we'll take the morning adjournment, because I want to get some spellings, among other things. One more time, question. If the Gitksan want to say that something happened just last year, is there an expression for that? By that, again, I mean the time, last year?
MR. GRANT: You are asking the interpreter to say what this --
MR. PLANT: Let's take the morning adjournment now.
MR. GRANT: Before we go off the record, I just wanted to -- to just clarify one point. In the early days of -- just because of the comment you made. In the early days, in the first two days at the most, on a few occasions when the witness could not remember, he looked over to Gwaans and there were a few names that Gwaans gave. I believe that this reference when you asked the hundred years was the first time the witness looked to Gwaans and Gwaans has given an answer on the cross-examination. And I think it's only been a couple of times when the witness is trying to remember something and Gwaans has triggered his memory with respect to a couple of names and things like that. And the only

reason I wanted to say that was because that only happened for the first few days on direct and it's just a question of this witness trying to remember and I didn't want it to be implied that this was going on throughout the examination.

MR. PLANT: Fair enough. Let's take the morning adjournment.

(PROCEEDINGS ADJOURNED AT 11:20 a.m.)
(PROCEEDINGS RECONVENED AT 11:35 a.m.)

MR. PLANT:

Q Now, I've been instructed something -- I've learned something about numbers during this adjournment, and what I think I've learned is this, that the word for 100 is k'i'waa'; is that correct?

A K'i'waa'.

Q K'i'waa'?

A Is the hundred.

Q The Gitksan expression for last year is gi k'uuhl?

A Yes, gi k'uuhl.

Q And when you were giving us the number for 50, as I understand it, the Gitksan words in that number mean five times ten, and perhaps that's something that I'll direct that at the interpreter. Oh, and I -- yes, absolutely. I was advised by this -- advised of this by Ms. Stevens not by Mr. Williams during the break. But I wanted to have some understanding of what the components of the number for 50 and the number for 90 meant. And maybe -- I may not be correct, but the phrase for 50, I understood, had words in it, Gitksan words that meant five times ten?

A Yes. Xwsdins is five and wil k'yap is ten.

Q And the number for 90 that was given by Mr. Williams, does it break down the same way?

A Yes, it does.

Q Nine times ten?

A Yes.

Q Thank you very much

I want to ask you now, Chief Gwis gyen, some other questions about the adaawk of the battle with the Ts'its'aawit. One of the warriors was 'Yagaa deets'. Is the adaawk which you told of the battle of the Ts'its'aawit, part of the adaawk of Gwis gyen?

A It belongs to the Kitwancool people, but 'Yagaa deets' was there and he was the one that -- one of the warriors fighting the Ts'its'aawit and he was from the house of Gwis gyen.

Q Do you need permission from the Kitwancool people to tell this adaawk?
A I was asked by you people to tell this -- this war between the Ts'its'aawit and the Kitwancool people, so that's why I told this, what happened. I know a lot of adaawks, and it -- which belongs to different chiefs and their families, and it's not for me to tell any of these adaawks, I have -- have to have permission from the head chief before I tell any of these adaawks. If you want to hear any other adaawks, then you will have to go to the owner of that adaawk.
Q All right, thank you. Now, does the adaawk that you did tell us of the battle with the Ts'its'aawit people, does that adaawk tell you why the Ts'its'aawit people attacked the village of Kitwancool which was then known as Gitan'yaaw?
A It's hard for me to say this now. They were just -- they were acting like the -- well, they were like the white people now; they were trying to steal the land of the Kitwancool people.
Q When 'Yagaa deets' returned from this battle, did he bring back any crests?
A No, he didn't have any -- brought any crests back because he is not supposed to do this.
Q Why was he not supposed to do this?
A Because the Ts'its'aawit had their own laws and we have our own laws. What they could have done was they would have claimed the territory that they were fighting on, and this is what their plan was. 'Yagaa deets' was going to have the lower part and Xsuu was going to have the upper part, but in the end, Xsuu was killed by the -- by the Ts'its'aawit and 'Yagaa deets' didn't want any part of the land after.
Q Does Gwis gyen have a totem-pole today?
A We have our totem-pole at Gitsequkla. The name of our totem-pole is k'il haast. We have spent millions of dollars on the k'il haast and it's still there today.
Q Does Gwis gyen have more than one pole today or just the one pole? And by Gwis gyen -- by Gwis gyen I actually mean the house of Gwis gyen?
A Gwis gyen has another one which is known as sk'an milkst, it is the two -- two killer whales meeting -- or passing each other.
Q Are there crests on the pole of Gwis gyen, the pole that you call k'il haast?
A There is -- what is carved on it is the fireweed. This is -- this was the large fireweed that was found

in Gitsequkla and this is what's on the pole, and this is why they call the pole k'il haast, that means one fireweed.

Q How long has that pole been there, the k'il haast pole?

THE INTERPRETER: What do you mean "been there", do you mean when was it erected or --

Q Yes. When was that particular pole erected?

A The k'il haast has been there since the beginning of time, before the flood, and it's passed on from -- down from generation to generation, and we still have it at the present day. They -- these poles were well looked after. If -- if the pole has rotted, what they would do, they -- the pole has rotted and fall, what they would do is they would cut it up and burn it so nobody else would use it, and then they would raise another one and they would have to have a feast.

Q Has Gwis gyen raised a pole in your lifetime?

A I was the one that erect that pole in Gitsequkla. I was the one that raised the pole in Gitsequkla and I also raised a lot of headstones, and this is why in my lifetime I've spent so much money.

Q Do you remember when you raised the pole that you've just spoken of?

A It's been five years now.

Q Did Hax bagwootxw, the late Arthur McDames, raise a pole in Gitsequkla about 40 years ago?

A Yes, the pole of Hax bagwootxw is still standing now. There is a killer whale on it.

Q Was -- and that -- the pole you are referring to that was erected in your lifetime?

A Yes. I helped him out, I was there.

Q I want to take you back now to the adaawk of the battle with the Ts'its'aawit at Mezziaden. You told us that after the warriors came back, the people of Kitwancool had a feast and this is when the warriors were paid for helping them out. What were they paid?

A Long time ago they used -- they used the hides of ground hog and fishers and martens for payments in the feast hall.

Q Now, you've told us that you went to a meeting where Fred Good announced that the -- that white people were forbidden to go to Cranberry River. Can you tell me when that meeting was, how many years ago?

A It's about six years now.

Q Fred Good was a Kitwancool chief?

A Yes.

Q Now, when you -- you told us about a conversation that you had with Fred Good when you discussed compensation for the blood of the warriors, and you said you didn't want materials, you wanted money. Why did you say that?

A When Fred Johnson held a meeting in Kitwancool --

Q Fred Johnson?

A Fred Good, and they -- the village -- almost the whole village attended this meeting, and they called Malii, Gordon Johnson, and Gordon called me. He wanted me to sit in and watch this meeting going on. And Fred Good stood up and talked and he said that he did not want any white people to trespass on that land, and he didn't want the people of Gitwingax and Gitsequkla to trespass on that land, and this was what Fred Good said at that meeting. Fred Good was sitting beside me, just like where Mr. Grant is sitting now, and he asked me, "Is this right that we have a meeting?" He said it loudly so everybody would hear, so I answered him and I said, "Yes, it is right that you have a meeting." After this I -- I asked him loudly, because he did not want the Gitwingax people and the Gitsequkla people to walk -- enter the territory. So this -- what I said was, "What about the blood of 'Yagaa deets' and Xsuu and the blood of 'Naa gel gaa and 'Neekt?" And Fred answered me right away and he said, "We've already paid you with material things." And I told him that we do not want material things, that we wanted money for the -- for the blood of the warriors that helped them out.

After this time he -- they opened this territory to the -- to our people, the Gitwingax and the Gitsequkla and also to the white people. There is people there that walk -- enter this territory now, today. When the moose season opens the white people always go on that territory, and none of our people ever go there. And this is the result of the meeting, when Fred and I talked together, this is the reason why they allowed the people to enter this territory.

MR. GRANT: I just want to clarify part of that. I just want to clarify part of the answer.

MR. PLANT: Yes.

MR. GRANT: You said, Madam Interpreter, that when the moose season opens the white people go on there and none of our people ever go on there. When you -- when the witness was saying that, was that -- when you say "none of our people ever go on there," was that at any

time or was that during moose season?
THE INTERPRETER: I'll ask him.
THE WITNESS: Yes, this is during the moose season.
MR. GRANT: I ask that because the answer was a conjunction that was unclear. I just want to be clear what the answer was.
MR. PLANT:
Q The territory that you are talking about, that is to say that Fred Good was talking about, which you say, "Fred opened for our people," is that Xsi 'yagaa skit or Cranberry River?
A Yes.
Q Have you been moose hunting there yourself?
A I went there for about a month and I've never seen a moose there.
Q To your knowledge, in your life have other people from Gitwingax and Gitsequkla gone up there to hunt moose?
A Today they go there at times.
Q By "they" do you mean the people of Gitsequkla and Gitwingax?
A Yes.
MR. PLANT: I'm planning to move to another subject area.
MR. GRANT: Just look for a note. I -- can we go off the record just a second?
MR. PLANT: Well, yes.
(OFF THE RECORD DISCUSSION)
MR. PLANT: We'll adjourn now for lunch.

(PROCEEDINGS ADJOURNED AT 12:00 p.m.)
(PROCEEDINGS RECONVENED AT 1:35 p.m.)

MR. PLANT:
Q Gwis gyen, when you told us that when your grandfather, Sam Gwis gyen died, there was a feast at the cannery at the coast. Do you remember telling us that?
A Yes, I remember.
Q And was there -- or is there a Gitksan term for that kind of feast?
A Lax 'nisxw.
MR. GRANT: Could I get a spelling for the record, please.
THE TRANSLATOR: Lax 'nisxw, L-A-X-underlined space '-N-I-S-X-W.
MR. GRANT: Thank you.
MR. PLANT:
Q Does that kind of feast still go on today or was that a special feast?
A When a chief dies and the relatives and people of the

other villages are in a different location, a different village, like when we were down the coast we were -- we were down the coast and we -- we heard -- and we told the other different people that my father has -- grandfather has passed on, and this is what we call Lax 'nisxw which means "the hearing of" in our language.

Q The hearing?

A Of.

Q In the days when you were a young man, did feasts -- did Lax 'nisxw feasts take place from time to time down at the canneries?

A Yes, they do that.

Q And does that still go on today, if the -- if the chief dies and the relatives and people are in a different village?

A Yes. It's only when -- when the relatives and other people from that village are in a different location, a different village. But if they are in their own village, then that doesn't happen.

Q Where did Sam Gwis gyen die?

A In Gitwingax.

Q When he died, was there a smoke feast?

A Yes, they did have a smoke feast, it's the law.

Q And did that happen in Gitwingax?

A Yes, in Gitwingax.

Q And did that feast occur after you had come up from the cannery?

MR. GRANT: The smoke feast?

MR. PLANT:

Q Yes?

A Yes, I was there at the smoke feast. I'm the one that is supposed to be there.

Q Can you remember who some of the other people were who were at that feast?

A It's too long. It's been too long and I can't remember. If I knew this -- what the government wanted of us, I would have kept track of everything that happened.

Q Let me ask you a few other questions to see what you can remember. Can you remember whether Sam Gwis gyen was buried or cremated?

A They didn't cremate at this time, they buried him.

Q You told us about a feast called Begwinsxw, which took place before the cremation of the chief in the old days. Does that feast still go on today?

A Yes, but they don't cremate the person today.

Q So does the feast known as Begwinsxw take place today -- or when does it take place today?
A When the head chief dies, this is when it occurs, in their own village.
Q Does it occur before the chief -- the head -- the chief is buried or after?
A Before.
Q And is there another feast after the chief is buried?
A Yes, they have another feast.
Q And is that feast, the feast after the burial sometimes called the funeral feast nowadays?
A Yes. I told you people this before when I was asked. In the ancient times when the chief passed on, the members of the house -- one of the members -- the chief -- in the chief's house, would put on a blanket and he would have a rattle and he would -- he would walk around a village singing the Limx oo'y, and he would -- he would walk around and everybody knew, they would see who the person was and they knew who had died. And all the village is idle now, the -- even the kids don't play, and they just leave everything the way it was. And this is known as the -- this is known as xjagwinsxw. They don't -- everything is stopped, they don't even play, they don't even have any kind of a sport that they do play back then. They have great respects when there is a death of a chief.
Q If the person who died in the old time was not a chief, was this procedure that you've just described followed, after his death?
A Yes. Yes. In the ancient times it was -- it was a various -- very serious matter when anybody dies, when any of the Gitksan people die.
Q So it didn't matter if he was a chief or not, the same thing would take place, the xjagwinsxw?
A Yes, it still -- there is nothing going on and there is no -- any kind of sports going on, playing. The people -- our people don't do this, like what the white people do, they -- they have sports and run around and they have dances and they have -- coming in and out of the liquor store, running around, this is not our way when there is a death within our -- in our people -- in the village.
Q When a chief dies nowadays, how is his death announced?
A They just tell each others and when there is an invitation for the smoke feast. This is the reason why we have the smoke feast. All the plans of the

house members of that dead person will be announced at the smoke feast, what it -- the things that they are going to do, where they are going to have a feast and what time they are going to have the funeral and all these things.

Q So that the plan -- I was going to ask you about that. So the plans that are told to the house members at the smoke feast include where they are going to have the funeral feast and matters like that?

MR. GRANT: Just a second, I think you may have misheard the answer which may have affected -- my note was that all the plans of the house members of the dead person are announced at the feast, and then you said all the plans are announced to the house members of the smoke feast. So I think you --

MR. PLANT: Yes. In fact, in examination in chief, the words that he used were "all the plans are told to the house," that's where I took those words from.

A No.

MR. GRANT: I don't -- was that in the context of the smoke feast or --

MR. PLANT:

Q Yes.

Now that we've lost the train of thought, could you tell me, please, Gwis gyen, what kind of plans are told -- or made at the smoke feast?

A After the death of the chief they would have a smoke feast, and the members of the former chief that has died, the members tell of their plans to the guests that are at the smoke feast. And after the smoke feast, then the members of the house which we call Teets, is sent out to different village for invitation for the burial of the chief.

Q Thank you. What are the -- what are the plans, the kinds of things that are planned?

A They tell of the -- what time the funeral will be and they also tell of where the Teets are going to go.

Q Now, I want to take you back again to the death of your grandfather, Sam Gwis gyen. I think you've already told me there was a smoke feast in Gitwingax. Was there also a funeral feast for Sam Gwis gyen?

MR. GRANT: In Gitwingax?

MR. PLANT:

Q In Gitwingax?

A Yes. They had the smoke feast and they also have a funeral feast.

Q And where was Sam Gwis gyen buried?

A Gitwingax.
Q You told us about -- you told us in answer to Mr. Grant's question about the ownership of the village of Gitwingax. Now I want to ask you about a part of the village, the cemetery. Is the cemetery owned by all of the chiefs or just some of them, or who owns the cemetery land, according to Gitksan law?
A It belongs to the people of the Gitwingax.
Q Now, as I understand it, you were about ten years old when you were chosen to be Gwis gyen. Do you know why you were chosen to be chief?
A My -- I don't know how many times I've told you this, but my uncle, James Ryan, was supposed to be Gwis gyen. He was a minister in a church and he did not want to take the name when my grandfather died, and this is why they chose me, I was the one that will be seating at -- on this chair.
Q Would your mother or her sisters, Marianne or Eva, have been eligible to take the name?
A Not my mother.
Q Why is that?
A She is a woman.
Q Now, I've heard it said that in the olden times when the chief wanted to say something at a feast, he would -- he would not say it himself but he would pick a spokesperson, because the chief was not supposed to speak himself at feasts. Have you ever heard that?
A Crazy. How many times did I tell this man that this was -- that this was -- what he said was true. My grandfather told me that -- like I am the chief and I have a galdim algyax which means the spokesperson beside me. And when I took that name I had a galdim algyax because I was -- I didn't know enough and I didn't do enough and I wasn't fit to talk yet.
Q And I'm sorry if you have told us this before, but if you have -- if you have, I've forgotten. Who was your galdim algyax?
A Solomon Bryant, 'Nii T'aam Lax ooks.
MR. GRANT: Just go off the record for a moment, please.
MR. PLANT: All right.
(OFF THE RECORD DISCUSSION)
MR. PLANT:
Q Was Solomon Bryant's mother Marianne, Sima Diiks?
A Yes, it is.
MR. GRANT: For the record, on Exhibit 6 there is a typographical error.
MR. PLANT: That's exactly right.

MR. GRANT: That's a typo error, I just want to be clear.
MR. PLANT:
Q Well, now I want to ask you some questions about -- some more questions about feasts. Do you remember if the feast -- well, let me start with this: Was it the funeral feast where the announcement was made that you would be taking the name Gwis gyen?
A This is when they put me on the chair. And after this I put a stone, a gravestone for my grandfather in, and this is when I really sat on my father's seat -- grandfather's seat.
Q When you say that you sat on your grandfather's seat, in those days did people sit in a feast hall -- well, first of all, let me ask you this: Was this feast -- at the feast at which you took the name Gwis gyen, was that inside or outside?
A It -- it's in the house, we don't have it outside. The seat of the chief is very important, we don't leave that outside. We have great respect handling the seat of the chief and this is -- this seat holds all the laws of our people, and this is why we look at it and we handle it carefully, and this is where the chief sits. All the other chiefs have their seats, and I'm not the only one that has this. All the head chiefs have their own seats that they take care, and this is where the laws are contained and they look after it. And Xamlaxyeltxw, take him for instance, he has his own seat in Kitwancool.
Q Was there a special building in Gitwingax in those days where feasts were held?
A In the -- a long time ago the chiefs have their individual houses, but today it's the community hall. But if I was to put up a feast today I will call it my house, and people will say the -- they are entering Gwis gyen's house.
Q Where was the funeral feast for Sam Gwis gyen?
A How many times I going to tell you?
Q I haven't asked --
A I just tell you a little while ago.
Q Well, I'm sorry, I don't have a note for the answer and you have to tell me again. It was in a house, but was it -- it wasn't in the community hall?
A We not bury him in the house, we buried him in the ground.
Q I'm asking you about the feast, Mr. Williams, the feast?
A You want to go outside? I'm going to get mad.

1 Q Well, if you --
2 MR. GRANT: He did tell you -- he did tell you where that feast
3 was held. You are asking where the funeral feast of
4 Sam Gwis gyen was?
5 MR. PLANT: Yes.
6 MR. GRANT: Yes, he did tell you that it was held at Gitwingax.
7 MR. PLANT:
8 Q Yes, I know that. I want to know whether it was held
9 in a house, and if so, what house. Because he has
10 told me that in the olden times, the feast -- the
11 chiefs had the feasts in their own houses, and he said
12 that nowadays they are in the community hall. And I
13 think, Mr. Williams, you'll agree with me that the
14 community hall wasn't there in 1915 when your
15 grandfather, Sam Gwis gyen died. Was that feast held
16 in a long house in Gitwingax, the funeral feast?
17 A Frederick Benson had a large house, it's about the
18 size of the hall and this is what we used.
19 MR. GRANT: Can we go off the record for a minute please?
20 Witness has indicated he would like a break.
21 MR. PLANT: All right.
22 (BRIEF ADJOURNMENT TAKEN)
23 MR. PLANT:
24 Q Mr. Williams, which clan was the host clan at the
25 funeral feast for Sam Gwis gyen?
26 A We were the ones that put on the feast at Gisk'aast.
27 Gwis gyen is my grandfather.
28 Q Which clan acted as the 'nii dil at this feast? Was
29 it the frog clan?
30 A Gwagl'lo. He is a frog, from the frog clan.
31 Q When your house hosts a feast, I understand that you
32 as the chief of the house have to put up money to pay
33 expenses and to buy food and materials, and -- to give
34 to the other chiefs. I want to ask you a question
35 about that. Is that a correct statement?
36 A Yes, I did that when my father -- grandfather died,
37 and I've been doing this anytime when one of my house
38 members passes on.
39 Q And have you been to a feast where you as Gwis gyen
40 have received money or food or materials from another
41 clan?
42 A Yes. If they want -- they invite me to go, I will go
43 there.
44 Q You told us in answer to Mr. Grant's question, that at
45 times you have two or three feasts through the year,
46 and I want to know if you were referring there to Gwis
47 gyen's house having two to three feasts a year, or the

1 Gisk'aast clan in Gitsequkla?
2 A Yes, I told you once before that when Gwis gyen holds
3 a feast, the clan of the Gisk'aast always comes and
4 help us out. And we do the same thing, if any of the
5 Gisk'aast are having feasts, we go and help them too.
6 Q You told us about Indian doctors who cure or heal the
7 sick. Are there any such doctors alive today?
8 A I don't know if there is any -- any old Halayts that
9 are still alive today.
10 Q You told us about sisatxw. You said that this was
11 secret in the ancient society. Did the Gitksan
12 themselves have secret societies?
13 MR. GRANT: Just a second.
14 MR. PLANT: Just a second?
15 MR. GRANT: Yes, just a moment before your question is
16 translated, Mr. Plant. Could you read that question
17 back, please.
18 MR. PLANT: No, let's not do that, let's just ask it again. You
19 said that sisatxw was secret in the ancient society.
20 Those were the words that appear in the transcript of
21 what you said, and my question is, did the Gitksan
22 have secret societies?
23 MR. GRANT: Well it's a non sequitur, but I don't object.
24 MR. PLANT: Sorry what -- what was your comment?
25 MR. GRANT: I said it is a non sequitur, but I don't object.
26 You are introducing him to the concept of sisatxw and
27 then you are introducing him to the concept of secret
28 societies. If you don't get an answer that fits your
29 question you have no one to blame but yourself because
30 of the way you've introduced the question.
31 MR. PLANT: Oh, I see. Well then forget what I said about
32 sisatxw, if that is a non sequitur. Just tell me
33 this, Mr. Williams, did the Gitksan have something
34 called secret societies?
35 THE INTERPRETER: Secret societies? I'm sorry, I don't think we
36 have a word for secret society.
37 MR. PLANT: Okay. Were there groups of people who carried on
38 certain activities that did them in private, that
39 weren't within the house or clan? I'm afraid I don't
40 know what the Gitksan term for secret society is.
41 MR. GRANT: Just --
42 MR. PLANT: Well, if there is a term that -- that will assist in
43 this line of questioning that you have access to, Mr.
44 Grant, I would be grateful for it.
45 MR. GRANT: Well, no -- no, I don't. I'm just -- if I -- I just
46 wonder if maybe we could -- if it's possible for you
47 to leave this area for the moment and go to another

area and then I would try to inquire about that later, and maybe talk to you about it before tomorrow morning because you'll still be in cross tomorrow.

MR. PLANT: All right.

MR. GRANT: And then there may be a term that would --

MR. PLANT: Yes.

MR. GRANT: -- that would avoid confusion. We'll -- so is that agreeable?

MR. PLANT: Yes, that's agreeable.

MR. GRANT: And then you can talk to me before we commence tomorrow morning.

MR. PLANT:

Q Yes.

Now we are going to leave that area, Mr. Williams. You told us about a deer hunting trip that you went on with Elijah Turner and Fred Howard. Can you tell me when that was?

A You are talking to me about the question that you were asking me about sisatxw, that's the part of it, and we went there about 40 years ago.

Q What house is Fred Howard in?

A Nika teen. He's from Hazelton, Gitan'maaxs.

Q You've told us that this deer hunting trip took place on Gwis gyen's territory. Was Fred -- did Fred Howard -- was he invited to come along with you on that trip?

A Yes, he was invited.

Q Did he have any other right by Gitksan law to be on your territory?

A No, he doesn't.

Q Throughout your life, have you invited people onto your territory to go hunting with you from time to time?

A Yes, I will invite them on my territory if I want them to come with me. And if they are my friends, then I will invite them to come with me.

Q Have you practised sisatxw since the time of that trip with Fred Johnson and Elijah Turner?

MR. GRANT: Fred Howard.

MR. PLANT:

Q I'm sorry, Fred Howard and Elijah Turner?

A Yes, I know how it's done. I -- I will invite you for about a month and then we will go through the sisatxw.

Q Now we are here at one of those communication problems, because my question was, "Have you practised sisatxw since then," and the answer that I heard was, "Yes, I know how it's done." And I really do -- I

already know that he knows how it's done because he told us that when Mr. Grant asked him, and he told us about what happened on a deer hunting trip with Elijah Turner and Fred Howard, and I want to ask again, whether you, Mr. Williams, have actually practised sisatxw since then?

A Yes, I've did this after I -- what happened was I had -- I went trapping with 'Niitsxw and I had 12 traps -- I had 12 traps and so did 'Niitsxw, and I caught ten marten and he only caught two martens. This was after I went through this sisatxw. And we -- we went on and he caught four and I caught 11. I went through the sisatxw and that is the reason why I caught so much.

What I did was I bathed myself for four straight days, and I would lie on the -- this side of my wife for four days, and after that I would move back to the other side where I was. This was done throughout a month. When I am going through with the sisatxw, I'm not supposed to be sitting down inside the house, I'm supposed to be out on my territory, and I come back and then I do the same thing over again.

And then I went out with Elijah and Freddy Howard, and this is what I mentioned before, what happened. Them -- Freddy and Elijah were behind me and I seen this squirrel running up to the tree and I pointed at that squirrel to show, and the squirrel just dropped and -- dropped to the ground. I told Elijah, "Don't touch that, don't touch that squirrel," so we just left it there. And we went up to this hill. When we got on top of this hill we seen the deer tracks, and as we were looking at the deer tracks, a grouse flew up, and I -- I was showing it to them -- Elijah, and then the grouse started flapping its wings and then it fell to the ground. When this happened, what usually happens is a person would pick this animal that dropped and they would cut it on the centre, and this is known as K'ooja. And they -- they keep the -- the flesh of the animal, they dry it. And the person that does this is dangerous, and this is the reason why I didn't cut the animal.

Q You told us about a trapping expedition with 'Niitsxw. Was that also on your territory?

A It belonged to Gwaans and 'Niitsxw.

Q Is that the territory on the other side of the ridge from Gwis gyen's territory, close to the village of Gitsequkla?

A Gwaans' territory is far from Gwis gyen's territory.
Q Which of Gwaans' -- is there a name for the territory that you were on?
A Xsi 'will luu negwit.
Q I want to ask you some questions about traplines now. When you were asking Mr. -- when you were answering Mr. Grant's questions, you said that the reason why you registered your land, "was because the game warden said that the land that is registered is not supposed to be touched by anyone."

Now, the question I want to ask you is, was there a game warden who ever said that to you, yourself, and I'll give you a reference from the transcript, Madam Interpreter.

MR. GRANT: Which volume?
MR. PLANT: Two, page 103, it's that sentence that begins "The reason why."
MR. GRANT: Which line?
MR. PLANT: I think it's line 12, thereabouts.
MS. KOENIGSBERG: Ten.
MR. PLANT:

Q What I would like is for Mr. Williams to be refreshed, have his recollection refreshed by that statement.
A Yes, I remember this and it's true.
Q Who was the game warden that said -- well, let me ask you this again: Was there a game warden who said that to you?
A I've never registered any of my territories. My family went through a will and Gordon Johnson is the one that registered his territory. This is what the game warden told Gordon Johnson, that if he registered his land that there would be nobody trespassing on this land, and this is what Gordon told me. They're having meetings about this too in Kitwancool today.
Q When did Gordon Johnson tell you that this is what the game warden had said to him?
A He tells me about it almost every fall when we go out. I usually go out with him. I seen the -- I went up with him to the -- to his territory at Gaks bax skit, and I seen there was just clear-cutting, like bald head. The same with Jim Fowler's territory, his cabin is still standing there and there is no trees around it, it was all taken off. And he registered his land.
Q Is Jim Fowler a Kitwancool -- from a Kitwancool house?
A Yes.
Q And is his trapping territory in the territory that belongs to the Kitwancool chiefs?

A Yes. It's next -- close to Malii's territory.
Q And Malii is Gordon Johnson?
A Yes, it is.
Q And so the territory --
A It can't be four, can't be three Malii, only one.
Q The territory that you go -- or have gone out to with Gordon Johnson to -- I think you said every fall or almost every fall, is that Malii's territory?
A Yes, that's his territory, and we go there. He is one of my best friends and I always go with him. Whenever I go some place he comes with me.
Q I'm going to take the afternoon adjournment at this point.
MR. GRANT: Okay. I propose we will adjourn at three o'clock.
MR. PLANT: That's fine. Let's take an adjournment now, please.

(PROCEEDINGS ADJOURNED AT 2:40 p.m.)
(PROCEEDINGS RECONVENED AT 2:45 p.m.)

MR. PLANT:
Q Gwis gyen, when you were answering Mr. Grant's questions, you talked about forestry taking all the trees from your territories, and you've said, "I could show you examples on my territories." Which of your territories were you referring to?
A It's above Gitsequkla which is known as Xsu'wii gwanks. They started at Xsu'wii gwanks and they went half-way through my territory.
Q Is that the territory which you refer to in your affidavit as Luu Skaiyansit?
A Yes. Yes, it is a territory, it's below the territory where they logged it out.
Q The logging --
A Below Luu Skaiyansit.
Q But on your territory?
A Yes, it's inside my territory.
Q I want to show you a map now -- well, before I do that, the map that I'm going to show you, Gwis gyen, is a map that was attached to your interrogatories. And I'm producing -- putting -- ask that it be put in front of you, and I'm producing the affidavit which is the first two pages of the interrogatories response. And if you turn to the second page you'll see that that's your signature there?
A Yes, that's me.
Q And do you remember -- it would be a little bit over a year ago -- signing this document in the presence of

1 Mr. Grant?
2 A Yes, I know.
3 Q And attached to this affidavit was -- or is a list of
4 questions and your answers to them?
5 A Yes, I remember.
6 Q And you see, for example, that the first question,
7 "When were you born?" And the answer, "July 3rd,
8 1907"?
9 A Yes, that's correct.
10 Q Now, the question 59 -- actually, question 58 which is
11 at the bottom of page 11. The question is, "Does your
12 house," and that's the house of Gwis gyen, "claim
13 ownership of or jurisdiction over any particular
14 territory?" And you answer, "Yes." And of course
15 you've been telling us in your evidence about the
16 territories of Gwis gyen. Perhaps you should
17 translate that.
18 A This is the -- I'm talking about the territory that's
19 been passed from generation to generation and it still
20 does today.
21 Q And in the answer -- question 59C and answer are as
22 follows: "If so, what are the boundaries of your
23 house's territory?" And the answer is, "See the
24 map" -- "See map which is attached as schedule C.
25 This is Gwis gyen's territory." Do you see that
26 question and answer?
27 And the map that I'm placing before you now is the
28 map that was attached to the interrogatories, and I'd
29 ask you to look at that for a minute, Gwis gyen, and
30 tell me if you can remember if that was the map that
31 was attached to the interrogatories affidavit that
32 we've just looked at.
33 A Yes, I know. It's the one I know of about this map
34 here.
35 Q Okay.
36 MR. GRANT: It's labelled "Draft Copy", for the record, and I
37 think this notation on the bottom right is the
38 notation added by the defendants, that is this stamp
39 here.
40 MR. PLANT: Oh, yes, there is a label.
41 MR. GRANT: Says this is Schedule C to what should be
42 interrogatories response of Gwis gyen, et cetera.
43 That's additional data by you.
44 MR. PLANT: Right. I would like to have this map marked as the
45 next exhibit, please.
46
47

(EXHIBIT 9 FOR IDENTIFICATION - Map attached as Schedule C to the Interrogatories Response of Stanley Williams dd. 01/30/87)

MR. PLANT:

Q Now, I just want to get oriented on this map to make sure that you're oriented on this map, Mr. Williams. Do you see here where Gitsequkla is labelled?

A I know where Gitsequkla is, it's my village.

Q I know you know where it is. What I want to be sure is that you are following me on the map. And up on the right of Gitsequkla but within the boundary of this territory is a creek labelled Xsu'will gwanks. Do you see that? And that's part of your territory?

A Yes.

Q And then --

MR. GRANT: He indicated yes for the record.

MR. PLANT: And then south of -- approximately south of Gitsequkla --

MR. GRANT: South-east.

MR. PLANT:

Q -- the heavy black line follows a river marked Xsigyukla. Do you see that?

A Yeah

Q And that's the Gitsequkla River?

A Yes, I travel back and forth there.

Q Now, could you show me approximately where on this map the logging is that you've seen on your territory?

A It starts from Xsu'wii gwanks and they go about this far. I showed it to Neil, Neil came with me when we went up there. Is it proper for us to talk about this when -- when I have a will that is willed to the family? All these are mentioned in the will, and what they did, it's just like when they go through my territory taking the trees off and what -- it's just like stealing from my wallet. And also the -- where the Red Rose Mountain is, this is where -- where they have a mine which -- where they've made money on, and it's just like taking the -- it's just like taking money from my bank account when they take these things off my territory.

Q Before you go on, Mr. Williams, I just want to identify for the record that when you were talking about the logging, you put your finger -- you moved it up Xsu'wii gwanks to a little creek that on this map is -- comes into Xsu'wii gwanks where the word W-I-I is. And then you moved your hand up to the top of

that creek and then around and back down to Xsigyukla or Gitsequkla River.

And you're talking then -- you told me about the mining on your territory, and as I understand it, that mining has taken place up at the top in the mountains up at the top of Xsu'wii gwanks; is that correct?

A Yes, that's -- if you don't believe me you can ask Neil. I went with him and you can see how far they've logged on my territory.

MR. GRANT: Just for the record, I think before you go further, I understood that the witness was pointing along Xsu'wii gwanks, as you said, and to that first creek that goes south, the tributary within the territory of Xsu'wii gwanks, and was pointing in that area between that tributary that roughly follows parallel to Xsigyukla, and that's the area that he was showing with his hands, that's what I recall. So I just want to say that now because if you want any clarification -- I don't want us to be confused.

MR. PLANT: I don't think there is any difference between what you've just said and what I said.

MR. GRANT: Okay. The other point that I wanted to raise was when -- and I wanted to interject. When Madam Interpreter was translating about the mining, you mentioned Red Rose Mine, I thought I heard the witness say something about Roche de Boule. Did he refer to that mine -- to that area as well, or is that too far back on the record now?

THE INTERPRETER: I don't remember.

MR. PLANT:

Q Actually, I have that recollection too, but we have a general -- at this point, we have nothing more than that, but we have a general idea of the area at the top of this creek. And what I want to ask, just a couple of more questions before we break for the day, Gwis gyen. When did you first see this logging that you talked about?

A I seen it the year before, and I went with Neil this year and this is when I seen it again. They've -- they've cleared more than what I first seen before.

MR. PLANT: Okay, that would be a convenient moment to adjourn. It's after three o'clock so we will start again tomorrow morning.

(PROCEEDINGS ADJOURNED AT 3:05 p.m.)

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

Toni Kerekes,
O.R., R.P.R.
United Reporting Service Ltd.

B.C.S.R.A. 183 Member

April 22, 1988
Hazelton, B.C.

(PROCEEDINGS RECONVENED AT 9:40 a.m.)

ALICE SAMPSON: Previously sworn as Interpreter.
STANLEY WILLIAMS: Previously sworn.

CROSS-EXAM CONT. BY MR. PLANT:

Q Today is April 22nd, and I'm continuing the cross-examination of Gwis gyen, Stanley Williams.

And yesterday when I -- when we broke off, I had been asking you about -- some questions about this map, Exhibit 9, and one of the things that you told me yesterday, and you've discussed it before, is the location of mining activity up in the mountains at the top of Xsu'wii gwanks. And I have one more question, really, arising out of that, and that is that that mining has been going on for as long as you can remember -- or rather, the mining activity took place a long time ago, didn't it?

A Yes, it's been a long time.

Q Now, when you --

A They had a cable at luu mesxw that it was going down to Carnaby, this is the tram-way.

Q When you have hunted on this territory, where are the places that you've hunted?

A We hunt for goats and ground hogs over here.

Q Pointing to the mountainous area on the right-hand side.

MR. GRANT: The east side of the boundary on Exhibit 9.

MR. PLANT:

Q Yes. I think you told us about a deer hunting expedition. Have you hunted for other animals besides goat on this territory?

A There is lot of goats there, there is lot of deers and bears. My grandfathers really used this territory for their living.

Q Have you ever set traplines on this territory for marten or fisher?

A This was where the loggers took off all the trees. This is where I usually trap for marten and fisher and it goes down to Xsan Gokhl, and now the trees have all gone and we can't hunt fisher or marten anymore.

Q Are there any beaver trapping areas on this territory?

A No. The beavers are on Guxsan's territory.

Q And is that territory that lies to the south of the

1 territory on Exhibit 9?
2 MR. GRANT: South-east.
3 MR. PLANT:
4 Q South-east?
5 A Yes.
6 MR. GRANT: And just for the record, that the -- that on Exhibit
7 9 there is a reference to Tam Giist down at the very
8 bottom of the map and Guxsan -- the name Guxsan just
9 above it, and I think that's the area to which the
10 witness was referring.
11 MR. PLANT:
12 Q I think it is, yes.
13 I want to ask you a few questions about the area
14 right around there, but I have one other question
15 before that. When you have hunted and trapped on this
16 territory, Gwis gyen, have you had camp sites out on
17 the territory or have you done your trapping and
18 hunting from the village of Gitsequkla?
19 A There is a log cabin at Xsan Gokhl, and there was --
20 there is one here, wilp ganuuxws is called.
21 Q Where is the cabin called wilp ganuuxws?
22 A Right here.
23 Q Pointing --
24 A This is where they stay when they are hunting the
25 ground hog.
26 Q The area that you are indicating is below lot 607 --
27 A It's around here, this area.
28 MR. GRANT: Maybe we can have the witness mark that -- I have a
29 red pen -- if you want, with a 1.
30 MR. PLANT: Fine.
31 THE TRANSLATOR: 710.
32 MR. GRANT: Is this the area?
33 THE WITNESS: Yeah.
34 MR. PLANT: Write cabin.
35 MR. GRANT: Okay, I'll write cabin along there and that's an
36 approximate location.
37 MR. PLANT: Yes.
38 MR. GRANT: I wrote cabin in red on Exhibit 9.
39 MR. PLANT:
40 Q Do you know which company was doing the logging on
41 your territory that you told us about?
42 A Hobenshield.
43 Q Does the Hobenshield Company have a sawmill in the
44 village of Gitwingax?
45 A Yes.
46 Q Now, on Exhibit 9 the -- near the bottom of the area
47 that's supposed to be your territory, there is a creek

1 marked Xsan Gokhl. Is that creek where it comes in to
2 the river marked Xsi Giist, is that part of the
3 southern boundary of your territory?
4 A Yes. Yes, there is. Yes, this is where the boundary
5 is and this is where Xsan Gokhl comes from.
6 MR. GRANT: And just for the record, the witness was pointing in
7 the first part of his answer to the dark line which
8 partially follows Xsan Gokhl, and then in the second
9 part to Xsan Gokhl which leaves that dark line.
10 MR. PLANT:
11 Q That's fine. Does the line follow Xsan Gokhl all the
12 way up to the top, or does it just head up the hill?
13 A There is Gigukla -- there is the Gigukla Mountain
14 that's -- that's sharp, sticking out there. This is
15 where the head waters of Xsan Gokhl is and that's
16 where --
17 Q This map shows a little lake at the top of Xsan Gokhl.
18 MR. GRANT: At the top of one of the tributaries, the southern
19 one there?
20 MR. PLANT:
21 Q Well, yeah. It's -- looks like Xsan Gokhl breaks into
22 two branches out around -- between the two words, Xsan
23 and Gokhl, and then the northernmost tributary goes up
24 and near the top has three little branches, and down
25 to the south there is a little lake and the name there
26 is T'am wisen haalaltxwit. I may not have pronounced
27 it correctly, but is there a lake, a small little lake
28 up at the top of Xsan Gokhl?
29 A It's a very, very small little lake.
30 Q It looks quite small on this map. Is it -- does the
31 boundary go near that lake?
32 A Yes, it does. The top part of that lake.
33 Q Now, this map shows that --
34 A Bottom part, I should say.
35 Q Excuse me?
36 A Maybe I should say the bottom part of that lake going
37 on south, to the south side.
38 MR. GRANT: I think what -- maybe if the witness said the top
39 part, if you're geographically going -- if you were
40 climbing up --
41 MR. PLANT: Yeah.
42 MR. GRANT: -- then the top part, probably it's -- it looks --
43 just a minute. It looks like the height of land goes
44 up behind that lake and you can see that on Exhibit 9.
45 MR. PLANT:
46 Q This map, Exhibit 9, shows that Xsi Gitsegyukla and
47 the -- I think it's a mountain that you call

1 Haalaltxwit, are very close to each other. Is that
2 correct?
3 A The same, the same. It is the same mountain but there
4 is a place that is called Haalaltxwit.
5 Q What is that place? Is it a -- well, can you describe
6 it? Is it the top of a hill or is it something like
7 that?
8 A It -- that whole mountain is known as Haalaltxwit. I
9 can't take the mountains apart and separate them.
10 Q What I was -- when I was referring to a small lake a
11 minute ago, the name that I was reading from on
12 Exhibit 9 is spelled on that exhibit as T-'-A-M space
13 W-I-S-E-N space H-A-A-L-A-T-W-I-T. Gwis gyen, having
14 looked at this map, is there any part of the location
15 of the boundary as shown on this map which you think
16 is incorrect now? And what I mean by that, is I know
17 you know where the boundary is, I want to know if this
18 map, the person who made this map has put the line in
19 the right place?
20 MR. GRANT: Okay, in order to answer that, I think that the
21 witness -- you've referred him to certain parts of the
22 map, Exhibit 9, I think you must -- it's only fair to
23 the witness that you -- you will have to -- or will --
24 he has to be taken around what this map says in some
25 sense.
26 MR. PLANT: Well, I'll ask him --
27 MR. GRANT: I must advise you that I'm instructed that this
28 map -- the boundary on this map is identical to the
29 boundary on Exhibit 4 tab A, except for some of the
30 names, and that's what I'm instructed, and of course
31 he has identified that that was drawn on his
32 instruction. This one, of course, was drawn over a
33 year ago and I think it's -- I'm not objecting to your
34 question, I'm just saying there is a way you have to
35 do it, I think.
36 MR. PLANT: Well, I'm trying to do it the most expeditious way I
37 can.
38 MR. GRANT: Right. Maybe what I've been instructed on will help
39 you.
40 MR. PLANT: It appears to me, irrespective of what your
41 instructions are, that yes, indeed, Exhibit 9 is the
42 same boundary as shown on tab A --
43 MR. GRANT: Exhibit 4.
44 MR. PLANT: -- of Exhibit 4. And perhaps that's sufficient,
45 because the witness has already said that that map,
46 Exhibit 4-A, is a correct depiction of his territory.
47 MR. GRANT: Yeah. That's why I was introducing that

instruction, to expedite matters.

MR. PLANT:

Q Now, Gwis gyen, you told us a lot about the travels that you've made on this territory. Can you recall how old you were when you made your first trip to this territory, the territory on Exhibit 9?

A I stayed with my uncle, Alfred McDames, and he took me up to the -- to this territory and we camped half ways. And then -- then we -- the next day we travelled along the -- here, this is where we camped, and this is where we were hunting the ground hogs, and I was 13 at that time. We stayed at the wilp ganuuxws. I could not go against my grandfather's words and say something different when they have showed me these boundaries, I could not extend the boundaries. I would go on my grandfather's words. If I extended any of these boundaries on this territory, I would be in great trouble with the other chiefs that have territories beside -- around my territory. And I would not steal anybody's territory.

Q Now my recollection is that when you were describing the place that you went on this first hunting expedition, you were following the creek Xsu'wii gwanks as being the first part of the expedition, and then you carried on down south, south-east up into the mountainous country towards the cabin as being the area where you had hunted ground hogs with Alfred McDames on that trip. Is that a relatively fair statement?

MR. GRANT: I agree that that's what the witness and the interpreter pointed to.

A There is a trail that -- that goes besides the Xsu'wii gwanks, and it goes to -- goes to Tass Lax wii aatxwit, and this is the trail we took and Neil knows where it is, Neil saw this trail. The mine that was there was there when I was just a little boy. It's been there a long time.

MR. PLANT:

Q And along Xsu'wii gwanks today there is a road that goes up some distance up the hill, a gravel road?

A The -- yes, there is a gravel road. The trucks don't go up there but just the four-wheelers could get up there.

Q Thank you. Now, I want to ask you some questions about another territory that you travelled on. This time I want to ask you about the territory of Haakasxw at a place called Xsansisnak.

1 MR. GRANT: Which number?
2 MR. PLANT:
3 Q Territory "O" in the affidavit.
4 Could you tell me, please, what the word
5 Xsansisnak means?
6 A In the ancient times the women used to go there and
7 they would take off their dresses which is -- which we
8 call nak, and they would take a bath there.
9 Q Now, you told us that -- I think you told us that
10 Larry Wright holds the name Haakasxw today; is that
11 correct?
12 A Yes, he's quite young. He's the one that holds this
13 name.
14 Q Does he live in Prince Rupert?
15 A Yes, he lives in Rupert.
16 Q Was he born a Gitksan person? Well, I'll start here:
17 I understand, firstly, that Larry Wright was adopted
18 by the former Haakasxw, George Milton?
19 A Yes, he is Gitksan. I'm not too sure, I think it's
20 his own son. I'm not too sure on that.
21 Q Who is saying that? Are you saying that, or --
22 MR. GRANT: The witness?
23 THE INTERPRETER: Um-hmm.
24 MR. PLANT:
25 Q You are not sure but you think that Larry Wright may
26 be George Milton's own son?
27 A I think his own son.
28 Q And he would have had to have been adopted into the
29 house to follow a Gitksan law?
30 A Yes, they adopt him in Haakasxw.
31 MR. PLANT: It's okay, I don't think it really needs any
32 clarification.
33 MR. GRANT: It's -- the only point is, just for the record, I
34 did object to the -- to the delivery of the
35 genealogies of -- relating to chiefs of other
36 territories, and we argued that before the Chief
37 Justice. And one of the understandings -- I could and
38 we were ordered to deliver them. One of the
39 understandings I had and one of the things I said was
40 that this witness -- I did not want this witness to be
41 expected to know all of those genealogies, that is, of
42 those other houses. And my recollection was that
43 counsel for the defendant says that was not the reason
44 that they wanted them, to cross-examine and put the
45 membership of numerous houses, but rather for their
46 own research purposes. I'm just setting that out for
47 the record. I'm not objecting at this point, but if

1 you are going into depth in all of the genealogies, I
2 think that it's a little onerous with this witness,
3 and it was on the basis of that assumption that I had
4 not -- that I operated in terms of this witness. And
5 this witness has not looked at all of these
6 genealogies or -- I haven't discussed any of these
7 other genealogies with him at the time of his
8 preparation.
9 So there may be -- the reason I say that is there
10 may be things that he cannot remember and he has not
11 been informed of based on the assurances I had from
12 counsel. So I want you to know that, and if there is
13 information you want, I think it's only fair if you
14 are going in depth that you allow him the opportunity
15 to think about it and to refresh his memory about
16 these numerous other things.
17 MR. PLANT: Well, as in all cases, when that -- when I'm
18 examining Mr. Williams, I'm examining him on his own
19 knowledge.
20 MR. GRANT: Oh, yes.
21 MR. PLANT: And I'm not sure how any research he has conducted
22 would create admissible evidence in any event, because
23 it would all be hearsay.
24 MR. GRANT: It's not research. I'm saying this witness -- this
25 witness has given extensive evidence about territories
26 and everything else. This witness is elderly and I
27 want him to have an opportunity to think about it.
28 That if he is going to be asked -- I mean if he is
29 getting these questions cold on a whole bunch of
30 genealogies, then I think that the assurances that
31 were made by the counsel for the defendants was one
32 that I was entitled to rely on.
33 MS. KOENIGSBERG: Well, just for the record, I don't think I
34 ever gave any assurance nor did anyone else on behalf
35 of the Attorney-General of Canada, that we would not
36 cross-examine on any information received in the
37 genealogies. Having said that, it is -- it is true
38 and it remains true that the major reason why
39 obtaining the genealogies in a timely fashion before a
40 witness is going to give evidence on them, is so that
41 we can conduct our research. And I think I can also
42 add, if it's of any assistance to my friend, that it
43 would never be expected that any witness -- and that
44 applies to this witness -- would know, cold, all of
45 the genealogies for all of the houses on which he is
46 giving evidence on their territories. And that goes
47 without saying. He is not expected to know it cold,

if he did it would be quite remarkable.
MR. GRANT: Well it's not -- it's a question that he hasn't had a chance to think about it, that's why I'm saying that, because I never discussed it with him prior to his direct and that's why I want to put it on the record I was operating on certain assurances, or my understanding of those assurance. But the one question is not --
MR. PLANT: I know. Firstly, the one question is not objectionable. Secondly, I don't recall the exact terms of the assurance. Thirdly, you led evidence at some considerable length about the succession through chieftainship of many of the people we are talking about. I don't plan on examining much more on this particular area, I have the witness' answer. I was planning on moving onto a different area. I would like to do that now.
MR. GRANT: Fine, go ahead.
MR. PLANT:
Q Chief Gwis gyen, did you obtain Larry Wright's permission to describe and speak of his territory at Xsansisnak?
A Yes. He phoned me and he wanted me to tell about his territory in court.
Q Can you recall when that telephone conversation took place, and by that, I mean are we talking about a telephone conversation that took place in the last few weeks, or a telephone conversation that took place a year or two years ago?
MR. GRANT: Just a moment. What's the relevance of that?
MR. PLANT: I'm cross-examining this witness.
MR. GRANT: What is the relevance of when he was instructed?
MR. PLANT: Well, are you objecting to the question?
MR. GRANT: I'm objecting.
MR. PLANT: Okay, well let's carry on then. When was the telephone call, please?
MR. GRANT: I would like you --
MR. PLANT: I don't have an obligation to state relevance, but the witness has sworn that he was informed by Larry Wright. Now I'm entitled to cross-examine a witness on credibility. I want to know when the conversation took place. It's my suggestion that asking a witness when a conversation that he swears took place is entirely relevant on cross-examination. If he says he went hunting on his territory it may be relevant to know whether it happened a week ago or ten years ago.
MR. GRANT: That's different.

1 MR. PLANT: If he says he had a conversation it may be relevant
2 to know whether he had the conversation a day before
3 he swore the affidavit or five years ago. It may have
4 been a general power of attorney under Gitksan law to
5 represent Larry Wright in all matters affecting his
6 territory. We don't have any idea of that yet.
7 MR. GRANT: That's not what you've asked.
8 MR. PLANT: I've asked the first question that may lead to that.
9 I am -- I'm desirous of proceeding. You have your
10 objection, it's on the record.
11 MR. GRANT: Go ahead.
12 MR. PLANT:
13 Q Now, Mr. Williams, I was asking you if you could
14 recall when the conversation with Larry Wright had
15 taken place. And again, I mean -- I don't want you to
16 give me the exact date, I want to know whether it took
17 place a few weeks ago or whether it took place a few
18 years ago or a year ago, that kind of thing?
19 A I -- he phoned me before I got hurt. I got hurt
20 December 8th, 1987. I could not tell the adaawk of
21 this territory, and all I could tell is the -- is the
22 boundary, where the boundaries are. I could not go in
23 and tell the insides of this territory. It is not my
24 business to tell what is inside that boundary.
25 Q Let me see if I am understanding what you are telling
26 me. Did Larry Wright give you permission to describe
27 the boundaries but not to tell the adaawk and what's
28 inside the territory?
29 A He told me to point out the boundaries of this
30 territory and that's all he wanted me to do. And it
31 is our law not -- of not telling somebody else's
32 adaawk.
33 Q Now in your affidavit, which has been marked as -- I
34 think it's Exhibit 2 on this proceeding. You say that
35 you have heard this territory, Xsansisnak territory
36 described in the feast as being owned by the house of
37 Haakasxw. That's in paragraph 107.
38 A Yes, that's true.
39 Q When have you heard the Xsansisnak territory described
40 in the Gitksan feast as being owned by the house of
41 Haakasxw?
42 A I could not tell you the exact number of times,
43 because each time Haakasxw has a feast, they will
44 mention this territory. It's not only Haakasxw that
45 does this. Each time a different house, the head
46 chief tells of the description of the territory and
47 what comes from the territory and what is there in the

territory. And this is -- this is how the nieces and nephews learn of their territory by listening to these chiefs describe it.

Q Can you --

A At the feast.

Q Can you recall the last occasion at which you heard the territory -- this territory of Haakasxw described at a feast?

A Yes. I remember when George Milton died and they described this territory, and then when Larry took the name.

Q Was that the same feast? You said when George Milton died and when Larry took the name. Were those two separate occasions or was that one occasion?

A Yes, that was the feast which is known as Di yee'm gyet. This was the feast that -- it was the same feast that Larry took the name. And they are going to have another feast when there is a pole raising or when there is a stone raising, and this hasn't happened yet.

Q Can you recall who it was that spoke of the Xsansisnak territory at this feast?

A I forgot. There was a lot of chiefs that spoke.

Q Are there occasions when you are called upon in the feast hall --

MR. GRANT: Just a moment.

MR. PLANT:

Q -- to speak about territories other than Gwis gyen's territories, because of your knowledge?

A When there is a feast, if you are from another village and you attend a feast and they are -- there's -- our law is that you have to take your turn speaking. You can't just stand up and start, you have to wait for the chiefs that supposed to be first to speak. Take me for an example, Gwis gyen. If I was to host a feast, I would say something first and then somebody else that's supposed to be first to speak after I speak would stand up and speak. We -- we each take our turns in order. My 'nii dil is the one that is supposed to speak first. I'm from Gitsequkla and I will speak first and then my 'nii dil speaks and then Gitwingax, Kitwancool, Gitan'maaxs, Kispiox, those are the order. And this -- if it was Kitwancool that puts up a feast, then the Kitwancool chiefs will speak first and then Gitwingax and then Gitsequkla, and these are the order what they -- how they have their speeches of. If -- if somebody jumps up and speaks

when it is not his turn, then he might offend the chief that is supposed to stand up and speak, and then right here, this -- our law has been broken in the feast house.

Q Do some of the chiefs of Gitsequkla and Gitwingax come to you from time to time for advice about where the boundaries are?

A Yes, I've been on the territory so many times. I went with a lot of elders that showed me these -- they knew that I have to have this training. When they ask me to go, they would ask me any time and I would be ready to go with these elders. And today when they ask me about their territories, I tell them about it. I don't do this very much today when I broke my hip. I only tell them where it is, I don't travel with them.

Q Now, when you went on the trip with Abraham Fowler and your father to Xsansisnak, was this before or after your marriage to Fanny?

A Not yet I wasn't. I went with Abraham Fowler and my father, I was quite young, and we were on -- we were at the Xsansisnak territory. And after we set our traps, in between time waiting for our traps, before we go back to -- to see our traps, in between that time we went just on a tour towards Copper River. When we were at Xsansisnak, Abraham Fowler took his clothes off and jumped into the water.

Q I'm sorry, he jumped into the water at?

A At Xsansisnak. The Copper River is called Xsi Tsa Muutsax.

Q Xsi Tsa Muutsax?

A Xsi Tsa Muutsax.

MR. GRANT: It's on page 26 under rivers under paragraph 105.

MR. PLANT:

Q There is one part of the answer that you just gave me that I'm not clear about. Were the traps that were being set, were they being set on the Xsansisnak territory of Haakasxw?

A It's on the Lax SKiik's territory, Abraham Fowler. We just went on a tour towards Xsansisnak, and this is when they showed me Haakasxw's territory.

Q You told us that -- when Mr. Grant was asking you questions, you told us about travelling down to Walter Wright's cabin on Xsi Tsa Muutsax. Was there another cabin on this Xsansisnak territory? Were you shown another cabin on this territory besides Walter Wright's cabin?

MR. GRANT: When they went down there you mean?

MR. PLANT:
Q Yes, on this trip?
A There was a house which is known as wilp T'elxan, it's a lean-to which was there. We took our time travelling because we were just travelling for pleasure, and we came to a place where there was a cabin, it was on the other side of Xsi Tsa Muutsax, and my father told me and Abraham said this was Walter Wright's.
Q And I think you have -- you told us that Walter Wright was a Gitsilis person, but I want to be sure that that's your recollection?
A Yes, he is one. He is the head chief of the Gitsilis people. I remember -- I know his chief's name but it slip my mind right now. 'Niista hukxw.
Q Now, does Walter Wright's cabin -- or it may not be there anymore, but when you were there, were you told anything about the boundary between the Gitsilis people and the Gitksan people about -- and in relation to the location of Walter Wright's cabin?
A They told me that -- they said this is the boundary between Gitwingax and the Gitsilis people right where Walter Wright's cabin was, and that is the boundary for these two nations.
Q When you've been giving your evidence about boundaries, Gwis gyen, you've been speaking in Gitksan, but you usually use the word "boundary" in English. Is there a Gitksan word for boundary?
I was going to suggest that we take an adjournment now, if he would like some time to think about it.
A I forgot.
MR. GRANT: May we go off the record.
(BRIEF ADJOURNMENT TAKEN)
MR. PLANT:
Q Before we took this brief adjournment, Gwis gyen, I asked you about whether there was a Gitksan word for boundary. And now that you've had an opportunity to think about it, has a word come to your mind?
A It could be described as Gidii gwayihl yip and 'Naa 'yis'yeejaa.
MR. GRANT: Do you have numbers for those?
THE TRANSLATOR: 'Naa 'yis'yeejaa is number 340 on the word list.
MR. GRANT: 340?
MS. KOENIGSBERG: 340?
A Another -- another one you could describe as hli daaxhl lax yip.

MS. KOENIGSBERG: I'm sorry, I've only got 340.
MR. PLANT: There are three.
MS. KOENIGSBERG: I know.
MR. GRANT: She's just getting them down, she's just writing them down.
MS. KOENIGSBERG: Okay.
MR. GRANT: So what is --
MR. PLANT: Perhaps you can assist by reading the three and spelling them, please, Ms. Stevens.
THE TRANSLATOR: Okay. Gidii gwayihl yip, G-I-D-I-I space G-W-A-Y-I-H-L space Y-I-P. 'Naa 'yis'yeejaa is number 340 and it's spelt '-N-A-A space '-Y-I-S-'-Y-E-E-J-A-A. Hli daaxhl la<u>x</u> yip is H-L-I space D-A-A-X-H-L space L-A-X-underlined space Y-I-P.
MR. PLANT:
Q You've given us three expressions for boundary. Dealing with the first one that you gave us, and I apologize in advance for my pronunciation, but Gidii gwayihl yip, does that have words in it? Is it an expression made up of a number of words?
MR. GRANT: Are you asking the translator or are you asking the witness?
MR. PLANT: Well, it makes no difference to me.
MR. GRANT: I think --
THE INTERPRETER: Yes, it does.
MR. PLANT: Could I have --
THE INTERPRETER: Gidii gwayihl yip, as far as the territory goes.
MR. PLANT: What is the word that you are translating into territory from that expression?
THE INTERPRETER: Yip.
MR. PLANT: Thank you. The second one, 'Naa 'yis'yeejaa?
THE INTERPRETER: 'Naa 'yis'yeejaa.
MR. PLANT: 'Naa 'yis'yeejaa?
THE INTERPRETER: It's -- 'Naa 'yis'yeejaa means chopping out, like when you are chopping -- blazing a trail, a marker, that's what it means. When you chop a tree to mark where the boundary is, this is 'Naa 'yis'yeejaa, the chopping out of a tree to identify the boundary.
MR. PLANT: Thank you. And the third one?
THE INTERPRETER: Hli daaxhl la<u>x</u> yip?
MR. PLANT: Yes.
THE INTERPRETER: The edges of the territory.
MR. PLANT:
Q Thank you very much.
Gwis gyen, when Mr. Grant was asking you about the Xsansisnak territory of Haakasxw, he asked you if that

territory included all of the waters flowing into Xsansisnak, and you said Haakasxw only takes half of it. Who takes the other half?

A Which part are you talking about, this side of the water?

Q Well, I was actually wanting to know which part you were talking about, because you said Haakasxw only takes half of Xsansisnak, and which half?

A Mool'xan is on this side, and going up is -- from Mool'xan is the Lax skiik to -- and it goes down to the boundary of Luulak.

MR. GRANT: Do you have a transcript reference for that?

MR. PLANT:

Q Yes, page 77.

When I've been referring to Xsansisnak, I'm referring to a creek or a stream. Is that -- is Xsansisnak a creek or stream?

A Creek.

Q And you told us that -- I think you told us that was the creek that you walked down, you travelled down with your father and Abraham Fowler?

A Yes.

Q Now, does Haakasxw own all of the waters of that creek or are they shared between Haakasxw and some other chief?

A I made a mistake saying that. I mentioned the territory of Lax Skiik, that was a mistake. This was Haalus' territory. Haalus is the owner of the part of the Xsansisnak water.

MR. GRANT: Just for the record, of course, when he -- I see the reference you have there. When he said Haakasxw only takes half of it, this was close to 3:20 in the afternoon of the second day, and the next answer was --

MR. PLANT: Well the record will show exactly what the question was and what the answer was, and I think anything beyond that is really a matter of argument rather than evidence.

MR. GRANT: Just a moment, please. Just a moment, please, Mr. Plant. Then the next answer was "No, it's all right. He'll answer. I feel like going crazy now," and it was at that point that I adjourned the commission for that day, so it's apparent that Mr. Williams was very, very tired at that time and he indicated --

MR. PLANT:

Q That's exactly why I'm trying to see if we can get a clearer statement today, and I now have the statement

that Haalus is the owner in part of Xsansisnak, and -- Xsansisnak water.

Is it the upper part that Haalus owns when you say that Haalus owns part of it?

A Towards the Seven Sisters which is known as 'Wii sga'nist.

Q Have you ever travelled on the creek which is known as -- or a creek known as Xsu wil masxw, and I'll give you -- it's one of the names on --

MR. GRANT: Map number?

MR. PLANT:

Q Tab U of map four.

A Yes. Yes. Yes, my father and Abraham Fowler showed me this creek, it belongs to Mool'xan.

MR. PLANT: It's creek number two on page 35 of the affidavit, Exhibit 2.

MR. GRANT: Just a moment. It's the fourth one down on the right-hand column of the map U?

MR. PLANT: Left-hand column.

MR. GRANT: Left-hand column.

MR. PLANT: Yes.

MR. GRANT: I just want to be sure that the translator interpreted it correctly.

MR. PLANT:

Q Yes, I showed it to her for the same purpose.

Does the place that we've just been referring to, the creek known as Xsu wil masxw, does that flow into the Copper River, Xsi Tsa Muutsax?

A Yes, it does run into that river. And it's not Xsi Tsa.

THE INTERPRETER: He was commenting on the way you said it.

MR. PLANT:

Q Oh. I'm sorry that my pronunciation is so poor. Thinking again about -- well, no, let's move onto something else.

You just mentioned Mool'xan. Did you ever know Mrs. Joe Brown?

A Yes, I remember her. She knows how to smoke those big pipes.

Q Did she have the name Mool'xan at one time?

A Yes, that's the lady that's called Mool'xan.

Q Do you recall now who held the name Mool'xan after her death?

A Nobody today. Whoever gets the grave soon or the pole will receive -- will get Mool'xan's name.

Q Has it been a long time since Mrs. Joe Brown passed away?

A It's probably about 30 years now.
Q Now, when you became Gwis gyen, who -- was it Mool'xan who sat in the centre of the frog table as your 'nii dil, way back then?
A Yes. He sat in the centre and beside him was Gwagl'lo. This is the -- he is the head chief in Gitsequkla for the frog clan. Gwagl'lo is the caretaker of his territory until there is a new Mool'xan, a successor.
Q And Gwagl'lo now sits in the centre of the frog table?
A Yes, it's him.
Q In the olden days were Mool'xan and Gwagl'lo in the same house?
MR. GRANT: Are you referring to when -- are you referring to when he took the name Gwis gyen or earlier?
MR. PLANT: The phrase that I've been using for the past couple of days is "the olden times".
MR. GRANT: Well, you were just -- you have a time frame in the previous questions, I just think if there is a difference you should distinguish it for him.
MR. PLANT:
Q Oh. Was there a time when Mool'xan and Gwagl'lo had the same house?
A No. No, they -- Mool'xan has his own house, Gwagl'lo has his own house, and they were quite close, just like Gwis gyen, Hax bagwootxw with Gwaans.
Q Now, I would like to change the subject and ask you about a place which the white man call Sand Lake, and I think the Gitksan name for it is Dam Git axsol. I'm going to show you the spelling that I have for it, just to be sure that there won't be any confusion. Sorry, I had the number for you this morning.
MR. STERRIT: Number 853.
THE TRANSLATOR: It's misspelt on there.
MR. STERRIT: I know.
MR. PLANT: Yes, I thought so too when I saw that this morning, but that's the number I took.
MS. KOENIGSBERG: Which number?
THE TRANSLATOR: Git axsol, you've got it on the map. It's spelt wrong on there.
MR. GRANT: D-A-M, G-I-T, A-X-S-O-L.
MR. PLANT: Dam Git axsol?
THE TRANSLATOR: There it is, 411.
MS. KOENIGSBERG: 411, it's spelt right?
THE TRANSLATOR: Yes, yes, 411, it's spelt right.
A Dam Git axsol, I know this territory.
MR. PLANT:

1 Q Have you been there yourself?
2 A I went with Charles Smith.
3 Q And have you been there recently?
4 A I went with David Smith, the son of Charles, and I
5 went with Wallace Morgan. We stayed there for awhile
6 with Wallace and Frederick Benson.
7 Q Is David Smith still alive?
8 A He has been dead for a long time now.
9 Q Can you tell me approximately how long it's been since
10 you were at Sand Lake, Dam Git axsol?
11 A I don't know how many years ago the last time I was
12 there, it's a long time, but I know that territory.
13 If I would -- if I had known this was going to happen,
14 I would have kept track of everything.
15 Q Now I want to ask you some questions about Yal.
16 MR. GRANT: Sorry?
17 MR. PLANT:
18 Q Your genealogy which is Exhibit 6, shows that Philip
19 Turner and George Turner were adopted out of your
20 house, and I think you told us that they were adopted
21 into Yal. Do you recall that?
22 A That's true, but you are asking me about the Sand Lake
23 territory, Philip and George Turner don't own that
24 territory.
25 Q That's right. I think you told us that Sand Lake was
26 Tenimgyet?
27 A The -- it belongs to Tenimgyet and Tenimgyet has
28 nothing to do with Yal.
29 Q Now I -- I'm not going to ask you anything more about
30 Sand Lake, I'm changing the subject.
31 A Good.
32 MR. GRANT: Just wait a moment, please.
33 MR. PLANT: Yes.
34 MR. GRANT: Can we go off the record a moment?
35 MR. PLANT: Yes.
36
37 (PROCEEDINGS ADJOURNED AT 11:10 a.m.)
38 (PROCEEDINGS RECONVENED AT 12:40 p.m.)
39
40 MR. PLANT:
41 Q Before we took our lunch break, Gwis gyen, I had begun
42 to ask you about Yal, and I had asked you about Philip
43 Turner and George Turner. Are Philip and George
44 Turner still alive today?
45 A Yes, they are still alive today.
46 Q And does George Turner today have the name Yal?
47 A Yes, it is him.

Q Were Philip and George adopted into Yal's house in your lifetime -- well I guess that may be obvious but --

A Yes. Yes, George is Yal and he adopted Philip and Young George Jackson into his house -- Bob Jackson. Bob Jackson Jr..

MR. GRANT: Young Bob Jackson?

THE INTERPRETER: Oh, did I say George? Oh, okay.

A I just want to correct myself. I felt bad about this, but I made a mistake about -- about the territory we are talking about, Haalus. And I said Haalus owns the Xsansisnak Creek, this is not true, it belongs to Haakasxw, the whole creek. I was thinking of Haalus being next to -- to that territory and this is why I made that mistake.

MR. PLANT:

Q So the house of Haalus has all of the creek known -- oh, I'm sorry, the house of Haakasxw has all of the creek known as Xsansisnak?

A Yes, all of it.

Q When you spoke a minute ago about the adoption of young Bob Jackson, is that someone who is Robert Jackson Jr.? Is he known by that name as well as Bob Jackson?

A Yes, that's him.

Q Now, on the genealogy of your house, which is Exhibit 6

MR. GRANT: Exhibit 6.

MR. PLANT:

Q It shows that Philip Turner had a brother named Sam Turner who is now passed on. Do you remember Sam Turner?

A Yes, I know him.

Q On the genealogy, the name Yal appears under Sam Turner's name.

A Yes, he was Yal, and after he died George took the name.

Q As I understand it, Yal is fireweed or of the fireweed clan?

A Yes, they are all Gisk'aast.

Q Did -- well you told us how Gwis gyen comes from -- originally from the village of Gitsequkla, and that's so even though you have lived in Gitwingax. What village does Yal come from?

A I know where this name comes from. It originated from Kispiox, and Arthur Mowatt's grandfather used to have this name in Hazelton. After Arthur Mowatt's

grandfather died who was known as T'ek'sin, Donald Mowatt took this name, in Gitan'maaxs. After Donald Mowatt died then David Mowatt took this name. After David Mowatt died then Wilfred Gawa took it in Kispiox, and then George Turner's mother, Irene, said that this name was theirs also, and they live in Gitsequkla.

Q Is George Turner's mother, Irene, also the mother of Ken Harris who has the name Hax bagwootxw today?

A Yes.

Q Is the name -- do you consider the name Yal today to be part of the house of Gwis gyen or is it a separate house?

A Yal has his own house, I have nothing to do with it. I'm referring in Gitsequkla and Kispiox. Maybe they just like the Swedes, they just live any place.

Q Is the Yal who comes from, or who is in Gitsequkla now, is that separate -- a separate house from Gwis gyen? I'm not asking you about the Kispiox Yal.

A They have their own house. They are not in my house.

MR. GRANT: Just for the record, you started a question -- just when that last answer before with the reference to the Swedes, the witness was obviously making a joke and I don't know if appeared on the record that he was laughing as he said that. It may appear it wasn't a serious excerpt.

MR. PLANT:

Q Does Yal have a seat at the Gisk'aast feast table in Gitsequkla?

A Yes, he is got a place where he sits.

Q Do you have Exhibit 1? I'm showing you Exhibit 1 which is the seating plan of Gwis gyen Gitsequkla, and Yal's name is not on Exhibit 1. Does Yal have his own or a different table at the feast hall?

A He -- he has a seat beside the Kitwancool.

Q Does George Turner -- where does George Turner live today?

A He is living in Gitwingax.

Q When you told me that -- that Yal has a seat beside the Kitwancool, would that be at a feast hosted by the frog clan in Gitsequkla?

THE INTERPRETER: Could you repeat that question again.

MR. PLANT:

Q Would -- would Yal -- the seat that he told me about, which is to say Gwis gyen, you said that Yal has a seat beside Kitwancool. Would that be at a feast hosted by the frogs, the frog clan in Gitsequkla?

A Yes, this is where -- this is where he -- this is his seating place.
Q Does Yal have territory?
A He's got territories at Xsa'an sisoox and Xsu wil luu yexw, Xsa'an t'ahl gaak.
MR. STERRIT: Do you want them?
THE TRANSLATOR: Yeah, I want to know if they are on the map. I've my spelling but they are not on the map.
MR. STERRIT: No.
MR. PLANT:
Q Does Yal have territory at Luum an tsim 'Din?
A Yes. There is a creek there which is known as Tsee Iss, this is Yal's.
Q I'm referring to map M and Luum an tsim 'Din is the second name from the bottom.
MR. GRANT: "N" or "M"?
MS. KOENIGSBERG: "M" as in Margaret.
MR. PLANT: "M".
MR. GRANT: Sorry?
MR. PLANT: I'm sorry, second name from the bottom of the right-hand side.
MR. GRANT: Thank you.
MR. PLANT: And I'll show it to the interpreter just to be sure that --
MS. KOENIGSBERG: You gave a name for a creek?
A This is Haakxw's territory.
MR. GRANT: Sorry, your question was whether Yal had a territory at Luum an tsim 'Din?
MR. PLANT:
Q Yes, yes. And I think you told us, Gwis gyen, that Yal had a territory on Tsee Iss?
A He owns that, Tsee Iss, and then above it, Win luu Jwihl Daak. I don't know what the white people call it.
Q Does Yal have territory at at or near the river known as Xsi Gyehl 'Din?
MR. GRANT: What's the number?
MR. PLANT:
Q I can't remember.
A The -- I mentioned the names before this, Xsa'an t'ahl gaak, Xsu wil luu yexw, Xsa'an sisoox. These -- now these creeks going to Xsi Gyehl 'Din and that, that is -- this is -- it comes from Gwin Sdi'moon.
MR. GRANT: You started saying before he completed, "And this is"?
THE INTERPRETER: This is the territory that Yal has, those three I just named.

MR. PLANT: And you said that the three creeks flow into Xsi Gyehl 'Din and it comes from -- and I didn't have that.
THE INTERPRETER: Gwin Sdi'moon.
MR. PLANT: We are still trying to catch up with the spellings of the words. Just to make sure I understand part of what you told me, I have to repeat it, Gwis gyen.
Are the places that you call Xsa'an sisoox, Xsu wil luu yexw and Xsa'an t'ahl gaak, and I only have a poor note --
MR. GRANT: Maybe Ms. Stevens can give the words to the interpreter so she can pronounce them.
MR. PLANT:
Q I want to find out if those three places, place names, refer to three creeks that go into Xsi Gyehl 'Din?
A Gyehl 'Din.
Q Gyehl 'Din.
A Yes, they are -- run into Xsi Gyehl 'Din.
Q Who was it that taught you about these territories -- or this territory, if it's all one territory?
A I was -- I was there a number of times with Sam Turner. Tooxensxw owns the Gyehl 'Din.
Q Is Tooxensxw a Kitwancool chief?
A Yes, he is the head chief of the frog clan in Kitwancool.
Q And I want to show you another map now, Mr. Williams, unfortunately it's a big one. It's a map which has been marked Exhibit 102 at trial, and I really only want to show you part of it.
MR. GRANT: Just a second here.
MR. PLANT: To orient you, this is the Skeena, Xsan, flowing along here, and I think the villages of Gitwingax -- the village of Gitwingax and the village of Gitsequkla, and Skeena flows downstream, and here where it says 4-D-35 is, according to my understanding, the approximate area of one of Sakxum higookw's territories, the one that you refer to as Xsu gwin gaat.
Now, I wanted to move up north into this area here, and there is a creek or a river marked on here as Gyehl 'Din. Do you see that?
A I know where Gyehl 'Din is and I know where it flows into the -- flows into the Xsi Txemsim. I was there for quite awhile.
Q And where the Gyehl 'Din flows into the Xsi Txemsim, is that within Kitwancool territory?
A It's Kitwancool territory, it goes further on at Xsi

1 Ts'uuts'wit.
2 MR. PLANT: We are going to have to stop now just for a minute
3 because the video tape is out, and we'll come back to
4 this subject in just a minute.
5 (BRIEF ADJOURNMENT TAKEN)
6 MR. PLANT: Now --
7 MR. GRANT: Before --
8 MR. PLANT: Yes?
9 MR. GRANT: Okay. Before you ask questions according to this
10 map, I think it should be explained to the witness
11 that this map is -- was not tendered by the plaintiffs
12 in trial, and that this map was -- it's not produced
13 by the defendants, it's tendered by the defendants at
14 trial, and it's -- and the plaintiffs or the -- we
15 have said that the boundaries set out on this map may
16 not always be the same as the boundaries set out on
17 the maps tendered by the plaintiffs at trial. I
18 think -- in other words, this -- you've put this map
19 to the witness, map which -- I don't know if this
20 witness has ever seen it before, but I think he should
21 know what it is before you ask him a question about
22 it.
23 MR. PLANT: I --
24 MR. GRANT: And I would ask that --
25 MR. PLANT: I don't have any objection to that. I don't think
26 it has absolutely the slightest bit of relevance,
27 because all I want to do is ask this witness whether
28 this map, whatever it is, correctly shows the location
29 of two places, two creeks. And the manufacturer of
30 this map, the tenderer of this map, the paper on which
31 it's printed, the labels on the right have nothing to
32 do with that.
33 MR. GRANT: Try not to be extreme.
34 MR. PLANT: I'm trying not to be extreme. I'm just suggesting
35 that for the purpose of my question, the comment
36 you've made doesn't really matter one way or the
37 another.
38 MR. GRANT: Okay. I just ask my comment be translated to the
39 witness and then you go on. Could you read that back,
40 please, Madame Reporter, and have the interpreter
41 translate my comment.
42 (REPORTER READ BACK)
43 MR. GRANT: Maybe rather than translating that, can you explain
44 to the witness this is a map which is tendered at
45 trial by the defendants and it may or may not show the
46 boundaries or the place locations as reflected in
47 other maps prepared on the instructions of this

1 witness.
2 MR. PLANT:
3 Q But this map was not made by the defendants, this map
4 was made by or on the instructions of the plaintiffs.
5 It's with that comment.
6 A I really don't need a map. I don't need this map and
7 I know where the -- where the boundaries are. I know
8 where the names are. These are our Indian names. My
9 grandfather used to mention all the names and the
10 boundaries to me when I was laying beside him at
11 bedtime. And when somebody -- somebody would take me
12 to that certain place what he was talking about, then
13 the -- what he told me and the place they showed me
14 coincides together, and this is how I know where all
15 these boundaries are.
16 Q Well, let me see if I can accomplish the same thing by
17 a different route. Chief Gwis gyen, you told us in
18 your evidence about a stream or creek called Xsi anx
19 Timiiyit.
20 MR. GRANT: Which map?
21 MR. PLANT:
22 Q And this is on map L. And that ter -- and that creek,
23 as I understand it, or part of it is the territory of
24 Wii Hlengwax?
25 A The -- the Gyehl 'Din runs and then there is the water
26 coming from the mountains which is known as Xsi anx
27 Timiiyit, and it runs into Xsi Gyehl 'Din.
28 Q And after Xsi Gyehl 'Din -- sorry about the
29 pronunciation -- carries on down towards the Xsi
30 Txemsim, the Nass, is that where the three creeks,
31 Xsa'an sisoox, Xsu wil luu yexw and Xsa'an T'ahl gaak
32 come into Gyehl 'Din? In other words, I'm trying to
33 find out where those three creeks come into the Kiteen
34 River which is called Gyehl 'Din?
35 A Easiest way, I can take you around there and I'll show
36 you all the creeks and all the mountains. Would you
37 do it? Would you come with me?
38 Q If the time was right I would.
39 A Yeah, it's the best time.
40 Q Could we -- do it in your head, though.
41 A I got mine in my head.
42 Q Okay. Now, if you are -- if you're up on the river,
43 if you are up on Gyehl 'Din, the Kiteen, where the
44 stream Xsi anx Timiiyit comes in, and Mr. Grant is
45 showing you what on --
46 MR. GRANT: Showing --
47 MR. PLANT: -- or showing the translator.

MR. GRANT: -- the translator Xsi Gyehl 'Din just so that --
MR. PLANT: And I'll actually -- just if I may borrow --
MR. GRANT: All right, just look at that.
MR. PLANT: I want you to -- I want you to put your mind into this place where this stream, this creek --
MR. GRANT: Xsi anx Timiiyit.
MR. PLANT:
Q -- in Wii Hlengwax's territory comes into Xsi Gyehl 'Din. Are you there in your mind?
A Yeah, I know it.
Q Okay. Now after the river carries on downstream towards -- well it goes north.
MR. GRANT: Xsi Gyehl 'Din.
MR. PLANT: Are you with me? And let's translate that.
THE INTERPRETER: Then what?
MR. PLANT:
Q And is -- well, what I want to find out is where in relation to this place, are the three creeks that you mentioned, Xsa'an sisoox, Xsu wil luu yexw and Xsa'an T'ahl gaak?
A This is Xsi Gyehl 'Din and this is Xsi anx Timiiyit, and it goes here and this is where the -- the creeks come -- it's close to Xsi anx Timiiyit, Xsa'an T'ahl gaak, Xsa'an sisoox and Xsu wil luu yexw. It comes from -- the head waters are from the mountains.
Q And do those --
MR. GRANT: Just a second. Just while the witness was pointing he indicated on the -- he was looking at Exhibit 4-L and he was pointing to the area where the label Xsi Gyehl 'Din is. In other words, he was pointing on the opposite side of Xsi Gyehl 'Din from Xsi anx Timiiyit, and he also was pointing down towards the north, that would be the top end of Exhibit 4-L, and I -- I think he was --
MR. PLANT: He was referring to downstream.
MR. GRANT: I think he was referring to it as downstream and I wanted to clarify the answer.
MR. PLANT: And let me just be sure I -- my sense of what he was saying as he demonstrated it was that the three creeks came from the --
THE INTERPRETER: The mountains.
MR. PLANT: -- the mountains on the left as you are looking at this.
MR. GRANT: That's right.
MR. PLANT: Down towards the Xsi Gyehl 'Din.
MR. GRANT: And they were downstream from Xsi anx Timiiyit, is that correct --

THE INTERPRETER: Yes.
MR. GRANT: -- what he was saying?
MR. PLANT: He was pointing to it.
MR. GRANT: Yeah. But he was pointing downstream rather than upstream on Xsi Gyehl 'Din.
MR. PLANT:
Q So the three creeks are downstream from Xsi anx Timiiyit. They come in from the mountains on the other side but they are quite close?
A The -- the creeks, the three creeks come from the mountain called Gwin Sdi'moon and they flow into the Xsi Gyehl 'Din.
Q Thank you. And are those three creeks Yal's territory today?
A It's always Yal's, it'll never changed.
MR. PLANT: Now, I'm going to change the subject to a completely different subject that may take some time.
MR. GRANT: Just a second. Okay, can we go off the record a moment then?
MR. PLANT: Yes.
(OFF THE RECORD DISCUSSION)
MR. PLANT:
Q Did you know Steven Morgan, Gwis gyen?
A Yes, I know him.
Q What was his chief's name, his Gitksan name?
A He was Wiigyet. Before, Chief Wiigyet.
Q Now, do you recall when Steven Morgan died?
A I remember when he died but I don't have the exact years.
Q Do you recall that Steven Morgan had a large registered trapline in his life? By large I mean it covered a lot of area.
MR. GRANT: You are referring to a trapline as opposed to a territory?
MR. PLANT:
Q I said registered trapline. And I don't mean his territory as Chief Wiigyet, I mean a registered trapline?
A No, I don't have no knowledge of this. I remember my -- I remember my mother telling me that Wiigyet had no territories at all. My uncles James Ryan and Arthur McDames told me the same thing. They didn't want me to make an error or a mistake in public when there is a feast, and this is why they tell me these things. My uncles and my grandfathers are always telling me never to open my mouth and say -- and say anything that I don't know about in the feast -- feast

1 hall.
2 Q I want to direct your attention now to a time
3 following Steven Morgan's death when, as I understand
4 it, Philip Turner became the head man on a registered
5 trapline that used to be registered to Steven Morgan.
6 Do you have any knowledge of that?
7 THE INTERPRETER: Did you say Philip Turner?
8 MR. PLANT
9 Q Philip Turner, yes.
10 A No, I don't know. I don't know where Steven Morgan
11 had a territory.
12 MR. GRANT: Just -- I just want to be sure, did he say territory
13 or trapline in that answer?
14 THE INTERPRETER: Yip, territory.
15 THE WITNESS: Could you tell me where that is supposed to be?
16 MR. PLANT: The Steven Morgan trapline is a big trapline, and by
17 the Steven Morgan trapline again I mean a registered
18 trapline, and I'm afraid I don't at this -- I can't
19 tell you today where it was. I can tell you when we
20 meet again. But I know that one part of it --
21 MR. GRANT: Do you have this on that combination type map that
22 you used with --
23 MR. PLANT: No, I don't have it, I'm afraid.
24 MR. GRANT: I think you combined Exhibit 24 for ID. and Exhibit
25 5 for ID.
26 MR. PLANT: Yes, that's right.
27 MR. GRANT: Maybe we can go off the record for a moment.
28 MR. PLANT: Let's go off the record while I see if I can find my
29 combination map.
30 (OFF THE RECORD DISCUSSION)
31 THE WITNESS: I want to tell you about the -- how Wiigyet
32 originated.
33 MR. PLANT:
34 Q You have told us that before, but if -- this is the
35 story of Wiigyet and his sister?
36 A Were you talking about the Wiigyet that came from
37 Gitsilis that travelled with his sister from --
38 Q Well, you said you wanted to tell me about where
39 Wiigyet came from, and you've -- and you've already
40 told us one story about Wiigyet, and that was the
41 story about the Wiigyet that travelled from Gitsilis
42 with his sister. Now, I don't need to hear another
43 story about Wiigyet right now, but if you would like
44 to tell it then I certainly don't want to stop you.
45 A When Wiigyet came -- and the reason why I wanted to
46 express this or stress it to you, that when Wiigyet
47 came, my grandfathers didn't give him any land or any

fishing sites, they just gave him the name.
Q And they gave him a seat at the feast table?
A Yes. That's the only thing that they gave him. I don't know where the register came from, but there was no -- Wiigyet never had any land at all. Our territories are close together, they attach each other's boundaries, they are boundaries that are -- there is no gap in our boundaries. How is Wiigyet going to claim a territory? If he does this then he is claiming somebody else's territory.
Q If -- well let me see -- you asked me where the registered trapline was, and I -- part of the registered trapline was the creek or the river that you know as Xsugwin biiyoosxwit or Insect Creek. And it also went up north and it went west of that, and I think it went as far west as Tsihl Gwellii?
A Xsugwin biiyoosxwit belongs to Wii Hlengwax and then it goes to -- it goes to Gan tseltxwit and this -- this territory belongs to Tenimgyet. It goes over to Tsihl Gwellii and this is Tenimgyet's and the Gisk'aast have no business taking this territory.
Q Did you ever speak with Philip Turner about a registered trapline -- a trapline of which he was registered as the head man?
A No.
Q All right. I want to read you a letter.
MR. GRANT: Just before you do that, can I just -- just for the record.
MR. PLANT: Yes.
MR. GRANT: I just want to be clear for the record when we went off, that in your explanation that this "Steven Morgan registered trapline" is actually one that is now a composite of many, and it's rather -- when I say a composite of many, that apparently it was divided up subsequently. And within the provincial document system, it appears to -- you referred to through a series of files, and there is no one number as we are used to in this litigation, the province has numbers of traplines, there is no one number to which you can refer on this trapline, and I think on your overlay of Exhibit 24 and Exhibit 5, you indicated at least --
MR. PLANT: The only one that I'm very confident about is 0615T016 and I think some of the traplines to the east and to the north are also part of the original Steven Morgan registered trapline.
MR. GRANT: And you referred, for example, to T019, T021, T022, and so that this trapline -- just so that the record

is clear, that when you are talking about the Steven Morgan trapline we are not talking about one that sort of is clear as some of the others that you've dealt with where there is an indication of a trapline, but it's something that -- it isn't -- it wasn't that clear to me, and -- but it certainly appears -- this name appears throughout the files. I just want to set that on the record and I'm not -- and you can proceed. It would seem that you are leaving the area, though.

MR. PLANT: Well, I'm still sort of in the area.

THE WITNESS: When -- I will tell the simgigyet about this registration of Steven Morgan, and there will be a meeting and I will find out why this was done.

MR. PLANT: Now, I would like to refer you to a letter which comes from the Attorney-General of Canada's document 4546.

MR. GRANT: Is that the estate file of Steven Morgan, I believe?

MR. PLANT: This is the file of Philip Turner and Company, that's the name.

MR. GRANT: Oh, a trapline file of the Federal Crown.

MR. PLANT: I don't know if it's a trapline file -- yes, it says traplines on the front page of the file.

The letter purports to be signed by Philip Turner dated July 23, 1949, addressed to the Indian Agency in Hazelton, B.C.. I'll just come around here and I'm going to read it and then ask the interpreter to translate it and then I'll have some questions about the letter. The letter reads, "Dear sir," and it's addressed to the Indian Agency, as I said.

"I have signed all copies as required. In addition to the list of names already attached to the paper, it is my wish on behalf of my clansmen that the following people are included: (This is Stanley Williams -- sorry.)
Mr. Stanley Williams, Gitwingax B.C,
Mrs. Irene Harris,
Mrs. Mary Williams,
Mrs. Nora Johnson,
Mr. Richard Fowler,
Mr. Solomon Bryand."

And it's spelled B-R-Y-A-N-D.

"Mr. George Williams, and.
Mr. Edgar Turner."

And all but Mr. Edgar Turner are said to be of Gitwingax. Mr. Turner is said to be of Hazelton. And the letter concludes, "Thank you. Yours truly, Philip Turner." And if you read the other documents in this file, the -- what he is talking about is people he wishes to have included on his registered trapline.

MR. GRANT: Just a moment. Do you know what the copy is he is referring to on this file?

MR. PLANT: Is that --

MR. GRANT: He says I've signed -- in other words, you've made an advance supposition and I just want the basis of that.

MR. PLANT: I can't identify which particular copy from this file is being referred to.

MR. GRANT: Okay. Because I presume you are going to ask questions about the trapline and that's what I'm just -- before you translate, just one moment. I guess I should just formulate my comment in the form of an objection. I don't object, of course, to the letter being read and you ask questions of it, but the reason I paused or interrupted at the end was that you said "from other documents in this file," and it appears that this is the addition of people to a trapline registration, and it's not apparent from this file nor does it seem apparent from -- it's not apparent from this letter that you've read nor does it seem apparent from the other documents that are stapled to what I presume is the provincial defendant's copy of the federal document in the file, so it doesn't seem to be apparent from the file that that's what he's talking about.

MR. PLANT: All right. There is in another file, a copy of what may be the application form that he is referring to. I don't have the original of the Philip Turner trapline application form, so I can't say what's on the reverse. But the document I've shown to you suggests to me that there are two groups of people, and what Mr. Turner is trying to do is to make sure that in this letter, that the people who are named in the letter have been added to or are going to be added to his registered trapline.

MR. GRANT: Well, as I say, it may well be that you can establish that in some other way, but thus far even with this document which is your page 84 -- 470, it doesn't -- the assumption that you are making doesn't appear to me to be apparent that that's what is being talked about. There is names listed, but whether that

1 letter is to do with a trapline or an estate or what
2 it's to do with I -- that's what -- on that basis I
3 object, if that's the question you are going to ask
4 him. But as I said, I don't object to you asking him
5 about that letter, but I don't think you should build
6 in an assumption unless there is some basis for it and
7 I can't see it.
8 MR. PLANT: But it seems to me to be actually manifest from the
9 document immediately following, but I'll just ask my
10 question anyway.
11 MR. GRANT: Well maybe then you can have the letter read to him.
12 It has never been translated to him.
13 MR. PLANT: I know.
14 THE INTERPRETER: Okay, what he wants to know is he hears all
15 these names being mentioned, he -- he says, "We've
16 never signed anything with Philip Turner and if --
17 would Philip Turner get in trouble by involving us in
18 this? Because we never signed anything."
19 MR. GRANT: And --
20 THE INTERPRETER: That's what he wants to know.
21 MR. PLANT: And by signing --
22 MR. GRANT: He is referring to the names that you've named on
23 the letter.
24 THE WITNESS: I never signed this paper, my mother never signed
25 this paper, and anytime that my mother does anything
26 that -- that is serious, then she lets me know about
27 it and she didn't tell me about this is.
28 MR. PLANT:
29 Q Did you have any knowledge of whether or not Philip
30 Ryan wanted to add you --
31 MS. KOENIGSBERG: Turner.
32 MR. PLANT:
33 Q -- to a registered trapline in his name? I'm sorry, I
34 said Philip Ryan, I think, I meant Philip Turner?
35 A No, he never mentioned anything like this to me.
36 Q Do you know if Philip Turner has a registered
37 trapline?
38 A No. Philip has been gone for so many years, he was
39 living in Vancouver, and he just recently came back
40 about three years ago and I never talk to him.
41 Q The trapline that we are talking about is -- insofar
42 as I can make out from the various maps, in Kitwancool
43 territory. Does George Turner have a registered
44 trapline today, to your knowledge?
45 A His territory is in Kitwancool. I don't know if he
46 registered it or not.
47 Q Does George Turner have rights to trap on Cranberry

1 River?
2 A Yes, that's his own territory. I won't forget about
3 this registration. I was wondering if I could -- if
4 you could have a copy that -- that you could give me
5 because I would like to show it to the other
6 simgigyet.
7 Q Your lawyer, Mr. Grant, has copies of all of these
8 documents?
9 A Yeah, okay.
10 MR. GRANT: I can produce a copy for you.
11 Just there is -- just I want to be clear because I
12 think he is operating -- you read the letter to him
13 which was not translated, and I -- and then I talked
14 to you about the assumption. I think it -- I would
15 like the interpreter to explain that the letter that
16 you read -- maybe this letter should be translated
17 because I don't know if he -- he may be thinking from
18 our discussion what it is and it may be something
19 different.
20 MR. PLANT:
21 Q Okay. Before it's done, though, I would like one
22 other question asked.
23 When you -- I asked you if George had rights to
24 Cranberry River and you said, "Yes, that's his own
25 territory." Do you mean that that's -- belongs to
26 Yal?
27 A No. He does not -- that's not Yal's territory.
28 Q Okay. When I asked you if George had rights to
29 Cranberry River -- let me ask you again. Does George
30 Turner have any rights to the place known as Xsi
31 'yagaa skit, which I understand is Cranberry River?
32 A No. He could go onto Gaxsbgabaxs' territory but not
33 on Xsi 'yagaa skit. That's Gaxsbgabaxs' father.
34 Q George Turner is the father of Simon Turner?
35 A Gaxsbgabaxs.
36 MR. GRANT: I think there was -- the interpreter -- could you
37 just clarify the answer because I think he referred to
38 Simon Turner. Maybe you can just translate.
39 A Yes, that's George's father.
40 MR. PLANT:
41 Q All right. Now, Mr. Grant and I had a discussion
42 awhile ago after I read you a letter, and I'm going to
43 ask the interpreter to read the letter, the 1949
44 letter which has Philip Turner's name in handwriting
45 at the bottom, and then I want to make sure that you
46 have that in your mind when I ask you the question
47 about it.

A This was -- was probably the mistake of Steven Morgan, because he made out a registration of the territory that belongs to Wii Hlengwax and to Tenimgyet. They have nothing to do -- to do with this territory, and I -- I feel bad that I don't -- my name been on here. This is what the white people call forgery.

Q Now, I want -- I don't want you to be under any misunderstanding here, because my understanding is that the territory that is talked about, that is to say that Philip Turner registered, is not Wii Hlengwax's or Tenimgyet's territory, but is part of the territory of Kitwancool in the upper part of Cranberry River, Xsi 'yagaa skit. So it's a different place. Do you understand that -- I'm not referring -- this letter does not --

A You going saying Xsugwin biiyoosxwit.

Q Yes. The trapline that Steven Morgan registered included Xsugwin biiyoosxwit and it went far west, almost as far as Tsihl Gwellii and it went north too, and it went as far north as I can read it, as --

A Steven Morgan got nothing do with that land. Even Tsihl Gwellii he has got nothing do with it. That's Tenimgyet's land and -- and Wii Hlengwax, Xsugwin biiyoosxwit.

Q And Xsi 'yagaa skit --

A That's too far way, that's down Kitwancool.

Q Right, okay.

A And Xsi 'yagaa skit, these people got nothing to do with it. That -- that Kitwancool people got all their lands there. They name it and --

Q It's theirs?

A Yeah.

MR. PLANT: Okay. Let's adjourn now.

THE WITNESS: That's all a mistake, that one.

MR. PLANT: Before we adjourn, Mr. Grant has asked --

MR. GRANT: Yes. I just want to see something, I would like to see that document, please?

THE WITNESS: I'm going to see the Kitwancool people about this and --

MR. GRANT: Now I think there should also be explained that the name Philip Turner is on the bottom, whether that's his signature or not --

MR. PLANT: I've never suggested it was.

MR. GRANT: That's right. It may well not be but -- I know you haven't, and I just want the witness to be sure of that. Can you translate that to the witness.

The other point is that I am unable from this

1 document -- and when I say this document I mean A-G
2 Canada 4546, which is a file out of which this letter
3 refers -- I am unable to determine from all --
4 anything in the documents to connect that to what you
5 have suggested, and I'm only saying that because I
6 can't tell from this entire file whether or not the
7 area referred to in this letter is around Cranberry
8 River as you suggested, or any other place.
9 MR. PLANT: Well, that's something that you can do over the
10 weekend by reading the application leaps and bounds,
11 all right.
12 MR. GRANT: No. Mr. Plant, just pause a second, okay.
13 MR. PLANT: Yeah.
14 MR. GRANT: All I'm saying is, is that I don't want the witness
15 to be left with the impression over the weekend that
16 this is the Cranberry River area. I don't know that
17 and I don't know how you can establish that -- if you
18 have established that.
19 MR. PLANT: The trapline is 615T028. You have our map of
20 registered traplines, you go find that and --
21 MR. GRANT: You don't have to tell me what I have to do.
22 MR. PLANT: Well --
23 MR. GRANT: But the question is whether or not this application
24 registration of a trapline refers to exactly the same
25 boundary as is in the maps of the province, which were
26 prepared in the last course of the last three or four
27 years.
28 MR. PLANT: With great respect, Mr. Grant, I fully agree that
29 that is a question --
30 MR. GRANT: Yes, okay.
31 MR. PLANT: -- but it is not a question for a re-examination of
32 this witness. It seems to me to be a matter of
33 argument.
34 MR. GRANT: It is a question but I don't want the witness to go
35 away with an impression that may not be correct,
36 that's all I'm saying, because he has expressed some
37 concern about it.
38 MS. KOENIGSBERG: Off the record now? Do you want to take this
39 off the record?
40 MR. GRANT: We can go off the record now.
41 MR. PLANT: Okay.
42
43 (PROCEEDINGS ADJOURNED AT 2:00 p.m.)
44
45
46
47

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

Toni Kerekes,
O.R., R.P.R.
United Reporting Service Ltd.

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