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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 11, 1988 and
April 12, 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

VOLUME 1

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

(604) 689-3088

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APPEARANCES

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

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April 11, 1988
Hazelton, B.C.

ALICE SAMPSON, Interpreter, sworn;
STANLEY WILLIAMS, Witness, sworn;

EXAMINATION IN CHIEF BY MR. GRANT:

Q Okay. For the record, this is the beginning of commission evidence of Stanley Williams and the witness before the video commenced was sworn, as was the translator, Mrs. Alice Sampson, and the bulk of the evidence in this case, or all of the evidence, will be through translation other than possibly the introduction.
Mr. Williams, your chief's name is Gwis Gyen?

A Right.

Q What does that name mean, and you can speak through Gitksan whenever you're -- you wish?

A It means a small pitch.

Q Are you the head of a house?

A Right.

Q What house? What is the name of your house?

A 'Yax Yagaa huuwaalp.

MR. GRANT: Do you have a number for that?

THE TRANSLATOR: 86.

MR. PLANT: Excuse me?

MR. GRANT: 86.

THE TRANSLATOR: 86.

MR. GRANT:

Q What does that name mean?

A 'Yax Yagaa huuwaalp means a house hanging off the cliff.

Q Do you know Hax bagwootxw?

A Right.

Q And what house is Hax bagwootxw in?

A The same house, 'Yax Yagaa huuwaalp.

Q Are you of the Gisk'aast clan?

A Right.

Q Can you tell us why the name of your house is 'Yax Yagaa huuwaalp?

A That house 'Yax Yagaa huuwaalp it's hanging over the cliff.

Q Where?

A Gitsegukla.

Q Is it still there?

A All the time.

Q Is the house still there over that cliff?

A Not -- not now.
Q You were born on July 3rd, 1907?
A Right.
Q And you're married to Fanny Muldoe?
A Right.
Q And she was born on April 7th, 1911?
A Right.
Q And she is a member of the house of Haalus?
A Right.
Q And that is a Ganeda -- of the Ganeda clan. Who was your mother?
A Mary Williams.
Q And was she of the house of 'Yax Yagaa huuwaalp?
A Right.
Q What names did she hold?
A She's got lots of names, Luu gee'nsxw is the first one and another one is Bilaatx.

MR. GRANT: Can you give the numbers for those?
THE TRANSLATOR: Bilaatx is 114. And I don't -- I've got Luu gee'nsxw. No, I don't have Luu gee'nsxw.
MR. GRANT: The reporter has that?
THE TRANSLATOR: Uh-huh.
MR. PLANT: Could I have the spelling for the other name?
MR. GRANT: Sure.
THE TRANSLATOR: Luu gee'nsxw, L-u-u, space, g-e-e-n, apostrophe before the "n", s-x-w.

MR. GRANT:
Q Who held the name Bilaatx before your mother?
A I keep forgetting. Oh, he said he keeps forgetting me. He keeps forgetting me that I'm supposed to translate for him. Bilaatx, it's Solomon Bryant's mother.
Q Solomon Brown's?
A Bryant.
Q Bryant's mom. Who holds that name today?
A Nora Campbell.
Q Is that the name of a sub-chief or a wing in your house? Could you translate that for us?
A Yes, she is a chief, a woman chief.
Q Who was your father?
A George Williams.
Q And what house did he belong to?
A Wii Mugulsxw.
Q And what name did he hold in that house?
A I forgot his name now.

MR. PLANT: I don't have the name that he held.
MR. GRANT: He says "I forgot the name". Do you object to

leading on this?
MR. PLANT: No.
THE WITNESS: Oh, yeah, Ts'iiyee. Just put down "CA".
MR. GRANT: Do you have a number for that?
MR. PLANT: The house was Wii Mugulsxw?
MR. GRANT: Wii Mugulsxw.
MR. PLANT: Wii Mugulsxw.
THE TRANSLATOR: Number 901 for Ts'iiyee.
MR. GRANT:

Q Where was your father from originally, what village?
A Kispiox.
Q And he came to Gitwingax after he married your mother?
A Right.
Q And did your father learn about the boundaries of any of the Gitwingax chief's territories?
A Right.
Q Who taught him?
A Chief Sima Diiks, Sakxum higookx.
Q Anyone else that you can recall that taught your father?
A No.
Q Is your father's house close to Kliiyem lax haa's house?
A Yeah, close.
Q Can you describe when you put on a feast, does Wii Mugulsxw help you?
A When I put out a feast Wii Mugulsxw supposed to help me all the time.
Q What about Kliiyem lax haa?
A The same.
Q If something happens to you when you, for example, or another chief in your house, if a chief in your house dies, would Wii Mugulsxw and Kliiyem lax haa help at the feast?
A Yes.
Q Can you tell us which house or who is your wilkxsiwitxw?
A Wii Mugulsxw and Kliiyem lax haa is my wilkxsiwitxw.
Q They both are?
A Yes.
Q Now, do you know a chief's name whose name was Wixa?
A Wixa?
Q Yes.
A Yes.
Q Were you related through your mother to Wixa?
A It's my mother's dad. It's my mother's father.
Q And where is Wixa from, what village?

A Kitwancool.
Q And what clan is Wixa?
A Lax Gibuu, the wolf clan.
Q Did your mother have any sisters?
A Solomon Bryant's mother and Dick Fowler's mother.
Q They were the sisters of your mother?
A Uh-huh.
MR. PLANT: Dick Fowler's mother?
MR. GRANT:
Q Yes. Was your mother adopted by any other chief?
A Yeah, when -- when my mother born in Kitwancool and when she's growing up and Chief -- Chief Sakxum higookx going up there, and Chief Sakxum higookx had no kids, that's why she -- he went up there and talk to -- to my grandfather up there.
Q Wixa?
A Wixa.
Q Okay. And what happened?
A And he asked -- he asked Wixa to adopt my mother and after then she -- Wixa let my mother go.
Q Who adopted your mother, Sakxum higookx or Sakxum higookx's wife?
A Sakxum higookx's wife.
Q What clan was she from?
A Gisk'aast. And that Sakxum higookx -- Sakxum higookx, that's an old one.
Q Uh-huh. Now, did you know your grandfather Wixa or did he die before you --
A He died before I was born.
Q What about Sakxum higookx, the husband of the woman who adopted your mother?
A They all died.
Q You didn't know Sakxum higookx?
A No. And I know the new one, but not the old one.
Q And what clan was Sakxum higookx from?
A Eagle, Lax Skiik.
Q Did that Sakxum higookx also hold the name Sima Diiks?
A Right.
Q Have you travelled on the Lax Skiik territory?
A When he grow up I travel with him, new -- new Sima Diiks.
Q Okay. Did he have an English name that you remember, or just Sima Diiks?
A I don't know.
Q You just knew him as Sima Diiks?
A Yes, I know Sima Diiks. Nicodemus.
Q Now, can you explain why you were entitled to travel

on Sima Diiks' territory? Maybe you could translate that question?
A He is my grandfather.
Q Did your mother participate at all at the funeral feast when her own father Wixa died?
A After my grandfather Wixa died, my parents, my mother and my father, went to Kitwancool. They paid all the funeral expenses when he was buried.
Q And what -- was there any recognition of your mother's assistance for his funeral?
A After they've -- my mother paid for all the funeral expenses, the members of the family of Wixa recognized her and gave her a part of the territory known as Txaas 'wii lax habasxw and Gwashlam.
MR. GRANT: Do you have a number for that territory?
THE TRANSLATOR: 822.
MR. GRANT:
Q Are you finished? What happened -- how long did your mother use that territory?
A She use it until -- until her death.
Q And what happened when your mother died about that territory?
A After I've paid the funeral expenses for my mother I returned the territory, which is our Gitksan law. When a person dies and the person that was given the amnigwootxw, the land is supposed to be returned to the rightful owner.
Q And what do you call the privilege of your mother using that territory for helping with her father's funeral?
A It's called amnigwootxw.
MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 525.
MR. GRANT:
Q Gwis Gyen, I'd like to ask you about the other chiefs in your house. Can you tell us the names of the other chiefs in your house?
A I could tell you. There's 'Nii T'am lax ooks, Hax bagwootxw, Tk'elgumtxw, K'aat'im hayetsxw.
Q Does Roger Johnson hold the name 'Nii T'am lax ooks?
A 'Nii T'am lax ooks.
Q Ken Harris holds the name Hax bagwootxw. And who holds the name Tk'elgumtxw? Is that Lorne Campbell?
A Lorne, yeah.
MR. PLANT: Can I have the spelling for Lorne Campbell's chief's name?
THE TRANSLATOR: Tk'elgumtxw. Yes. Tk'elgumtxw's number 90.

MR. PLANT: I don't have the fourth name about -- you asked a question --
MR. GRANT:
Q I think the fourth name you gave was K'aat'im hayetsxw?
A K'aat'im hayetsxw.
MR. GRANT: What number is that?
THE TRANSLATOR: 115.
MR. GRANT:
Q Who holds that name today?
A Alvin Weget.
Q Alvin Weget?
A Yeah.
Q Is 'Wii 'yagaa deets', is that a chief's name in your house?
A Right.
Q And who holds that name?
A Eli Turner.
Q Eli Turner. It's E-l-i Turner. Now, was Alvin Weget's mother adopted by your mother?
A When my sister Connie died she was adopted, my mother adopted her into our house, and she also adopted Alvin Weget when my brother Robert died.
Q How old were you when Alvin's mother was adopted by your mother?
A I don't even know.
Q Were you quite young?
A I was young that time.
Q Were both of these adoptions of Alvin's mother and Alvin, did they occur at a feast?
A Right.
Q Does Alvin Weget also hold a chief's name in Kispiox?
A Right.
Q Can you explain for us which -- which of you or Hax bagwootxw is the head of the house, of your house, and -- and the relation between you and Hax bagwootxw in the house?
A I am the -- I am the head chief of the house of 'Yax 'yagaa huuwaalp. Hax bagwootxw is sitting on my left-hand side when we are seated.
Q How many territories are held by your house?
A We have one near the -- what the white people called Roche de Boule, but the name is Win luu 'mesxw. And we -- and then we have another one where it starts from Gaasilax aatxw. And then we have another one where it's -- oh, Gaasilax aatxw is known as Stakhaiyt. It starts from Stakhaiyt and then it goes

on the other side of the mountain.
MR. GRANT: Just one moment. Did you get the names of those four places?
THE TRANSLATOR: I was wondering was it Win or Wii luu 'mesxw?
MR. GRANT:
Q Could you ask that question?
A Win luu 'mesxw.
THE TRANSLATOR: Okay.
MR. PLANT: I have that one, but I don't have the one that came after that one.
MR. GRANT: Just -- yeah, maybe you could just give the numbers for the record, okay?
THE TRANSLATOR: Gaasilax aatxw is not on the word list, but she's got the spelling already.
MR. FREY: Could you spell it for me, please?
THE TRANSLATOR: Gaasilax aatxw, G, underlined, a-a-s-i-l-a-x, underlined, a-a-t-x-w.
MR. FREY: And that was the second territory referred to?
THE TRANSLATOR: Yes.
MR. GRANT: Just wait until she gets the -- okay, just wait a sec. I'm sorry, Stanley.
THE TRANSLATOR: Stakhaiyt is number 875, and Win luu 'mesxw is 557.
MR. FREY: Number 557 being the one that's known as Roche de Boule?
THE TRANSLATOR: Yes.
MR. GRANT:
Q Go ahead Stanley.
A We own the territory Stakhaiyt on the other side where the -- where the creek known as Xsuwii Gwanxs runs. Hanamuxw owns the territory on the other side that goes to Xsan. Gwaans owns the territory. Hanamuxw and Gwaans are the same, they're in the same house.
Q Is Hax bagwootxw responsible for any of these territories of your house?
A Yes. We have the same territories.
Q But of these three territories you've described, is there one that he takes care of and manages for the house?
A He -- he's the caretaker of Hlihl Guuhl Sganist.
MR. PLANT: I only have two territories. I may have missed something.
THE TRANSLATOR: 774, Hlihl Guuhl Sganist.
MR. PLANT: I think that may be the third territory, or a third territory.
MR. FREY: Is number 774 the name of the territory or the creek?
THE TRANSLATOR: Hlihl Guuhl Sganist, that was the --

THE WITNESS: The name of the territory.
MR. FREY: The name of the territory. And there was also a -- on the other side where a creek known as something runs?
THE WITNESS: No.
MR. GRANT:

Q I'll be returning to the territorial evidence later on.

Is there a -- I'd like to move to another area for a moment now, Gwis Gyen, and that is the seating, and I've had a seating chart prepared for the convenience of everyone here and this is labelled as a seating plan of Gwis Gyen at Gitsegukla, and can you tell us who sits in the centre of the table when the -- when the Ganeda hold a feast in Gitsegukla, and who sits beside the person at the centre of the table?

A Years and years ago Gwis Gyen used to sit right in the centre of the house and Guxsan sits on the right-hand side and Hax bagwootxw is sitting on his left.

Q How is the seating today?

A It's the same. It didn't change.

Q You described that years ago Gwis Gyen sat in the centre with Guxsan on one side and Hax bagwootxw on the other. Does Wiigyet now sit at the feast in Gitsegukla at that table?

A It's recently that Wiigyet came and Guxsan adopted -- took him into the house and he gave him a seating place and Guxsan moved over and he put that Wiigyet in -- oh, Gwis Gyen moved over and then they put Wiigyet where Gwis Gyen was seated before.

Q And so now does Wiigyet sit in the centre of the table today?

A Right.

Q Okay. And can you just describe who sits on his left side?

A Guxsan.

Q Guxsan or Gwis Gyen?

A Guxsan, left side.

Q The left side like where --

A Gwis Gyen.

Q Gwis Gyen. And on your left side who sits?

A Hax bagwootxw.

Q And on Hax bagwootxw's left who sits?

A I forgot, mixed up.

Q Okay. Is that -- is that 'Nii T'am lax ooks?

A Right.

Q And next to 'Nii T'am lax ooks?

A Is Antgulilbix.

Q Antgulilbix. And next to Antgulilbix, is that Ts'aa'uulst?
A Ts'aa'uulst.
Q Ts'aa'uulst. Okay. On Wiigyet's right-hand side, who sits to the right, the other side of Wiigyet today?
A I forgot.
Q Okay. Is that Guxsan?
A Guxsan.
Q On this side?
A Yeah, on the right-hand side Wiigyet.
Q Okay.
A And Yoopx on the other.
Q Okay. Next to Guxsan is it Xsgogimlaxha?
A Yeah.
Q And then who sits next to Xsgogimlaxha on the right?
A I forgot. Yoopx.
Q Yoopx?
A Yeah.
Q And next to Yoopx is Hanamuxw?
A Uh-huh.

MR. GRANT: Okay. What I'd like to do is to mark this seating plan as the next -- as an exhibit.

MR. PLANT: I don't have the number. I'm afraid we don't have our exhibit list.

MR. GRANT: This will be Exhibit 1 on the commission, Exhibit 1 of the commission evidence, and when we tender the transcripts it can go in.

(EXHIBIT 1 FOR IDENTIFICATION: Seating plan of Gwis Gyen at Gitsegukla)

MR. GRANT:
Q You described to me before this commission the seating of the people as you described it now; is that right, the seating at your table in Gitsegukla?
A Right.
Q Now, who sits in front of you at the feasts in Gitsegukla?
A If Alvin Weget, K'aatim hayetsxw, comes to the feast then he sits in front of me. If not, then Tk'elgumtxw will sit in front of me.
Q That's Lorne Campbell?
A Uh-huh.
Q Who sits in front of Hax bagwootxw?
A I don't know now.
Q Is this -- is this one of the children of Lily Jackson?

A Yeah.
Q Okay. Okay. Is it Vince Jackson?
A Vince or any one of the -- Lily Jackson's son.
Q One of her sons?
A Yeah.
Q What is the significance of people sitting in front of you and Hax bagwootxw, what does that signify in a Gitksan feast?
A It is the -- it is our law that one -- the one that sits in front of me will be my successor if I die, depending on the decisions that is made by the house members.
Q How old were you when you took the name Gwis Gyen yourself?
A Ten.
Q And who held that name before you?
A My grandfather.
Q And what was his name?
A Sam Gwis Gyen.
Q Do you remember your grandfather?
A I know him.
Q Was he quite old when he died?
A He's really old.
Q Before your grandfather was there a Gwis Gyen?
A I don't see that, the other one.
Q Okay.
A My grandfather Sam Gwis Gyen he's young and the old one died and he's take the place, and he's really old when he died and I take his place.
Q Okay. So you didn't know the Gwis Gyen before Sam Gwis Gyen?
A No.
Q But there was a Gwis Gyen before him?
A There's lots of Gwis Gyen before him.
Q Where were you when your grandfather died? Where were you at?
A Down at the coast.
Q Was there a feast held?
A In Cassiar my mother and my dad put up feast down there, Cassiar Cannery.
Q And did you return to Gitwingax?
A After the feasting --
Q Uh-huh?
A -- close.
Q And was there another feast held at Gitwingax for your grandfather?
A Yeah.

Q At which of these feasts were you given the name, in Cassiar or Gitwingax?
A In Gitwingax.
Q Who helped or who put up the feast in Gitwingax when you got the name?
A My mother and all the family.
Q Okay. Can you tell me some of those people by name?
A Solomon Bryant's mother and MacDames, all the Gisk'aast family.
Q That's Gisk'aast. And when you say the MacDames, was that Alfred MacDames?
A Arthur MacDames, Alfred MacDames.
Q Did James Ryan help at that feast, your Uncle James?
A My Uncle James supposed to take the name and he's a preacher in the church and he don't want to take this Gwis Gyen's name because he's a preacher.
Q Uh-huh.
A That's why I was -- take me out and put me on the chair of his grandfather.
Q And how old did you say you were, you were ten?
A Ten.
Q And did James help at the feast?
A Right. Yeah.
Q Okay. I'd like to ask you about your training to become a chief, and one of the first things I'd like to ask you about is your training relating to your relationship with the animals and the resources. Did Ambrose Derrick help to train you and prepare you to be a chief?
A Right.
Q Can you tell us what Ambrose, how he helped you and what you did with him?
A Yeah, I went out trapping with him down at Meziadin and he caught the beaver. The first one he throw me the --
Q The first one he threw me in the water in my sleep?
A And after that he caught a beaver and warmed the tail in the fire, take all my clothes off, and hit my back with that beaver tail when it's still hot.
Q Did he explain to you why he was doing that?
A He said I was going to be strong, and the reason why he threw me in the water was that I would be an early riser every morning.
Q What time of year was this?
A It's around March.
Q And how old were you about when that happened?
A About 16.

Q Ambrose Derrick held the name Wilitsxw?
A Luuxoon.
Q I'm sorry, Luuxoon?
A Yeah.
Q And is that a -- what clan is that?
A The frog.
MR. GRANT: From Kitwancool?
MR. PLANT: I didn't hear the clan.
MR. GRANT: Frog from Kitwancool.
MR. FREY: Is there a number for the name, please?
THE TRANSLATOR: Luuxoon is number 45 on the plaintiffs' list.
MR. GRANT:
Q Why was Ambrose one of the persons who trained you, were you related to him?
A He was a rich man and a wise man and this is why I was trained by him. Everything that -- that our people know about the territories he tells me all -- all of the things that he knows about the territory.
Q Okay. What territories, without describing those territories right now, what territories did he teach you about, whose territories?
A The territory of Wilitsxw. We were -- this is in Meziadin where we were at that time.
Q Did he teach you about other territories?
A He also told me of the -- of Sga wil's territory. The boundary line goes to Kispiox. It's known as Xsa am'mel. This is where the boundary is.
MR. GRANT: Do you have that word, that last word? It's not -- what it's known as?
THE TRANSLATOR: I don't think I've got it.
MR. GRANT: Can you just give a spelling?
THE TRANSLATOR: Xsa am'mel, X-s-a a-m-'-m-a-l.
THE WITNESS: Xsa am'mel.
THE TRANSLATOR: Xsa am'mel.
THE WITNESS: Oh, okay.
MR. GRANT:
Q Can you say that -- that again, that name where the boundary --
A Xsa am'mel.
Q Xsa am'mel?
A Xsa am'mel.
THE TRANSLATOR: The "a" in "mal" will change to "e", Xsa am'mel.
MR. GRANT:
Q Okay. After this trip with Ambrose Derrick and the events with the beaver where he hit you with the beaver tail, did you go goat hunting with Gordon Johnson, the present Malii?

A I went with Gordon on Sakxum higookx's territory.
Q And can you describe where that is in relation to Gitwingax village?
A On the -- I know, he told me.
Q Oh, he said --
A On the front, the gaa lax dil is sort of the front part of a -- across the river from Gitwingax.
Q Okay. And did you kill any goats in that territory on that trip?
A We got seven.
Q And how many trips did it take you to bring those seven goats back home?
A One.
Q And who was involved in packing them back, how many of you?
A Just two of us.
Q Why were you hunting on Sakxum higookx's territory?
A He's my grandfather.
Q And so this -- it was correct under Gitksan law to be able to use that territory?
A Right. You know Sakxum higookx adopted my mother and I still get rights to go on the land.
Q And did you travel before this trip with Gordon Johnson, with Malii, did you travel on Sakxum higookx's territory with any of your elders, that is, people who are older than you?
A I travelled with Abraham Fowler, the owner of the land sometimes, that's why I know the land. He tell me all the boundaries and the land that he owned.
Q And was he Sakxum higookx?
A He's supposed to be Sakxum higookx, but he's died you know and Alfred Mulwain take it, and he take away first and then he died and Alfred died.
MR. GRANT: Mulwain, M-u-l-w-a-i-n.
MR. PLANT: I didn't catch who it was -- you asked him "Did you travel there with your elders?" He said --
MR. GRANT: Abraham Fowler.
MR. PLANT: Thank you.
MR. GRANT:
Q So there was a Sakxum higookx who adopted your mother?
A Right.
Q Who was quite a bit older, and after he died was Abraham Fowler the next Sakxum higookx?
A Yeah.
Q And after Abraham Fowler, David Wells became Sakxum higookx or Alfred Mulwain?
A Abraham died, David Wells and Alfred Mulwain.

Q And when Alfred Mulwain died, is that when the present Vernon Smith --
A Vernon Smith, yeah.
Q And were there Sakxum higookxs before the arrival of the first white man, that is, before Abraham Fowler was there a Sakxum higookx?
A There's too many Sakxum higookxs ahead of the chief about thousands of years, then they died and the others go on and go on in the chair.
Q Go on in the --
A Chair.
Q -- in the chair. Did you -- were you trained for hunting grizzly bear with your father?
A My father taught me everything.
Q Do you recall a particular event regarding the hunting of grizzly bear where your father helped with your training?
A I remember everything that he's taught me and I remember that we went to a mountain where he shot a grizzly. After he shot the grizzly, the grizzly was struggling, the grizzly was still alive, he took a knife and he cut the tongue of the grizzly and he gave it to me to eat. I did eat the tongue of the grizzly and after this he took the grizzly and he rubbed it, the grizzly was still alive, and he rubbed it against my face and my head.
Q Did he -- what part of the grizzly did he say?
A The nose of the grizzly.
Q I'm sorry.
A After he did this I wasn't afraid of the grizzly or I wasn't afraid of anything.
Q How old were you about approximately when this happened?
A Somewhere around 18.
Q Where was it? You said that you went up on a mountain to hunt this grizzly, what mountain? Where did this happen?
A It's known -- the mountain is known as Antgideekwit.

MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 135.
MR. GRANT:

Q Whose territory is that on?
A Sakxum higookx's.
Q Have you hunted grizzly bears recently? She has to report what you --
A Hunting grizzly all the time. I hunt the grizzly all the time.

Q Do you recall an incident about four years ago when you saw a grizzly with your wife Fanny?
A Yeah.
Q Can you tell us about that and what you did?
A We -- while me and my wife were riding along the road we saw a grizzly with cubs and what the grizzly did is he -- he smelled the two cubs and then he attacked us. The cubs were as big as the black bears. The grizzly was a huge grizzly. My wife was afraid of the grizzly so I took her back home and then I called my brother George and I told him that we were going to kill this grizzly. I told him that he could get -- he could use the -- the 300 Savage gun and I took the 222 with the bullets that are about an inch and a half.

We went back there where we seen the grizzly and we found it. It was amongst the red willows on the banks of the river. I told my brother George to follow me. I told him that I'd be the first to find the grizzly. We found where the grizzly was and we seen the cubs there too. I went first and the grizzly attacked me and then he stopped about 15 feet away from me and he turned around. The grizzly returned to the cubs and he -- he smelled the both of them and then he attacked me again. And I stood there, I didn't want to turn around because this is what my grandfather taught me. If I turn around -- this what my father taught me. If I turn around, then he would take a bite out of me and this is why I didn't turn around. He was too close to me and what happened is he -- he put his claws up and he showed his claws and he had his mouth open and he started spitting at me. I was close enough to put the gun in his mouth and I pulled the trigger with my 222. The grizzly fell and didn't move and the cubs came and bit at their -- the mother to try to pick her up. After the cubs did this they were on their hind legs and this is when I shot one in the chest. I told my brother who was behind me to shoot the other cub. I thought he was still behind me and I didn't hear any gun so this is the reason why I shot the other cub.

After I killed all the cubs and the mother I turned around. I turned around to see if my brother was still there, but he wasn't there. He had taken off. I shouted my head off calling him and he did answer me. He was way down by the other side.

This is how my father trained me. This is why he gave me the tongue of the grizzly so I wouldn't be

afraid of anything. They've put me through a lot of training when I was young. Is that good enough for you?

Q Did you use the meat and the hides from that -- those grizzlies?

A What the -- what they usually do is they use the hide for their floor if they wanted to. The one that I shot I gave the hide to my cousin Tommy Harris and I gave the meat to him.

Q Where did these events occur with this grizzly and on whose territory?

A The back of Wallace Morgan's place in the village.

Q That was right in Gitwingax? The witness nodded affirmatively.

Did your father do anything to prepare you to help you to hunt mountain goats when you were young?

A My grandfather trained me -- I mean my -- I always say grandfather. My father trained me a lot of things and he also trained me how to hunt the goats. During my training with my father we shot some goats with Robert Harris, Frank, and Tommy Harris. In the evening when he was training me how to travel on the mountain to get the goats, what my father did is he cut off the hooves of the goat and he put it on the fire until the -- until the hooves came off the -- came off the bone, and he took the hooves and he put it on my toes. The -- while he was doing this, the hooves are still hot and he -- after this he takes the hooves and then he goes up to the mountain and he puts these hooves in the cracks of the mountain. After he put the hooves in the cracks of the rocks up the mountain he -- he came down and he takes a bath four times in the -- in the water. The fourth time he did this, and this is the reason why I always feel what he -- he is doing the purification, what he went through too. After he -- he did this and I -- after I went to the mountain I could feel that, what my father did by the purification. I could feel it when I was travelling up to the mountains. Whenever I -- I chase a goat on the mountain, it's just like a flat surface for me. It doesn't seem rough at all.

Amaa?

Q How old were you when your father helped train you in this way and prepared you for goat hunting approximately?

A Oh, about 17.

Q Did you have an experience in goat hunting in

Gitsegukla when it was very difficult for people to get goats and you were successful?

A I went with some goat hunters in Gitsegukla. I was living in Gitsegukla then. We went to Gwagl'lo's territory, the territory of 'Wii lo'op. At 'Wii lo'op we seen 42 goats.

MR. PLANT: Forty-two?

THE WITNESS: Yeah. We went up and there was a lot of people that came with us, a lot of people from Gitsegukla, and one of them was Mathias Wesley and he wanted to -- to camp at the base of that mountain, but I didn't want to. I wanted to go up there. I told him that the goats were going to take off during the night. I told him that we should move up further up and we won't build a fire and we'll eat whatever we could eat without building the fire and in the morning that we would get there faster and get the goats.

At the break of morning, early morning, I got up and then I looked towards where the goats were and I seen that they were still lying down. I returned back to the camp and I told him that the goats were still lying up on the mountains and they in turn got ready and came up with me. Johnny Wesley told me to stay behind and to send the other younger hunters up to where the goats were. I stayed behind with Johnny Wesley and we heard the guns firing, but there was no goats falling down so what I did is I took my gun and I was going to run up the mountain and then Johnny Wesley called me back and he gave me a cane to use on the mountain. I did what he wanted me to do. I took the cane, but while I was running up the mountain I dropped it and it went rolling down and I seen where the goats were going so this is -- this is where I went. I used the training that my father gave me. I never used a cane when I'm on the mountain. What I do is I use my hand and then I carry the gun on the other hand.

I took a lot of bullets with me. I had about four cases with me. I had a belt that was filled with bullets around my waist. I -- I went after the goats. There was a crack in the mountain. This is where I climbed up and I -- I just think where the goats are and this is where -- where I went. It was -- it was just like running through a field for me when I was climbing up that mountain, this was because of the training that I received from my father, the training that was given to me. Where -- where there was no

more goats, I -- I went up on the -- on the top of the mountain, then I went down. I came upon the first goat and then there was -- there was the -- another goat. It was a billy goat. It went up on the mountain again. The billy goat is quite fast when -- when it's up on the mountain. I was on top of this mountain and the first goat that came I shot and I was still on top of this -- this mountain. All the goats that were trying to come up the mountain I shot them all. The billy goat that was running up the mountain I ran after this billy goat and then I shot him too and I brought him down. The -- there was -- the snow was too slippery on the mountain so I went through where the -- where the timber was. I got back to where the camp was and here all the hunters were quite angry because I guess they didn't get anything. I told them "Why aren't you packing the goat?", and they said they were waiting for me, but I told them that it was theirs and that they should get it.

After they brought the goat down it was cleaned and they cut the meat from the bones and what I did, I took some of the bones and I cook it in the -- in a four gallon can. They were just going to eat the dry fish that was taken along on the hunting trip, but I told them that it was my custom to cook all the -- some of the meat and then the bones, and then this is what I put before them.

After we've smoked the meat, we were leaving camp and there was some bones left and what we did is we took these bones and we burned them because it is the law for our people to do this. They are not supposed to leave any kind of animal bones around. Our ancestors looked after everything that concerns the animals. If we just leave the bones around, then those animals will see this and will never return back again. In the olden days when our ancestors killed an animal, what they do is they talk to this -- to this animal and they talk to this animal and they praise the animal to tell them that it was right of them to give themselves to the people.

MR. GRANT:

Q Do you still do that today when you're involved in hunting animals?

A Never change.

Q I never change.

How many goats did you shoot on that trip?

A Forty-two.

Q And how many bullets did you use to shoot them?
A I use one bullet on each goat.
Q You mentioned Mathias Wesley. What house and what clan does he -- did he belong to?
A He is Gisk'aast from -- from Guxsan.
Q Okay. What about Johnny Wesley?
A He's frog.
Q From which --
A He's from Hazelton here and he live down in Gitsegukla. He's married down there, and he's from Nikateen's house.
Q Nikateen's house?
A Yes.
Q And was there anybody on that trip from Gwagl'lo's house?
A I forgot now. No, I don't think so.

MR. GRANT: Do you want a break? We're going to take a break for the court reporter now. We'll go off the record.

(PROCEEDINGS ADJOURNED AT 11:45)

(PROCEEDINGS RECONVENED AT 12:00)

MR. GRANT:
Q Okay. Just before we started, you said that you remember somebody else who was with you on that trip.
A Yeah.
Q Who was that?
A It's David Williams.
Q And what house was he from?
A He's from Duubisxw.
Q And is that related to Gwagl'lo?
A Close to him.
Q Now, I'm still asking you about the training that you received to be a chief and I'm going to ask you about your training on the territories, but Gwis Gyen I don't -- you don't have to describe those territories right now. I just want to know who it was that taught you about the territories, and we may as well start with your own territories. You know the boundaries of Gwis Gyen's territories; is that right?
A Right.
Q Who taught you those boundaries?
A My grandfather.
Q You know the -- you know the boundaries of the Lax Skiik or eagle clan as well, and who taught you those boundaries?

A Lax Skiik, Chief Sima Diiks, and Abraham Fowler. I walk with Abraham on the land.

MR. PLANT: I didn't catch the last part of it.

MR. GRANT:

Q I walked with Abraham on the land.
And did you -- were you taught the boundaries of the territory of the Gitwingax chiefs as well?

A Sakxum higookx and Wii Hlengwax. Sakxum higookx is the eagle, from the eagle clan, and Wii Hlengwax is from the frog clan. They were training me when they showed me these boundaries. They took me to their territories through the mountains and all through the territory.

Q Did your father teach you about any of the territories?

A He showed me.

Q Which territories did he teach you about?

A He showed me Sakxum higookx's territory.

Q Did your uncle, Arther MacDames, he was formerly Hax bagwootxw; is that right? He was the former Hax bagwootxw?

A Yes, he had the name.

Q Did he teach you about any of the territories?

A He showed me our own territory.

Q Did you know Mark Holland?

A I know him.

Q Did he teach you about any territories?

A He showed me the territory of Haalus and the territory of Wii Hlengwax.

Q And what house was Mark Holland from?

A He was from Wii Hlengwax -- Haalus.

Q And did you see -- did you know Jim Lax'nits?

A He was -- I know him. He was Wii Hlengwax.

Q Did he teach you about any of the territories?

A He showed me his territory at 'Wii sga'nist.

Q That was Wii Hlengwax's territory?

A Uh-huh. And he also showed me his territory at Gwin Anx Timiiyit -- Anx Timiiyit.

MR. GRANT: Do you have numbers for either of those?

THE TRANSLATOR: Anx Timiiyit, 1071. 'Wii sga'nist is 1054.

THE WITNESS: He also showed me the territory named Gwi 'Tsoo.

MR. GRANT: Okay. That's 1071 is Gwi 'Tsoo.

THE TRANSLATOR: I thought Anx Timiiyit was 1071. Anx Timiiyit is 1077.

MR. GRANT: Right.

MR. FREY: That was the last one mentioned?

MR. GRANT: No, the last one mentioned was Gwi 'Tsoo which is

1071.
MR. FREY: And 1077 was the first one mentioned?
MR. PLANT: It's the second one.
MR. GRANT: I'm not keeping order, but --
MR. PLANT: The first one was 'Wii sga'nist.
MR. GRANT: 1054.
MR. PLANT: 1054.
MR. GRANT:
Q Okay. The reporter's taking down all your words so we have to be sure she's ready when we speak.
Okay. You were saying something else about I believe Jim Lax'nits and what he showed you?
A And Xsugwin Biiyoosxwit.
Q Xsugwin Biiyoosxwit. Yes.
A It comes from the banks of the river and then it goes up to the Xsugwin Biiyoosxwit. It goes up to Xsugwin Biiyoosxwit and then you have Guxsan's territory. It goes up a little further on and then it goes to a place called Winna wedda. It goes up to the mountain on the left-hand side. The name of the top of the mountain was -- is Wil Gwantxws Hoojin.
MR. GRANT: Do you have that?
THE TRANSLATOR: Wil Gwantxws Hoojin, W-i-l, space, G-w-a-n-t-x-w-s, space, H-o-o-j-i-n?
THE WITNESS: The first time I see the white man copying the Indian's writing.
MR. GRANT:
Q Xsugwin Biiyoosxwit is 314?
A On the other side of Win tk'al Bakxw there's the head waters of a creek. This belongs to Hlengwax. That's all I have to say.
MR. PLANT: I didn't hear the name, the last --
THE WITNESS: The name of the creek is Ts'im anloots'.
MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 211.
MR. GRANT:
Q Did you know the former Luulak, an earlier chief who held the name Luulak?
A I know.
Q Did that chief teach you about any of the territories?
A I know the former Luulak and I know Luulak's mother Luu Tk'esxw. He was the one that took the name before. Luu Tk'esxw is the mother of Tom Weget. He was the one that took Luulak.
Q Did Tom Weget teach you about any territories?
A His mother showed me some. I went up with them to their territory.

Q Did you know the holder -- the former holder of the name T'ewelasxw, T'ewelasxw?
A I know him. Their territory is Xsu Gwin Ga'at. They are of the eagle clan.
Q Okay. Did the former T'ewelasxw show you any of the eagle territories?
A We did live with them at that Xsu Gwin Ga'at.
MR. PLANT: I'm sorry, "We lived with them."?
THE WITNESS: We did live with them at Xsu Gwin Ga'at.
MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 191.
THE WITNESS: She also showed me the place called Luu Min Xsu Gwin Ga'at.
THE TRANSLATOR: I'm not sure how to spell that one. Luu Min Xsu Gwin Ga'at, L-u-u-'-m-i-n, space, X-s-i, space, G-w-i-n, space, K, underlined, '-a-a-t.
MR. GRANT:
Q You knew William Holland?
A I know him.
Q He was a former Haalus, and did he show you any territories?
A Yeah.
Q Which territory?
A Haalus.
Q Haalus' territory?
A Yeah.
Q Did you know the holder -- did the former holder of the name Haaxw?
A Who?
Q The form -- the holder of the name Haaxw?
A Haaxw.
Q Haaxw?
A Oh, Haaxw. Yeah, I thought you say "hack".
Q I probably did. Was -- did that chief show you any of the territories?
A Haaxw?
Q Yes?
A Yeah.
Q Which territories?
A It's Luu Min Tsim 'Din, about seven --
Q About seven miles below Gitwingax that's what you call it?
A Luu Min Tsim 'Din.
Q Luu Min Tsim 'Din. And that is on which side of the river, the Gitwingax side or the highway side?
A The Gitwingax side.
MR. GRANT: Do you have a number for that?

THE TRANSLATOR: 1104.
MR. GRANT:
Q You knew Charles Smith?
A I know him.
Q Did he teach you about any of the territories?
A About Tenimgyet's.
Q About Tenimgyet's territory?
A Yeah.
Q And is he -- was Charles Smith the person who held the name Bii Lax ha?
A Yeah.
Q Did you know Mathias Bright?
A I know him.
Q Did he teach you about any of the territories?
A I go with him up at Xsugwin Biiyoosxwit. He traps all the way up to Ts'im anloots'.
Q That's 314. And what house was Mathias Bright from?
A His house?
Q Was he a Ganeda?
A Yeah.
Q And Abraham Fowler -- I'm sorry, you knew the former Giila'wa?
A Yes.
Q That was a Lax Skiik or eagle chief?
A Uh-huh.
Q Did he teach you about any of the territories?
A Yeah, I go with him.
Q To Lax Skiik territories?
A Yes.
MR. PLANT: I didn't hear his answer?
THE WITNESS: I go with him.
MR. PLANT: I go with him. Thank you.
MR. GRANT:
Q And you knew Arthur Howard?
A I know him.
Q And what -- what house was he from or what clan?
A Hanamuxw's. The house of Hanamuxw.
Q And did he show you any territories?
A Luu 'min Xsu wii luu negwit.
Q And whose territory is that?
A That's Hanamuxw's. It's 'Niitsxw took all the family.
Q Did you translate it?
A I keep forgetting that I'm using English.
MR. GRANT: Do you have a number for Luu 'min Xsu wii luu negwit?
MR. FREY: This is the number for the Hanamuxw's territory?
MR. PLANT: Xsu wii luu negwit is 203, but there are two words

added to that.
MR. GRANT: Could you just spell the beginning of that word, the first two words?
THE TRANSLATOR: L-u-u-'-m-i-n, and then it should read Xsu wii luu negwit.
MR. GRANT: Which is 203?
THE TRANSLATOR: 203.
MR. GRANT:
Q Okay. Did you know Solomon Harris?
A Chief Lelt.
Q Did he teach you about any of the territories?
A No, he's blind.
Q And that was the former Lelt before Fred Johnson?
A Yeah.
Q Did you know Edwin Brown?
A I know him.
Q And he was the former T'ewelasxw?
A T'ewelasxw.
Q And did he teach you about any of the territories?
A I stay with him down at Doreen.
Q Doreen?
A Yeah.
Q Okay. The video machine is going to go off in a minute so maybe what we should do is take a lunch break now and we'll come back after.
A Okay.
MR. GRANT: Okay. So we'll adjourn for the lunch hour.

(PROCEEDINGS ADJOURNED AT 12:20)

(PROCEEDINGS RESUMED AT 1:30)

MR. GRANT: Gwis Gyen, I'd like to ask you some questions about the members of your house and I'm going to use for reference, for the record, a genealogical chart which -- a copy of which I'll put in front of the interpreter just for her assistance, and you don't have to read this, but I'll be referring to it. And this chart that I have is entitled "The Wilps: Hax bagwootxw of Gitsegukla" and it's six pages long.
MR. PLANT: Is yours dated January 12th, 1988?
MR. GRANT: No, that's one -- is that one unmarked? Could we just go off the record for a moment?

(OFF THE RECORD DISCUSSION)

MR. GRANT: Okay. We can go back on the --

MR. PLANT: Before you do that --
MR. GRANT: Just hold on.

(OFF THE RECORD DISCUSSION)

MR. GRANT:

Q Okay. We can go on the record. Okay.
Gwis Gyen, you had a number of brothers and sisters who are now all deceased?
A They all died off.
Q And your brothers were Percy and Robert Williams?
A Yes, they're my brothers.
Q And your sisters were Elsie, Connie, Jane, Laura, Madeline, and Ethel Williams?
A Yes, they all my sisters including Elsie.
Q And they are all deceased?
A Yes, they are.
Q You've already informed us that your mother was Mary Williams and she was married to Joseph Williams?
A Yes.
Q And Mary had a sister named Maryanne?
A Yes.
Q Who was married to Sima Diiks?
A Yes.
Q And she had another sister Eva who married Abraham Fowler?
A Yes.
Q Okay. And the children of your mother, the children of Maryanne, and the children of Eva, are all members or were all members of your house?
A Yes.
Q Eva had three children, Maryanne -- Marian, Richard and Maria?
A Marian, Richard and Maria, yes. Marian and Richard and Maria.
Q And Maria had a son James Fowler?
A Uh-huh. Yes.
Q Indicating yes. And Marian had a daughter Helen?
A Yes.
Q Who married John Robinson?
A Yes.
Q And they had children?
A Yes, they had children.
Q And Helen and John's children are members of your house?
A Yes.
Q You've already indicated that Sam Gwis Gyen was the

former holder of the name Gwis Gyen and was he your mother's uncle?
A Yes, that was my mother's uncle.
Q And his sister was Daawoons who was your mother's mother?
A Yes, it is.
Q And Daawoons had married Wixa as you've already explained?
A Yes.
Q And she also married Luke Ryan, Haaxw?
A Are we talking about Daawoons?
Q Daawoons. Did she --
A I forgot Luke Ryan's -- the name of Luke Ryan's wife, and he thinks it's Noxs Aagat.
Q Okay. Okay. Who was James Ryan's mother, do you recall?
A My mother's sister.
Q Did -- aside from your grandmother, did Sam Gwis Gyen have a brother named James Aukes?
A That's his own brother.
Q That's his own brother. That's Sam Gwis Gyen's brother? Right. And he had another -- did he have another sister named Gii lax ooks, and here I'm referring to the mother of Arthur MacDames?
A I don't know Arthur MacDames' mother.
Q Okay. Was Arthur MacDames related to Sam Gwis Gyen?
A That -- can I ask him a question? Sam Gwis Gyen -- Arthur MacDames was Sam Gwis Gyen's nephew.
Q Okay. And Arthur MacDames was in your house?
A Yes.
Q And he had a sister Agnes and a brother Alfred?
A Yes.
Q And Agnes had a daughter Irene?
A Yes.
Q And Irene's children included Sam Turner, Philip Turner and Ada Turner?
A Yes.
Q Irene also had -- was married to Simon Turner and had children George Turner, Eli Turner and Norman Turner?
A Was Ada -- did you say Ada?
Q George, Eli and Norman?
A I don't know who Norman is. Oh, yes he's deceased.
Q Yes. He was a brother of Eli and George who's now deceased. And she also was married to Robert Harris and had the -- and she was the mother of the present Hax bagwootxw, Ken Harris, Lily Harris, Sylvia Mowatt, Mazel Harris and Molly Harris; is that correct?

A Yes.
Q And Lily Harris' children, Lily Harris married Robert Jackson Senior and had several children and they're members of your house; is that right?
A Yes.
Q And that's except for Robert Jackson Junior who was adopted into Yal's house; is that correct?
A Yes. Philip Turner is adopted into Yal's house also.
Q Philip Turner. Okay. That was Irene's son Philip?
A Yes.
Q Could I just look at that one of yours? Yes, for the record, the Philip Turner on the first page under Irene Harris on the January 12, 1988 genealogy should have a slash through that line, a slash through that.
A And that Robert Jackson, young Bob is adopted to Yal's house.
Q Right. And he was married to Gail Jackson wasn't he?
A Uh-huh.
Q Would it be correct that the children of Mazel Harris would be members of your house?
A Yes.
Q And the children of her daughters would also be members of your house?
A Yes, all of them.
Q Okay. You know Joshua Campbell who just passed away?
A Yes, I know. His name's Xsimwijin.
Q Uh-huh. Was he married to a person who was a member of your house?
A Yes, he was married to -- to the present Bilaatx, Nora.
Q That's Nora Campbell. And they had children Marlene, Winnie, Lorne Campbell, Earl Campbell and Randall Campbell?
A Yes, that's right.
Q And all of those children are members of your house?
A He said that's correct.
Q And Nora had also been married to Sterling Johnson?
A Yes.
Q And they had children Dorothy Johnson, Clarence Johnson, Roger Johnson, and Roberta Johnson, who are all members of your house?
A Yes.
Q And she had one child Roddy Wilson with Edgar Wilson, Nora?
A Yes.
Q And Roddy is a member of your house?
A Yes.

Q And all of Roberta Johnson's children are members of your house?
A Yes.
Q Is that right?
I'd like to go to another subject now, Gwis Gyen, and ask you about the history of your house, and when I say that, I mean can you tell us where Gwis Gyen originated from and how you came to be -- Gwis Gyen became a chief in a house in Gitsegukla?
A It started at T'am lax amit.
Q Okay. Before you describe these events, can you tell us who taught you this history about Gwis Gyen starting at T'am lax amit?
A When I was still a small child my grandfather would tell me about this Gwis Gyen.
Q That was your grandfather Samuel Gwis Gyen?
A Uh-huh.
Q Okay. And what did he tell you about how Gwis Gyen moved from T'am lax amit to Gitsegukla?
A Did you want me to start when the -- when there was a big flood?
Q Yes.
A I will start when -- about the -- what happened when they caught their first spring salmon.
Q Okay. Go ahead.
A It all started near Xsi amhl lo'op, it's about a mile from Xsi amhl lo'op where the village starts and it goes right down to -- to the Cedar Creek and this how big the village was.
Q Was this T'am lax amit?
A T'am lax amit. This is the biggest village along the Skeena River in the very olden days. This is where our ancestors, our grandmothers and their brothers, came from. One of the chiefs caught a spring salmon at T'am lax amit, it was about this time of the year. It was in the springtime. When the first spring salmon was caught, it was very very respected by our people. What they did was they would slice the spring salmon and they would tie it on skewers. When they caught this first spring salmon they would leave it and they would talk to the spring salmon and give praise to the spring salmon, talking to it, and they would leave it for a while. And this is when they -- they cut the fish and they -- they slice them and they put them on -- on skewers and they would cook them in the -- in the bent boxes. They would get the rack like to put inside the bent box. They would -- they

would have this -- they would heat the rocks up until it's -- it's really hot, and after it's hot they would take it out and wash it off with water and they would put it in the bent box with water in it and they would put this hot rock in the bent box. After they put this hot rock in the bent box the water starts boiling and they would put these -- the skewers with the fish on it to cook. After the water's -- the water has stopped boiling and it's sort of cooling off, then they would take the -- the skewers with the fish out of the bent box and this is how it was cooked. After they take these skewers out of the bent box, one of the prince would go around the village and invite all the head chiefs of the village.

MR. PLANT: One of the prince?

THE WITNESS: Prince. After the chiefs have arrived in the house, they would be seated and they would be given these fish because it was very highly praised for the first spring salmon to be caught, and they were given these fish on skewers. They gave these fish out and one of the chiefs brought a young little boy with him and he took pity on this little boy and he gave him part of his fish. The child took the fish outside and it was -- it started to snow and then the child held the fish -- the skewer up like this with the fish on it and he looked up to -- up towards the sky and he said "Why are you still snowing Lax ha?", which means "Why are you still snowing sky?"

After the -- during the night it snowed and the next morning all the houses were almost covered with snow. The Creator did not like what -- what the little boy -- how the little boy was mocking him. Because of the child's doing by mocking the Lax ha, it kept snowing and the snow was getting deeper and all the people were starving because they could not go out because of the deep snow. During this time Naagee'ihl, Sayt Luuks and -- Sayt Luuks and Dii aa wilp left T'am lax amit.

MR. GRANT: Can you just give us the numbers for those words -- those names, please? I'm sorry, Stanley.

THE TRANSLATOR: 988 for Naagee'ihl.

MR. GRANT: What is it, 988?

THE TRANSLATOR: 988. Sayt Luuks is 904.

MR. GRANT: Uh-huh.

THE TRANSLATOR: Dii aa wilp is 916.

THE WITNESS: We never had any numbers years ago.

They travelled along the river and they came to a

place called Gwinx Ts'aa'lixsxw and at this place they found that it was in the summertime. The -- they got to Gitsegukla and the only thing they had was the maple sacks. They got to Gitsegukla and they went along the Gitsegukla. They -- along the river to Gitsegukla on this side.

MR. GRANT:

Q To along the Gitsegukla River or --

A Yes. They -- I forgot what the creek is, but they went to Xsuwii Gwanxs. They -- they went along and they got to Xsuwii Luu Hlabit. This is where their brother died, Dii aa wilp. You see the fins of the fish, this is what they were -- they were sucking on. They would suck at it a couple of times and then they would pass it to their brother which -- which he sucked about three times, but he died of starvation.

After the death of their brother, Naagee'ihl spilled their maple sacks and she found there was a half a dried fish inside the sack and their brother was already dead. They cremate their brother. This is when they made a mourning song known as Limx oo'y. They mentioned the -- in a song they mentioned the fish that was found in the -- in the maple sack after his death.

They -- they left the place where they cremated their brother and they -- they passed Gigyukla and they got to a lake known as T'am Giist. They seen these little trouts in the -- at the mouth of the creek from the lake and they made a fish trap. They caught these small little trouts and this is what they lived on and this is how they survived.

Not too long after that the bigger trouts started coming and they caught these bigger trouts and what they did is they cut them in half right to the tail and they hung them over poles to dry. When you cut this fish in half it's known as hap ts'eekxw. After they've caught enough of these bigger trouts and after they've dried them, they remembered the people back at T'am lax amit and they packed all these dry trouts and they were heading back to T'am lax amit. They came to Gitsegukla and this is where they camped.

It was in the evening when they looked up the mountain and they seen this goat wandering on the mountain. The next day they seen this goat again and it was the -- he was using the same trail again. And then Sayt Luuks made a plan that they would snare this goat, and he told Naagee'ihl about it. They went down

and they made cedar ropes, which is known as k'okhl. They took this cedar rope up to the mountain and they found the trail of this goat. They set a snare there. They watched their snare and they seen the goat coming and they did snare the goat, but the -- the cedar rope was not strong enough and the goat got away and went back. So what they did is they made a stronger cedar rope and they waited for the -- they waited. It was known as k'okhl. They waited for four days and then they set the snare again. They -- the fourth day they seen this goat again and they snared it and this time the goat was struggling and he was struggling and struggling and then he finally rolled down the mountain. They went to see the goat to -- they went to clean the goat and when they were going to pull it up they found out that it had only -- it was a one-horned goat. They took the head to their camp and then the rest of the meat they dried, and after this they pack this meat and they headed back to T'am lax amit. This is why we have the -- the one-horned goat as our crest.

Just recently Guxsan asked my grandfather to use the crest of the one-horned goat and my father said it was all right and this is why the one-horned goat crest is in Guxsan's house.

Q He said the father or grandfather?

A Grandfather.

MR. PLANT: Okay. And it's Guxsan?

MR. GRANT: Is the one who asked.

MR. PLANT: Yes.

MR. GRANT: Sorry.

THE WITNESS: You're getting pretty good in Indian names.

MR. GRANT:

Q Go ahead.

A They got back to T'am lax amit and there was some of their relatives were still there and they gave out the fish and the meat to these people. This is why our ancestors always gave praise to the Creator for the animals that they have received, the fish and the other animals.

Q Before you do that could I ask you a few questions -- I'll tell about the flood now I think he said, and I said before you do that --

What you have just told us, is that what the Gitksan would call an adaawk?

A Yes, it is.

Q And it is a true history of what happened?

A I just kissed the Bible and I tell the truth.
Q And these two girls and the brother, what house were they from?
A Gwis Gyen's.
Q Gwis Gyen's house. And you described that the brother died and he was cremated. Where was -- where did that take place? Can you put that in relation to a river or a creek?
A It was Xsuwii Luu Hlabit where the waters meet of Xsi noon. That's where it happened.
MR. GRANT: I just wanted to ask -- before you went on, I just wanted to ask Fern, did you have the numbers for those -- just a moment -- those places that he described? I think the first one was Gwinx Ts'aa'lixsxw, Gwinx Ts'aa'lixsxw, where the two sisters -- where they went to and where it was summer? Do you have a number for that?
THE TRANSLATOR: Gwinx Ts'aa'lixsxw?
MR. GRANT: Yes.
THE TRANSLATOR: It's 277.
MR. FREY: Sorry, Mr. Grant, which location is that?
MR. GRANT: That is where they -- when they came in the summer.
THE WITNESS: When they found out it was summer.
MR. GRANT:
Q When they found out it was summer on their way down from T'am lax amit. And T'am Giist?
A The right word is Gwinx Ts'aa'lixsxw.
Q Gwinx Ts'aa'lixsxw?
A Gwinx Ts'aa'lixsxw.
THE TRANSLATOR: T'am Giist is 119.
MR. GRANT: And just before we go on, Gwis Gyen just gave the correct pronunciation for that word. Is that the same word as 277? You heard him just say that?
THE TRANSLATOR: Yes. Yes.
MR. PLANT: Is that 277 the place where they came to in the summer?
MR. GRANT:
Q Yes.
Now, whose territory is T'am Giist?
A Guxsan.
Q And why is that Guxsan's territory?
A My grandfather gave it to him.
Q Now, when you say your "grandfather", is this -- are you referring to someone as recent as Sam Gwis Gyen or one of the older Gwis Gyen's long before?
A A thousand years ago. More than a thousand.
Q Okay. Is any part of the territory that these two

sisters travelled on part of Gwis Gyen's territory, that is, part of the territory of your house?
A This is where -- this is the territory that Gwis Gyen owns where they were walking on.
Q Is this the territory that you would refer to as Luu Skaiyansit?
A It's part of the -- part of the territory.
Q Part of Luu Skaiyansit's territory?
A Yes.
MR. FREY: What's the number for Luu Skaiyansit?
THE WITNESS: Luu Skaiyansit is up on the mountain.
THE TRANSLATOR: 1006.
MR. FREY: Thank you.
MR. GRANT:
Q Okay. So I interjected when you were talking about the sisters. They returned to T'am lax amit and then you said you were going to talk about the flood, so go ahead?
A Are you finished on that mountain?
Q We'll come back to the mountain.
A I will tell you about the time there was a flood. This was after when the sisters came back. This happened in real ancient times. It's not just recent. My -- this is when my grandfather said in those times when they would hit a rock together the water would come out of the rock. The wise people found it peculiar that the rocks would be -- the water would be coming out of the rocks and it -- the rain started falling and the water start coming from the rocks. This is when -- when the flood started, the -- the people -- the tops of the mountains were covered with the water and the people were -- were drifting and this is what we know as the Creator is washing the earth.

My grandfather told me that our people from the ancient times always knew that there was a Creator. This is thousands of years before the white man came when the Creator made the earth. In the ancient times when -- when they were -- when they had any kind of sufferings, they would build a fire and they would make an offering and when they put this offering and there's -- the smoke is going up, they would start praying and they would ask the -- the Creator to help them.

Many of our people drifted far far away and some of them are close by. They were -- they were on a raft which is known as sa sgan, and this is how they

survived. Some of them -- when the flood went down, some of them were up on the mountains and some of them were down on the land and some were drifted far away. Some of our people from the village of T'am lax amit made villages on where they landed and some of our people remembered where they came from so they went back to their land.

Our ancestors, my ancestors and Gwagl'lo's ancestors, returned back to Gitsegukla and this is why the village of Gitsegukla is still there now today. They made houses again, they built houses again, and where the village was it was at -- it was where the graveyard is now. This is where the village was situated -- situated at, and this is where my house 'Yax 'yagaa huuwaalp was. It was the same with Guxsan and the same with Gwagl'lo.

Q Was Hanamuxw's house there at that time too?

A Yes.

Q And Xsgogimlaxha, was his house there at the same time right after the flood?

A No.

Q He came later?

A Xsgogimlaxha originated from Hagwilget. The former Xsgogimlaxha was Donald Gray. Leonard George is the head of the house now, Xsgogimlaxha.

Q I just wanted to ask you if the two sisters named the place where that mountain goat was snared by them, if there was a name that they gave to that place?

A The -- when they caught the goat it rolled down the mountain so this is why they called the place Ha Laaltxwit. Where they made the cedar ropes --

Q Yes?

A -- they called the creek Xsan Gokhl.

MR. GRANT: Do you have the numbers for those two names?

THE TRANSLATOR: Ha Laaltxwit is number 789.

MR. GRANT: Uh-huh.

THE TRANSLATOR: And Xsan Gokhl, Xsan Gokhl is 124.

MR. GRANT: Okay. Maybe we'll take a break. We'll go off the record.

(PROCEEDINGS ADJOURNED AT 2:41)

(PROCEEDINGS RESUMED AT 3:00)

MR. GRANT:

Q When you were describing these adaawk, you said Gwis Gyen originally came from T'am lax amit. Did Guxsan

also originally come from T'am lax amit?
A Yes, the same place.
Q Were they related at T'am lax amit, Guxsan and Gwis Gyen?
A They were very close.
Q I'd like to ask you about another area. This is about the role of yourself as a chief at the time of the death of somebody in your house. Can you explain what your obligation is as Gwis Gyen if one of the other chiefs in your house dies? What do you have to do?
A Are you asking me to tell you about when someone dies -- when a chief dies and what happens?
Q Yes. If it's a chief in your house. Yes?
A The law is very important in the house of the simoogit. It is not only the simoogit that uses the law, it is the law of our people. All the Gitksan people use this law. We all have one common law amongst our people. If the -- the simoogit of the house dies, we have -- when the high chief dies what happens is a person goes around the village and has a rattle in his hand and he's walking around the village singing a mourning song and when -- when the people of the village hear this mourning song, they know that the chief has died and they leave everything that they were doing, even if they were making a toy for a child they would just leave it. After the chief that is -- that is singing the mourning song in the village returns back to where the -- the chief that has died, he returns back to this and they start singing, they sit around the body and they start singing the mourning song. After the mourning song has been sung, then the spokesperson which we know as Galdim algyax --
THE TRANSLATOR: 1017.
THE WITNESS: He is the spokesperson of the chief that has passed away and he tells the plans of the house and who will be called to cremate the chief's body. This is when they -- they have the smoke feast.
Our younger people today think that we just -- we are called to the smoke feast just to smoke. This is a very important part of the -- of the x'miyeenasxw. This is when all the plans are told to the house members and also to the people that are present what is going to happen. The former chief's spokesperson is the one that is telling these plans that are going to be put into action. After this is done, then they would talk to the -- to the house members, the

spokesperson would talk to the house members, and they would -- they would see who would -- who would be responsible for the cremation of the body.

This is what happens, I'll give you an example of myself. I would go with the -- with the messengers who we call as Tiits, and I would go to Kitwancool and I would enter Xamlaxyeltxw's house and I would say "Simoogit, simoogit, you are going to be watching me. You are going to be seated there when the simoogit is created." He goes around to the -- to the villages and he calls all the head chiefs until they're all invited and he says the same thing.

After he has done this in the village of Kispiox, Kitwancool, Gitanmaax, then we -- then we go to Gitsegukla. After the chiefs arrive in at the village to watch the cremation of the chief, and this is known Dii yee'm gyet, we -- the people of the village put up a feast before the cremation and this feast is known as Begwinsxw. After the feast of Begwinsxw is ended, they separate the people to spend the night with a different people living in the village and the next day they will cremate the chief.

After the next day they -- after they cremate the chief, they enter the chief's house, the house members, and they -- they make a decision on who will be the successor, and the spokesperson is the one that -- that talks because the chief is not supposed to talk. After this they -- they would enter the feast house and they would have four prince guarding the feast house, one prince in the -- at the door, the centre part of the door, the other prince at the centre back, and the -- the two on the side of the house. And the chief -- as the chief enters, the prince in front of the door will holler the name out and the other -- the prince that are standing will seat this chief to his rightful seating place. And he has a cane that he hits the floor with as he seats these chiefs.

To show respect to the -- to the chiefs, the prince makes himself seem small in front of these chiefs as he seats them at their houses, calling himself a servant, and I will give myself as an example. If I was putting up a feast and Gwagl'lo will be sitting on the centre of the back, this is my 'nii dil, and this is why he's sitting right at the front, the centre of the back. While this is going on, the successor of the former chief is walking back

and forth singing a song which is known as Limx laanjax and he has a rattle in his hand while he's singing walking back and forth. And there is a big curtain. Behind this curtain there are some women back of this curtain doing the singing also. What happens is the successor has his blanket on, his regalia on, and he would use his -- his nax nok and he would touch some of the head chiefs. As he touches these head chiefs, he is giving them power and when he touches these head chiefs there will be about two women behind him paying these head chiefs that he touches.

After this happens, then the successor puts all his regalia on and he puts his hat on and on top of his hat he has the sea lion's whiskers, and after when he puts his head wear on and then he puts the eagle down on top of his -- on top of his head wear, and while this is going on the people behind the curtains are singing. And what he does is he comes out jumping, dancing, and he's doing his halayt. While he's doing this, the feathers are flying out to the head chiefs. He is -- he is very happy that the people have came to the feast, Dii yee'mgyet, and to show this he is dancing and he's -- he's giving feathers to show that he's -- he has a peaceful mind.

After this has been done, then the younger people start serving the guests with food and then they would give out the ground hog hide known as Gwiikxw. They mention where all the food has come from and where the ground hog hides have come from. It all comes from our territory and they say where it came from and this is through the reason why we've -- we really look after our territory. When we have a trail there, when there's a deep trail there, we are careful not to chop a tree for a marker.

This is also the same with our fishing sites. We look after these fishing sites and even -- even though if there's a tree falling into the -- into the -- leaning towards the river, we don't chop it down. We -- we leave the things the way they are because the animals know all these things. They know when you chop a tree down, they know when you've changed the scenery, and they know how many trees there are because they've been coming this way for years, and this is why we leave things the way they are because we have respect for our territory and for the animals. This is how my grandfather's -- what my grandfather's

taught me, the advice they've given me in the laws of our people, and to this day I always follow this.

After the cremation of the chief about a year later, if it's a year later it would be a little early, but they will have another feast again. They send out the messengers again and they -- they will raise up the former chief which is known as Bax mak. The messengers go around to the chiefs and they tell them what their plans are and they -- when they arrive to the village they don't go into the feast house right away. They gather outside the feast house and our ancestors call it T'ehlim geew. The chief comes out of his house and he would -- he would go amongst the -- the other chiefs that are standing outside and he would touch them and grab them and his nieces will be right behind them and they'll keep track of how the chief touches. He has all his regalia on. The second time he comes out of the feast house he -- he hollers out and he calls each of the chief's names and he will tell how much ground hog hide he's going to get, known as Gwiikxw. For the -- for the high chiefs they give them fisher and marten.

After this they enter the feast house and they welcome them into the feast house and after this then they separated the people again and in the evening they would have a nax nok coming. They have a nax nok that comes into the house and he's running around the feast house and the next day they have a feast. This is when they are going to erect a totem pole and this is when the new chief is finally going to sit on the seat of the former chief. After the pole is going to be erected, they call this new chief to finally sit where the former chief sat. This is when they call out his name.

After this what they do is they have a blanket, one person holding one side and the other person holding on this side, and then they would call out the name of the dead. When the new chief finally sits on the seat of the former chief, this is the law of our grandfathers, and when he sits on the -- on this seat, he is putting the laws into action. It is very important for all our chiefs that all their laws are there where they're seated, the laws of our people, and when this new chief sits on this chair, all the laws of our people are moved. They're put into action.

When the chief enters the feast house where the

seat of his grandfather is, he leaves everything behind outside. He leaves the -- like take me for example, if I was outside and I talk to people, I joke with people, I laugh with people. But when I enter the feast house, I will leave this all behind and be really serious in the feast house because this is where our law is. The chief is not supposed to be looking around and talking in the feast house because our ancestors really take the feast house really seriously and our laws seriously. This is why we take everything in that is said in the feast house. We listen closely and we pay attention closely. We learn what is going on in the feast house.

In the feast hall the expenses are announced by the spokesperson. He tells of how many ground hog hides are given out and he tells of where -- which territory the ground hogs came from and also the food that has been served and the material that has been given out. He tells of all these -- these things of where -- where they all came from, whose territory, and which territory. This is -- this is the same as the -- for the fish. When they're serving out the fish they announce where the fish came from. This is why they -- they have respect for their land, the mountains and the waters. When they catch fish what they do is they return the bones back into the -- into the river.

Today they use money instead of ground hog hides. Our laws are still put into action during the feast that were used thousands of years ago except for the money that is given out. They give out money, about a hundred dollars to some of the chiefs. The reason why the Gwiikxw was given out thousands of years ago and money today is that it shows that you are protecting your land. It's just like the tax that the government charges. This is how -- how it is with our people. What we get from our land, we give into the feast house.

MR. GRANT:

Q You're finished?

A Yes. For a while.

Q This description you gave when you talked about the feast where you took the name Gwis Gyen, did these -- did what you have now described, did that happen at that feast when you took the name Gwis Gyen?

A I went -- I went through it. I follow the footsteps of my ancestors and my grandfather and I went through

it. Today it's quite strong. They -- they've trained me and this is why I'm using this what my -- what I was taught. And all my uncles have passed away and I'm the only one that's left now and I'm still using this law.

Q Were the territories of Gwis Gyen described at the feast when you took the name Gwis Gyen?

A They told.

Q Who described them?

A My uncle Arthur MacDames, Hax bagwootxw.

Q I'd just like to refer you to -- you have attended feasts for Haalus; is that right?

A I was there.

Q Yes. And for both the old Haalus and even your son who held the name Haalus?

A Yes.

Q And how much money was contributed at the feast for your son Haalus?

A When my son Haalus died, I helped out the house members, the frog clan of Haalus. At the funeral feast I spent $3,000 which I put into the plate. There were people that were singing the Limx oo'y at Haalus' funeral and I paid for that. I gave them $20 each. I never counted how much that was. People from Kispiox, Gitanmaax, Kitwancool, Gitsegukla, they were singing the mourning song for Haalus. I paid all these people. Before he left the house, they sang these mourning songs.

MR. GRANT: Can we go off the record, and we'll adjourn for today?

(PROCEEDINGS ADJOURNED AT 3:20)

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.

Tanita S. French
Official Reporter

B.C.S.R.A. 213

April 12, 1988
Hazelton, B.C.

ALICE SAMPSON, Interpreter, Previously sworn
STANLEY WILLIAMS, Witness, Previously sworn

EXAMINATION IN CHIEF CONT. BY MR. GRANT:

Q Yes. April 12th, and this is the second day of the examination of Stanley Williams, with Chief Gwis Gyen, and you're still under oath, Gwis Gyen; you understand that?

A Uh-huh.

Q Yesterday you were talking about the role of the chief and the role of what happens when a person in the house passes on. I'd just like to ask you more specifically, is there specific occasions in the feast hall when a chief will describe the boundaries of the territory of his house? Maybe you could translate that?

A After the -- the body has been laid the chiefs of the villages are invited and they are called to the feast house. After all the chiefs have entered the feast house, I'm now talking about in the ancient times, what the -- the successor does is he walks back and forth in the feast house with a rattle and he sings the breath song. There is a curtain that hangs and behind this curtain they are singers. While the chief is walking back and forth these people behind the curtains are singing a song which is known as a Limx laamjax. Limx laamjax is also known as Limx ts'imx, that's the entering song. When -- as the chiefs are entering the feast hall there is a prince that is standing at the door. They also have someone standing at the centre of the back and on the -- the both sides of the feast house. As the chiefs are entering, the person that is standing at the front door calls out the chief's names and if they are to be seated at the back, then the person that is standing at the back hollers the -- the chief's name out.

I'll give myself as an example. If I'm hosting a feast and Gwagl'lo comes in, who is my 'nii dil, the person standing at the centre back will holler Gwagl'lo's name and he will say -- he will put himself down in front of Gwagl'lo just to show that he has respect for this chief. This goes on as the chiefs enter. One side of the -- the house the Kitwancool is

seated and on the other side it's the Gitwingax chiefs are seated, and if the Kispiox people come then they have two tables on each side of the feast house.

This is what happens when the totem pole is erected by the chief. During this time in the feast house a nax nok is performed. This person enters the feast house and he touches some of the head chiefs. As he touches some of the head chiefs, there are princesses that come behind this chief and they watch who's touched and a payment is made to these chiefs. As this is going on the people behind the curtain are -- are still singing. Each time they are going to perform a nax nok they would blow the horn which is -- which is also called a nax nok and they would know how much -- how many nax nok there is left to perform. After all the nax nok have been performed, then they -- they do the sim halayt. This -- this is when they -- they wear their -- all their regalias and their hat. They -- they wear their hats and they perform the halayt. This is a -- on their hats they put feathers, the eagle down. While they are doing the halayt, they take the eagle down and they put it on -- on top of the heads of the chiefs.

After the halayt is done, then they are preparing the food and all the materials that are to be given out at the door. After all the food have been prepared and the materials that are to be given out, they -- they put the eagle down -- they -- which is known as returning of the feathers, and this was when -- when the chiefs went out, the chief and the messengers went out to invite the chiefs from different villages and they returned this -- this eagle down. After they've finished the ceremony of the halayt, then the guests are served and they have eaten and then they have this -- what was it -- Gwaagoom. I don't know what the white people would call this.

MR. PLANT: Sorry, this is something that guests have?

THE WITNESS: No, it's -- this is when the -- the food is given out and the materials are given out. After the guests have eaten and the -- the chiefs have been paid for all the help they have given, all the expenses are paid when the totem pole was erected, this totem pole would have all their crests.

The reason why this pole is erected because it holds the -- the power of the -- and it holds the power and the law of our people and this is the reason

why it -- it's been erected. After all the -- the materials and the food have been given out and the expenses paid, then the -- the new chief speaks through his spokesperson and he tells this spokesperson what -- what to say and what to do. After the -- the cremation of the former chief and after the feast, the spokesperson would stand up and he would announce that the new chief will be seated on the seat of the former chief and he will say that the -- the seat of this former chief holds the law of the house, the law of the relatives, the law of the territories, the law of the fishing sites, and he will say this to the guests. After the spokesperson tells of all the responsibilities and the boundaries of the territory and of the fishing sites and he tells everything that the house owns, then what happens is the person -- the people that are sitting in front of this chief is the -- they're the first person to -- to stand and speak because this is their 'nii dil.

After the 'nii dil has finished talking, I will give myself an example. If I was putting up a feast, then we would have the Gitwingax chiefs talk first, then the Kitwancool, then Kispiox and then Gitanmaax. If -- if the 'nii dil and Gitwingax, Kitwancool, Kispiox and Gitanmaax chiefs agree with what is going on and what has been said in the feast house by the new chief, then it gives more strength to the new chief that everything is right. This is the law that -- that the Gitksan -- all the Gitksan people use. It's a common law between Gitsegukla, Gitwingax, Kitwancool, Kispiox and Gitanmaax. This is like an ancient tree that has grown the roots right -- right deep into the ground. This is a -- this is the way our law is. It's -- it's sunk. This big tree's roots are sunk deep into the ground and that's how law is -- how our law is.

The strength of our law is passed on from generation to generation and each generation makes it stronger right to this day where I am now. I've taken the name that I have now since I was ten years old and I'm 80 now, and our law was always the same and it's the same today. Every time we put this law into action it becomes stronger and stronger. Each time our people use the -- our laws they make it stronger and it still goes on today. We never deserted our grandfather's seat and we never deserted our land, our territories. It's still the same today. Today the

government wants to take all this away from us and they want to take the laws of our people, of our ancestors, and they want to break our laws today. I don't think they could do this because it's been passed on from generation to generation and we've had this law for thousands of years.

MR. GRANT:

Q Now, I just want to clarify a couple of points out of your answer. One is that you said when you were talking about the chiefs being invited into the feast house that a breath song was sung and you said "I am talking about the ancient times". Do the feasts that you have just described still take place today?

A Yes, still do today.

Q Now, you also described "When a pole is erected it holds the power and the laws of our people." Did your grandfather and your uncles and those who taught you, did they tell you -- well, were -- just a second. I'll rephrase that question. Were poles erected before the first contact with the white people?

A Since the world was created, the Creator separated the -- the different nationalities and he gave each one of us a custom to follow and this is what we did. We've had totem poles and it's passed on from generation to generation. This is where our -- our laws are on the totem poles. The laws are there and this is why we could never forget our own laws which is carved on the totem pole.

Q You -- I just wanted to clarify because you referred to after the chief's body is burned and then you referred to this other feast. Is the pole raising feast, did that -- in the olden times, did that occur at a different time than the -- than the cremation of the -- of the chief's body or was that at the same feast?

A After they've cremate the body of the -- the chief, it is known as Dii yee'm gyet, and a year later if it's -- this is early, a year later then they would have the Bax magam gyet, that's the erecting of the totem pole.

Q Is it correct that today they -- they bury the chiefs instead of cremating them?

A Yes, they bury them today. They also buried people before the white man came. What they did is they -- they get wood and they bind them together with the -- with the tree roots. There's proof of that. What happened is they -- they dug out a coffin which was

bind with the roots and it was cedar. They dug this out in front of my -- where my uncle's house burnt down and they -- they split the cedar. There was no -- they didn't use any kind of machinery years ago and they just split the cedar and then they -- they put the body in and then they tie it around with the roots. When they dug this up they -- they found the human bones in this cedar coffin and what they did is they -- they took the bones and transferred them some place else. They -- they took the bones away and also the cedar coffin. They said they were going to find out how many years ago this -- this happened.
That's the answer for you, Peter.

Q You referred in your earlier answer to your 'nii dil, and is -- your 'nii dil is Gwagl'lo?
A Right.
Q And the Ganeda of Gitsegukla; is that right?
A Right.

MR. GRANT: Yes. Okay. I'd like to refer you to some --
MR. FREY: Mr. Grant, just before you go on to another area, there's three spellings I wanted to get it if I could. The first one is the word for the entering song. It was right back at the very beginning.
THE WITNESS: Is that Limx laamjax?
MR. GRANT: Yes.
THE TRANSLATOR: 666.
MR. FREY: All right. And just in the last answer you gave a word, one word for the cremation feast and then another word for the feast for the erecting of the totem pole.
THE WITNESS: Dii yee'm gyet. Dii yee'm gyet.
THE TRANSLATOR: Dii yee'm gyet is D-i-i, space, y-e-e-'-m, space, g-y-e-t.
MR. FREY: Okay. Thank you.
THE WITNESS: Bax magam gyet.
THE TRANSLATOR: Bax magam gyet, B-a-x underlined --
MR. FREY: Sorry, excuse me?
THE TRANSLATOR: Bax magam gyet, B-a-x, underlined, space, m-a-g, underlined, a-m, space, g-y-e-t.
MR. FREY: Thank you.
MR. GRANT:

Q The last one was the totem pole feast; is that right?
A Uh-huh.
Q And the first one was the --
A The funeral.
Q -- cremation feast?
A Yeah, cremation.

Q I'm showing you a document which is an affidavit dated March 30th, 1988, and I just ask is that your signature on the back of that document?
A Right.
Q And do you recall this document being translated for you and you approving the answers, the statement in this document? It was translated to you from English to Gitksan and you agreed with it; is that right? Mark this as the next exhibit -- I'm sorry; is that right?
A Right.

MR. GRANT: Yes. Okay. It's important for you to say.

MR. PLANT: Is he agreeing with the -- what he heard from the translator or is he agreeing with the English and the Gitksan? I'm not sure from your question what it was he was agreeing to.

MR. GRANT:
Q This affidavit was translated from English to Gitksan, you remember that?
A Uh-huh.
Q And you agreed with the answer -- with the affidavit as it was translated to you; is that correct?
A Yes.

MR. GRANT: Okay. If that could be marked as Exhibit number 2, that's the March 30th, 1988 affidavit of Stanley Williams, and before you mark that I will produce as Exhibit 3 the affidavit of Alice Sampson, which is the translation affidavit, and that affidavit is also dated March 30th, 1988. And for the record, these two affidavits have been delivered to both defendants.

(EXHIBIT 2 FOR IDENTIFICATION: Affidavit of Stanley Williams)

(EXHIBIT 3 FOR IDENTIFICATION) Affidavit of Alice Sampson)

MR. GRANT:
Q Now, I'd just like to ask you a few questions relating to what you've just described. The first territory you refer to in this affidavit is referred to as the Luu Skaiyansit territory and this is the territory that you referred to yesterday and it includes Luu Skaiyansit, Masgwit Loop, Spaiyt sagat. Those are -- those names are from paragraph 7 under "Mountains". They are 1, 3 and 5 in the affidavit.
Have you heard this territory described in the

feast hall?
A When a chief dies in our house and we hold a feast we always refer back to our territories and to our -- the possessions of the house and also the fishing grounds sites. Luu Skaiyansit is -- belongs to my house and also Masgwit Loop.
Q Have -- has this territory been described in a feast at which you have been present?
A All the time. Yes.
Q Can you -- when you were younger, do you remember it being described at a feast by one of your elders?
A When I was young they -- I heard it in the feast house and my -- my grandfather always told me about these territories.
Q Do you know a -- you've referred in your affidavit as the second territory as Hlihl Guuhl Sganist territory. Have you heard that territory described in the feast hall?
A Yes, I know and I heard it. And I've gone up -- I've been up to Hlihl Guuhl Sganist a lot of times.
Q The third and fourth territories referred to in your affidavit, Exhibit 2, are the Xsuwii Lax Loobit territory and the Xsa'andilgan territory which are -- which you refer to as belonging to Haalus. Have you heard those two territories described in the feast hall?
A I have heard it a lot of times, also when William Holland passed on, and I've heard the adaawk of their territory.
Q Were you present at the funeral feast for William Holland?
A I was there.
Q Was there a headstone or pole raising feast for him as well?
A The headstone.
Q And you were present at that?
A I was there.
Q And was this -- were these two territories described at both the funeral feast and the headstone feast or just at one of them?
A They -- they told about the boundaries at the funeral feast and also when they had the head -- the headstone feast.
Q Were those boundaries the same as are described in your affidavit Exhibit 3?
A The same.
Q The fifth territory you describe is the territory Xsi

Galdii Ess, a territory of Luulak, which is letter "E" in the affidavit. Have you heard that territory described in a feast?

A When the Luulak before Tom Weget passed on, I heard it at the feast, but Tom Weget showed me the -- the boundaries because I travelled around with Tom Weget. His mother is the one that -- Tom Weget's mother is the one that told me too. Her name was Luu Tk'esxw.

MR. PLANT: May I have the spelling for that?

MR. GRANT: I think we had that yesterday.

THE TRANSLATOR: Luu Tk'esxw was 931.

THE WITNESS: Luulak is the frog clan.

MR. GRANT:

Q Okay. Maybe I could just go back because you started to talk about earlier Luulaks. The present Luulak is Darlene or is -- who is the present Luulak?

A Sandra.

MR. GRANT: Just a second. It's referred to in the affidavit.

MR. PLANT: Sandra Williams is the name given in the affidavit.

MR. GRANT:

Q And who held the name -- I'm sorry?

A Sandra is the present Luulak now, Sandra Williams.

Q Okay. And who held the name Luulak before Sandra Williams?

A Tom Weget.

Q And before Tom Weget?

A Jackson was Luulak.

Q Do you remember -- do you remember Jackson who was Luulak?

A This is why I called him -- this is why I mentioned his name because I --

MR. GRANT: Go off the record for a moment.

(BRIEF RECESS TAKEN)

MR. GRANT:

Q Do you know who held the name Luulak before Jackson?

A No, it's been too long.

Q Now, the present Haalus is Billy Morrison; is that right?

A Yes.

Q And before Billy Morrison your son Buddy Williams was Haalus?

A Uh-huh.

Q Yes? Indicating yes?

A Yes.

Q And before Buddy -- your son Buddy Williams, who held

the name Haalus?
A I remember William Holland.
Q Was Dick Lattie, did he ever hold the name Haalus, Dick -- Dick Lattie?
A Yes.
Q And he died in 1981?
A That's William Holland and Dick Lattie after.
Q And then after Dick Lattie was your son Buddy?
A Yes.
Q Do you know who held the name Haalus before William Holland?
A No, I -- it's been too long.
Q And William Holland was the father of Mary McKenzie; is that right, the present -- the present Gyolugyet?
A Yes, it's her father.
Q Now, the sixth and seventh territories you refer to in your affidavit are Anx Maiy Litsxw and Ansa ax?
A Anx Maiy Litsxw belongs to Gaxsbgabaxs. It's on the east of the head waters near the mountain where the mountain is located, Xsa'andilgan.
Q Now, have you heard those two territories, Anx Maiy Litsxw and Ansa ax described in the feast hall?
A I've been there and I've heard it described in the feast -- feast hall.
Q And were those territories described in the feast hall the same territories as are described in your affidavit, Exhibit 2?
A The same.
Q The 16th territory, it's letter "P" in the affidavit, is Gasa Lax Lo'obit and have you heard this territory described in the feast hall?
A I've heard it and I know where -- where it is. It belongs to Gaxsbgabaxs.
Q Can you tell me when you heard that territory described in the feast hall? What was the occasion?
A It was at the death of Simon -- Simon Turner when they -- they told about this territory and they told the adaawk and I'm not going to mention the adaawk because it does not belong to me. It belongs to another house.
Q So they described the adaawk and I understand -- I appreciate what you're saying that you're not going to tell it, but they also described this territory at Gasa Lax Lo'obit?
A Yes, they -- they told about the territory.
Q And was that the same territory as you've described in your affidavit as Gasa Lax Lo'obit?

A It's the same.
Q Was Simon Turner Gaxsbgabaxs before Gertie Watson?
A This was at the death of Simon Turner and this was when -- this was the feast where Gertie Watson took the name Gaxsbgabaxs.
Q Starting with the eighth territory, that's letter "H", the next five territories you describe, you've described them as belonging to Wii Hlengwax, and I would just give the names of them. Xsa'andilgan, Haahl Daakt Wii Sganist, Xsugwin Biiyoosxwit, Gwi 'Tsoo, Xsi Anx Timiiyit and --
A Say that again?
Q Xsi Anx Timiiyit?
A Anx Timiiyit.
Q Anx Timiiyit. Are those all territories of Wii Hlengwax?
A Where is the names?
Q I'll give you them in just a moment. Just go through the headings for the H through to L. Just go through them.
A Yes. It all belongs to Wii Hlengwax.
Q And have you heard those territories described in the feast hall?
A I heard it when Jim Lax̲'nits -- Lax̲'nits died at the -- when they had a funeral feast.
Q And he -- he was a former Wii Hlengwax?
A Uh-huh.
Q And was he the earliest Wii Hlengwax that you remember in your life?
A I do not know who -- who held the name before him, but I do know Jim Lax̲'nits.
Q And after Jim Lax̲'nits died, who took the name Wii Hlengwax, was this Mathias Bright?
A Yeah, Mathias.
Q And after Mathias Bright did Josiah Bright take the name Wii Hlengwax?
A Uh-huh.
Q And after Mathias Bright did Herbert Burke take the name?
A Uh-huh.
Q And Jim Lax̲'nits, did he die about when you were about 32? Did he die around 1939?
A I -- I don't know the -- the year, but I do know -- I do know him.
Q And was the description of the Wii Hlengwax territories that you heard at that feast, did that describe the same territories as you have described in

your affidavit?
A All the territories have all -- the way it was told in the feast house is -- is the way I -- I mentioned it. I told it -- told about it and when I was a young child I used to travel around with Jim Lax'nits.
Q And did you travel on all of these five territories with Jim Lax'nits?
A I went with him to his territory, to 'Wii Skanist, and then I went with him to his territory Luu Min Biyoosxwit. When I went to Gwi 'Tsoo I went with Mathias Bright. He was the -- he was the caretaker of this territory.
MR. PLANT: What was the territory that he went to with Mathias Bright?
MR. GRANT:
Q Gwi 'Tsoo.
A I also went with Mathias Bright and my father to Anx Timiiyit. This territory belongs to Hlengwax.
MR. PLANT: Which territory was that, I'm sorry?
MR. GRANT: "L". I'm referring to the letters in the affidavit.
MR. PLANT: Yes.
MR. GRANT:
Q Who did you travel to Xsa'andilgan with?
A I went there with Wii Hlengwax and I also went there with William Holland. I was -- I was just a young child. Whenever they want me to go with them they would call me and I would go and this is -- this is the way they -- they were training me.
Q When you -- go ahead?
A My father trained me of the laws of the -- of our people and the laws of the land and after this I went with -- with the other -- I went in public with the other people who showed me their -- the boundaries of their territories. This -- this is the reason why I know the territories of the Lax Skiik, the eagle clan, Ganeda, the frog clan, Lax Gibuu, the wolf clan. I was -- I went with some of these people on their territory.
This is what my grandfather told me. Do not tell about a territory that you haven't been on. You have to have the dirt of that territory under the soles of your shoes before you tell me the boundaries of the territory. This is the reason why I'm here today in front of the court to tell them what I know about the territories.
Q And have you travelled or had the dirt of all of the 24 territories described in your affidavit, have you

travelled on all of those territories?
A I -- I was 16 when I started going on these territories and I've travelled through all these territories that I'm telling you about now. I've -- I have known the names of the mountains, the names of the creeks, all these I've known because it was shown to me.
Q Is -- you said when I asked you about who you travelled on Xsa'andilgan that you went with Wii Hlengwax. Which Wii Hlengwax did you travel on Xsa'andilgan with?
A Jim Lax'nits. He is the one that showed me the boundary between the eagle clan and the frog clan. He showed me the boundary at the Wilsa T'aagan.
MR. PLANT: I need a spelling for that.
MR. GRANT: Where, at Xsa'andilgan?
MR. PLANT: No, the last name he spoke.
THE WITNESS: Ansa T'aagan.
THE TRANSLATOR: Ansa T'aagan.
MR. GRANT: Do you have that?
MR. FREY: Could you spell that for me?
MR. GRANT: Could you just spell that for the record?
THE TRANSLATOR: Ansa T'aagan, A-n-s-a, space, T-'-a-a-g-a-n. The "g" is underlined.
THE WITNESS: There is a lake that's situated here. A lake.
MR. PLANT: Pardon me?
THE WITNESS: There is a lake situated here.
MR. GRANT:
Q Okay. I'll return to these descriptions -- I'll return to these territories for you to give other descriptions, but I just wanted to ask again on how you've described the feast and refer to the next three territory -- or the next two territories "M" and "N" in the Exhibit 2, and "M" is I believe Luum An Tsim 'Din, Luum An Tsim 'Din, and "N" is Xsan Skeexs. Whose territories are those?
A Haaxw'.
Q And that's -- the present Haaxw is Roy Harris; is that right?
A Yes.
Q And have you heard those territories described in the feast hall?
A I heard about the both of them.
Q The next territory referred to is -- this is "O", it's Xsan -- Xsansisnak, and whose territory is that?
A Xsansisnak is close by -- it is near Copper River and Xsansisnak belongs to Haakasxw.

Q And have you heard that territory described in the feast hall?
A Yes, I heard.
Q I've already referred to the letter "P" territory, but the next one is Xsuwii Luu Negwit and this -- you've referred to this as the territory of Hanamuxw in your affidavit. Have you heard that territory described in the feast hall and can you tell us when, at what type of feast you heard it, and whose feast?
A I heard it when they were having the Dii yee'm gyet.
Q For whom?
A The former Hanamuxw, Gwaans' grandmother.
Q And do you know how long the Xsuwii Luu Negwit territory has belonged to Hanamuxw?
A Xsuwii Luu Negwit, the boundary starts from Xsi Noon, and this is the boundary that -- that -- Gwagl'lo's boundary. It starts from where the two waters meet, the two creeks meet, and then it goes to -- it goes to Sga'nisxws mehlasxw. This is where the -- the water, this the head waters creek --
Q Okay.
A -- starts. I went there with Arthur Howard and his name was 'Niitsxw. They told of this territory when -- when 'Niitsxw -- 'Niitsxw died and this was at the funeral feast. The name went -- the name 'Niitsxw went to Larry, Larry Moore, and he had the -- he has his name now.
Q This Arthur Howard was a member of the house of Hanamuxw?
A Yes, that's the same.
Q When Hanamuxw's territory was described in the feast hall, this territory at Xsuwii Luu Negwit, were there other chiefs from the other clans present?
A Yes, they -- they were. There were a lot of chiefs there, like I told you earlier how the feast goes, and this is still the same.
Q And did they all agree with the description of the territory as belonging to Hanamuxw?
A Yes, it -- it's been passed on from generation to generation and nobody would change the boundaries.
Q I'd refer you to the territories that are lettered "T", not "U", but "T", "V", "W", "X", "Y", and "Z" in Exhibit 2, and I will endeavour to pronounce them.
You have said in your affidavit that these territories, six territories, belong to Sakxum higookx. The first one is Xsu Gwin Ga'at, Lax Behlit, Sigagit, Xsu Gwin Yookhl, Xsi Galli Gadsit and Gwax

Tseelixit. Are those all Sakxum higookx's territories?

A All the -- all the names that you have mentioned I -- I know and it belongs to Sakxum higookx.

Q And the present Sakxum higookx is Vernon Smith?

A Yes.

Q Have you heard these six territories described in a feast hall?

A Every time when a chief dies and when the feast is held, the territories of the chief and the fishing sites of the chief is been told in the feast house. The -- when a chief dies there's a lot of work to be done. There's a lot of expenses to be paid. Today we have -- we have -- we use money for payments and the reason why we do this is because of the -- the territories that are being held to show that it really belongs to us.

Yesterday Peter Grant asked me about the expenses of my -- at my son's death and I -- I really felt bad about this because there is a lot of expenses being spent when a chief dies. When my son died -- when my son died we had a headstone. I spent $27,000. The family spent $27,000. This is when the -- they had the Bax mak, Bax mak feast, and the headstone, when they had the headstone feast. When Dick Lattie died my son spent this amount of money here in the village. The reason why my son spent so much money was because of the territory and the law of our people. He was the one that took the -- the name and he was responsible for the territory and for the house. I have -- I have trained my son of the laws of the land and also of our ancestors' laws, of our own laws, and it really hurt me because he is gone today after all these years I've been training him.

Q You said that your son put in a lot of money at the feast for Dick Lattie. Do you recall how much money he put in at that feast at those -- or those feasts?

A He put in $2,000 and I helped him with $2,000, which is $4,000 he had put in, and -- and with all the house members and family it all came to $26,000.

Q Did you -- I've referred you to these territories of Sakxum higookx. Do you recall at what -- can you give an example of one of the feasts that you were at and whose feast was it where these territories were described?

A I've heard it in the feast hall and I went there myself. I was with -- with Sima Diiks, whose name is

Nicodemus.
Q And was that -- do you recall whose death that was or funeral?
A I -- I went there with Nicodemus and when Nicodemus died, Sima Diiks, they told about this territory and I knew what they were talking about because I -- I was on that territory with Sima Diiks.
MR. GRANT: Maybe we'll take -- go off the record and take an adjournment now for the court reporter. Okay.

(PROCEEDINGS ADJOURNED AT 10:52)

(PROCEEDINGS RESUMED AT 11:13)

MR. GRANT:
Q Now, I'd like to go back to your affidavit, Exhibit 2, and I'm going to proceed to go through these -- some of the evidence in the affidavit relating to the territories. The first territory that you refer to in your affidavit, this is on page 2, is the Luu Skaiyansit territory, and this is a territory that is held by Gwis Gyen; is that correct?
A Okay.
Q Can you just tell us in your own words where that territory is located with reference to the boundaries of the territory?
A This is the territory that belongs to Gwis Gyen and his brother 'Nii T'am lax ooks. It will -- it starts at Masgwit Loop, Wil luu mesxw. It goes towards the place called Wil Xsi Hitxwhl Hayetsxw.
MR. PLANT: I'm going to have to stop for the spelling of that last one.
MR. GRANT: Just one moment. Just a second. The paragraph 7 has most of these places and it may be as easy for Ms. Stevens to refer to the heading under which the names are and the number. That last name was I think number 5 under "Creeks"; is that right?
THE TRANSLATOR: Yes.
MR. GRANT: And Masgwit Loop was number 4 under "Mountains". And I'll arrange for -- that's right, it's on page 3 of the affidavit, and I'll arrange for a copy of this affidavit to be provided to the reporter as well. Is that all right, Ms. Stevens, if you could just refer to those numbers and --
THE TRANSLATOR: Uh-huh.
MR. GRANT:
Q And where they're located and the page number and the

reporter will have them.
I'm sorry, Mr. Williams, if you could just proceed?
A From here it goes to Luu Skaiyansit.
THE TRANSLATOR: Number 1 on "Mountains".
MR. FREY: Can you speak up, please?
THE TRANSLATOR: Number 1 on "Mountains".
THE WITNESS: It goes to Spaiyt Sagat.
THE TRANSLATOR: That's number 5 on "Mountains".
THE WITNESS: From Spaiyt Sagat it goes to Ha laaltxwit.
THE TRANSLATOR: That's "Mountain Area"?
THE WITNESS: This is the boundary of the territory of 'Nii T'am lax ooks and Gwis Gyen. The boundary goes on top of -- from Luu Masgwit it goes on top of the mountains and then it goes to Ha laaltxwit. This -- this is a -- just a minute. Could you repeat that? This -- this is a one territory mountain, one mountain, and I'm just telling the inside of the territory, the names of the territory.
MR. GRANT:
Q Before -- before you go on, are you -- was the answer that he's describing the names inside the territory or the names on the boundary of the territory?
A The names he said inside, hli ts'ee'wt. It goes towards the Skeena River and then it -- it follows the Xsi Gitsegukla and it comes to a place known as Xsuwii Gwanxs, and then it goes up to a place called Stakhaiyt. It comes back towards Luu Masgwit. The -- the territory towards the Skeena River on the other side of the Stakhaiyt belongs to Gwaans. Inside my territory we have a place called Lax An T'aahlxw. Another one is known as Ansin Gwiikxw, the mountain.
MR. PLANT: I think I'm going to have to stop him because I can't keep up with --
MR. GRANT: Okay. Can you just --
THE TRANSLATOR: Lax An T'aahlxw.
MR. GRANT: Is it on here?
THE TRANSLATOR: I don't know. Lax An T'aahlxw, is L-a-x, underlined, space, a-n, space, T-'-a-a-h-l-x-w.
MR. PLANT: And then there was a second place.
THE TRANSLATOR: Ansin Gwiikxw, A-n-s-i-n, space, G-w-i-i-k-x-w.
MR. GRANT: Okay. And number 4 under "Creeks" appears to be -- it says starts with "Xsi", but it's "Lax An Daahl", that's the same name; is that right?
THE TRANSLATOR: Yes, if it is.
MR. GRANT: It's a little different spelling, but that's the same name; is that right?

THE TRANSLATOR: Yes, it sounds the same.
THE WITNESS: The trail that goes up coming from Xsuwii Gwanxs is known as Win Lis Lis Gelp.
MR. GRANT:
Q Number 3 under "Mountains" is Win Lis Lis Gelp. Can you --
A Another name for this trail is known as Win Ba$\underline{x}$ Wans Dip Nuhl$\underline{x}$. The trail -- the trail is very steep going up to the mountain and this is why they -- they call it Win Lis Lis Gelp and Win Ba$\underline{x}$ Wans Dip Nuhl$\underline{x}$.
MR. PLANT: I'm going to have to stop again. The other name for the trail is known as -- that's the second name here.
THE TRANSLATOR: Win Ba$\underline{x}$ Wans Dip Nuhl$\underline{x}$?
MR. PLANT: Yes.
THE TRANSLATOR: W-i-n, space, B-a-$\underline{x}$, underlined, space, W-a-n-s, space, D-i-p, space, N-u-h-l-$\underline{x}$, underlined.
THE WITNESS: I want the interpreter to explain the name of the trail.
MR. GRANT: Can you translate that second name?
THE WITNESSS: Win Ba$\underline{x}$ Wans Dip Nuhl$\underline{x}$, it means where they -- where Nuhl$\underline{x}$ took a rest, where they sat, where Nuhl$\underline{x}$ sat and took a rest.
MR. GRANT:
Q Just before the break we'll have her explain the first name in case she breaks down.
Okay. If you cross over from your territory, if you cross to the other side of Luu Skaiyansit, is that territory of the Wet'suwet'en people on the other side?
A No, it's Guxsan's.
Q And Guxsan is on the other side of Ha laaltxwit?
A Yes.
Q Okay. If you went across that mountain at Masgwit Loop to the east or towards the Bulkley River, whose territory would be on the other side of yours?
A It belongs to the Hagwilget.
Q And when you say "the Hagwilget", you mean the Wet'suwet'en; is that right?
A Uh-huh. Yes.
Q Do you know a creek named Xsan -- Xsan Gokhl, and it's number 3 under "Creeks"?
A This is inside our territory. This is where Naagee'ihl in the adaawk made the cedar rope.
Q And is that between Ha laaltxwit, "Mountain Area", and Xsi Giist, number 1 under "Rivers"?
A This is where the -- the Xsan Gokhl and Xsi Giist meet the waters, and across Xsan Gokhl is where the

boundary of Guxsan is. Part of Segukla is Guxsan's and the other part is ours.

Q Okay. Is there -- when you're referring to Segukla, is that -- that is partly yours and partly Guxsan's, is that a mountain?

A It's a mountain.

MR. GRANT: You've got that answer did you?

THE TRANSLATOR: Where is that, Peter?

MR. GRANT: It's the last part of the word Gitsegukla. You take out the G-i-t.

THE TRANSLATOR: Oh.

MR. GRANT:

Q And does your boundary from Xsan Gokhl following the Gitsegukla River, does that form part of the boundary of this territory?

A It -- it follows the Xsi Gitsegukla coming from Xsan Gokhl. I -- I told you earlier.

Q Yes, I appreciate that. Gwis Gyen, I just wanted to be sure that I understood what you were describing.

Now, you described yesterday the adaawk of your house about the sister and the two brothers. At the time of the snow fall at T'am lax amit, were there two other relatives of Gwis Gyen that travelled over the mountain towards Masgwit Loop?

A 'Nii T'am lax ooks, Guxsan, Tk'elgumtxw -- Gwis Gyen, Tk'elgumtxw were the brothers to the sisters Naagee'ihl and Sayt Luuks. I forgot the name of that creek running down there.

Q Just one moment. Xsi luu saadit, does that name --

A Yes, that's where they go up. They -- 'Nii T'am lax ooks, Gwis Gyen, Tk'elgumtxw, went up the creek at Carnaby. Now they travelled up there. This is where the trail was.

Q And does that creek -- what territory does that creek go through?

A The territory belongs to Gwaans where the trail is. The lake belongs to Spookw further on.

Q That would be further north of this creek?

A Yes. It is called Seeley Lake today. It is not for me to mention this.

Q Now, what I was asking you about was these two brothers or these other relatives of Gwis Gyen. Did they travel up this creek and travel into this territory that you've just been describing at the time of the snow fall at T'am lax amit?

A The two brothers or the two sisters?

MR. GRANT: I'm talking about the two brothers. You said they

went up this creek?
MR. PLANT: And Gwis Gyen is my note.
MR. GRANT:
Q And Gwis Gyen and Tk'elgumtxw?
A This is the trail that they use while they were living at T'am laxʷ amit. This is the trail they used to get to their own territory.
Q Do you know a -- a mountain or a ridge known as Tass Laxʷ Wii Aatxwit? I'm referring to number 6 under "Mountains"?
A This is our boundary between Gwaans and Gwis Gyen and it's -- it's Stakhaiyt and Tass Laxʷ Wii Aatxwit is the boundary, and then it goes down to where the bridge is now today. Above the bridge.
Q And when you refer to the bridge, this is the -- where the railroad or where the highway bridge crosses the Gitsegukla River?
A This is -- this is the -- the Xsi Gitsegukla where the two sisters camped and they followed that -- the Xsi Gitsegukla while they were travelling.
Q And I'd ask you, Mrs. Sampson, the translation of Xsi Gitsegukla is Gitsegukla River; is that correct?
A Yes. Uh-huh.
MR. PLANT: So when he said this is the Gitsegukla --
THE WITNESS: Xsi Gitsegukla is the Gitsegukla River.
MR. GRANT:
Q I'm sorry, was there --
A Yes.
Q When you refer to Stakhaiyt, is that the same place as is also called Tass Laxʷ Wii Aatxwit which you described as on your boundary?
A These are the same and they have two names.
Q Okay. This territory that you've described and given these names to us, have you shown these places to Neil Sterritt and have you described the names of these mountains and creeks to him and taken him out on the territory?
A Yes. We went there Neil and I. We went -- we used a pick-up truck as far as we could and then we came to a Gwagl'lo's territory known as Miinhl Dekwit.
MR. PLANT: I'll have to ask for the name of the place -- thank you.
MR. GRANT: What, the name of Gwagl'lo's territory?
MR. PLANT: Well, he came to Gwagl'lo's at Miinhl Dekwit.
MR. FREY: I'm sorry, can you spell that for me? I can't see it.
THE TRANSLATOR: M-i-i-n-h-l, space, T-e-k-x-w-i-t.
MR. GRANT: Number 212.

MR. FREY: Thank you.
MR. GRANT: Okay. I note that there's only five minutes on the video, so maybe we'll take a brief adjournment to change the video. We have to change the camera.

(BRIEF RECESS TAKEN)

MR. GRANT:
Q Gwis Gyen, I'd like to ask you about the second territory you refer to, page 4 of Exhibit 3 -- or Exhibit 2, I'm sorry, the affidavit, your affidavit, and this is the Hlihl Guuhl Sganist territory?
A And you -- you have travelled on this territory yourself?
A I've -- I've been up there almost every year.
Q When was the last time that you were on this territory?
A About five years now I haven't been on this territory. I have a bad hip and I've haven't travelled very much lately on my territory.
Q And your hip, you have a metal rod in your hip that makes it hard for you to walk; is that right?
A I have a metal rod on my hip and another one down my leg and ever since this I haven't travelled on my territory.
Q And that was about five years ago? The witness nodded affirmative.
A Yes.
Q But before that -- before that happened five years ago, did you travel on this territory every year?
A Yes, I -- I travel up this territory almost every year whenever I want to go hunt for goats and I go by the trail of Xsuwii Lax Loobit. I go up there to Hlihl Guuhl Sganist and this is where all the goats are.
MR. GRANT: Okay. The Xsuwii Lax Loobit is number 2 under "Creeks" and Hlihl Guuhl Sganist is on page 5. It's the first name under "Mountains and Hills".
MR. PLANT: I'm sorry, I did not hear what the sentence -- the evidence was in relation to Hlihl Guuhl Sganist.
THE WITNESS: I go up this mountain and I get to Hlihl Guuhl Sganist and this is where all the goats are.
MR. PLANT: Thank you.
MR. GRANT: Lucky our interpreter has a photographic memory.
MR. PLANT: I'm not sure if it's a photographic memory, but it's certainly a very good memory.
MR. GRANT:
Q Can you describe --

A It is photographic.
Q -- for us the boundary of the Hlihl Guuhl Sganist territory?
A I will tell you. It starts from the bank of the Skeena. It's close to the bank of the Skeena, it doesn't go right down, and then there -- it goes up and it hits the mountain Hlihl Guuhl Sganist, and from Hlihl Guuhl Sganist it goes on the other side.
Q The other side of?
A Of Hlihl Guuhl Sganist. It goes down. It goes on top of the Xsi gwin ixstaat above the Tenimgyet side -- oh, across from Tenimgyet's territory known as Xsi gwin ixstaat. The water that -- that is there, the creek is Xsisga Magaa.

MR. PLANT: I have to stop.
MR. GRANT: That's number 1 under "Creeks".
MR. PLANT: I'll just need a pause.
MR. GRANT:

Q Just before you say anything, I just want to be sure that -- if the interpreter's got something -- have you finished what he has said?
A Yes, the --

MR. GRANT: You've finished what his answer was. Okay, I didn't want her to be interrupted.
MR. PLANT: I missed the name of the place that began with the phrase goes on top of blank across Tenimgyet.
THE WITNESS: It goes down to -- towards the Skeena and across from Xsi gwin ixstaat -- Xsi gwin ixstaat. It's across from the river. This is where the boundary goes. This is Tenimgyet's territory.
MR. FREY: Is there a number for --
MR. GRANT: For Xsi gwin ixstaat?
MR. FREY: Is there a number for that?
MR. GRANT: Yes, there is.
MR. FREY: Sounds familiar.
MR. GRANT: You must have been in court last month.
MR. PLANT: Well, I was going to say, I guess you weren't around for Art Mathews Junior.
MR. GRANT: This witness is making it very easy for you, Mr. Plant, since you know Xsi gwin ixstaat so well.
THE TRANSLATOR: 505.
MR. FREY: Thank you.
MR. PLANT: And perhaps just to follow up that --
MR. GRANT: I want -- just before -- well, I just want you to know that I'm going to --
MR. PLANT: Carry on.
MR. GRANT: I want to carry on with this description and --

MR. PLANT: And please do, and if the question I'm about to ask is disruptive then carry on, but the sense I have is that the boundary is coming to a point on the Skeena across from Xsi gwin ixstaat.
MR. GRANT: That's what I understand the evidence to have been, yes.
MR. PLANT: Thank you.
MR. GRANT:
Q Just before we proceed, just be sure if -- Gwis Gyen, if -- I want to be sure you get everything that he says, so if you have to touch him to stop him for a moment, go ahead and do that.
A Okay.
Q Okay. You -- you've described the boundary as going down to this point on Xsan across from Xsi gwin ixstaat. Where does the boundary go then?
A It comes back to Xsuwii Lax Loobit where it meets again.
Q And does it follow the Skeena where it comes back to Xsuwii Lax Loobit?
A It does not go down to the -- to the Skeena. It goes -- just Xsisga Magaa goes closer to the Skeena. The fishing site below this territory belongs to Alayst. One of the fishing site is known as An jam lan, and this belongs to Alayst. I forgot the name of the smoke house that is situated there. Oh, it is called Lax 'wii t'in.
Q So just so that I understand you, the boundary of Hlihl Guuhl Sganist does not include this fishing site of Alayst; is that right?
A No, it belongs to Alayst.
Q Okay. And Alayst is close to Wii Hlengwax?
A Haaxw is close to Wii Hlengwax.
Q Haaxw?
A Oh, Haaxw is close to Alayst.
MR. GRANT: Yes. Okay.
MR. FREY: Can I get the name of the fishing site?
MR. GRANT: Did --
THE TRANSLATOR: Lax 'wii t'in?
MR. GRANT: Yes.
THE TRANSLATOR: Which one?
THE WITNESS: An jam lan and Lax 'wii t'in.
THE TRANSLATOR: Lax 'wii t'in is 292 and An jam lan is 270.
MR. FREY: That's the name of the smoke house, the second word?
MR. GRANT: There's two fishing sites.
THE WITNESS: Where the smoke house is is Lax 'wii t'in.
MR. GRANT:

Q Now, with the exception of those fishing sites, that is, that -- if you took out the area of those fishing sites and excluded them, does the boundary of Hlihl Guuhl Sganist generally follow the shore line of the Skeena River except for the fishing sites of Alayst?
A It does not go right to the -- to the banks of the Skeena. It -- this belongs to -- to the frog clan. This is where -- this is -- it belongs to Alayst and he's from the frog clan and the fishing site was An jam lan. Hlihl Guuhl Sganist belongs to Gisk'aast, Hax bagwootxw today.
Q And that's in your house?
A Yes. In the inside of Hlihl Guuhl Sganist I will start to -- to explain. Below the Hlihl Guuhl Sganist there is a place called Lax an T'aahlxw. Under Lax an T'aahlxw there is a cabin situated there. This is where they camp out when they are picking berries. On -- on the other side beside this there is -- there is another place called Txaas Ansinoo -- noo.

MR. GRANT: That's the second name under "Mountains and Hills.", page 5.

MR. PLANT: Oh --

THE TRANSLATOR: Just Txaas in front of Ansinoo.

THE WITNESS: Under the Txaas Ansinoo there is a creek which is known as Xsa'an Djam Gyoo and it's running towards Boulder -- Xsuwii Lax Loobit known as Boulder Creek. In front of the -- in front of the creek Xsa'an Djam Gyoo there is a lake known as Dam Ansii Nak? This is all the names that I have on my -- on this territory below Hlihl Guuhl Sganist.

MR. GRANT:

Q Have you shown these places that you've described today to Neil Sterritt?
A I told Neil Sterritt all of this.
Q And you flew over this territory with Neil Sterritt by helicopter?
A We -- we flew over this territory and I had my foot dangling from the territory -- from the helicopter.
Q Okay. It's five after 12. Maybe we'll adjourn now for lunch. Stop for lunch.
A Okay.

(PROCEEDINGS ADJOURNED AT 12:05)

(PROCEEDINGS RESUMED AT 1:45)

MR. GRANT:

Q Before we broke at lunch-hour, Gwis Gyen, you were talking about the territory of your house at Hlihl Guuhl Sganist. Can you tell me what chiefs own territory that is around that particular territory?
A I could tell you. Haalus' territory is on the east side. It starts from Xsi Gwin Yookhl.
Q What territory is on the south or on the other side of Hlihl Guuhl Sganist?
A Are you talking about the back of the mountain?
Q Yes.
A On the back of the -- the centre of the mountain is Haalus'. This is how far the boundary of Haalus' territory goes. On the other side this belongs to Wii Hlengwax. Wii Hlengwax's territory goes around to -- towards the Skeena River. It goes towards the Skeena then it goes to -- it goes towards -- it comes to a place called Xsisga Magaa.

MR. PLANT: I don't have the name of the place that it comes to.
MR. GRANT: It's on page --
MR. STERRITT: Number 1.
MR. GRANT:

Q -- 5, number 1 under "Creeks". Yes, as Mr. Sterritt speaks you can put it on.
Now, the third territory to which you refer in your affidavit, Exhibit 2, is called -- is referred to as Xsuwii Lax Loobit, and you indicate in your affidavit that this is a territory of Haalus. Is this the territory that you just referred to as being beside the Hax bagwootxw territory?
A What was that beside? What was it?
Q Beside the territory of Hax bagwootxw that we were just discussing?
A Xsuwii Lax Loobit is the boundary line for Haalus and Hax bagwootxw. It -- the boundary goes -- goes up to the mountain and it doesn't go -- go along the creek. It goes up towards the Hlihl Guuhl Sganist. It doesn't follow the creek.
Q So would it be correct to say that the boundary is on a ridge or goes -- is -- is on the hillside on the west side of Xsuwii -- Xsuwii Lax Loobit?
A Right.
Q Can you -- have you travelled on the territory of Haalus?
A I've been there a lot of times ever since I was young.
Q And you travelled there with Mark Holland and William Holland?
A Yes, I went with him.

Q And with Sima Diiks? Did you travel over that territory with Sima Diiks?
A Sima Diiks belongs to the eagle clan and his territory goes towards Price Creek.
MR. GRANT: Can you describe --
MR. PLANT: Before you do that, Mr. Grant, you've just come across a problem that sometimes arises when you lead in the way you have. The evidence you've just led is inconsistent with my reading of paragraph 18 of the affidavit of Mr. Williams, and I mention that because it appeared to me you were leading from that paragraph. My reading of that paragraph suggests that it was Mark Holland and Sima Diiks who were there, not William Holland.
MR. GRANT: Okay.
MR. PLANT: I also mention that because you went through the subject matter of, generally speaking, of who he was on these territories with yesterday, although not fully and --
MR. GRANT: Not specifically. There's no question that he was on territories of Sima Diiks from his evidence yesterday.
MR. PLANT: I think you also asked him generally about whether he had obtained some information from Mark Holland, although my recollection is not that good.
MR. GRANT: Uh-huh. Well, I'm just not sure, are you raising this as an objection or as a --
MR. PLANT: Well, it is an objection at the moment, but --
MR. GRANT: An objection to what?
MR. PLANT: Well, I think you're cross-examining your witness because you're leading him --
MR. GRANT: You're objecting to my leading?
MR. PLANT: Yeah, I am, in particular when the result is what is, in effect, a cross-examination when you're leading evidence that is inconsistent with evidence already given, or at least is different from evidence already given.
MR. GRANT: Okay.
MR. PLANT: I think the problem could be avoided if you didn't lead.
MR. GRANT: Yeah, I have no problem with not leading on this area. I was just leading to expedite time on what I viewed was non-contentious areas.
MR. PLANT: I don't have -- I'm not suggesting that generally speaking this kind of evidence is hotly contested, but the problem is that when you lead it and it's at odds with evidence already given, then it creates a problem

for someone trying to understand it later.

MR. GRANT:

Q Okay. If I can just go back for a moment, maybe you could just tell us who you travelled with on the Haalus territory that we're now speaking of, that is the one that's -- has a boundary at Xsuwii Lax Loobit?

A I travelled with Mark Holland, William Holland, and also my own father on this territory.

Q Can -- did they show you the boundaries of this territory?

A Yes, they told me about the boundaries of Haalus and the boundaries of Hax bagwootxw. There is another trail that -- that comes from An Djam Gyoo and it goes towards Boulder Creek and this is one of the trails of Haalus. It goes towards the -- this trail goes towards the mountain Hlihl Guuhl Sganist and this is the trail that they use for -- also used for hunting goats. The other part of the mountain belongs to Wii Hlengwax and Haalus and the Hlihl Guuhl Sganist that's sticking out belongs to Hax bagwootxw.

Q Does this territory of Haalus, does it include the head waters that is the source of Xsuwii Lax Loobit?

A I will tell you about it now. The boundary of Haalus starts at the bottom of Price Creek and then it goes up -- it goes up to the -- to the ridge of the mountain and it goes right where the end of the -- these mountains, and this is the territory of Haalus. The head waters of the -- the Xsuwii Lax Loobit -- Xsuwii Lax Loobit, the head waters belongs to Haalus. This is Haalus' territory, and there is another creek that -- I did not know the name of this creek that goes towards the Copper River. The -- Haalus owns the mountains, to the ends of the mountains, until it gets to Dagantxwit, about a mile and a half from Dagantxwit. William Holland showed me this. It goes about a mile and a half and then it -- then it gets to -- what's the name of that creek?

Q Big Oliver?

A Big Oliver.

Q You're trying to recall the Gitksan name for Big Oliver?

A Uh-huh.

MR. GRANT: Just a moment.

THE TRANSLATOR: Xsa Hahlin Good.

THE WITNESS: Oh, Xsa Hahlin Good. It gets to Xsa Hahlin Good.

MR. GRANT:

Q That creek is referred to in the affidavit later on.

The witness has already given it in the past.
A It doesn't go right down to the -- to the creek Xsa Hahlin Good, it's close to it, but it goes the other way and then down. It goes to -- it gets to a -- to a lake Lax An Mihl. It goes to where there was a burn-out, and then it gets to Doreen, and then it goes back to Xsisga Magaa, the territory of Hlengwax. That's all.
MR. FREY: It goes back to --
MR. GRANT: Just hang on a sec. Let me clarify something will you?
MR. FREY: Certainly.
MR. GRANT:
Q The territory that you've just described, you just -- you were starting -- at the beginning you described Haalus' territory?
A Uh-huh.
Q And then were you just describing now -- was that Wii Hlengwax's territory?
A Uh-huh. It joined together behind the mountain there.
Q Okay.
A Haalus on this side and Wii Hlengwax on this side.
Q Haalus on this side and Wii Hlengwax on the other side.
Okay. Do you know a hill in this area, and I'm referring to Haalus' territory, that one would refer to -- could refer to as Silam -- Silam Goot? It's the named hill on page 7.
A Silam Goot. "Goot" not "goat".
Q Is that in Haalus' territory?
A Yes, Haalus.
MR. PLANT: Is it "Goot" or "Gokhl"?
MR. GRANT: You're going to get into trouble.
MR. PLANT: I don't want to know the meaning of the one that it isn't. Thank you.
THE WITNESS: It's an Indian name, Silam Goot.
MR. GRANT:
Q Now, do you know the mountain referred to as Winsa Geets, this is number 1 under "Mountains"?
A This is the boundary of Haalus and Giila'wa. Haalus owns the one side known as Dagantxwit and Giila'wa owns the other side known as Winsa Geets.
Q Okay. Now, I just want to clarify this. Is -- Giila'wa is eagle, Lax Skiik; is that right?
A Right.
Q And you know that territory of Giila'wa's as well?
A Yes, I know all of them.

Q And is that one of the territories that Sima Diiks showed you?
A Giila'wa. Giila'wa showed me these -- this territory and I went with Sima Diiks across the river, across the Price Creek.
Q And Price Creek is known in Gitksan as Xsu Gwin Yookhl?
A Yes.
Q Now, I just want -- there are two mountains, as I understand, Winsa Geets and Dagantxwit. Is Winsa Geets on the boundary between Haalus and Giila'wa?
A Who was it?
Q Haalus.
A It goes on the ridge of the mountain and Haalus' turns towards the Copper River, but Giila'wa's keeps going.
Q How long ago were you last on this territory of Haalus that we've just been talking about?
A About seven years the last time.
Q How often did you travel that territory before then?
A I go there every fall to hunt goats before.
Q And did you have rights to go on that territory because you were married to a member of the house of Haalus?
A Yes, that's true, but I also help Mark and William Holland when -- when I -- they ask me to help them and I go there whenever I want to go.
Q Can you describe how you helped -- give an example of how you helped Mark or William Holland?
A Mark Holland was -- was a crippled man and he was quite short and I used to take -- take the provisions up for him up the mountain when -- in the fall time when we start to hunt these goats. He does the trapping at this time. I -- and I did the same with William Holland, whenever he needs help he calls me and I do whatever he wants me to do. This is the reason why I know this territory. Whenever they ask me for help, I go with them and while they -- while I'm doing this they're also training me, and this is how I know these territories.
Q You refer in your affidavit to a territory called Xsa'andilgan and you describe this as a territory of Haalus. Did you travel on this territory?
A Yes, I just about lived there all my life.
Q And can you describe where that territory is located?
A It starts at the centre of this mountain. It starts at the centre of the mountain Win Luu Mihl Andawil and this is the boundary for the Ganeda and Lax Skiik.

The Win Luu Mihl Andawil belongs to the eagle clan and Stakhaiyt belongs to the frog clan. The boundary line comes from -- from the top ridges of the mountain and it comes down to -- to a place called Dam Si Dagan, and it goes down to the Skeena River. The boundary line for Haalus -- the line comes down and then it gets to the boundary line of Haalus and Wii Hlengwax and the name of this -- the name of this hill is Ansa Dip Yeest and the other name is Osin Ooltxwit.

MR. PLANT: Can I have that last one?

MR. GRANT: Ansa Dip Yeest is the hill.

THE TRANSLATOR: The last one he just said just now.

MR. GRANT:

Q Okay.

A Osin Ooltxwit. Maybe I talk too much English.

MR. GRANT: Have you got that?

THE TRANSLATOR: Yes.

MR. PLANT: I may not have the benefit of seeing a transcript of what he's said before cross-examination, so here I'm going to have to ask to make sure I've got the proper note. The boundary comes from top ridges down to a place called Dam Si Dagan, and then I lost something there. The hill Ansa Dip Yeest had something to do with, or was mentioned in the context of Haalus and I think Wii Hlengwax, but I'm not sure. Well, could I have the answer read back?

MR. GRANT: Maybe the answer could be read back I think because I don't really want the interpreter to try to really memorize it, and then we'll go from there.

(LAST ANSWER READ BACK)

MR. PLANT: I've got that. Thank you very much.

THE WITNESS: I take you to my lawyer next time. You're better than them.

MR. GRANT:

Q Do you know a hill in this area known as Sigagit?

A Yes, I know.

Q It's S-i-g-a-g-i-t. You're referring to Shandilla Creek?

A Xsa'andilgan.

Q Xsa'andilgan.

A It starts off the -- the boundary line of Hlengwax and Haalus and then Hlengwax's boundary goes to -- to Xsa'andilgan. It comes from Dam Si Dagan and then it gets to Xsa'andilgan. It includes the mountain and the other side of Xsa'andilgan. Haalus' territory

passes Xsa'andilgan and then it gets to a place called Gwin Gaakhl, across Gwin Gaakhl.

Q Is that across the Skeena?

A It's -- no, it's not across. It's on the highway side. On the track side there is a fishing site that belongs to Haalus and it goes as far until it reaches Andi Moohl. Haalus has another fishing site below Xsa'andilgan. How did you say it again? Up or down? Up towards the -- it goes up towards the Sigagit. This belongs to Sima Diiks. It doesn't go very far up. It turns and then it goes down to -- to the Skeena River. It goes down towards near the tracks to a place called Xsuwii Luu Hlabit, a creek.

MR. PLANT: I didn't hear that last one, I'm sorry?

THE WITNESS: Xsuwii Luu Hlabit.

MR. GRANT: Okay. Just if I could pause a moment. Gwis Gyen, I -- you're going way faster than I can keep up with you because you're describing, I know, as you know all of these territories, and what I'd like -- if you can just bear with me to keep up with you, I'm still -- I'm misunderstanding because I'm thinking you're on one chief's territory and you've moved to the neighbour's territory. So if you could just stop -- maybe if you could just translate this -- if you could just stop after you've completed the description of one chief's territory and you're going into another description -- I'm sorry. If you could just stop after you give a description of one chief's territory and if you're going to describe another chief's territory just refer to it in your description because I'm having difficulty following and I think it's confusing what the other lawyers are seeing as well.

MR. PLANT: I have two questions arising out of the last evidence that -- where I did get quite lost. Maybe you have some questions first?

MR. GRANT: Yeah, well, I think I know what -- I know where the witness was actually describing now, but I have no doubt you have at least two questions out of it.

MR. PLANT: Well --

MR. GRANT: And I think that -- what I'm saying is if you -- I'm going to go back to those territories.

MR. PLANT: Well, let me tell you what one question is. He did say, or I have a note that he said, Haalus has another fishing site below Xsa'andilgan and then he said "It goes up towards Sigagit.", and I don't know what the "it" is. It may be that at that point he began describing another territory. Up until that point he

had been describing some fishing sites. I don't have any comprehensible note of that part of the evidence.

MR. GRANT:

Q Yeah, well, I'm going to -- I'm going to go back to that.

A Peter, pinch my ear if you want me to stop.

MR. GRANT: You might hit me. Okay. Maybe it's a convenient time. We'll just take a five minute break now.

(PROCEEDINGS ADJOURNED AT 2:30)

(PROCEEDINGS RESUMED AT 2:40)

MR. GRANT:

Q Okay. Go back on the record. Okay. I'd like to refer you to the territory of Luulak -- just a moment -- and this is a territory that for convenience I'll refer to as Xsi Galdii Ess. You know this territory; is that right?

A This territory belongs to Luulak.

Q And have you travelled on this territory?

A When Tom Weget was still alive I used to go there almost every fall.

Q And Tom Weget was Luulak I believe you've just said earlier; is that right?

A Yes, he had the name Luulak.

Q Okay.

A And his mother was Luu Tk'esxw.

Q Can you tell me the boundaries or describe for us the boundaries of Luulak's territory?

A The boundary starts up on the mountain on your right-hand side as you go down Xsi Galdii Ess.

Q Is there a name for that mountain that you can recall?

A The name of this mountain is An Hahl Yee.

Q Okay. Can you describe this territory from that mountain? Where does it go -- the boundary, go from there?

A It -- from this mountain it goes to -- to the top of the mountain and it goes about two miles towards Xsi Tsa Muutsax and then it turns and this is the boundary line. This is the boundary line for Haakasxw. Further up this belongs to Walter Wright. I forgot the name of the creek and I don't have -- I don't have to mention this. It belongs to the Gitsilaasxw people. One of the mountains that belong to Luulak is -- the name is Saa Moosgwit.

Q And where is that in relation to what you've already

described?
A It's at the -- the Xsi Galdii Ess territory on the left-hand side going up.
Q So if you're going up Xsi Galdii Ess it's on your left-hand side? He indicated affirmatively. He said yes.
And if you continued along the territory of Luulak, is there a creek that is on the northern boundary of Luulak's territory?
A There's a creek running down known as Xsa Hahlin Good, it comes from Wii Skanist, the Seven Sisters. It comes from the back. This belongs to Luulak.
Q Do you know what the amxsiwaa call this creek that you've referred to as Xsa Hahlin Good?
A Big Oliver.
Q Do you know what the amxsiwaa call the creek that you refer to as Xsi Galdii Ess?
A Little Oliver.
Q Does the boundary follow Xsa Hahlin Good all the way to the Skeena?
A This is the boundary for Luulak. It's about a mile on top of that creek. This is the boundary for Luulak and -- Luulak and Wii Hlengwax. The Xsi Galdii Ess did not originally belong to Luulak, this was thousands of years ago. They -- their territory was Big Oliver. They had a house below Big Oliver.
Q Before you proceed, when you say "they", who are you referring to?
A Luulak. In the -- in the springtime about this time of the year Luulak and Dax Juxw -- Dax Juxw, lived there. At Little Oliver Gubihl gan and his wife lived there. Gubihl gan and his wife were -- were trapping and Gubihl gan got -- got sick and he died at Galdii Ess. Luulak and Dax Juxw went to visit Gubihl gan and his wife. They did not know that he -- he had died. This was one of their close friends so this is why they went to visit him. As they were coming towards the camp of Gubihl gan and his wife they -- they saw the smoke coming up from -- from their house and they were coming nearer to this cabin house. As they were coming closer they seen this lady sitting -- sitting beside her husband and her husband was already dead and she did not know what to do. The body was already -- the body of Gubihl gan was already getting spoiled, and they talked to his wife and they said they were going to -- they built a fire and they were going to burn this body.

After they burnt the body of Gubihl gan, after they finished burning there, just his heart was left in the embers of the fire. In those days the -- in the olden days they always say that the heart never burns. They took the heart and they buried it near the waters. They took the wife back to Gitwingax and they held a feast and they told of what happened to Gubihl gan.

After they held a feast, the next day they took the wife of Gubihl gan and they took her back to her own village, which is known as Gitsilaasxw. When they arrived in the Gitsilaasxw village they talked to the wife of Gubihl gan and she explained what had happened, and what they did is they sat Luulak and Dax Juxw and they held a feast. After they've finished eating at this feast, the -- the family of Gubihl gan made a plan and they told what -- what they are going to do to Luulak and Dax Juxw. This is when they gave the territory of Xsi Galdii Ess to Luulak and Dax Juxw.

This has gone on for thousands of years and if the family of Gubihl gan want this territory back, they will have to make payments to the family of Luulak before they take this territory back because what happens is when -- every time you hold a feast is that you have spent so much at these feasts because of the territory that is involved, and this is the reason why Luulak still has this territory today.

Q He said Neil's already asleep. Have you finished?

A Yes.

Q This history that you've described of how Luulak got Little Oliver, who taught you that history?

A A lot of people told me this. The former Luulak, his mother Luu Tk'esxw. Every time we travel on this territory, every time I go with them, this is what they always told me, the former Luulak and Luu Tk'esxw.

Q And this Chief Gubihl gan, was that the Gitsilaasxw chief or a Gitksan chief?

A He was from Gitsilaasxw.

Q And did these events, the gift of Little Oliver to Luulak, did these occur before the arrival of any white man or anything like guns or trade goods from the white man?

A It happened thousands of years and it's only been a hundred years since the white man came here.

Q I think you've already referred to a place on the

border of Luulak's territory referred to as An Hahl Yee; is that right?

A Yes.

Q That's a mountain that's on the border?

A Uh-huh.

Q Whose territory is on the other side of that mountain? That was Walter Wright?

A Yeah, from Gitsilaasxw.

Q I think you referred to it earlier as 'Niista hukxw?

A 'Niista hukxw, yes. His English name is Walter Wright and his Indian name is 'Niista hukxw.

MR. PLANT: I don't have the spelling for that, but -- actually I have it now. Thank you.

MR. FREY: Can you spell it for me, please?

MR. GRANT: Just a moment.

THE TRANSLATOR: It's 910 on the word list.

MR. FREY: 910.

THE TRANSLATOR: 910.

MR. GRANT:

Q For the record, the witness had given me that name earlier as well and I was intending to lead him if you forgot that name, if you asked Mr. Sterritt. I presume there's no objection in any event. I'm just advising you that he had informed me of that name and I would intend to lead him under that -- under the rule that you could lead as a result of forgetting.

Now, is it correct then that this Luulak territory is on the external border of the Gitksan territories with the Gitsilaasxw people?

A Yes, that's right. The boundary line is on the mountains.

Q You also referred to in your evidence earlier that on the other side of Luulak's territory was the territory of Haakasxw. Is that the territory with a creek referred to as Xsansisnak?

A Whose territory was it?

Q Haakasxw?

A It took us a half a day to go up to Walter Wright's cabin where Xsi Tsa Muutsax is and which is known as the Copper River.

Q Okay. I'd just like to go back to my question. You referred, Stanley, in your evidence about Luulak's territory that on the other side of Luulak was a territory of Haakasxw. You said that just earlier this afternoon. Is that the territory that includes -- of Haakasxw that includes the creek known as Xsansisnak?

A Yes, that's -- that's the boundary line and he's -- his territory is passed that Luulak's territory.
Q Okay. I'm going to refer you now to that, and for the record that territory is section "O" of the affidavit commencing on page 25, and I believe what you said in partial response to that -- you started to describe it. Just before I get to that, have you taken -- gone with Neil Sterritt to this Luulak territory that we have -- that you have described and shown him the boundaries of that territory?
A We flew there with the helicopter.
Q And did you show him the landmarks on that territory?
A Yes, I showed it to Neil.
Q Now, I'd like to refer you now to the Xsansisnak territory, and do you know the name that the amxsiwaa call Xsansisnak?
A I don't know what the white people call it.
Q That's fine. Can you describe, and maybe starting with the other side of Luulak's territory, describe Haakasxw's territory, Xsansisnak?
A I -- I said -- I mentioned this before. I said it started from Xsansisnak. It goes up to Walter Wright's cabin and then it goes towards the Copper River. It goes towards Xsi Galdii Ess -- Xsi Galdii Ess, Luulak's territory, inside the territory. Then he says he forget what he's talking -- what he's saying, talking about Luu mesxw. He forgot what -- he said I forgot what I'm talking about when he said Luu mesxw.

MR. GRANT: Okay. Just a moment. Was there a problem you had earlier?
MR. PLANT: He said started from --
MR. GRANT: Xsi Galdii Ess.
MR. PLANT: No, I'm not sure. Started from blank, and then goes up to Walter Wright's cabin, then goes towards Copper River, goes towards Xsi Galdii Ess, Luulak's territory. It was the first started from, and I don't have that.

MR. GRANT:
Q Okay. I'm going to go back then.
A It starts from Xsi Galdii Ess and then it goes down to Walter Wright's cabin, then it goes towards the Copper River. The Xsi Galdii Ess goes about two miles and then this is Luulak's territory.
Q Okay. Okay. I'm going to -- just let me ask you a question. I think we can clear this up. Xsansisnak, does that creek flow into the Copper River?

A Yes, it runs into the Copper River.
Q Now, if you were at the mouth of Xsansisnak, which way would you go to get to Walter Wright's cabin and how far?
A Me and my father -- Abraham Fowler, my father and I, we went there once and we -- we camped at the bottom of the -- where Xsansisnak came from and --
Q Of Xsansisnak?
A Where Xsansisnak flows into Copper River, and you go to your right to get to Walter Wright's cabin. It took us half a day to get there.
Q And when you say "you go to your right", do you follow the Copper River to his cabin?
A Yes, we go on the banks of the Copper River.
Q And was his cabin on the banks of the Copper River?
A Yes, on the bank.
Q Okay. And when you turned to your right from the mouth of Xsansisnak and follow the Copper River, did you go downstream on the Copper River?
A Yes, we took that.
Q Okay. Now, did your father and Abraham Fowler tell you where Haakasxw's boundary went once you got to Walter Wright's cabin? Which way would you have gone if you were to follow the boundary?
A It starts where Walter Wright's cabin is.
Q Uh-huh?
A And then it goes towards Big Oliver.
Q And is the boundary between Luulak and Haakasxw along the mountains above Big Oliver?
A When you go up there it's almost like a flat surface and this --
Q When you go up the --
A Up the -- up the Seven Sisters, past the Seven Sisters, and it's almost a flat surface there and this is the boundary for Haalus. And you go about half a mile and it goes towards Luulak's. The Luulak's boundary goes down coming from Xsi Galdii Ess about two miles from the mountains and it gets to the boundary of Luulak. This is where they do their trapping whenever they go out trapping.
Q Okay. I'm sorry, Gwis Gyen, you're just going to have to bear with me so I can follow this because I followed you going from Walter Wright's cabin towards Xsi Galdii Ess, and I'm talking now about the border -- the boundary of Haakasxw's territory, and where do you -- where, if you travelled from along from Walter Wright's cabin towards Xsi Galdii Ess,

where would you cross over from Haakasxw's territory to Luulak's territory?

A Could you say that again, please? I -- I have to follow you. I didn't know whether you said Xsi Galdii Ess is or if you follow Xsi Galdii Ess?

Q No, no. If you go -- you said that you follow -- you go towards Xsi Galdii Ess from Walter Wright's cabin and this is the boundary of Haakasxw's territory. Where -- where do you -- if you travel from Walter Wright's cabin towards Xsi Galdii Ess, where do you cross from Haakasxw's territory to Luulak's territory?

A It starts from Xsi Galdii Ess and then it -- it goes towards Copper River and then it goes about two miles. Okay. It goes about two miles and then it turns up to towards the Seven Sisters. One part belongs to Haakasxw and the other part belongs to Walter Wright.

Q You say you go up towards the Seven Sisters. Does Haakasxw's territory include all of the waters that flow into Xsansisnak?

A Haakasxw only take half of it.

Q Just let it be translated. Do you want me to repeat the question?

A No, it's all right. He'll answer. I feel like going crazy now.

Q Okay. Maybe we should adjourn for today. I think you've done enough travelling. Maybe we'll adjourn for the day. We'll adjourn.

A Okay.

(PROCEEDINGS ADJOURNED AT 3:20)

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

Tanita French

Tanita S. French
Official Reporter

B.C.S.R.A. 213 Member