Vancouver, B. C.
January 18, 1988.

THE REGISTRAR: In the Supreme Court of British Columbia, Monday the 18th day of January, 1988. Calling the matter of Delgamuukw versus her Majesty the Queen, my lord.

THE COURT: Can I give to counsel a proposal for suggested scheduling to the end of June, which is indeed a proposal. I might say in connection with it, that the week of March 28th, which I have proposed be a non-sitting week, is a four-day week because of Easter Friday at the end of that week, and the two days before the Friday, the Wednesday and Thursday, is the annual meeting of the judges of this court, which is a two-day meeting every other year and a one-day meeting in the alternate years, but this year it's a two-day meeting. And we could sit Monday and Tuesday of that week. It would be no inconvenience to me, and I am quite happy to do that. But the -- I do have to be at that meeting on the Thursday and Friday.

The following two weeks are a long-scheduled seminar tentatively scheduled to go to Australia for, which is -- I worked into the schedule, but if it's inconvenient to counsel, it's not essential I go. And that could be reworked if counsel have some problem with it. I have to say further that I think it's the week of -- I don't know which week it is. On the Friday of one of those weeks in late May, I have to attend the semi-annual meeting of the Canadian Judicial Council, which only meets twice a year in Ottawa, and I will have to be away the Thursday and Friday of that week.

I don't expect counsel to respond to this now. I will be glad to hear from them whenever it's convenient for them to do so. As I said before, this is merely a proposal.

Thank you.

MR. RUSH: My lord, may I raise two other items? The first is the question of Mr. Grant's application with regard to the costs, and I wonder if you have had an opportunity of considering that? And if not --

THE COURT: This is the cost of the transcripts?

MR. RUSH: Yes.

THE COURT: How was that left?

MR. RUSH: It was left on the basis that you were going to consider the arguments and render a decision on that.

THE COURT: All right. Thank you for reminding me. I haven't

really given that matter any consideration since the argument and I will look into that right away and get back to you as quickly as I can.

MR. RUSH: The other matter is one that I indicated I would advise your lordship and my friends about and that is the genealogy of Wiiseeks, the House of Wiiseeks, and I can advise you that this morning the genealogy of the House of Gitludahl, which includes Wiiseeks, will be couriered out of Hazelton and I hope will be available tomorrow or Wednesday. Mr. Macaulay was looking for that. I am hoping that it will be here no later than Wednesday. We could Fax it out, but in the course of transmission these genealogies sometimes get -- get somewhat pulled apart.

THE COURT: Is Wiiseeks the next witness?

MR. RUSH: No, he is not. Your lordship may remember this debate about the genealogy, and in fact Mr. Alfred Mitchell, who will be -- who is the witness after the break, so we should be within, hopefully within the two-week period, is from that house but we had not intended to ask him any questions about the genealogy. However, keeping in mind what you -- the court has said about the production of genealogies, we are trying to get them produced in a regular way so we hope this will be available within the two week period.

THE COURT: While we are on housekeeping matters, I don't remember what time limit, if I can call it that, I put on you, Mr. Rush, for a statement of your position on the pleadings. Did I say before we adjourned or after we adjourned?

MR. RUSH: You didn't say.

THE COURT: All right.

MR. RUSH: But if I may speak to that, I would, with your lordship's leave, I would like to speak to that when Mr. Grant is back with us. And on our present schedule that would be the week after the break.

THE COURT: All right. Well, I think there should be some finality to that matter but I don't think that that is an unreasonable suggestion. Sometime during the second week of the next session of these sittings.

MR. MACAULAY: There is another matter, my lord, that was left in abeyance, and without there being any deadline, that's the small scale map, the one over 100,000 map, with or without overlays, the overlays that are there now.

THE COURT: I have been looking covetously at it for sometime.

When I say covetously, I mean from this position.

MR. MACAULAY: My friend, Mr. Rush, asked for a letter of explanation and I replied the following day, and described how these were produced and what they were. It would be convenient, I think, for the court and counsel to have that, as a general guide. I am not seeking to have those marked as exhibits, but they are very convenient when this witness talks about Glentanna or Tobaggan Lake, as she has, they are quickly and easily identified on maps like that.

THE COURT: Are you able to respond?

MR. RUSH: No. What we did was to send the map, together with the letter, to our cartographer in Hazelton. We are waiting for advice from him.

THE COURT: I would like to resolve that problem. Mr. Macaulay has struck a responsive chord, I have been wondering where Glentanna is for sometime.

MR. RUSH: I will proceed then with the examination.

I wonder, Madam Registrar, if you could show Mrs. Alfred Exhibit 131, which is at tab 13 of the document book.

THE COURT: I am sorry, what tab?

MR. RUSH: Tab 13.

MADELINE ALFRED, Resumed:

EXAMINED IN CHIEF BY MR. RUSH: (Continued)

MR. RUSH:

Q Mrs. Alfred, I am showing you Exhibit 131, which is a photograph which you have identified as the village of K'ayah Wig'et, Moricetown, and you told us that in the photograph there were winter houses and I wanted to ask you if all of the chiefs of the Wet'suwet'en had winter houses?

A Yes.

Q Were all of the winter houses at Moricetown?

A Yes.

Q Were there winter houses in other places besides Moricetown?

A Yes, there is also other winter houses up from the smokehouses.

Q Now, Mrs. Alfred, apart from Moricetown, do you know if there were winter houses that the chiefs had in other territories?

A Yes, they had just as many winter homes out on the territory wherever they were trapping and hunting.

Q And the smokehouses that are shown in Exhibit 131, were those smokehouses used only in the summer?
A Yes, they were used in the summertime when they were smoking fish, when they all came back during fishing season.
Q And when the people came back for the fishing season, how long did the fishing season last, until what month?
A Yes, until fall time.
Q And then when fall came did the people go back to their territory?
A Yes, they would go back on the territory for the winter.
Q Now, Mrs. Alfred, I asked you some questions about fishing sites last week, and you identified some fishing sites in the photograph, and I think you indicated they were upstream from the Moricetown bridge. Do you know of any fishing sites that were downstream from the Moricetown bridge?
A Yes. There is one below the bridge, which Nega wah used.
Q That who used?
A Nega wah. Yes, her brother is Neg'uptii. They used that, they would set up sort of a platform for dipping for fish.
Q Okay. Could you spell Nega wah and Neg'uptii?

THE TRANSLATOR: N-e-g-a, w-a-h and Neg'uptii is 401.
THE COURT: 401?
THE TRANSLATOR: Yes.
MR. RUSH:

Q Are Nega wah and Neg'uptii your ancestors?
A Yes.
Q Is this fishing site, is this owned by Wah Tah K'eght?
A Yes, if it belongs to our ancestors it would belong to us now.
Q Is there a name of the place where Nega wah and Neg'uptii fished?
A That's one they call Tsaan ta tl'eet.

MR. RUSH: I don't think we have that, Mr. Mitchell.

A They would throw the inner parts of the fish back in there, that's why they call it Tsaan ta tl'eet.

THE TRANSLATOR: It is T-s-a-a-n, t-a, t-l'e-e-t.
MR. RUSH:

Q The name Neg'uptii, is that name held by anyone today?
A Nobody is holding that name now.
Q Can this name be given to one of the members of your house?

A One of Christine's children is going to take the name Nega wah .
Q Christine? Who is Christine?
A My daughter, Christine Williams.
Q And now is she going to, is Christine going to take Nega wah or Neg'uptii?
THE COURT: I thought it was Chrisine's daughter?
MR. RUSH:
Q Yes. Sorry. Christine's daughter.
A It's her boy is the one that's going to take that name.
Q Okay. I am trying to determine which name, Mrs. Alfred, that Christine's boy will take, is it Nega wah or Neg'uptii?
A Nega wah, yes.
Q Is Neg'uptii a name that would be available for one of the members of your house to take?
A Yes, one of the members would take that name.
Q Now, Mrs. Alfred, how long has your house and Chief Wah tah K'eght owned the fishing sites in the Moricetown canyon?
A Yes, it's always belonged to our ancestors in the past and today we still use it, although that site you were just talking about, we haven't used but them other sites above we are still using today.
Q And do you know how long the other chiefs who have fishing sites in the Moricetown canyon have owned those fishing sites?
A Yes, they are -- their sites are also the same.
Q All right. I am now going to ask you, Mrs. Alfred, about your spiritual beliefs and I want to ask you if you know of reincarnation among the Wet'suwet'en?
A Yes, that has been a long-standing belief that there is -- belief in reincarnation, because when children recognize things that they have never seen before or recognize places where they haven't been before, and that's where the understanding is that their ancestors have been there before. And that they are the reincarnation of their ancestors.
Q Is this something you have had experience with regarding one of your grandchildren, Victor's son?
A Yes, he would be the reincarnation of Paul. He acts just like him and he does things like would smell, he would smell his food before he eats it and the elders, the other chiefs, know of this action and that's how we know.
Q Paul was your son who passed on?

A Yes.
Q And Victor's son, that is your grandson by which of your daughters?
A Yes, that's my grandson, that would be Georgina's son.
Q Now, there is another belief among the Wet'suwet'en that you told me about and it is called Hodi'ts'at.
A Yes.
THE TRANSLATOR: That's 478.
MR. RUSH: Thank you, Mr. Mitchell.
Q And can you tell me how you believe in Hodi'ts'at, Mrs. Alfred?
A Yes, you would take the end or tip of the stomach of beaver, they would give it to the child to eat and the child would become a good swimmer. The same thing with the hands of the -- they would warm up the hands of the beaver and then put it in the child's hand and the child would become a good worker.
Q Are there other ways in which Hodi'ts'at is understood by you?
A Yes, the people of old times always practised this, when they are out on the territories, because they had to be good in everything they do in order to be out on the territory.
Q Did this -- did these beliefs allow people to survive and work in the territory?
A Yes.
Q Now, there are certain taboos or Mii which are followed by the Wet'suwet'en people; can you tell us, Mrs. Alfred, about those?
A A mishandling of any kind of animal would be taboo, what you call Mii.
Q Is there a taboo when a young girl reaches her first monthly cycle?
A Yes, it would be -- they would practice the Mii for one year when a young girl first experiences her first menstrual period. They would not eat fresh meat or fresh fish for one year.
Q Are there other things that the young girl was prohibited from doing?
A When the young girl would walk out they would wear a dark kerchief to prohibit them from looking out in the hills and mountains so as the mountains and the hills wouldn't become barren.
Q Is that a taboo which you practised when you were a young girl reaching puberty?
A Yes, that's the way my mother raised me, to practice --

Q And at that time were there other things that you couldn't do, apart from the prohibition of looking up at the mountain and the sky?
A Yes, there was many other things that we were prohibited from doing. We would also, when we crossed a creek, they would make us walk on wild celery and also we weren't allowed to go out on a berry, wherever there were berry patches for fear it might become barren also.
THE COURT: Mr. Rush, I have two questions. I am sorry. I think that both you and the witness used a word, something me --
MR. RUSH: Mii, I think the word was, which is the Wet'suwet'en word for taboo.
THE TRANSLATOR: Mii, M-i-i.
THE COURT: And I made a note that the witness has just said, makes me wonder if it was correct, I thought Mr. Holland said, in interpreting or translating the evidence, that the young girls would wear a dark kerchief to prevent them from looking at hills and mountains and the skies so that the hills and mountains would not become barren. Is it the hills and mountains won't become barren or is it the young girl?
MR. RUSH: Yes.
A Your lordship, it's wherever they look it would be the hills and the mountains, like if they look at the hills where there is berries, if they should cast their eyes there, well then the berries would not grow again.
THE COURT: All right. And similarly, these young women wouldn't be allowed to go on the berry patches for fear that the berry patches would become barren?
A Yes, that's it exactly.
THE COURT: All right. Thank you.
MR. RUSH:
Q Now, were you prevented from eating fresh meat and fish during this period of Mii?
A Yes. All Indian people practice this.
Q And why were you prevented from eating fresh meat and fresh fish for that period?
A We were just -- it was -- it's always been like that, that is why we practice that.
Q Was there a concern about a hunter being unsuccessful if that fish or meat was eaten?
A Yes.
Q Now, I want to ask you now, Mrs. Alfred, about when

you got married. Before your marriage, did Peter Alfred come to live with your family?

A Yes. He didn't live with the family, but he came and helped with the chores, like making wood and things like that.

Q Was your marriage to Peter, was that arranged by your mother and his parents?

A Yes, my uncle and my parents, once they consented, that is when I got married.

Q Were there gifts that were exchanged between your family and Peter Alfred's family when you got married?

A Yes, I was -- there was gifts given to us and my uncle gave, when they gave me away, my uncle gave a rifle along to Peter and this rifle we still have yet at home. And my mother also gave gifts to Peter's grandmother, these gifts are called Noo'ka. It's a dowry.

Q And when you got married, Mrs. Alfred, was there a meeting or a gathering of your two families to discuss the marriage?

A Yes, they would gather and have a meeting, if everybody would agree before you got married.

Q Now, among your children who have got married, has there been consultation or a gathering between the families of the bride and groom before the marriage?

A Yes.

Q And you -- I asked you about Victor and your daughter Georgina, did that happen with Victor and Georgina?

A Yes. Yes, that also happened. We all agreed before they got together. Yes, four of my daughters all got married in the same fashion.

Q Now, Mrs. Alfred, I want to ask you about the law of marrying outside of your clan. Is that a law of the Wet'suwet'en that you follow?

A Yes.

Q And how do you encourage your children and grandchildren to follow this law?

A Yes, we talk to and instruct our children the same way they would have in the past.

Q Do you do -- do you say anything to your children if they express an interest in a person from another clan or from -- a person inside the Laksilyu clan?

A Yes, you would explain to them that they are of the same clan and that you are not to marry in your own clan, because they would be just like -- it would be just like marrying your own relative.

MR. RUSH: Now, madam registrar, I wonder if you would please

place before Mrs. Alfred photograph -- the photograph that's located at tab 20.

Q There is a photograph of a number of people that I am showing to you, Mrs. Alfred, and I wonder if you can identify some of the people in this photograph, and I would ask if you can start on the left-hand side of the photograph, the man with the white shirt and the tie; do you know who that man is?

A Bill Walter.

Q That's the man in the -- with the white shirt and the short tie, Bill Walters?

A Yes.

Q Now, the man standing beside him in the background, the man here whose face is just sticking out, do you know him?

A I have forgotten who they are.

Q Okay. The man then that's standing beside -- this man here with the robe over his left shoulder, do you know the name of that man?

A I forget his name also.

Q And then the man standing in the middle with the hat and his two hands holding his jacket.

A That's Maxan Tom.

Q Then the man standing to his left, with the moccasins on, and with the headband on his head, this man here, who is that?

A That's Round Lake Tommy, who used to be Wah Tah Kwets.

THE COURT: I couldn't hear the first name?

A Round Lake Tommy.

MR. RUSH: That's Wah Tah Kwets as opposed to Wah Tah K'eght.

THE COURT: Yes.

MR. RUSH:

Q Now, the man who is standing in the foreground beside Round Lake Tommy, with the drumstick in his right hand and the drum in his left hand, do you know who that is?

A That's Old Bill who used to be Madeek.

Q And is that Old Bill Nye, N-y-e?

A Yes, that's the same person.

Q Do you know the person who is standing just behind Bill Nye?

A That's August Pete.

Q And do you know the woman who is standing to -- just slightly behind the left arm of August Pete in the background?

A I forget her name also.

Q Okay. And then the person on the right-hand side of

the photograph, holding a coat in his right arm and a the blanket in his left arm and a mustache?
A That's, I think that's Felix George.
Q All right. That's fine.
Can that be the next exhibit, please?
THE REGISTRAR: Exhibit 142.

(EXHIBIT 142: PHOTOGRAPH)

MR. RUSH: I am sorry, I missed the exhibit number?
THE REGISTRAR: 142.
MR. RUSH:
Q Now, Mrs. Alfred, do you remember Felix George's feast name? Do you recall that?
A I forgot it.
Q And did August Pete have a feast name?
A I think he was the last, one of the last persons that had Kweese, the name Kweese, which name Florence holds now.
Q That's Florence Hall?
A Yes.
THE COURT: And that is?
THE TRANSLATOR: It's 146.
MR. RUSH:
Q Now, Mrs. Alfred, I want to show you another photograph, if I may, and would you please show Mrs. Alfred tab 26, the photograph at tab 26, please? Mrs. Alfred, this is a colour photograph of what appears to be a falls, do you recognize those falls?
A That's above Ts'un c'os 'aay called Neenlii.
Q It's called Neenlii?
A Yes.
Q Is this the place that's been referred to as the boundary between Namox and Kanoots?
A Yes.
Q And there is, there seems to be a bridge over the falls, is --
A Yes, this -- that bridge would have been there coming two years now, when we were up there with Peter Jim and we come in from above and all of a sudden there was a bridge there.
Q That bridge, was that bridge built within the last two years or about two years ago?
A Yes, it's -- it would be coming on two years now. When we were up there Peter Jim was showing us and re-affirming the boundary lines there at that time when we were up there.

Q Okay.
Can this be marked as the next exhibit?
THE REGISTRAR: Exhibit 143.

(EXHIBIT 143: PHOTOGRAPH)

MR. RUSH: Would you please show Mrs. Alfred the photograph which is in tab 27?
A This is the same place.
Q Is that a portion of the bridge that three of the people are sitting on that was shown in the previous photograph?
A Yes, that's the same one. That was -- that's the first time we seen that bridge, it was just being constructed then.
Q This is a photograph of you in a blue jacket there on the left hand side; is that correct?
A Yes.
Q And who is the woman with the sweatshirt on?
A That is -- that's Janet.
Q Janet, is this your daughter?
A Yes.
Q Who is the man in the photograph?
A That is Peter Jim.
Q And is he -- is his feast name Legiboo?
A Yes.
Q And who is the woman that is seated to Peter's left?
A That's his wife, Mary Jim.
MR. RUSH: Legiboo is --?
THE TRANSLATOR: 410.
MR. RUSH: 410, my lord.
Q Mrs. Alfred, what is Janet holding in her hands?
A That would be moss.
Q What's the Wet'suwet'en word for moss?
A It's Yiin yel. That bridge, we when we first got there, was first being constructed. There is probably a highway up there now.
MR. RUSH: The Wet'suwet'en word for moss, please?
THE TRANSLATOR: Y-i-i-n, y-e-l.
MR. RUSH: May that be the next exhibit, please?
THE REGISTRAR: Exhibit 144.

(EXHIBIT 144: PHOTOGRAPH)

MR. RUSH:
Q What was the moss to be used for, Mrs. Alfred, do you remember?

A She just picked it up because she wanted her picture taken with it.
Q Okay. Now, I would like you to show the next photograph, which is at tab 28.
A That moss or Yiin yel you are talking about, they use that for chinking log houses.
Q For chinking log houses?
A Yes, they punch that into spaces between the logs and the log house.
Q To act like insulation?
A Yes. That would be just to cover any spaces or holes.
Q Okay. Now, Mrs. Alfred, I am showing you the photograph that's in tab 28, I think it is. Was this -- do you recognize this photograph, the scene that's shown here?
A Yes, that is up by Ts'un c'os 'aay's place, that's a house where -- the house of the person that Peter had an argument with. And the fellows there are looking at paper there, they are trying to locate a marker or post, which that area is supposed to have been a reserve at one time.
Q The person that you say who built this house, is that the same person that you said had the argument with Peter in your evidence last week?
A Yes. That's the same person living there that had an argument with Peter and he is the same person that dismantled that house where Jim used to live.

MR. RUSH: Now, Mr. Mitchell, Ts'un c'os 'aay?

THE TRANSLATOR: 416.

MR. RUSH:

Q And, Mrs. Alfred, was this the -- was the time that this photograph was taken, was it at the same time as the photograph that was taken with you and Peter Jim and his wife and Janet sitting on the bridge?
A Yes, this picture was taken at the same time when the picture on that bridge was taken.
Q Yes, this?
A Yes, this picture here is where Peter Jim was trying to locate that marker or post.
Q This is Peter Jim with his back to us, leaning against the truck?
A Yes, that's him.
Q And is Peter Jim from Kanoots, Madeek House?
A Yes, he would be the son of them.
Q The son of --
A It would be Neg'edeld'es. Yes, he would be the son of Jim. When he was on that territory, he was on his

father's, the territory of his father's clan. He was just showing us around.

Q Peter Jim is the son of Jim, that you have also described as Jim Mooseskin?

A Yes, that's the same person.

MR. RUSH: May that be the next exhibit, please?

THE REGISTRAR: Exhibit 145.

(EXHIBIT 145: PHOTOGRAPH)

MR. RUSH:

Q Now, Mrs. Alfred, I want to ask you now about your trapping on Wah Tah K'eght's territory. And my question is: You told us that you had trapped with your daughter Helen, did you also trap with your son Cecil on Wah Tah K'eght's territory?

A Yes, we all, they all took turns coming with me. First it was Andrew, then Paul, Cecil and now Helen.

Q Now, did one of your sons-in-law, Adam Brown, also go out to the trap, to the place where you set your traps?

A Yes, he went in and he cut the trail out for us and up towards along K'aaz Kwe, then up towards the lake.

MR. RUSH:

Q K'aaz Kwe is a creek on Wah Tah K'eght's territory?

A That would be the boundary of which Hodi'ts'at's territory and where I set the traps would be K'aaz Kwe nuk'.

Q K'aaz Kwe nuk'?

A K'aaz Kwe nuk'.

THE TRANSLATOR: K'-a-a-z, K-w-e, n-u-k'.

THE COURT: What's the difference between K'aaz Kwe and K'aaz Kwe nuk', please?

MR. RUSH:

Q What is K'aaz Kwe nuk'?

A Yes, that would be upstream.

Q Upstream ---

A On K'aaz Kwe.

THE COURT: Thank you.

MR. RUSH:

Q Now, Mrs. Alfred, why did Adam Brown cut this trail out for you?

A Yes, that was because we have our traps set out on that line, and some of the wind falls there are too high for me to climb over, that's why he cut that out for us.

Q Was there a line or a place for trapping that you

hadn't used in a while?
A The only area there that has spruce timber on it. And we bring up in that spruce timber for the last two seasons, we never catch nothing.
THE COURT: Didn't catch anything in the spruce timber?
A Yes, where the trapline was amongst the spruce, the only place there that has spruce timber on it.
MR. RUSH:
Q Was it difficult to catch animals in this place?
A Last season we caught two marten but this season we haven't caught any at all.
Q Has it been more difficult to catch animals on your territory in the last two years?
A Yes, it's been pretty hard in the last two years because it's all been clear-cut and there is no habitat there for the marten to live in.
THE COURT: Can we take the morning adjournment now, Mr. Rush?
MR. RUSH: Yes.

(PROCEEDINGS ADJOURNED FOR SHORT RECESS)

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

Wilf Roy
Official Reporter

(PROCEEDINGS RESUMED AT 11:30)

THE REGISTRAR: Order in court.
THE COURT: Mr. Rush.
MR. RUSH:
Q Yes, thank you, my Lord. Mrs. Alfred, I understand there was a place on Wah Tah K'eght's territory where the linx were quite plentiful in the past?
A Yes. And in the past they used -- I used to catch lots of linx, used to up above Ha ta lii.
Q Ha ta lii?
A Used to up behind, up in there and go around and then come out at a place called Biiyis Ghees Niinhi.
THE INTERPRETER: Ha ta lii is 492.
THE COURT: I'm sorry?
THE INTERPRETER: 492. 386, Biiyis Ghees Niinhi.
THE COURT: I'm sorry?
THE INTERPRETER: 386.
THE COURT: Thank you.
MR. RUSH:
Q Now, have you hunted or trapped in that area recently, Mrs. Alfred?
A No.
Q The last time you were there in that area do you know what the population of linx was like? Was there more or less from the time that you described it as being plentiful?
A At the time when we used to -- when Paul was with me we would catch lots of linx when we were up there. The last time -- then I went after he passed away, we set trap for another season after that, and the linx was not so plentiful then. That is the last time we went up there.
Q Do you know why the linx weren't so plentiful on that last time you were there?
A There was no place to set traps up there after because of the clear cutting.
Q Okay. And can you recall -- can you say about how many years ago it was that you were last there?
A I forget how many years it's been since Paul died, but we just went out there one season after that, and never went back there again after that.
MR. RUSH: Okay. Now, my Lord, that completes my direct examination of Mrs. Alfred. I can tell you that just as I entered from the afternoon break Mr. Macaulay advised me there -- or the morning break, that there were some other documents that has just come to his attention which he thinks should be brought to mine

and that I may want to look at before I finally conclude my direct examination, so what I would propose is that we stand down for, well, I would say 15 minutes for me to have a look at these documents, and I would only have some other examination on those.

THE COURT: Yes, all right. Well, I think that that's a reasonable suggestion. I just thought I would see if I could just find the date of Paul's death. Oh, I have it. It looks like he died in 1975 or '78 -- '75 I think.

MR. RUSH: Yes, '75.

THE COURT: All right. Well, we'll adjourn then until you're ready. Let Madame Registrar know when you're ready, Mr. Rush, and we will come back.

(SHORT BREAK TAKEN AT 11:40)

THE REGISTRAR: Order in court.

THE COURT: Mr. Rush.

MR. RUSH: Yes. Thank you, my Lord. I have no further questions to ask of Mrs. Alfred.

THE COURT: Thank you. Mr. Plant.

MR. PLANT: I had a conversation with my friend, Mr. Macaulay, on Friday, and the result was that he agreed to go first today.

THE COURT: Yes, all right, thank you. Mr. Macaulay.

CROSS-EXAMINATION BY MR. MACAULAY:

Q Mrs. Alfred, in your clan there are three Houses?

A Yes.

Q And those -- the Hagwilnegh is the first House in the clan, is it?

A Yes.

Q And the late Mr. Sylvester Williams was Hagwilnegh?

A Yes.

Q And at the moment there is nobody who has the name Hagwilnegh, not yet?

A Not yet. It hasn't been passed on.

MR. MACAULAY: You gave evidence that when Wah Tah K'eght died Hagwilnegh spoke for your House during the interval between the funeral feast and the headstone feast; do you recall that?

THE TRANSLATOR: Can you rephrase that question again for me, please?

MR. MACAULAY:

Q Well, the chief of your House, who had the name Wah Tah K'eght when he died, this is before Henry Alfred

took the name, when the previous chief died there was an interval between the funeral feast and the headstone feast?

A Yes, that's right.

Q Did Hagwilnegh speak for Wah Tah K'eght, the House of Wah Tah K'eght at that time, because he was the senior chief in the clan?

A Yes.

Q And now that there is no chief who has the name Hagwilnegh, does Henry Alfred speak for the House of Hagwilnegh?

A Yes. He in return would also speak on his behalf along with Pat Namox, G'usgaboxs.

Q Is Pat Namox the head of another House in the clan?

A Yes. He would also speak on behalf of the clan since the passing of Hagwilnegh.

Q Is Henry Alfred, whose feast name is Wah Tah K'eght, is he senior to Pat Namox?

A Yes. Henry would be senior to Pat Namox, because he is one of the head chiefs.

Q On Exhibit 128, that is the seating plan, Henry Alfred is shown as sitting on the right side of Hagwilnegh?

A Yes.

Q And John Namox is shown as sitting on the left side of Hagwilnegh?

A Yes.

Q Is John Namox the same person as the Pat Namox that you mentioned a minute ago?

A No. That would be his brother, sits in front of him.

Q And is John Namox chief's name Wah tah Kwets?

A Yes.

Q Is John Namox the head chief of his House?

A Yes. He is the chief of that House.

Q So that the -- in the clan, the Laksilyu clan, Hagwilnegh is the senior chief and Wah Tah K'eght the second chief and Wah tah Kwets the third chief; is that right?

A Yes. The chiefs of each House, they all sit together in the middle.

Q But the -- of the three chiefs, this is before Sylvester Williams died last year, when he was still alive, was Hagwilnegh senior, that is the head of the other two chiefs, Henry Alfred and John Namox?

A Yes.

Q And when another person is chosen to take the name Hagwilnegh, will that person be senior to Henry Alfred and John Namox?

A Yes.
Q When a new Hagwilnegh is chosen, that -- does that person have to have the approval of Henry Alfred and John Namox?
A Yes.
Q Do the three Houses in Laksilyu clan work close together?
A Yes.
Q And in the case of the territory of Henry Alfred, that is Wah Tah K'eght, does Henry Alfred consult with Hagwilnegh and John Namox about the use of the Wah tah K'eght territory?
A They would be the ones to talk about it when the territory was passed onto him and which the process has taken on from generation to generation.
MR. MACAULAY: If a person from outside of the clan wants to trap on the territory who is the person -- who is the chief, which chief has the right to give him permission or to deny him permission?
MR. RUSH: Well, excuse me just a moment. Would you express which territory you're referring to?
MR. MACAULAY:
Q We'll start that one again. In the case of the territory, any part of the territory of Hagwilnegh -- I'll withdraw that. We will use as an example Wah tah K'eght. In the case of any part of the territory, Wah Tah K'eght, where a member of the House of Hagwilnegh wants to trap there, does that member of the House of Hagwilnegh have to get Henry Alfred's permission?
A Yes.
Q And in the case of a member of a Gitskan House who wants to use -- to trap on Wah Tah K'eght's territory, that Gitskan would also have to get Henry Alfred's permission?
A I would think not, because they come from a different part of the territory.
Q Well, if a Gitskan wants permission to trap on Wah Tah K'eght's territory, who does he have to speak to?
A Yes. They would have to seek permission from Wah Tah K'eght, because he is head of the House.
Q From Wah Tah K'eght, Henry Alfred?
A Yes.
Q Do you know a member of a Gitskan House called Sam Jones?
A No.
Q Have you heard that Sam Jones has a trapline on Wah Tah K'eght's territory, a part of Wah Tah K'eght's

territory?
A No.
Q Do you know a lady called Miriam Douse, D-o-u-s-e?
A No.
Q Do you know a person called Ben Wale, W-a-l-e?
A No. I don't know them.
Q Do you know a person called Thomas Wilson?
A No.
Q Have you ever heard that Miriam Douse or Ben Wale or Thomas Wilson were trapping on part of Wah Tah K'eght's territory?
A No. I don't know.
Q Do you know a person called David Moses -- I'm sorry, Moses David?
A Yes. I know him.
Q He is a Wet'suwet'en?
A Yes.
Q And what is his House?
A Yes. He would be on Caspit side.
Q He is not a member of your clan, the Laksilyu clan?
A No.
Q Does Moses David trap on any part of your territory, your House's territory?
A No. He may be at Old Dennis' territory, would be alongside, he may be on there. I don't know anything about that.
Q Is Old Dennis' territory outside of boundaries of the House of Wah Tah K'eght?
A Yes.
Q Do you know Paul Madam?
A Yes.
THE COURT: What's the spelling, please?
MR. MACAULAY: M-a-d-a-m is the spelling I have, my Lord.
THE COURT: Thank you.
MR. MACAULAY:
Q He is a Wet'suwet'en?
A Yes.
Q And does he live at Moricetown?
A Yes. He lives there.
Q And does Moses David live in Moricetown?
A He used to live there, but he's passed on.
Q Does Paul Madam trap in any part of your House's territory?
A No.
Q Do you know Peter David and Charles David?
A Yes. I know them. Charles has passed on.
Q Is Peter David a son or nephew of Moses David?

A Yes. He's the son.
Q And was Charles David also a son of Moses David?
A Yes.
Q Did Peter David or Charles David ever trap on any part of your House's territory?
A No.
Q Have you heard of a rancher named Fletcher?
A I don't know the names of all the white people living around the area.
Q But do you know the name, Allan Fletcher?
A I hear the name, but I don't know the person.
Q Driftwood Creek is a part of the boundary of your House's territory?
A Yes.
Q It is part of the southern boundary of your territory?
A Yes.
Q Who traps along Driftwood Creek?
A When Peter Bazil was alive he used to hunt and trap in the territory, but not since he died.
Q Have you heard of a person called Tom Britton, a trapper called Tom Britton?
A I don't know. It could be a fat man who used to be a game warden, I seen the guy but I don't know his name, and there was a tall skinny man also.
Q Have you seen either the tall skinny man or the fat man trapping along Driftwood Creek?
A I've never seen him trapping out there, but I hear that they are trapping out there.

MR. MACAULAY: My Lord, I see it's just after the half hour.
THE COURT: All right, thank you.
MR. MACAULAY: This would be convenient.
THE COURT: Thank you. All right, two o'clock, please.
THE REGISTRAR: Order in court. Court is adjourned until 2:00 p.m.

(PROCEEDINGS ADJOURNED AT 12:30)

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

_____
Graham D. Parker
Official Reporter

(PROCEEDINGS RESUMED AT 2:00)

THE REGISTRAR: Order in court. Recalling Dalgamuukw against Her Majesty the Queen.
THE COURT: Mr. Macaulay.
MR. MACAULAY:
Q Mrs. Alfred, can you tell me the clan and house of Paul Madam?
A All I know is Gilseyhu, and he comes from Babine.
Q And how about Peter David and Charles David, the sons of Moses David, what house and clan are they?
A They are from the Gitdumden clan. They could be from Cassyex, possibly Alfred Joseph's house.
THE COURT: Mr. Macaulay, if I may ask, did the witness say that Paul Madam is of the Laksilyu clan?
MR. MACAULAY: Gilseyhu.
THE COURT: And that's G-i-l --
THE INTERPRETER: 132.
THE COURT: Thank you. There was another name a moment ago. Moses might be Gitdumden, maybe he said something else?
THE INTERPRETER: Yes, Gitdumden, 301, and Cassyex, 119.
MR. MACAULAY: I take it Cassyex is a House? Gitdumden of course is one of the major clans.
THE COURT: Yes.
MR. MACAULAY:
Q Your House name means "House on top of a flat rock", does it?
A Yes.
Q And the House of Hagwilget, it's name translated to English is "House of many eyes"?
A Yes.
Q And the other, the third House in your clan is the "House beside the fire"?
A Yes.
Q The House of many eyes and the House beside the fire were Hagwilget, were they?
A Just the clan of House of many eyes.
MR. MACAULAY: I don't think I caught that answer.
MR. RUSH: I think the question -- I don't think the question was clear. You were -- I think Hagwilget and Hagwilnegh were --
MR. MACAULAY:
Q Thank you, Mr. Rush, I'm grateful. In the old days the House of many eyes, the house itself was at Hagwilget, Hagwilget Canyon?

A I don't remember. I was pretty young at that time, but I seen the totem pole, but I don't know exactly the house itself.
Q And was the house beside the fire, was that in the Hagwilget Canyon up near where the present -- the modern Hazelton is?
A They had Houses there, but like I said, I was pretty young at that time. I didn't know all about it.
Q At the feasts where your clan was present, did the older chiefs and elders talk about the history of their houses, where the houses used to be?
A No.
Q At the feast did you ever hear stories about raids by the Nishga, raids on wet'suwet'en people living at Hagwilget?
A This may have taken place before our time, but I haven't seen it when -- during my time.
Q But have you heard elders in your House when you were small talk about that?
A No.
Q Now, the house on top of a flat rock, that name comes from a rock at Moricetown?
A Yes.
Q And have you been told by your grandparents and other elders in your house that there used to be a big longhouse on that flat rock at Moricetown?
A Yes, yes. There used to be big house there where all the members of Tsee K'al k'e yex use that place.
Q The head chief, the Wah Tah K'eght, lived in that big house in those days?
A Yes.
Q And the second chief, Dz'eeh, lived in the same house with his family or her family?
A Yes.

THE COURT: I'm sorry, wait a minute, same house?

MR. MACAULAY:

Q In the same house?
A Away from -- up on the hill from Tsee k'al k'e yex. We had a winter home there, and that's where we lived, and they used the house on the flat rock for smoked salmon during fishing season.

THE COURT: The name you have been using, Mr. Macaulay, is that Z-i-i-h?

MR. MACAULAY: There are various spellings. I think it ought to be the one that's in the genealogy of the seating plan.

MR. RUSH: It's at 348, my Lord, and it's D-z-e-e-h.

THE COURT: Oh.
MR. MACAULAY: The genealogy is D-z-i-i-h.
THE COURT: Yes. I thought this witness told me that her name was D-z-i-i-h.
MR. MACAULAY: She is now, that's the witness' second name.
THE COURT: You say it should be spelled D-z-e-e-h?
MR. RUSH: Yes. I say that because the spellings that you have in the word lists are Mr. Mitchell's spellings, and we've been trying to rely on his standardization.
THE COURT: All right.
MR. RUSH: Of those spellings.
THE COURT: Thank you.
MR. MACAULAY:

Q The house that you were born in is the house you were referring to in your last answer?
A The house I'm referring to is up on the hill where I was born is called ts'e tes t'uk. It's away from the house on the flat rock.
Q Well, the house on the flat rock is now a smokehouse?
A Yes.
Q But before that smokehouse was built there was a large longhouse in which the head chief of your house lived?
A My uncles and them, they all lived up on the hill where they call ts'e tes t'uk, but they use that house on the flat rock for a smokehouse.
Q Was there a pole, a totem pole of your house in front of the smokehouse?
A No.
Q Did your house, the house of Wah Tah K'eght, ever have a pole at Moricetown that you could remember?
A Well, we didn't have a pole. The only ones that had poles there were Johnny David and his wife, and David Dennis, and Little Tommy, and Mathew Sam and his wife.
Q But none of those people are members of your clan, the Laksilyu?
A All the Laksilyu are of one, but the only difference is they have different houses.
Q Well, the poles that you mentioned, were they Laksilyu poles?
A Some of them are Laksilyu poles.
Q When Peter Bazil was Wah Tah K'eght did he have a blanket and a mask, an apron and a stick?
A Yes. He did have all the regalia such as mask, blanket, and apron, and rattle, but they got lost somewhere when they were -- when they were stored away in an old building.
Q How long ago were they lost?

A It's been a long time ago. It was during the time when Peter Bazil was still alive. He used it.
Q Whose house were they in when they were lost?
A They were stored away and in Joe Nass' storage shed where they were at.
Q Well, were they stolen, did they disappear in that way?
A I don't know anything about what happened to them. They just disappeared.
Q Is there a chief in the Babine country called Wah Tah K'eght?
A Yes. My uncle Wah Tah K'eght was buried out in Babine area, and that's where he passed away, that's where he's buried at.
Q Is there today a chief called Wah Tah K'eght in the Babine country?
A Yes. The person that held that name was passed onto Lattie.
Q How long ago did that person pass away?
A It hasn't been that long ago, it is just over a year.
Q The Babine chief called Wah Tah K'eght, is he Laksilyu?
A Yes. That Wah Tah K'eght from Babine is a descendant of Tsee K'al K'e yex.
Q But is he Laksilyu?
A Yes.
Q And is there Dz'eeh, a chief named Dz'eeh in the Babine country?
A No.
Q The chief called Wah Tah K'eght in the Babine country, what is the name of his house?
A Yes. Wah Tah K'eght Babine today belongs to Tsee K'al k'e yex also.
Q Does the name of the house in Babine country, does that have the same meaning as the name here, that is house on top of a flat rock?
A The Babine, which Wah Tah K'eght passed away comes from Tsee K'al k'e yex, but I don't know if they have a name for their house in Babine.
Q Did the Babine chief Wah Tah K'eght have any rights to the territory that you have given evidence about yesterday and today -- Friday and today?
A Yes. If they belong to Tsee K'al k'e yex, then they would have rights to our territory.
Q When the last chief was alive, the one who has just died, Wah Tah K'eght, Babine country, when he was alive was he invited to the feast in -- feasts that

you -- your house put up?
A Yes, yes. She was also buried in our area.
Q Were members of the Babine What Tah K'eght's House invited to your feasts?
A Yes.
Q You have given evidence about a chief named Neg'uptii; do you recall that?
A Yes.
Q There has not been a person with that name, a chief with that name for a very long time?
A Yes.
Q Was there a Neg'uptii in your lifetime?
A No.
Q Is it your evidence that one of your relatives intends to take the name Neg'uptii?
A Yes.
Q Where does Neg'uptii sit at the feast?
A Sits in the front row. It -- that name was used a long time ago, and up to now nobody has taken that name yet.
Q A long time ago the name Neg'uptii was a big name?
A Well, I don't know. I did not know the status, as they were our ancestors from long time ago.
THE COURT: Can I have the spelling or number for Neg'uptii?
THE INTERPRETER: It's 104.
THE COURT: Thank you.
MR. MACAULAY:
Q Bazil Michell has a big name in your house?
A Yes.
Q He stands next to you in order of importance in your house?
A Yes. His name would be -- would be -- would have more power than mine.
Q Why then does he sit farther away from the centre than you do?
A He sits right beside me.
Q But you sit next to Wah Tah K'eght and just two seats from Hagwilnegh; is that right?
A Hagwilnegh sits -- Hagwilnegh sits right in the middle.
Q Hagwilnegh sits in the middle, and then there's Henry Alfred, Wah Tah K'eght, and yourself?
A Yes.
Q And then the next seat is Bazil Michell?
A Yes.
Q Well, then isn't your seat a better seat than Bazil Michell's seat?

A They would -- the ones that sit closer to the middle would all probably have the same power and authority.
Q Okay. Apart from yourself and Henry Alfred and Bazil Michell, are there any other important chiefs or big names in your house?
A Yes.
Q What are the other big names in your house?
A We would be the only one that sits close to the middle, but then there's other chiefs from other houses further down on the other side.
Q Does the chief Gisdaywa have any right to approve or disapprove the appointment of -- the choice of Wah Tah K'eght. Perhaps I should, before Mr. Holland tries that, I'll break this one. We'll start with this: Do chiefs from other clans have a right to be consulted about the choice of a successor to Wah Tah K'eght?
A Yes.
Q And when Henry Alfred was being considered for -- to be successor to Wah Tah K'eght, was Gisdaywa consulted?
A Yes.
Q And was Smolgelgem consulted?
A Yes.
Q And was Caspit consulted?
A Yes. All the chiefs are consulted, and when they -- when they give their approval, that's when the name is taken.
Q Is there a chief in your clan called Tahtlas T-a-h-t-l-a-s?
A Yes.
Q There is? And who is that today, what's the ordinary name of -- the English name?
A There's no successor to that name as yet.

MR. MACAULAY: When did Tahtlas die?

THE INTERPRETER: Excuse me, 498 is chief's name, 498, that's Tah l us. Tahtlas is a name of a place.

MR. MACAULAY: A place? I withdraw my question, Your Honour. Mr. Mitchell informs me that I'm barking up the wrong tree. Well, I'm the cause of this confusion. It's my Scottish accent probably.

THE COURT: Well, I had a similar name not long ago, not today. I have the story of Tahlus, T-a-h-l-u-s, is the fellow that strangled Misine Kwe.

MR. MACAULAY: Oh, I wasn't thinking of the chief in that connection, I was thinking of the chief in another connection, a chief who along with Neg'uptii fished downstream from the bridge, I think, unless I got the

thing wrong.
MR. RUSH: That's another name.
MR. MACAULAY: Another name.
MR. RUSH: Yes.
MR. MACAULAY:
Q All right. Well, we'll pursue Tah l us first. Is there a chief -- chief's name in your house or your clan called Tah l us?
A Yes. There was Tah l us who was one of our fathers, our ancestors from long time ago.
Q All right.
A And that's -- we are descendants of these people.
MR. MACAULAY: And the spelling I have, I'm not asking the witness for the spelling, but the spelling I have for that person, is T-a-h-t-l-a-s. If I'm wrong perhaps this is a good time for somebody to correct it.
THE INTERPRETER: The way they're pronouncing it is Tah l us. It's 498.
MR. MACAULAY: 498?
THE INTERPRETER: That's what they're pronouncing.
MR. MACAULAY:
Q And that ancestor, Tah l us, there's nobody that carries that name today, Tah l us?
A No.
Q Does any of your children or grandchildren or other relatives intend to take that name, Tah l us?
A We don't have enough candidates for these names at this time, so when we do somebody will be taking that name.
Q Do you remember giving evidence last week about a farmer named Swanson taking your traps away?
A Yes.
Q And does Swanson farm at 31 Mile Ranch?
A Yes. That's the place.
Q And did Swanson put the traps on the road?
A No. We were -- he put them where we had -- we had a trail where we used for a long time ago, it was an old trail. He put them where we used to come from on an old trail.
Q Did the game warden tell you where your traps were where Swanson put them?
A You're talking backwards there, but we set traps for Beaver, and these Beaver traps are the ones that he took out, and he left them where we would find them on a trail.
Q So nobody told you where the traps were, you just found them when you went along the trail?

A No. Nobody told us, but he left them on the trail -- on the trail, we were using them at that time.
Q Did that happen about 1977?
A It was about that time. That -- the traps -- when you're talking about the game warden, that was a different time. I had traps set where my mother used to set traps before. It was -- and that's when he -- the game warden asked me to take them traps out. That was only time I spoke to the game warden.
Q And what part of your territory did you have the traps in when the game warden spoke to you?
A That was a line that -- an old tradional line that we used, and it was a line for dead falls, and it was upstream from Misine Kwe, I guess, that they wanted -- he wanted to log that area, that's why he asked me to take the traps out. I assume that's why they wanted me to take the traps out, because now that whole area is clear cut.
Q Do any of your children do any food fishing now?
A Yes. They go food fishing.
Q Does Roy Morris also do food fishing for you?
A Yes.
Q And is he Woos?
A Yes.
Q And Adam Gagnon does some fishing for you too?
A Yes.
Q What house does he belong to?
A He is of the Laksamshu. I forget his house -- it's Mes dzii yex.
Q He is another clan?
A Yes.

MR. RUSH: Maybe we should get -- was that the name of a house that was said?

THE COURT: Yes. 133, isn't it?

THE INTERPRETER: That's Laksamshu.

THE COURT: That's a different one.

MR. RUSH: Laksamshu was the clan, and then it was followed I think by the name of a house.

MR. MACAULAY: He said she thought -- yes, gave the name of the house?

THE INTERPRETER: Mes dzii yex, M-e-s d-z-i-i y-e-x.

MR. MACAULAY: I understood the witness to say she thought that was his house. She knew his clan but she thought that was his house.

THE COURT: Can I go back for a minute, Mr. Macaulay, if you don't mind, and fill in a gap in my notes. You were talking about Tah l us, and you asked when was there

last a chief with that name, and there's no answer to that question.

MR. MACAULAY: Yeah. Well, that's when some confusion arose about whether it was a place or a chief's name, but when we sorted that back out I went back at it, and as I understood the witness to say, that was one of her ancestors, and the name had not in recent time been used.

THE COURT: The question was: When was it last used.

MR. MACAULAY: I don't think I got an answer to that.

THE COURT: No.

MR. MACAULAY: I could.

THE COURT: Would you, please?

MR. MACAULAY: Yes.

THE COURT: Otherwise I'm going to wonder why I have this blank in my notes.

MR. MACAULAY:

Q Mrs. Alfred, do you know when the chief's name, Tah l us, was last used?

A They're our ancestors way before us. I didn't know anything about it during my time.

MR. MACAULAY: That's what I understood the general tenure of the evidence was, my Lord.

THE COURT: All right, thank you.

MR. MACAULAY:

Q Is Clara Morris a member of your house?

A Yes.

Q And she has a name, she's called Heywon?

A Yes.

Q Is that a chief's name?

A It's a chief's name, but it's not a big name.

Q And Clara Morris had several children?

A Yes. Some have passed on.

Q Yes. Now, one of them was Veronica?

A Yes.

Q And Veronica has passed on?

A Passed on recently.

Q But she had a daughter named Tina?

A Yes.

Q And where does Tina live?

A She lives in Prince George.

Q And Tina has several children?

A Yes.

Q Do you know them?

A Yes.

Q They -- of course they live in Prince George?

A Yes.

Q Do the children, that is Tina's children, do they attend the feasts?
A Yes. Just the mother comes, they would be too small.
Q Now, another daughter of Clara's was Annie?
A Yes. She's passed on also.
Q Did she have any children?
A No.
Q And William, another of Clara's children, did he have any children?
A I don't think so.
Q And Mitchell, that was another son of Clara?
A Yes. He don't have no children either.
Q And how about Freddie; another child of Clara's?
A Yes. I know him also. He don't have no children.
Q You have many grandaughters?
A Yes.
Q And do they have to go through the same experience you did when you were 13 or 14, not eating fresh meat or fish for a year, and those other things?
A Yes. They will do the same thing, because that's been practise for generations and generations. I am not the only one that practises this. As Indians we all practise this.
Q Has any of your grandaughters spent a year in not looking up at the sky or mountains?
A Yes. They would still practise Mii, and they have done in the past.
Q Is any of your grandaughters old enough to go through that experience?
A Some have gone through that already and -- some have gone through that experience already and others are not quite old enough for that yet.

MR. MACAULAY: I notice it's three o'clock, my Lord. I expect to be finished very shortly.

THE COURT: All right. We will take the afternoon adjournment. Thank you.

THE REGISTRAR: Order in court. Court is adjourned briefly.

(PROCEEDINGS ADJOURNED)

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

_____

Graham D. Parker
Official Reporter
United Reporting Service Ltd.

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(PROCEEDINGS RESUMED AT 3:15 P.M.)

THE COURT: Mr. Macaulay?

CROSS-EXAMINATION BY MR. MACAULAY: (Continued)

MR. MACAULAY:

Q Do you know who is trapping in the area of Owen Creek, Trout Creek?

A No.

MR. RUSH: Perhaps we should establish if the witness knows the English names to these particular creeks.

MR. MACAULAY:

Q Do you know where Owen Creek is?

A Are you asking S'aay K'e ta'ay?

Q Well, is there a creek named Owen Creek or Owen's Creek in your territory?

A No. Maybe you are talking about Trout Creek?

Q Is there a Trout Creek in your territory?

A Yes, I know that area, S'aay K'e ta'ay.

Q And is there a trapline along Trout Creek?

A That area is all populated with farmers but a long time ago Bazil and my mother were at the lake trapping for muskrats and beaver.

THE TRANSLATOR: Excuse me, can I get that name for Trout Creek?

MR. MACAULAY: Mr. Mitchell has quite correctly drawn to our attention that she gave a name of the area in which Trout Creek is situate. And I don't think we have identified it or spelled it.

THE COURT: Yes.

THE TRANSLATOR: S'-a-a-y, K'-e, t-a'a-y.

THE COURT: Thank you.

MR. MACAULAY:

Q How long ago were you last in that area?

A I was last in that area when I was -- before I got married and we never went back after. There was too many people in the area.

Q Now, you belonged or trapped on a line registered first in the name of Peter Bazil and then in the name of Henry Alfred?

MR. RUSH: Excuse me, I think there might be some confusion there. You trapped a line, she has mentioned several lines throughout her testimony. Do you mean to say with respect to a registered trapline?

MR. MACAULAY: Registered trapline.

MR. RUSH: It might be easier for her if you specified.

MR. MACAULAY:

Q We will start it again, my lord.
Are you a member of a registered trapline registered in the name of Henry Alfred?

A Yes.

Q And is Peter Pierre a member of that trapline company?

A No. That's Gitdumden.

Q Peter Pierre is Gitdumden?

A Yes.

Q How about William Caspar, is he Gitdumden?

A No, that's Gilseyhu.

Q Is he on the same trapline company as you?

A No.

Q How about Arthur Michell, is he on the same trapline company as you?

A No.

Q What is his clan?

A He is Laksilyu too but only his son is registered on that.

Q What is his son's name?

A That's Bazil.

Q Bazil Michell?

A Yes.

Q And is he Laksilyu?

A Yes.

Q And how about Tommy Michell, is he on the same trapline as you are?

A I don't think so.

Q Is he Laksilyu?

A Yes.

Q And Esther Michell, is she on the same trapline as you are?

A No, they are just -- they are on this side only.

Q What is this side?

A On the south side of the river.

Q Is Walter Michell on the south side of the river, on a trapline on the south side of the river?

A They would have been with Bazil but they are all passed on.

Q Are Bazil, Tommy, Esther and Walter all passed on?

A Tommy, Bazil, Walter, they are all passed on.

Q What house were they in?

A They are in C'enegh la yex.

Q And do you know Madeline Michell?

A No.

Q How about Paul Batist?

A I know him.

Q Is he on the trapline with you?
A Yes, he is of a -- a member of Tse K'al, he is a Tse K'al K'e wet'en. But he is not registered with us but he is allowed to use the territory.
THE COURT: I didn't get the name, I don't know if it was a house or a clan?
MR. RUSH: I think, Mr. Holland, if I am correct, said Tse K'al K'e wet'en and that has been given as the people on the house on the flat rock, which is the House of Wet'en.
THE COURT: I see.
MR. MACAULAY:
Q Do you know an Estele Batist?
A Yes, I know her.
Q Is she a member of your family?
A Yes.
Q Is she in your house?
A Yes.
Q And is she on the same trapline, registered trapline, as you are?
A No.
Q Did you change from one registered trapline to another in 1962?
A When -- at first I was registered with Bazil Michell, but then when my brother was ailing and getting weak, he arranged to have us put back on the other side.
Q Was the other side registered in the name of Peter Bazil at that time?
A Yes.
Q And it's now registered in the name of Henry Alfred?
A Yes.
Q Now, the Bazil Michell trapline, is that west of the Bulkley River?
A Yes, that would be on the village side.
Q On the village side?
A Yes.
Q And is Amelia Michell on that trapline?
A No, but they probably trap with Bazil.
Q Is she a member of your house?
A No.
Q Is she a member of your clan?
A Yes, Laksilyu.
Q And Josephine Michell, does she trap on the Bazil Michell trapline?
A Yes.
Q And is she a member of your house and clan?
A He is in our clan -- she is in our clan, Laksilyu, but

not in the same house.
Q Is she in Bazil Michell's house?
A Yes.
Q And Estele Michell, is she in your house or clan?
A No.
Q Is Estele related to Bazil Michell?
A That's his wife.
THE COURT: Whose wife?
A Bazil.
MR. MACAULAY:
Q So she is not the same clan?
A No.
Q And how about Walter Michell, is he a member of Bazil Michell's family?
A They are a member of Bazil Michell's.
Q Are they a member of Bazil Michell's house?
A Yes.
Q And Louis Tommy, does he trap on the Bazil Michell trapline?
A No.
Q Is he a Laksilyu?
A Yes.
Q And Old Lucy Joseph, does she trap on the same trapline as Bazil Michell?
A I don't know who the person you are talking about.
Q Do you know a Tommy Michell?
A Yes, he is Bazil's brother.
Q Is he dead now?
A Yes.
Q Did he used to trap with Bazil?
A Yes.
Q And Mrs. Dick Naziel, does she trap on the Bazil Michell trapline?
A Yes, her and Josephine would trap over there.
Q Is she in -- is she Laksilyu?
A Yes.
Q And is she in the House of Hagwilnegh?
A Yes.
THE COURT: I am sorry, Mr. Macaulay, I thought the name was Dick Naziel?
MR. MACAULAY: Mrs. Dick Naziel.
THE COURT: Thank you.
MR. MACAULAY:
Q There is a Dick Naziel trapline, do you know about that one, registered trapline?
A No, but he may be above ours.
Q So far as you know, he does not trap on your house

territory?
A No, he probably traps way above ours.
Q Do you know his house and clan, Dick Naziel?
A It's Gitdumden from Cassyex.
Q And Gabriel Louis, do you know Gabriel Louis?
A Yes.
Q What house and clan is he?
A He comes from the same clan as Alfred Joseph and he could be from the same house.
Q Are Gabriel Louis and Dick Naziel related, the same family?
A They would be, they are of the same clan so they would be related but they could come from a different house.
Q And Peter Pierre is the same clan as Dick Naziel?
A Yes.
Q Have you ever heard of a trapper named Charles Chaplin, Charlie Chaplin?
A No. I heard it for the first time here.
Q Last Thursday or Friday you gave evidence about the proper handling of fish and could you tell us what you mean by the proper handling of fish, what does that involve?
A Yes, that's right.
Q Well, are you talking about the smoking process, the process of preserving the fish, is that what you would call the proper handling of fish?
A Yes.
Q Did your husband, Peter Alfred, ever live at Beament?
A They stayed at a camp there when they were making poles.
Q Did you stay at Beament?
A Yes, I was with him.
Q Do you have a house there?
A No, we didn't have a house there, we just set up a tent there because they didn't stay there very long.
Q Who were the poles being made for?
A I think they worked for Hanson.
Q For Hanson?
A Yes, that's who they worked for.
Q Was or is Beament outside your house territory? Is it inside or outside?
A Yes, it's outside our territory.
Q What house has that territory that Beament is in?
A Probably belongs to the Gitksan.
THE COURT: May I have the spelling for Beament?
MR. MACAULAY: I make it B-e-a-m-e-n-t, my lord.
THE COURT: All right.

MR. MACAULAY:

Q Did your husband go commercial fishing on the coast?
A Yes.
Q For how many years was he a commercial fisherman?
A He was just there for two years.
Q Did you go to work at the coast ever?
A He went by himself at first then I went with him the last time.
Q When you went, did you work at a cannery?
A Yes, I worked there.
Q Did any of your children go commercial fishing?
A No.
Q Do your children -- what are your children's occupations now, the ones who have survived?
A Some of them are still going to school and some work in office and some work right at -- right in the village, looking after things there.
Q Now, Irene is one of your daughters?
A Yes.
Q And what is her occupation?
A She works looking after elders as a homemaker.
Q And Henry, what is his occupation?
A He works right in the village hauling with a truck.
Q Is that his own business, the hauling business?
A No, he works for the band office.
Q He works for the band office?
A Yes.
Q And Janet, what's her occupation?
A She is not doing anything right now.
Q And Darlene?
A She is not doing anything right now. She used to work in the office.
Q That's the -- you are referring to the band office?
A She used to work at Kitwanga sawmill office but she is not with them now.
Q And Dorothy, what does she do?
A She is not working either.
Q Helen?
A She is not working either.
Q Edna?
A She don't work either but she stays with me and looks after me.
Q And Patsy?
A She is working at the Kitwanga sawmill office.
Q What does she do there, does she do secretarial work?
A She is a secretary there.
Q And Betty?

A She works in the Smithers Hospital.
Q At the Smithers Hospital?
A Yes.
Q What does she do at the Smithers Hospital?
A She is a nurse there.
Q Vina, what does she do? Tom Johnson's wife?
A Vina. She is not doing anything right now but sometimes she works on the sawmill.
Q And Cecil?
A He is a fireman.
Q At Moricetown?
A Yes.
Q Shirley?
A She is not working at this time but she used to work in the band office.
Q Does she live in Moricetown?
A They have a house in Moricetown but they are living, presently they are living in Prince George because her husband works there.
Q Christine?
A She is not working either.
Q Her husband is Knedebeas?
A Yes.
Q And Gina?
A She is working in the office for an Indian officer.
Q For an Indian office?
A I forget the name.
Q Does she work in Moricetown or in Smithers or in Hazelton?
A In Smithers.
Q And her husband is a chief whose name is Namox, Victor Jim? Sorry. That was wrong, my lord. Clearly it's Masiloos.
A Yes.
Q Did you hear of a dispute between Moses David and Bazil Michell over traplines?
A No.

MR. MACAULAY: Those are my questions.
THE COURT: All right. Thank you.
Mr. Plant, do you want to start?
MR. PLANT: I am in your lordship's hands.
THE COURT: How is your witness, Mr. Rush, does she prefer to adjourn now?
MR. RUSH: Well, I suspect she would prefer to adjourn now.
THE COURT: All right. 10 o'clock tomorrow morning then.
Thank you.

(PROCEEDINGS ADJOURNED UNTIL TUESDAY, JANUARY 19, 1988 AT 10 O'CLOCK A. M.)

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

Wilf Roy
Official Reporter