January 15, 1987
Vancouver, B.C.

THE REGISTRAR: Order in court. In the Supreme Court of British Columbia, Friday, the 15th day of January, 1988. Calling the matter of Delgamuukw against Her Majesty the Queen, my lord.

THE COURT: Mr. Rush?

MADELINE ALFRED: Resumed

EXAMINATION IN CHIEF BY MR. RUSH CONTINUED:

Q Thank you.

Now, Mrs. Alfred, I want to return for a moment to the feast at which Henry succeeded to the name of Wah Tah K'eght, and yesterday you told us that other chiefs of the Wet'suwet'en spoke at the end of that feast, and you told us some of the things that they said. I wanted to ask you if those other chiefs talked about the territory, and particularly Wah Tah K'eght's territory?

A When -- when they speak on it, or they spoke on it, they -- they said that the territory goes with the name.

Q Did they explain about the territory? Did they say anything about the territory?

A When they speak about the territory, they just -- they just say that -- that the territory goes with the name, and then -- but the -- they are -- they are taught about the territory beforehand.

Q And when the chiefs who spoke said the territory went with the name, was that understood or -- to your knowledge, was that understood by others at the feast?

A Yes.

Q They knew what -- did they know what territory was being referred to?

A Yes.

Q Mrs. Alfred, how -- how do the people, members of the house of Wah Tah K'eght, how do they know about the territory of Wah Tah K'eght? How do they learn about it?

A Our -- our grandfathers and grandparents teach us the territory and the names, as did our ancestors before.

Q And do you do the same?

A Yes.

Q Mrs. Alfred, are there many feasts -- many feasts that are conducted at Moricetown by the various clans?

A Yes.

Q Throughout your lifetime, have you attended the feasts at Moricetown?
A Yes.
Q And you do -- you continue to attend them up to the present time?
A Yes.
Q Okay. And is -- the practice that is followed at the feasts that you've attended, have they -- have the practice and those feasts been conducted in the same way?
A Yes. It is still the same.
Q I want to show you, Mrs. Alfred, a photograph that is at Tab 11 of the book. It's 59573.
Mrs. Alfred, do you recognize what this photograph shows here?
A The gathering of Hagwilget a long time ago.
Q Is this a feast?
A Yes.
Q This feast was conducted outside in the open air?
A Yes. It was outside.
Q The feasts that you've described in your evidence so far have been feasts that were conducted inside a hall. Did they used to hold feasts outside like this?
A On a nice day they would set up seats outside and hold their feasts outside, but they also had halls at that time.
Q Okay. You say this feast occurred at Hagwilget?
A Yes.
Q And do you recognize any of the buildings in this photograph as buildings that you know?
A On the left-hand corner is Longdale's building.
Q Is this -- the left-hand corner, is this the building here?
A Smokehouse.
Q My lord, this is the building.
A And that small --
THE COURT: I'm sorry. Did he give a name for the building?
MR. RUSH:
Q Longdale's. Was that the name of a man or a family?
A It was a woman's name.
Q A woman's name. Okay. Now --
A That building just above that is Jimmy Michell's sister's house.
MR. RUSH: All right. Jimmy Michell's sister's house is the one -- sorry. Is this Jimmy Michell's sister's house here?
THE COURT: The left of the Ford.

MR. RUSH: It's to the right -- the left of the Ford, that's correct. And it's also right of Londale's house.
THE COURT: Yes.
MR. RUSH:
Q All right. Now, was there any other building in there that you know, Mrs. Alfred?
A The one on the right-hand corner at the top, you can barely see, is a church building.
MR. RUSH: All right. Okay. Upper right-hand corner practically in the corner is the -- a white -- the outlines of a white building, which is the church. I'd like that marked as the next exhibit, please.
THE REGISTRAR: Exhibit 129.
(EXHIBIT 129: Photograph)
MR. RUSH:
Q I'd like to show Mrs. Alfred the next photograph at Tab 12 of the same binder. Mrs. -- this is Tab 12. Thank you.
Mrs. Alfred, is this a photograph taken from the same feast as is contained in Exhibit 129, the previous photograph?
A Yes. That's same.
Q All right. I want to ask you, there are two men in white shirts just in the upper left-hand portion of the photograph standing, apparently doing something, and I wonder if you could tell his lordship what they are doing?
A They're cutting up moose hide.
Q And after it's cut, what happens to it?
A After it's been cut, it's passed around to the guests.
Q All right. Is there -- is there any person in this photograph that you can identify?
A I couldn't recognize anybody there because they dress a little differently. This lady that is bent over looks like Johnny David's mother or -- or Donald Gray's mother.
Q All right. That's the lady that's bent over on the right-hand side of the photograph with the kerchief on her head? Mrs. Alfred, do you recognize any of the -- any of the buildings in the photograph at the back behind the people?
A The picture -- the building or house right in the corner, this is Old Dennis.
MR. RUSH: All right. Just -- if we can just pause there, that's the building, my lord, in the upper right-hand corner, and Mrs. Alfred pointed to the building immediately to the -- on the right corner of the

photograph, which is this one here.
MR. PLANT: The roof is in the upper right-hand corner.
THE WITNESS: And the house to the left of that building that you -- you just identified is MacKenzie's house.
MR. RUSH: MacKenzie's house. And that's the one to the -- as has been described, just to the left of the one identified in the right-hand corner. Could that be Exhibit 130, please?
THE REGISTRAR: Exhibit 130.
(EXHIBIT 130: Photograph)
MR. RUSH:
Q Now, Mrs. Alfred, I understand after -- shortly after that feast, when you were a little girl you obtained your first name, the name of Wiloss?
A Yes. It was after when they had a gathering in a hall.
Q Was -- was this in Big Seymore's hall?
A Yes.
Q Okay. And I understand that you had your eyebrows painted when you took the name of Wiloss?
A Yes. When you receive your first name, they call that Bii Holtl'es.
Q Bii Holtl'es.
A That's when you receive the first name.
MR.R USH: All right. Now, I'm just going to pause here. Mr. Michell, Wiloss, can you give us the spelling on that? I don't think we have it. Is Wiloss on the list? 402. It's under --
THE SPELLER: 512.
MR. RUSH: Just -- on my list Wiloss is spelled w-i-l-underline-o-s-s and on this list there is no number beside that name.
THE COURT: 402 on the other list is something different.
MR. RUSH: Yes. That's right. I have received an updated list this morning in alphabetical order and Wiloss is on the last page below 402, and I think it's intended that a number was to be beside that name.
THE COURT: On the last page?
MR. RUSH: Yes. You haven't received this yet. I'm going to give it to you right now. All right. This is the numerical list, my lord, and which the last appears as 512.
THE COURT: 512.
MR. RUSH:
Q Yes. Now, Mrs. Alfred, am I right in what I understand to be the case that at that feast where you took the name of Wiloss, you painted your eyebrows --

or you painted your eyebrows and below your eyes were charcoal?
A Yes.
MR. PLANT: Before proceeding, there was a word that I don't have the spelling for.
THE REGISTRAR: It's 515.
MR. PLANT: I don't have the list that you're referring to.
MR. RUSH:
Q Just a moment. Mrs. Alfred, the feast at which the name -- first name is taken, you gave us a name for that?
A Hanadit'ess.
Q I don't think that's the name that you gave us earlier.
A When you receive your first name after the process when you -- when you paint your eyebrows and face, it's called Ts' o l tl'ees.
Q Ts' o l tl'ees?
A Ts' o l tl'ees.
MR. RUSH: All right. Now, that is the name we don't have. Would you give us the spelling for that, please?
THE SPELLER: Ts' o l tl'ees, T-s-apostrophe-o-l-t-l-apostrophe-e-e-s.
MR. RUSH:
Q Now, Mrs. Alfred, why did you paint your eyebrows and paint under your eyes at that feast when you took your first name?
A I don't know, but they just go through that process, and then they put you -- that's when you receive your very first name.
Q Did it have anything to do with your training?
A Yes. That's to indicate -- by painting your face, that's -- that would indicate that you're receiving your first name so you would be -- would be trained.
Q Okay. And was it at Hagwilget, Mrs. Alfred, that you took your first name at Big Seymore's hall?
A Yes.
Q All right. I want to ask you, Mrs. Alfred, now, about something you gave evidence on yesterday about Wah Tah K'eght's Kungax. And you told us about how the Kungax was performed where Wah Tah K'eght uses a cane or a staff. Is there a song that is sung at the time that the Kungax is performed?
A Yes.
Q And does the song -- does the song relate to the use of the staff by Wah Tah K'eght when he does the Kungax?

A Yes.
Q And where does the song come from? What's the origin of the song, Mrs. Alfred?
A That was our -- that was Tah lus' song.
MR. RUSH: Tah lus is 400. And can you tell me, what did the song --
THE SPELLER: Sorry. It's 498.
MR. RUSH: Look at 400 and I think --
THE REGISTRAR: That's Tah tl'as. 498 I have Tah lus.
MR. RUSH:
Q Okay. You said this is Tah lus' song; is that right?
A Yes.
Q Okay. Can you just say Tah lus for us again so I have the sound?
A Tah lus.
MR. RUSH: Okay. And that's 498, is it?
THE SPELLER: Yes.
MR. PLANT: May I have the spelling for it?
THE COURT: T-a-h-l-underline-u-s.
MR. RUSH: Thank you. Now, Mrs. Alfred, can you tell us -- I don't want you to sing the song. I want you to tell us the story that goes with the song.
THE COURT: Before you do that, is Tah lus a person?
MR. RUSH: Yes.
THE COURT: It was said to be his song.
MR. RUSH:
Q That's a person, a historical figure, as you will see. Now, Mrs. Alfred, would you just tell us the story of Tah lus?
A That historical story came from the time when this Nuu'tseni stole this rare snare spot. That's where that song originated from.
Q Okay. Tell us what happened?
A When the -- when he first caught this -- Tah lus first caught -- Tah lus first caught this Nuu'tseni at that place where setting snares for bears, he gave him a warning, but the second time he caught him, that is when he took this cedar bark rope and put it around Nuu'tseni's neck and strangled him with it. So that's where that song came from. When he -- when he strangled that man, that's -- that was where the song originated from.
Q Okay. Now, the place where the bear snare is located, can you tell us where that is?
A This place was at around the general area of Tac'es kwe where the bear had a water hole where he drinks out of.

THE COURT: I'm missing a few names, Mr. Rush. I was trying to take it down in narrative form, but I have it that the story came from at the time I took it to be a person by the name starting with S; told us about a bear snare spot, caught somebody else at the place he gave in the morning.
MR. RUSH: The he is the Nuu'tseni and that's 311.
THE COURT: Nuu'tseni is the strangler?
MR. PLANT: Stranglee.
MR. RUSH: Is the recipient of the strangling.
THE COURT: And that name, please.
MR. RUSH: The Nuu'tseni? 311. And the person doing the strangling is Tah lus.
THE COURT: Oh, yes. All right.
MR. RUSH: And the place where this is occurring is a watering hole of the bear where the bear snare is located and that's at Tac'es kwe.
THE SPELLER: 381.
MR. RUSH:
Q And that is 381. Now, the place, Mrs. Alfred, Tac'es kwe, is that close by to the village of Moricetown, K'ayah Wig'et.
A Yes. The water hole of the bear would be on the swamp towards Tac'es kwe.
Q Okay.
A And the area is not too far away from Moricetown.
Q And is that on Wah Tah K'eght's territory?
A Yes.
MR. PLANT: I'm sorry. I don't have -- I can't find 381. That's why I need the spelling.
THE COURT: T-a-c-apostrophe-e-s-k-w-e.
MR. PLANT: Thank you.
MR. RUSH:
Q Now, Mrs. Alfred, when this story was told to you and by others, was there -- were there words of a song that were used at the time of the telling of the story that relate to the story?
A I just know the lyrics to that song, which is "Nuu'tseni ndu K'en diin dee 'A yah dii nii".
MR. RUSH: Okay. That's the Wet'suwet'en. And how does that translate, Mr. Holland?
THE COURT: I'm sorry. Are you going to translate for us now the lyrics? Those three words are part of the lyrics.
THE TRANSLATOR: Yes. Those words are the "Nuu'tseni, what's hurting you? Why are you saying 'Ayah?"
MR. RUSH:
Q And is that -- are those words repeated in

Wet'suwet'en when the story is told?
A Yes.
Q And when the words "'Ayah" are used, what does that indicate in the story?
A That -- of course, he's been hurt and that is why he's saying -- he's saying -- that's the expression of hurting.
Q I see. All right. And the -- here is the Nuu'tseni; is that right?
A Tah lus was singing that song.
Q And it was the Nuu'tseni who was hurting? That's what I'm trying to understand.
A Yes.
Q And the Nuu'tseni was a person from -- from the east; is that right, a man who came to your territory from the east?
A Yes. It's probably -- it's probably from the east. It's -- it's a historical story way before my time. At that time people really protected their territories and that's why they would kill for it.
Q Okay. Now, does -- does the story that you've told us and the lyrics of the song that you've given us, is that owned by the house of Wah Tah K'eght?
A Yes.
Q How did you learn the story and the song, lyrics?
A Yes. That's -- that story has been handed down from generation to generation. The song goes with it.
Q Did your mother and your uncle tell you this story?
A Yes. They told them stories.
Q And has this story been repeated in the feast hall?
A No.
THE COURT: Sorry?
THE WITNESS: No.
MR. RUSH:
Q Has the story -- or the song ever been used at the feast?
A Yes. They use it.
MR. RUSH: Okay. And how do they use the story at the feast?
MR. PLANT: Song.
MR. RUSH:
Q The song.
A When they going to -- when they going to hook the chiefs, that's when they sing the song.
Q Okay. And when the -- when the chief is hooked, the song is sung at the same time?
A Yes.
Q Okay. And --

A After they -- after they finish with that song, and then the person that was hooked would get up and then go into his own Kungax. They do that with each individual chief.
MR. RUSH: Okay.
THE COURT: Mr. Rush, may I interrupt, please, to ask the witness when she gave the lyrics "What's hurting you? Why are you saying 'A yah", is 'A yah number 201, a-h-y-apostrophe-e-a-h?
MR. RUSH: No. I think 'A yah is something like ouch. It's an expression as opposed to a feeling of pain.
THE COURT: So it's not 201?
MR. RUSH: It is not 201, no.
THE COURT: Can we have a spelling for ouch?
THE SPELLER: Apostrophe-a-y-a-h.
THE COURT: Thank you.
MR. RUSH:
Q Now, Mrs. Alfred, at Wah Tah K'eght's feast when Henry took the name, was someone hired specially to sing the song that you've just given us the lyrics for?
A When -- when he went through to Kungax, Thomas George went along with him to sing the song.
Q Okay. And so Thomas George sang the song "Nuu'tseni, why are you hurting" at that feast?
A Yes.
Q Has Emma Michell ever sung the song?
A Yes. She knows the song.
Q Okay. You -- the Kungax that is done by Henry, is this known as the Kungax of the old man with the cane?
A There's another performance that's a little different. When he's sitting down as a guest and he gets hooked, that is when he uses that cane and the old man.
Q Okay. I just want to understand the two performances. When Henry performed his Kungax at the feast where he took Wah Tah K'eght, did he perform it as the old man with the cane?
A At -- at the time when he takes his name, the father clan would come with him when he comes in and that is when he uses Tah lus' song.
Q I see.
A But he also uses the old man and the cane.
Q At the same time?
A That's when -- when he first receives the name, that's -- his uncles would come in with him.
Q Now, you said --
A Yes. It would be from the father clan.
Q Okay. All right. Now, you said that when -- at

another feast when Henry as Wah Tah K'eght is being -- is being hooked or someone performs their Kungax to him, does he then use the Kungax in response of the old man and the cane?

A Yes. That's what he would use in response.

Q Okay. All right. Now, Mrs. Alfred, at the feast where Henry received his name, were the Kungax and the song and the story about Tah lus, were those said at the feast?

A These historical stories are told amongst our elders and grandparents, but at the feast the song itself only is used there.

Q Along with the Kungax?

A Yes.

Q All right. Mrs. Alfred, I want to ask you about another history of your clan, the Laksilyu, and I wanted to ask you the history of the girl who became a frog. Now, can you tell us that history?

A The story goes this girl used to go into -- to Cottonwood Grove and she used to go there all the time and then all of a sudden one day she disappeared and never came back. And -- and then when -- after a bit, there's two little frogs are packing one another. They come to the door and they keep trying to come in and they would throw them out, and this one man said, "There must be a reason behind them little frogs packing one of them coming in. Maybe you should let them come in". So they took a cedar bark mat and placed it in front of the -- the person that had lost -- or had a missing daughter and them two little frogs, they come in and they sat on that mat in front of that -- of that man whose daughter was missing, and then they -- and from there, they figured out what was happening, and then the frogs, they went back to the pond whence they came and they figured out what was taking place. So the people from that house, they took and they dug a trench towards the river to drain that pond.

The way it was told, after they drained the pond there, these big frogs, they started going towards the river and then -- and this other frog was following him and then apparently it was the daughter that was missing, and she looked back and told her people, "My body is no good now, so just let me go", because she had the body of a frog and it was -- just her face was still a human face. So that's when they let her go back into -- back to the river with the male frog.

Our grandparents told us these stories which were handed down.

Q The village -- the Cottonwoods that you referred to at the beginning of the story, was that near a village?

A These -- this pond was down from Moricetown and near Tsee K'al K'e yex, and this pond was directly behind Hagwilnegh's smokehouse. That is now -- it's been drained out, and there's a highway going through there now.

Q Okay. And is that Tsee K'al K'e yex, or what was the Wet'suwet'en word?

A Tsee K'al K'e yex.

THE COURT: And what is that, please, the name of the place where the pond is?

MR. RUSH: That's right.

THE SPELLER: 398.

THE COURT: Sorry?

THE SPELLER: 398.

THE COURT: Thank you.

MR. RUSH:

Q Was the girl who went to the pond, was she the daughter of a chief?

A This girl was a daughter of a chief whom you would call Sk'ay za'

MR. RUSH: Sk'ay za'?

THE SPELLER: Sk'ay za', S-k-apostrophe-a-y-z-a-apostrophe.

MR. RUSH:

Q What does that mean?

A Sk'ay za' would be a status that is given to daughters of chiefs, sons and daughters of chiefs. That would be the same line as a prince or a princess.

Q Now, Mrs. Alfred, the place where the pond was located, you said was Tsee K'al K'e yex, and that's the same name as your -- the house of Wah Tah K'eght?

A Yes.

THE COURT: I'm sorry, Mr. Rush. I don't understand that. I'm not even sure I've got the right name.

MR. RUSH: 398.

THE COURT: Oh, is it 398?

MR. RUSH: Yes. That's right, isn't it? Yes.

THE COURT: That's another -- another word for -- or synonym for --

MR. RUSH:

Q Tsee K'al K'e yex is the house on a flat rock. I'm going to ask the witness if she was referring to the place of a flat rock, which I think is what she was referring to.

The place, Mrs. Alfred, where the -- the pond was located where the Cottonwoods were, is that at Tsee K'al K'e yex?

A This pond or area would be at the foot of the hill, the foot of the hill before the highway went through. It would be near Tsee K'al.

Q Near Tsee K'al?

A Yes. And the -- it would be not too far behind Hagwilnegh's smokehouse.

Q Yes. I was -- I just wanted to determine if Tsee K'al Ke' yex, if that means a place of a flat rock?

A Yes. It would be on top of -- on top of the flat rock, but that house is named Tsee K'al K'e yex because it's right on the -- on the flat rock.

MR. RUSH: Okay. Yex is house, my lord, and so at 398, yex is house on a flat rock and what the witness was, I think, describing is the place of a flat rock.

THE COURT: Yes.

MR. RUSH:

Q Now, Mrs. Alfred, your house, and you are a member of the Laksilyu clan -- and did the -- did the story of the girl who became a frog, does that relate to the crest of the Laksilyu clan?

A Yes. The Laksilyu had a little frog crest.

Q All right. Now --

A And Gilseyhu had a big frog.

THE COURT: I'm sorry?

MR. RUSH:

Q And the Gilseyhu, that is the big -- she was saying the Gilseyhu is the big frog and the Laksilyu is the little frog.

Is the story of the girl who became a frog, is that part of the oral history of the Wet'suwet'en people?

A Yes. It was a historical story.

Q And does that have a name in Wet'suwet'en? A historical story, does that have a particular name?

A No. They said it was just referred to as historical story.

Q I think the word that you've used in Wet'suwet'en is G'idee dee'; is that right?

A Yes.

MR. RUSH: Okay. Can you spell G'idee dee', please?

THE SPELLER: G-apostrophe-i-d-e-e-d-e-e-apostrophe.

MR. RUSH:

Q And is a G'idee dee' a true story?

A Yes.

Q Is this story, Mrs. Alfred, this G'idee dee' of the girl who became a frog, is that a story which you have told to other people, including your children and grandchildren?

A Yes. There's always some -- some guidance to -- or wisdom comes out of these stories. That's why we always retell these stories.

MR. RUSH: Now, my lord, I was going to go to another area. If you wish to take the morning break, this would be convenient.

THE COURT: Yes. Thank you.

THE REGISTRAR: Order in court. Court is adjourned for the morning recess.

(PROCEEDINGS ADJOURNED)

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

Kathie Tanaka, Official Reporter
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(PROCEEDINGS RECONVENED AT 11:30 A.M.)

THE REGISTRAR: Order in court.

THE COURT: Mr. Rush.

MR. RUSH:

Q Thank you. I wonder, Madam Registrar, if we could refer to the witness tab 13 of the document book.

I'm going to show you a photograph, Mrs. Alfred, and ask you if you can identify this photograph for us?

A Yes.

Q What is this? What does this show?

A Picture on the right, that's smokehouse. It's Hagwilnegh's.

Q All right. Just before we start with the individual houses, is the -- is the photograph a photograph of the village of K'ayah Wig'et or Moricetown?

A Yes, that's the place.

Q Okay. And the photograph is -- is looking across the Bulkley River over at the village?

A That -- the picture is on the village side.

Q Yes. And did you see the village when the village looked like this?

A Yes.

Q All right. And you can identify some of the -- the -- the smokehouses in the photograph, can you?

A Yes.

Q And just before we do that, there are -- there are two bridges in the foreground of -- the foreground of the photograph, and there appears to be a horse-drawn Ford -- horse-drawn buggy on one of them. Do you see that?

A Yes.

Q And do you remember seeing the two bridges there like that?

A The one -- one is the older bridge, and then the other one was the newer bridge.

Q Okay. The one on the left is the -- is the older bridge, is it?

A The one on the left, it's -- that's the older bridge.

Q Okay. Now, I want you to tell me if you can point out some of the smokehouses, and I think when you've -- when I first asked you about this, you showed me Hagwilnegh's house?

A Pointing to the larger smokehouse on the right.

Q All right. Is that this smokehouse that I'm pointing to?

A Yes, Hagwilnegh.

Q I'm going to put an "H" on that smokehouse. All right. Now, I want you to -- to tell me if you know this house and who owns that one or who owned that one?

A That's Jack Joseph's smokehouse.

Q Okay. I'm going to put a "J" on Jack Joseph's smokehouse. Okay. And can you tell me, Mrs. Alfred, between Hagwilnegh's and Jack Joseph's smokehouse there are two little -- what appear to be two little houses back up the hill. What are those?

A Them -- them are for storage.

Q What's stored in those?

A Them are for smoked salmon or -- or dried meat, which is stored there for winter.

Q Okay. Now, from Jack Joseph's smokehouse that we have marked with a "J" and moving to the left, there are again three smaller houses. Are those storage houses too?

A Yes, they are. That's storage places again.

Q Okay.

A Yes.

Q Now, I'm going to -- I'm going to point to a house here, which is a larger structure beyond those three smaller ones. Can you tell me whose smokehouse that

is?

A That's Charlie Eisidor.

Q And if I put an "I" on this --

A The whole clan uses that -- them buildings.

MR. RUSH: Okay.

THE COURT: Is that a house or a smokehouse?

MR. RUSH:

Q It's a smokehouse.

This is a smokehouse, is it, Mrs. Alfred?

A Yes.

Q Okay. Now, I want to ask you if you can identify this structure here as a smokehouse?

A That's Namox's smokehouse.

Q Okay. And is this Namox's smokehouse? I'll put an "N" on that.

A Yes.

Q Okay. Now, I'd like you to go to the upper bench.

A That's -- that one there in the middle, which he was pointing at, is Madeek's smokehouse.

Q You put your finger here. Is that Madeek?

A Yeah.

MR. RUSH: All right. My lord, it's the large smokehouse on the second level, if I can -- if you can perceive it that way in the photograph, slightly to the left of centre.

THE COURT: Yes.

MR. RUSH:

Q That's Madeek.

And I've put an "M" on that, Mrs. Alfred. Now, I wonder if you can tell me to the left of the house that I put an "M" on here, is that a smokehouse?

A No, that's a house. That's a winter home.

Q All right. Okay. Do you know who owned this winter home or who used it?

A It was the lady -- that -- that -- that house and the smokehouse beside it belongs to a lady by the name -- person by the name of Niilly.

Q Okay.

A They were relatives of Peter Pierre.

Q Okay. Now, the winter house that you pointed to, is that this house that my pen is pointing at, that belongs to Niilly?

A Yes.

MR. RUSH: Niilly. All right. I'm going to put an "N" on that house.

MR. MACKENZIE: You've got an "N" on Namox.

MR. RUSH: Maybe I'll have the spelling, Mr. Mitchell, and I'll put the second letter.

THE TRANSLATOR: Niilly, N-i-i-l-l-y.

MR. RUSH:

Q Thank you. I'll put an "NI" on Niilly then. And you say just to the left of Niilly's winter house is another smokehouse that belonged to Niilly; is that right?

A Yes.

A That's -- that's all I -- I can recognize right now. The rest of them are graveyards.

Q Okay. All right.

A Or grave sites.

Q Okay. The house to the far left here can you recognize?

A I -- I forgotten about that one.

Q Is that a smokehouse?

A That's a smokehouse.

Q Okay. Now, I'm going to take you back to the centre of the top bench where we've marked a smokehouse with an "M" for Madeek. To the right of that you see another house. Is that -- do you see this house to the right?

A Yes. That's a winter home also.

Q All right. And do you know who had that winter home?

A It -- it could be Madeek's house because it's -- it's right close to it.

Q It could be Madeek's winter house?

A Yes.

Q Okay. Okay. Are you able to identify the buildings to the right of the house that could be the winter house of Madeek, and I'm showing you this structure here?

A Some were some -- some winter homes a long time ago.

Q All right. And over to the right here, are you able to identify this structure? That's the building again to the right of --

A That's a grave site.

Q All right.

A And all the rest of these little buildings are grave sites.

Q Now, the buildings to the -- to the right of the photograph, the smaller buildings to the right of the photograph on the second level, are those the grave sites that you've been referring to?

A Yes, they're all grave sites.

MR. RUSH: All right. Now --

MR. PLANT: Are you going to mark these?

MR. RUSH:

Q Yes, I'm happy to mark those with a "G."

Mrs. Alfred, are these the grave sites, these

little buildings here?

A Yes, that -- all that area is grave sites.

Q Okay. All right. I'm going to put a "G" on the building that is indicated as a grave building here, is that right?

A Yes.

Q And I'm going to put similarly a "G" on the next one and this one.

A Yes.

Q Okay. All right. Now, was the cemetery in that area where those small buildings are that are marked "G" on this photograph?

A Yes. All that area was a cemetery.

Q Okay. Now, Mrs. Alfred, there were some, appear to me to be, small buildings in the background to the right of the photograph. Do you recognize those?

A That would be part of the village.

MR. RUSH: Okay. I'd like to mark this photograph as the next exhibit, please?

THE REGISTRAR: Exhibit 131.

MR. RUSH: I'm going to make some more reference to it.

THE COURT: The number is 121?

THE REGISTRAR: 131.

(EXHIBIT 131 - PHOTOGRAPH)

MR. RUSH:

Q Now, Mrs. Alfred, in this -- in this same photograph to which we've been making reference, Exhibit 131, the smokehouses that are shown in the photograph, which you've identified for us, were they used for smoking salmon?

A Yes, that's for smoking salmon. And they would -- they would come there in the summer to -- to make fish.

Q Okay. And did sometimes the people stay in the smokehouse? Did they live there in the summer?

A Yes, they've lived there.

Q Okay. Now, it may be hard to determine, Mrs. Alfred, but beside the smokehouse which you've identified with an "N" for Namox, there is a structure here which is difficult for me to make out, but can you tell me if you recognize what that is?

A That -- that is all part of Namox's smokehouse. The smokehouse is just being reconstructed. And then in addition you -- up here is where they would hang the fish before they start preparing it to go in here.

Q Now, you pointed to the left-hand side of the

photograph directly to the left of the structure that's marked with an "N" here. Is that -- this is where they prepare the fish?

A This is where they would hang the fish to -- to dry them up before they start working with them.

MR. RUSH: All right. Thank you.

THE COURT: May I see the exhibit, please, for a moment? Does anyone know when the new bridge was built?

MR. RUSH: Somebody knows, my lord, but --

THE COURT: Yes.

MR. RUSH: -- Mrs. Alfred is not -- cannot recollect the date.

THE COURT: All right. Thank you.

MR. RUSH:

Q I'm going to ask one other question which my learned friend had some concern about, and if he does, it could be that others do too. Mrs. Alfred, the present village of Moricetown is located in this photograph, is it not? I'm referring to Exhibit 131.

A The smokehouses are all in the proper places, but the present village would be up here in the upper bench.

Q And the --

A So the village would be up here.

Q The witness pointed to what appears to be the field behind the upper level of -- of smokehouses in the

whole area behind there up to the tree line. Is that right, Mrs. Alfred?

A Yes.

Q Thank you. All right. Thank you. That will be Exhibit 131. Now, if you will, please, would you please place tab 14 before Mrs. Alfred.

Now, just a moment, Mrs. Alfred. Now, I'm showing you a photograph that's marked 8399. Now, Mrs. Alfred, this shows a different view of the village site at Moricetown. Do you recognize the village site as one that you have seen?

A Yes, that's the same. This is where they hang the fish up.

MR. RUSH: All right. I'll -- just before we do that, I'm going -- can this be marked as the next exhibit, and I'll just mark it now?

THE REGISTRAR: Exhibit 132.

MR. RUSH: Thank you.

(EXHIBIT 132 - PICTURE)

MR. RUSH:

Q Thank you very much. Now, you pointed to a structure on the left-hand side of the photograph that you said

was a place where fish were hung?

A Yes. When the -- when fresh fish is first brought out of the water, that's where they hang it.

Q Okay. Now, Mrs. Alfred, do you recognize any of the smokehouses that are shown in the foreground of this photograph, Exhibit 132?

A Yes, I know them. It's Namox smokehouse, and Charlie Eisidor, and Jack Joseph.

Q Okay. That's -- we're seeing the photograph --

A It's the same thing.

Q All right. Is this the Namox house?

A The Namox.

Q I'm going to put the "N" on Exhibit 132. And is this the Charlie Eisidor smokehouse?

A Yes.

Q I'll put an "I" there. And this is the Jack Joseph --

A Jack Joseph's.

Q All right. Now, Mrs. Alfred, do you recognize any of the houses at the top bench that you haven't identified before? Just to go behind the smokehouse level in the foreground to the top bench, do you see any there?

A I -- I already told you that. They're all the same.

Q Okay. All right. And I think there is a -- a clearer

shot of the cemetery houses on the right-hand side of the upper-bench structures on the photograph. Are these the -- the grave houses to the right? I'm pointing to the large -- the larger of five grave houses. One, two, three, four, five.

A Yes, they're all grave sites.

Q Okay.

A This all used to be grave site when it was left.

Q Okay. Now -- okay. Now, these -- these structures are not standing at Moricetown today, and I'm pointing to the ones in the back bench, is that right?

A Yes. Yes, that's all -- they're not there any more because there's a highway goes through there. And all these smokehouses are not there any more either.

Q All right. Okay. Thank you. Just before I leave this photograph, Mrs. Alfred, do you -- Jack Joseph, what clan was Jack Joseph in?

A Laksilyu.

Q And Charlie Eisidor?

A Gilseyhu.

Q And Namox?

A Tsayu.

THE COURT: I'm sorry.

MR. RUSH: Tsayu. I think that's T-s-a-y-u.

THE COURT: I didn't get the second one.

MR. RUSH: Gilseyhu.

THE COURT: Jack Joseph was Gilseyhu?

MR. RUSH: No, Jack Joseph was Laksilyu.

THE INTERPRETER: Laksilyu.

MR. RUSH: Yes. And Gilseyhu, what's the number on that?

THE TRANSLATOR: 132.

MR. RUSH: 132, my lord.

THE COURT: And the name Gilseyhu? What was that?

MR. RUSH:

Q Charlie Eisidor.

And you pointed out Madeek's house in Exhibit 131, and what -- what clan is Madeek in?

A Gitdumden.

Q Okay. And do you remember when the smokehouses were taken down?

A Once -- once that highway went through, that's when -- when all them buildings were -- smokehouses disappeared after that.

Q Okay. All right. I'm going to show you the next photograph, which is found at tab 15 of the document book. It's under number 82992. Do you recognize what is shown in this photograph, Mrs. Alfred?

A That -- that is a real old bridge, which I've never

seen.

Q All right. You've not --

A That bridge was -- was -- could have been the one that they used to reconstructure all the time. It's way before my time.

Q Okay. I want to ask you about the -- the structure that's in the middle of the photograph, if you recognize that structure?

A Yes, I only know that one in the middle. That would be Tsee K'al.

Q Tsee K'al. Is that from your house?

A Yes.

Q Okay. And can you tell me who was using that structure during your lifetime?

A My grandmother and my uncles, they all used that.

Q Okay. Does the -- does the clan -- does the whole clan have a right to use the smokehouse or does the whole house have a right to use it?

A The Tsee K'al Wet'en, they all use that house.

Q Okay.

A Or smokehouse.

THE COURT: I didn't get the name. Was it Tsee K'al?

MR. RUSH: Tsee K'al K'e yex. Tsee K'al Wet'en. And Tsee K'al, Mr. Mitchell, is?

THE TRANSLATOR: 493.

THE COURT: What is that, a person's name? Whose house is it?

MR. RUSH: No, my lord, that's Mrs. Alfred's house.

THE COURT: Oh. Well, her house is 398.

MR. RUSH: Yes.

THE COURT: But I think I was just told number 493.

MR. RUSH:

Q Yes, I just want to clear that up.

Mrs. Alfred, who -- who used that house, the people from what house? What Wet'suwet'en house used that smokehouse?

A It would have been our ancestors from -- members of the Wah Tah K'eght house.

Q Are they the members of Tsee K'al K'e yex?

A Yes.

Q And that's 398, my lord.

Q All right. Do you recognize the house that's on the left-hand side, Mrs. Alfred, over here on the left-hand side of the photograph?

A That house I don't know.

Q Okay.

A I just know this Hagwilnegh's smokehouse. That house I don't know who belongs to.

MR. RUSH: You're pointing to the roof of a house which is just

to the right of the structure on the left side of the photograph, and, my lord, you can see it -- you can see it's about halfway down.

THE COURT: Yes.

MR. RUSH:

Q If I put an "H" here, Mrs. Alfred, would that be Hagwilnegh's house?

A Yes. Them -- them smokehouses was still there recently, and that's how I know. This picture is way before my time.

Q Okay. I'm going to mark a "T" on the house -- the smokehouse of your house.

Q All right.

A That's Tsee K'al K'e wet'en.

THE TRANSLATOR: Tsee K'al K'e wet'en, T-s-e-e K-'-a K-'-e w-e-t-'-e-n.

MR. RUSH:

Q And that means the people from the house on the flat rock?

A Yes.

MR. RUSH: All right. Can I mark that as the next exhibit, please?

THE REGISTRAR: 134.

(EXHIBIT 133 - PHOTOGRAPH)

MR. RUSH: Thank you.

MR. PLANT: I don't have 133.

MR. RUSH: 133 is the --

THE COURT: Well, I'm sorry, can you tell me, please, what is the difference between what Mr. Mitchell just spelt for us and 398? One is the people from the house?

MR. RUSH: That's right. Wet'en, as in Wet'suwet'en --

THE COURT: Yes.

MR. RUSH: -- is the people of, my lord. So you -- I think Mr. Mitchell added wet'en to that.

THE COURT: Yes. Okay.

MR. RUSH: You're right, we don't have a 133.

THE REGISTRAR: This one is number 133.

MR. RUSH:

Q Thank you. All right. I'd like to produce the next photograph to Mrs. Alfred. It's found at tab 14. Mrs. Alfred, do you recognize the smokehouse that's shown on -- in this photograph?

A Yes, I know that one.

Q And who does that smokehouse or who did that smokehouse belong to?

A Wah Tah K'eght. That's -- that would belong to Tsee

K'al K'e wet'en, Wat Tah K'eght's house.

Q That's the same photograph that we marked with a "T" in Exhibit 133?

A Yes, that's same place.

Q All right. I'm going to mark it with a "T" here. Would I be right in doing that?

A Yes.

MR. RUSH: All right. Can that be Exhibit 134, please?

THE REGISTRAR: 134.

(EXHIBIT 134 - PHOTOGRAPH)

THE WITNESS: That place where you see in the back there, that's where I was born.

MR. RUSH:

Q Okay. I'm going to ask you about that. Now, Mrs. Alfred, this structure in the photograph, this is the smokehouse of your house, of Wah Tah K'eght's house you said?

A Yes.

MR. RUSH: And did members of your family live in this house?

THE COURT: I'm sorry, Mr. Rush, is that correct?

MR. RUSH: Pardon me?

THE COURT: That this is the house of -- the smokehouse of the

house of Wah Tah K'eght.

MR. RUSH: Yes. Yes. Number 398 is Wah Tah K'eght's house, and that's what she's been making reference to.

THE COURT: Well then, I missed that. But you're telling me that Wah Tah K'eght is not a house; it's a chief of this other house.

MR. RUSH: Well, your lordship is correct in addressing me on that. Wah Tah K'eght is the chief of Tsee K'al -- just let me find it. It's 398. He is the chief of that house.

THE COURT: All right.

MR. RUSH: But your lordship may recall that on occasion we have referred to the house by the chief's name as well.

THE COURT: I have just sort of been assuming, and it's probably not an accurate assumption, that Wah Tah K'eght was itself a different house, but that couldn't be because he'd have to belong to the same house as his mother.

MR. RUSH: That's right.

THE COURT: All right.

MR. RUSH: What occurs is that the witness has referred interchangeably to --

THE COURT: Yes. All right.

MR. RUSH: -- Wah Tah K'eght's house and as well to Tsee K'al K'e yex, which is Wah Tah K'eght's house.

THE COURT: Yes. All right.

MR. RUSH: Thank you for pointing that out to me.

THE COURT: You're very welcome.

MR. RUSH:

Q Mrs. Alfred, the smokehouse that's shown in this photograph, Exhibit 134, was that used by people of your house to live in?

A Yes, they -- they did have people living in there when they were smoking salmon because during the night they -- they would have to have somebody living in there to keep the smoke going.

Q Okay. And do you remember any of your relatives living in the house?

A I remember Joe Nass, my mother, Peter Bazil. They all lived around there. Sometimes they had a tent out behind, and when they were finished with the smoking, they would go back to their -- their houses and their living quarters.

Q Okay. Your house is called in English the house on the flat rock. Is the flat rock shown in the -- in the photograph?

A That -- that -- where that building is situated is on -- on a rock because flat rock going up from there which doesn't show on the picture.

Q Okay. The building is located on a flat rock, you say, is that right?

A Yes, that's -- that house is on a flat rock.

Q Okay.

A And --

MR. RUSH: Did you mark your copy with a "T"? And yours is with a "T"?

MS. RUSSELL: Yes, this is.

MR. RUSH:

Q This is the court copy, is it? Okay. I'll put a "T" on this too.

All right. Mrs. Alfred, you said that the photograph shows where you were born?

A That house up there is where my -- my uncle had a house. My mother and myself and my grandmother, we all lived up there. That is where I was born.

Q All right. Now, you pointed to what appears to be a house in the upper left-hand corner of the photograph, and I'm just going to point this out with my pen. Is this the house you've been referring to? And that's --

A Yes, that's the place. There used to be a fence lying along there.

Q All right. I wonder if -- if I put an "M" here, would

that be -- "M" for -- maybe "MA" for Madeline Alfred, would that be right?

A Yes.

Q Okay.

A That's what they call Ts'e tes t'uk.

THE COURT: I'm sorry, Mr. Holland, what was the last word you used? You said it was called Ts'e --

THE INTERPRETER: Ts'e tes t'uk.

THE COURT: The first word sounds like the name that the witness gave me as her chiefly name, but I'm not sure if that's right.

THE INTERPRETER: No, it's different.

THE COURT: Can I be given that word again, Mr. Mitchell?

THE TRANSLATOR: Ts'e tes t'uk, T-s' --

THE COURT: T-s-'?

THE TRANSLATOR: Yes. -- e t-e-s t-'-u-k

THE COURT: All right. And what does that mean, please?

THE WITNESS: I -- I don't know the meaning of that. It's just a name of that place. It's an old word.

THE COURT: All right.

MR. RUSH: Okay.

THE COURT: It's the name of the place where you were born, is it, Mrs. Alfred?

THE WITNESS: Yes.

THE COURT: Thank you. Is Mrs. Alfred getting tired?

THE INTERPRETER: Yes, she's getting tired.

THE COURT: Should we adjourn?

MR. RUSH: All right. That will be fine. Thank you.

THE REGISTRAR: Order in court. Court's adjourned until 2:00 p.m.

(PROCEEDINGS ADJOURNED AT 12:25 P.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.

Leanna Smith

Official Reporter

United Reporting Service Ltd.

└h2 M. Alfred (for plaintiff)

(PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURMENT)

THE REGISTRAR: Order in court. Delgamuukw and Her Majesty the Queen.

THE COURT: Mr. Rush.

MR. RUSH: My lord, Mrs. Alfred has expressed to me over the luncheon that she's feeling quite tired. I think your lordship identified -- and I'm going to ask that the Court adjourn at three o'clock if -- if -- with your lordship's permission. I think she's feeling at the end of this week fairly exhausted.

THE COURT: Well, I think that will probably be convenient to everyone. It is Friday.

MR. RUSH: Thank you.

THE COURT: Unless I hear some very strenuous objection, to which I'll give careful consideration, we'll adjourn at three o'clock.

MR. PLANT: You won't hear it from me.

MR. RUSH:

Q Now, I'd like the witness to be shown Exhibit 134 again, please.

Mrs. Alfred, you were -- you had pointed out to us on Exhibit 134 where it was that you were born, and you showed us that it was in the house in the background and you marked it "MA"?

A Yes. That's right.

Q And do you know who built this house?

A My mother's brother Adam, who was my uncle.

Q And do you know -- do you know how long before you were born the house was built?

A At that time my grandmother had passed away and I was born that same day, and then my uncle had passed away a year previous to that, and that's when me and my mother were living there.

Q Okay. And how long did you live in that house that's shown in Exhibit 134?

A Me and my mother lived there all the time until -- up until the time when I got married.

Q And when you got married, where did you live?

A When -- after I got married, Peter Bazil and my husband Peter, they built a new house out of logs right in the same area.

Q Okay. And can you show us, is it close to the place where you lived with your mother that's shown on this photograph where you lived with Peter, your husband?

A Yes. We built a house just a little ways away from there across the road.

Q Okay. Now, Madeline, where do you live today? Is -- is the place where you live today, can you see it on the photograph, not the house, the place?

A We're still living in the same place where our land is and we're still living there.

Q Okay. And is -- is the place -- is it close to where this -- where this house is that's marked "MA" on this photograph?

A That's -- it's in the same grounds as where the house is marked. Where that house is marked, I have a smokehouse there, but we have a house close by.

Q Okay. Now, do other members of your house live close by to you today where you live?

A My children live there, around.

Q Do they live around you in the same area?

A Yes. They live all around where I live and it's all in the same piece of land.

Q Okay. Now, in this photograph, Mrs. Alfred, you notice that there appears to be a pole leaning against the smokehouse that's marked "T". Do you see what I'm pointing to here? Yes. Go ahead.

A Yes. I see.

Q What -- what kind of poles are those; do you know?

A They're gaff poles. They're used for fishing.

Q Okay. And the -- I'm sorry?

A That's what you call Sah gh'us.

THE SPELLER: Sah gh'us, S-a-h-g-h-apostrophe-u-s.

MR. RUSH:

Q Now, there's a little house on logs, it appears to be on stilts, to the left of the smokehouse, which is marked with a "T". Can you tell his lordship what that little house is?

A That is a place for storage, which you call Tsee kun. That's for storage of smoked salmon and meat and berries which is stored away for the winter.

MR. RUSH: Tsee kun.

THE SPELLER: T-s-e-e-k-u-n.

MR. RUSH: Thank you.

THE COURT: T-u-m?

THE SPELLER: k-u-n.

MR. RUSH: Now --

THE COURT: I'm sorry. I still don't know if it's N or M.

THE SPELLER: N.

MR. RUSH:

Q And there appears to be a building, Mrs. Alfred, just to the left portion of it, to the left of the photograph. Do you know what building that is or what structure that is?

A That's a smokehouse.

Q Do you know whose smokehouse that is?

A It's Hagwilnegh.

Q Madam registrar, could I have Exhibit 131?

Mrs. Alfred, is that the smokehouse of Hagwilnegh that you marked with an "H" on Exhibit 131?

A Yes. That is of the same building. It's below the road where the road goes in between.

Q I'm going to mark an "H" on Exhibit 134, which is this building, the structure at the corner here. Thank you.

Mrs. Alfred, you told us about your brother -- your mother's brother, Adam, who built the house that is shown in the background of Exhibit 134. Do you know, when he passed on, was he an old man when he

passed on?

A My mother told me that he was still a young man when -- when he got hurt. He was -- my mother told me that he -- he was building a stable when he got hurt and he died as a result of that.

Q Now, Mrs. Alfred, I want you to look at that photograph, which is Exhibit 131, and you identified for us the cemetery which is in the photograph and we've marked "G" on the small houses. You see here where we've marked --

A That is the old grave -- graveyard.

Q All right. Could you show Mrs. Alfred, please, Tab 19?

A And that is where one of my aunt is buried. The new one is way in the back end, you know.

Q Okay.

A I'm showing you a photocopy of a photograph from a book that is entitled "Bureau of American Ethnology", and I wonder if you can recognize this marker?

A Yes. I know that. It's still standing up yet.

Q And what -- what is this marker of?

A That's a grave -- gravestone marker.

Q And whose gravestone marker is that, the name of the Wet'suwet'en chief that held -- for whom that marker

was built?

A The name was Xax. That was the grave marker of Baptiste's first wife.

MR. RUSH And that's Xax? Would you give us the spelling? Would you just say the name again, Mr. Holland?

THE INTERPRETER: Xax.

THE SPELLER: Xax, X-a-x.

MR. RUSH:

Q And can you tell me, Mrs. Alfred, where this marker is located today?

A Moricetown.

Q And is that -- is that a figure of what appears to be a bird on it?

A Yes.

MR. RUSH: Okay. Can that be an exhibit, please?

THE REGISTRAR: Exhibit 135.

(EXHIBIT 135: Photocopy of photograph)

MR. RUSH: That's 135? Thank you.

THE COURT: Have you finished with 134?

MR. RUSH: Yes.

THE COURT: Could I see it, please?

MR. RUSH: Now, madam registrar, I'm going to ask if you would, please, to place Exhibit 63 -- yes -- Exhibit 63 before Mrs. Alfred. It's this photograph. And it's

taken from Tab 11 of Mr. Alfred Joseph's book of documents.

THE REGISTRAR: Tab 11?

MR. RUSH:

Q Yes. Or at least it was in my tab. What we could do is if you could find Exhibit 62-6, and that's in Tab 6 of --

Mrs. Alfred, I'm going to show you a photograph that is marked Exhibit 62-6 here, and I would ask you if you can identify what this photograph shows?

A That is down at the foot of Hagwilget Canyon.

Q And I want to direct your attention to what appears to be houses or smokehouses in the upper left-hand corner. Do you see over here? Did you see those in Hagwilget Canyon?

A Yes. I've seen --

THE COURT: Sorry. Did you say upper left?

MR. RUSH: Upper left-hand corner of Exhibit 62-6, yes.

THE COURT: I don't think I have the same thing.

MR. RUSH: You have Exhibit 64, I believe, or 3.

THE COURT: I have Exhibit 3. Yes. Sorry.

MR. RUSH: This is the -- this is the photograph.

THE COURT: Oh, yes. I have my copy downstairs.

MR. RUSH: All right.

THE COURT: I can follow the evidence.

MR. RUSH:

Q Now, I want to direct your attention to the structures that are in the upper left-hand corner, Mrs. Alfred. Are those smokehouses of the Gitksan?

A Yes. That's where it is.

Q Okay.

A At that time I wasn't around, but my mother told me about the cable they had going across the river, and there was a boat attached to which they used to travel back and forth between the two shores.

Q Okay. You see what appears to be a line from the left-hand side of the photograph to the right, apparently across the river. Is that the cable?

A I -- I didn't see that myself, but my mother told me about it.

Q Okay. All right. Let me ask you about the -- the other structures in the foreground of the photograph. Did you see those at Hagwilget?

A When we used to travel to Hagwilget, we used to go down to the canyon. I've seen them there when we used to go down there to get smoked salmon. By the time when we used to go down there, the elderly had constructed a bridge.

Q Okay. So you don't recall seeing this cable here?

A I didn't see that. My mother told me about it.

Q All right. Madam registrar, I'm just going to put this back here in the document book. I'll return Exhibit 64 to you.

Mrs. Alfred, do you remember how old you were when you first saw those smokehouses in the Hagwilget Canyon?

A I was old enough to remember everything I seen at that time, but I could not tell you my age at that time.

Q Okay. All right. Now, I want to show you the photograph that's at -- at Tab 17. Do you recognize this man?

A That's Old Bill.

Q Old Bill.

A Yes.

Q And -- is that Bill Nye?

A He was Madeek.

Q He was Madeek?

A Yes.

MR. RUSH: And --

THE COURT: What was your agreement? That his name was Bill Nye?

MR. RUSH:

Q I didn't hear the answer. Is this Bill Nye?

A Yes. Old Bill is the same who they call Bill Nye.

THE COURT: Is it N-y --

MR. RUSH: N-y-e.

THE COURT: Thank you.

MR. RUSH:

Q Now, Mrs. Alfred, what does Bill Nye have on his head?

A That's k'es down.

MR. RUSH: I don't think it's on the list.

THE SPELLER: K'es, k-apostrophe-e-s.

MR. RUSH:

Q How would -- how would Mr. Bill Nye have come to have K'es on his head? Would you know that?

A I'm not sure, but he could be going -- going out to invite or he's being invited.

Q Is K'es used when chiefs are invited to a feast?

A Yes.

Q Okay. And, Mrs. Alfred, have you used K'es yourself when you have invited other chiefs to a feast of the Laksilyu?

A At this time, only way I know of using the K'es is when you -- when you just blow the K'es towards -- towards them, and that's how I know. That's all I know at this time.

Q Is -- when you blow K'es towards someone, is that when you invite another person to a feast?

A Yes. That's when you're inviting.

Q Now, do you have K'es yourself at your house?

A I -- I have a bag of it at home, which my mother and my uncles had used a long time ago. I keep it for a souvenir.

Q When you're invited -- Mrs. Alfred, when you're invited to a feast when someone blows K'es on -- on you, must you go to the feast?

A Yes. Then I have -- I have to go to the feast.

MR. RUSH: Okay. Can that be marked as an exhibit, my lord, please?

THE COURT: 136.

(EXHIBIT 136: Photograph)

MR. RUSH:

Q I want to show you the photograph in Tab 18. Do you recognize this person, Mrs. Alfred?

A I can't be sure, but it almost looks like Jack Joseph.

Q Okay. I want to ask you about the cap that the person is wearing. Do you see the -- the headgear that he's wearing?

A I think that is what they call Dist k'us.

Q A Dist k'us?

A I don't know anything about the use of -- of headgear like that.

Q Have you seen people wearing headgear like that?

A I've seen them, but I've never known what it was all about.

Q All right. Do you -- do you recognize the staff in the photograph?

A No.

MR. RUSH: All right.

THE COURT: How is Dist k'us spelled, please?

THE SPELLER: Dist k'us, D-i-s-t-k-apostrophe-u-s.

THE COURT: Thank you.

MR. RUSH: Okay. I'm going to have this -- ask that this be marked, my lord.

THE COURT: Yes. 137.

(EXHIBIT 137: Photograph)

MR. RUSH:

Q Thank you. All right. I'm going to refer Mrs. Alfred to Exhibit 62-9, which is of Mr. Joseph's document book.

Now, Mrs. Alfred, I just want to show you this photograph of a pole. Just look at that.

A That would be Samooh's pole.

Q I believe that's on the plaintiff's list, 57.

Mrs. Alfred, can you tell me where this -- where is this pole located?

A That's located at -- in front of David Dennis' house.

Q And where is David Dennis' house? Is that in Moricetown?

A Yes. That's where he has a house. Yes. I -- I -- I know of a time when that pole was made and some of the men that worked on it was Thomas George and Peter Alfred.

Q Were you present when the pole was raised in Moricetown?

A Yes.

Q Okay.

A I was there.

Q And is this pole still standing in Moricetown?

A Yes.

MR. RUSH: Thank you.

THE COURT: Whose pole did the witness say it was, please?

MR. RUSH:

Q Whose pole was that again?

A Samooh.

Q 57 on the plaintiff's list; is that right? All right. Thank you.

Now, Mrs. -- Mrs. Alfred, I want to ask you to

look, if you will, at the photograph that's in Tab 22, which is a colour photograph. Now, first I want to ask you if you can identify the man that's standing in front of a house in this photograph?

A That's Johnny David.

Q Is that Johnny David's house behind him?

A Yes.

Q Okay. Now, there are two poles in this photograph. Are these poles in front of Johnny David's house?

A Yes.

Q Okay. And do those -- in the summer time at Moricetown, does Johnny David's house and those poles look like that as shown in this photograph?

A Yes.

Q All right. And I want you first to look at the pole that's on the left-hand side of the photograph, the shorter of the two. Can you tell me who -- who -- whose pole that is, the one on --

A That is Johnny David's wife's pole.

Q And do you know her name or her house?

A I think she was Samooh.

Q That's 57 again then. Okay. Now, the photograph on the right side of the -- excuse me. The pole on the right side of the photograph, whose pole is that?

A That is Mathew Sam's wife's pole. The person standing beside that pole, that belongs to them.

Q The person standing beside the pole is Johnny David? I don't quite -- Mrs. Alfred, try to help me. Does the pole, does it belong to Johnny David or Mathew Sam?

A It belongs to Khay Lah.

MR. PLANT: Mathew Sam's wife.

MR. RUSH: Mathew Sam's wife, yes. Thank you.

THE SPELLER: 187.

MR. RUSH: Thank you. Can that be marked as an exhibit, please?

THE REGISTRAR: Exhibit 138.

(EXHIBIT 138: Photograph)

THE COURT: The number was what?

THE SPELLER: 187.

MR. RUSH:

Q All right. My lord, I'm going to refer Mrs. Alfred to the photograph which is at Tab 23 of the document book.

I'm showing you another photograph, Mrs. Alfred, which is numbered from the British Columbia Provincial Museum PN12003. Do you recognize that photograph?

A It's down at the foot of Hagwilget Canyon.

Q And do you know whose pole that is?

A No. I don't know.

Q Do you know whose smokehouse this is?

A I don't know that either. I don't know the -- the poles from that area at all.

MR. RUSH: All right. That's fine. Thank you.

THE COURT: Do you want to mark that?

MR. RUSH: I'll mark it. Yes. I'll mark it and it can be for identification.

THE COURT: She identifies it as at the foot of Hagwilget Canyon.

MR. RUSH: Yes, she does.

THE REGISTRAR: Exhibit 139.

(EXHIBIT 139: Photograph)

MR. RUSH:

Q Now, I'd like to show Mrs. Alfred the photograph which is at Tab 24, please. Have a look at this coloured photograph, Mrs. Alfred. I just ask you if you recognize the pole that's shown in the photograph?

A Yes. That's -- I know that pole. That's Little -- in front of Little Tommy's place. That belongs to C'en egh la yex.

MR. RUSH: C'en egh la yex is a house.

THE SPELLER: 399.

MR. RUSH: Thank you.

THE COURT: Sorry?

MR. RUSH:

Q 399.

A The pole shows eyes and frogs on it.

Q All right. And is this pole located at Moricetown, Mrs. Alfred?

A Yes. It's still standing there.

MR. RUSH: All right. Thank you. Can that be marked the next exhibit?

THE COURT: Exhibit 140.

THE REGISTRAR: Exhibit 140.

(EXHIBIT 140: Photograph)

MR. RUSH:

Q Now, Mrs. Alfred, I have another photograph I'd like to show you, and this is the one at Tab 25 of the document book. I just ask if you would look at this photograph for me. It's a coloured photograph of a pole. Do you recognize the pole that is in that photograph, Mrs. Alfred?

A Yes. I've seen that. It's still standing up.

Q Okay. Do you know who owns that pole?

A That belongs to Thomas George.

MR. RUSH: Okay. Is that a --

THE COURT: Sorry. I didn't get that.

MR. RUSH:

Q Thomas George. Okay. And is that a -- a pole of the Gitdumden?

A Yes.

Q Okay. Is this -- where is the pole located; do you know?

A It's located in -- by Thomas George's house.

Q Okay. Now, Thomas George has passed on and where -- where would this -- where is the house standing?

A His house is still standing, but that pole, I believe, fell over.

Q Okay.

A It's -- it's on the ground now.

MR. RUSH: All right.

THE COURT: The pole is on the ground?

THE WITNESS: Yes.

MR. RUSH: All right. Can that be marked as the next exhibit?

THE COURT: Is this in Moricetown?

THE REGISTRAR: Exhibit 141.

(EXHIBIT 141: Photograph)

THE WITNESS: I forget the name of that place where they live towards the east where my -- my daughter and them live.

MR. RUSH:

Q It's not located at Moricetown though, is it?

A No.

MR. RUSH: All right. Okay.

THE COURT: What was it Mr. Holland said? East of Moricetown?

THE WITNESS: Yes.

MR. RUSH: Okay. My lord, I've completed this section of my evidence and I was going to move on to something else and I think this might be an appropriate moment.

THE COURT: Yes. All right. We will adjourn now then. Thank you.

(PROCEEDINGS ADJOURNED UNTIL JANUARY 18, 1988 AT 10:00 A.M.)

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

Kathie Tanaka, Official Reporter
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