Vancouver, B.C.
January 19, 1988

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE REGISTRAR: Calling Delgamuukw against Her Majesty the Queen.

MADELINE ALFRED, Resumed:

THE REGISTRAR: Mrs. Alfred is still under oath.
THE COURT: Mr. Rush.
MR. RUSH: My lord, I would like to -- just before Mr. Plant begins his examination, I would like to make a request of the court that on Friday you consider adjourning the court at 12:30. And I make this request of you because there are a number of the Indian people who have been down for a period of three weeks, some of whom are assisting us in court and some of whom are here assisting counsel, and they would like to go home in an afternoon flight at I think it's 2:20 in the afternoon.
THE COURT: Yes.
MR. RUSH: And they would like to have the weekend there and they are considering staying -- some staying for a portion of the following week and so on, others coming back. I have canvassed this with Mr. Macaulay and with Mr. Plant and they don't have any objection to that, and if your lordship can see agreeing to that --
THE COURT: All right.
MR. RUSH: -- from the court's point of view.
THE COURT: You need say no more, Mr. Rush. Having been on the other side of that coin myself, I think it only appropriate that I should accede your suggestion.
MR. RUSH: Thank you.
THE COURT: We will adjourn at 12:30 on Friday for the rest of the day.
MR. RUSH: Thank you.
THE COURT: Thank you. Mr. Plant?

CROSS-EXAMINATION BY MR. PLANT, (Continued):
Q I ask that Exhibit 134, it's tab 16 in the plaintiffs' book of documents for Mrs. Alfred, be provided to Mrs. Alfred.
Mrs. Alfred, I understand the name of your House is Tsee K'al K'eyex, which is number 398, is that correct?

A Yes.
Q And I understand the words Tsee K'al K'eyex mean house on a flat rock, is that correct?
A Yes. That's the name of the house on a flat rock and that is also our name.
Q And the words Tsee K'al K'eyex mean house on a flat rock?
A Yes.
Q The word for house is Yex, Y-e-x?
A Yes.
Q And the building where you were born which is up on the hill on the left-hand side of Exhibit 134, that's a house or Yex, correct?
A Yes.
Q And the building marked with a "T" on Exhibit 134, that building was called Tsee K'al K'eyex because it was the house on a flat rock?
A Yes.
Q Would I be correct to say that the people who belonged to the House of Tsee K'al K'eyex today are the people whose ancestors lived in or used that house, the house marked "T"?
A Yes.
Q Were you ever told by your parents or ancestors about a time when chief Wah tah K'eght had a house at Hagwilget?
A I don't know. I wasn't told about it. This may have been before my time.
Q So far as you know, then, Wah tah K'eght comes from Moricetown and has always lived in Moricetown, is that correct?
A Yes.
Q I'd ask that Exhibit 131, which is tab 13 in the book of documents, be put before the witness. Thank you, Mrs. Alfred. That's all the questions I have on that photograph. Do you remember looking at this photograph with Mr. Rush, Mrs. Alfred?
A Yes.
Q And you see the building which is on the lower bench; it has the letter "J" on it, I think you told us that was the house of Jack Joseph?
MR. RUSH: The smokehouse.
MR. PLANT:
Q Or the smokehouse of Jack Joseph?
A Yes. That was his -- his smokehouse.
Q I understand that Jack Joseph was Lucy Bazil's uncle, do you know that to be the case?

A Yes.
Q Do you know what his -- let me ask you this: Was he a Wet'suwet'en person or a Gitksan person?
A He was Wet'suwet'en.
Q My understanding is that he originally came from Skeena Crossing. Do you know that to be the case?
A No. All I've known is that he always lived there that I know of. But he was married to a woman from there. Maybe that's what you mean.
Q You think that Jack Joseph married a woman from Skeena Crossing, is that what you say?
A Yes. He lived with a woman from Skeena Crossing who was Frank -- Frank Joseph's mother.
Q Was Jack Joseph Frank Joseph's father?
A Yes.
Q And was the mother that you spoke of, was she a Gitksan?
A Yes, she was G'itnee.
Q G'itnee is the word that the Wet'suwet'en people use for Gitksan?
A Yes.
Q I think G'itnee is sometimes spelled G-i-t-n-e, but I don't know.
THE TRANSLATOR: 209.
MR. PLANT:
Q That's G-'-i-t-n-e-e. Did Jack Joseph -- well, let me ask you this: What clan was Jack Joseph from?
A Laksilyu.
Q Which house?
A It the would be from -- he was Louis Tommy's brother. They all come from the same House.
Q You remember which House Louis Tommy came from?
A Kwe Beegh Yex.
THE COURT: I am sorry?
THE INTERPRETER: Kwe Beegh Yex.
THE TRANSLATOR: 413.
THE COURT: 413. Thank you.
MR. PLANT:
Q Is that the House of which John Namox is presently the chief?
A Yes. It always slips my mind sometimes.
Q What is it that slips your mind sometimes?
A Always forget the name of the Houses where they came from.
Q Now, on the picture, which is Exhibit 131, there is an "I" on a building which was identified as being the house or smokehouse of Charlie Isadore. Do you see

that?
A Yes.
Q Before I ask you that, did Jack Joseph sometimes live in the house marked "J" on that photograph?
A No. The only time they lived there is when they are making fish there in the summertime.
Q Did Jack Joseph have another house in Moricetown?
A They had a house out -- out on the territory where they lived, but when they came to Moricetown his mother had a house up above there and that's who they used to stay with.
Q Now, back to Charlie Isadore. He's a Wet'suwet'en person or he was a Wet'suwet'en person?
A Yes.
Q What was his clan and if you remember it, his House?
A He was a descendant from Caspit.
THE COURT: Caspit's a House, I think, is it not?
MR. PLANT: Caspit I think is the name of the chief.
THE COURT: All right.
THE TRANSLATOR: 147.
MR. PLANT:
Q Caspit. Do you know Caspit to be the name which Stanley Morris holds today?
A Yes.
Q And did Charlie Isadore hold the name Caspit?
A No.
Q Did he have a chief's name in Caspit's House?
A No.
Q Are there adult people among the Wet'suwet'en who do not have chief's names?
A Yes.
Q Is everyone who is Wet'suwet'en eligible to obtain a chief's name?
A Most all the Wet'suwet'en nowadays hold names from their ancestors before them.
Q And those names, are they all chiefly names?
A Yes.
Q So when you say that most all the Wet'suwet'en nowadays hold names from their ancestors before them, do you mean that most all of the Wet'suwet'en nowadays are chiefs?
A Yes. The chiefs with big names are the ones that, but the younger people are just being brought up to hold names later.
Q And when they hold -- when the younger people hold names later, they will be chiefs, is that correct?
A Yes. They would be successors to the bigger chiefs

that pass on.
Q Now, some of the names in a House are not the big chief names, correct?
A Yes, that's right.
Q But do you still consider those names to be chiefly names?
A Yes. They would be considered a chiefly name, but it's not a big chief name. You are going through what I have already been through yesterday.
Q Yes. I probably will go through a few more things that you have already been through, one of which was a place that we -- you spoke of yesterday called Trout Creek?
A Yeah. The area would be S'aay k'e t'aay.
Q Be what?
A S'aay k'e t'aay.
Q And is that the area spelled S-'-a-a-y k-'-e t-a-'-a-y? No. I'll ask Mr. Mitchell.
THE TRANSLATOR: It's the last part is t-'-a-a-y.
MR. PLANT:
Q Well, let me ask you this first, Mrs. Alfred. I understand that Trout Creek is called Tl'eet kwe or T-l-'-e-e-t k-w-e in Wet'suwet'en?
A Yes, that's right. That's the same creek by the area there.
Q And before I ask you where that area is, would you agree with me that Trout Creek or Tl'eet kwe is a creek that flows into the Bulkley south of Moricetown?
A Yes.
Q And it flows into the Bulkley on what I would call the west side of the river or the village side, is that correct?
A Yes. That would be on the village side.
Q Now, where in relation to Trout Creek is the area that you mentioned S'aay k'e t'aay? My pronunciation is probably not very good, but --.
A Trout Creek is right alongside S'aay k'e t'aay and the creek flows right along S'aay k'e t'aay.
Q What is that area? Is it a hill or a meadow or a swamp? Something like that?
A It would -- it would be a field where people used to camp there one time.
Q Who used to camp there?
A It would have been our ancestors who used to hunt in the territory and they are the ones that taught us these names. That is why we know them.
Q Is that field close to the Bulkley?

A Yes.
Q Now, I am going to produce a photograph which is part of a book of photographs that were taken recently, and I would ask you to look at that photograph, Mrs. Alfred. It's from --
MR. RUSH: Which tab please?
MR. PLANT:
Q Tab 11 of the book. Do you recognize what's in that photograph, Mrs. Alfred?
A Yes. That's where that store is. That's the place they call S'aay k'e t'aay.
Q So the area that you were talking about where your ancestors used to camp, is that in the area of this store?
A Yes.
Q And that store is right by the highway?
A Yes.
Q Just across from the Bulkley River?
A Yes.
MR. PLANT: I'd ask that that photograph be marked as the next exhibit, my lord. I have another copy of the book of photographs which I propose to hand up.
THE COURT: All right. Thank you.
MR. PLANT: I would -- yes. I'd -- I may not get around to tendering all of them through this witness and to that extent I'd ask your lordship to disregard the others. But --
THE COURT: Well, this --
MR. PLANT: Well, they don't have to stay in the book for purposes of marking them.
THE COURT: Well, it's more convenient if they stay in the book.
MR. PLANT: Well, I am happy to do that. Let's mark it.
THE REGISTRAR: It's 146.
THE COURT: 146, thank you.

(EXHIBIT 146: Photograph of store)

MR. PLANT:
Q Has that store been there for a long time, Mrs. Alfred?
A Yes. It's been there for some time.
Q As I understand it, there is a place across the river from that store where people come to fish in the Bulkley, white people, is that correct?
A Yes.
Q Have white people been fishing in the Bulkley at that location for as long as you can remember?

A No.
Q Do you remember how long ago white people started to fish in that area?
A I just couldn't recall the time when they first started fishing there.
Q But it's been quite a few years?
A Yes.
Q And is that area where the store is part of the territory of Wah tah K'eght?
A Yes.
Q To your knowledge was that store, the Trout Creek store, built there with the permission of Wah tah K'eght?
A No.
Q Now, yesterday Mr. Macaulay asked you how long ago you were last in the area and you said -- you said you were last there before you got married. You never went back because of too many people in the area. Do you remember saying that?
A Yes.
Q And the area that you were talking about yesterday was the area where the Trout Creek store is today, is that correct?
A I was talking about the areas where the white people were living. That's what I meant.
Q Did those areas include the area around the Trout Creek store?
A Yes. We used to go trapping and hunting out towards Ta begh T'ai at the lake there. When we travelled to that area we used to stop off there at Trout Creek to have lunch there.
Q To have lunch?
A Yes. We used to walk on foot there and we would stop there for lunch.
MR. RUSH: Maybe we should get the name.
MR. PLANT:
Q Ta begh T'ai, is that Toboggan Lake, No. 489?
A Yes. Ta begh T'ai is where the trail goes beside the lake and that lake itself is called Ts'een Coo Taaneedel.
MR. PLANT: I am afraid I don't have the spelling for that.
Q Could you say that again, please, Mrs. Alfred, or Mr. Holland? I mean the name of the lake which is now called by the white man Toboggan Lake.
A Ts'een Coo Taaneedel.
MR. PLANT: There is a spelling of what appears to be the same word on page three of Mrs. Alfred's affidavit, which

was marked as an exhibit earlier. The spelling there is T-s-'-e-e-n, new word, C-o-o, new word, T-a-a-n-e-e-d-e-l underlined. And that would be on Exhibit 120A. Mr. Mitchell, would that be approximately what is being said?

THE TRANSLATOR: Yes.

MR. PLANT:

Q So Ts'een Coo Taaneedel, is that the name of the lake itself?

A Yes. That's the name.

THE COURT: Is that Toboggan Lake?

A Yes.

THE COURT: Thank you.

MR. PLANT:

Q And Ta begh T'ai, 489, is that the -- that's a trail that goes beside the lake?

A Yes. That would have been -- that would be the name of the trail beside the lake.

Q Now, I understood from your evidence earlier that you went to trap at Toboggan Lake when you were about ten years old, is that correct?

A Yes. We used to go hunting and trapping muskrats and beaver.

Q Did you ever go hunting and trapping at Toboggan Lake after you married Peter Alfred?

A No. There was -- the area was all being populated by people by that time.

Q Now, Toboggan Lake, as I understand it, is also on the west side of the Bulkley south of Moricetown, is that correct?

A Yes. It's -- it would be south of Moricetown.

Q And just so that we get our geography straight, there is a river or a creek that runs out of Toboggan Lake down into the Bulkley close to where Trout Creek flows into the Bulkley, is that correct?

A Yes.

Q Now, as I understand it Wah tah Kwets -- Wah tah K'eght, rather, also claims territory north of Moricetown on the west side of the Bulkley, is that right?

A Yes.

Q You were -- well, since your marriage to Peter Alfred, have you, Mrs. Alfred, ever trapped or hunted anywhere in Wah tah K'eght's territory on the west side of the Bulkley?

A Yes. We've been hunting and trapping out there.

THE COURT: The witness says yes, she has?

MR. PLANT: Been hunting and trapping out there.
Q And I was just about to ask her: Where have you been hunting and trapping on the west side of the Bulkley since your marriage to Peter Alfred?
A Are you talking about the village side?
Q The village side, yes.
A Yes. I trapped on Decen gyet'ekw. The whole area is our territory.
Q Could you say the name of the place that you trapped again, please?
A Decen gyet'ekw.
MR. PLANT: I don't think I have a spelling for that.
THE TRANSLATOR: 226.
THE COURT: I'm sorry?
THE TRANSLATOR: 226.
MR. PLANT:
Q Where is that in relation to Moricetown, Mrs. Alfred?
A It's this side of Moricetown up towards the mountain.
Q Which side of Moricetown, I'm sorry?
A It would be on the Moricetown side but back from there up in the hill.
Q Is it a hill behind Moricetown village?
A Yes. Yes, that would be up on a hill and that would be one end of Tsee Ggexw.
Q And what is -- yes, what is Tsee Ggexw?
A Yes. Tsee Ggexw -- Tsee Ggexw is -- would be a mountain, mountain peak. And would lean up against that mountain, the hill is Ooniin'aay.
MR. PLANT: Well, I need a spelling of Tsee Ggexw.
THE TRANSLATOR: Tsee Ggexw is 179.
THE COURT: 179?
THE TRANSLATOR: Yes. And Ooniin'aay is 225.
MR. RUSH: No. 179 is not Tsee Ggexw.
MR. PLANT: Nor I think is the other one.
MR. RUSH: 179 is Ts ee Ggexw C'en.
MR. PLANT: I have a spelling -- again, maybe Mr. Mitchell can help me again.
THE COURT: What is this, for the mountain peak?
MR. PLANT: For Tsee Ggexw.
THE COURT: That is the mountain peak.
MR. PLANT:
Q Which is T-s-e-e, new word G-g-e-x-w. Now, if Mr. Holland could pronounce Tsee Ggexw or Tsee Ggexw again. Would nab the correct spelling?
A Tsee Ggexw is a small Tsee Ggexw and a big Tsee Ggexw and then there is a ridge coming from that also.
Q Now, is that spelling a close approximation, Mr.

Mitchell?
THE TRANSLATOR: Yes. It's part of 179. Tsee Ggexw.
A It may be better if I take you up there.
MR. PLANT:
Q I think it would be, but unfortunately that is harder to manage today than anything else. Now, let me ask you: If you are -- -- do you know the English name for Tsee Ggexw?
A I don't know that.
Q Is that a name for a long ridge behind Moricetown that's close to a place called the Nipples? Have you ever heard that?
A Yes, that Tsee Ggexw is a kind of a ridge, but I don't -- I don't know anything about the Nipples.
Q Have you ever heard of a creek or stream called S'kwe, S-k-w-e?
A Yes, I know that one. That creek S'kwe comes from up from between the mountains there.
Q Comes from what mountains?
MR. RUSH: It comes from between the mountains.
A I know it comes out from between the mountains up there. I don't know the name exactly of the area.
THE COURT: May I have the name of the creek again?
MR. PLANT: Is S'kwe.
THE COURT: Could I have the name of the creek again?
MR. PLANT: S-k-w-e. Actually, my lord, I think it may be '-S-k-w-e-'.
THE COURT: Thank you.
MR. PLANT: And I am taking my spelling again from the affidavit of Mrs. Alfred. It's on page 4 of Exhibit 120B -- A. Excuse me.
Q Is the place that you have called Tsee Ggexw, is that behind or up above a creek that you call S'kwe?
A Tsee Ggexw would be west of where S'kwe starts.
Q And where is the place that you called Decen gyet'ekw which you talked about?
A Yes. It would -- it would be a hill at the start of the ridge leading up to Tsee Ggexw.
Q Is it near -- well, first of all, the spelling again of that word is D-e-c-e-n g-y-e-t-'-e-k-w. Now, is that -- where is that in relation to S'kwe?
A It would be south of S'kwe.
Q Now, when you trapped on that ridge, Mrs. Alfred, which is south of S'kwe, where did you set your traps?
A Yes. I would go up on the hill to Decen gyet'ekw. I would set my traps along the way. Then at the foot of Tsee Ggexw, I would turn around there.

Q Sorry. I thought perhaps Mrs. Alfred said something else that hadn't been --
THE INTERPRETER: No.
Q Oh. Did you ever set your traps on the creek, S'kwe?
A No.
MR. RUSH: Now, just before you ask any further questions, there was a name that was given, a hill.
MR. PLANT: Decen gyet'ekw.
MR. RUSH: Is that the same?
A That's the same one.
MR. RUSH: Same one, thank you.
MR. PLANT:
Q And Decen gyet'ekw is a hill or a ridge south of the creek S'kwe?
A It would be a hill at the foot of Tsee Ggexw.
Q And as I understand your evidence you have set traps on that hill after your marriage to Peter Alfred?
A Yes, I've trapped there. Because of it being our territory, I trapped there and then if I -- we use it for one year and then we would go across the river to the other side, which we would use for another year.
Q Did you trap there with Bazil Michell?
A Yes.
Q And did you trap there with Bazil after your children were born?
A My three children were born, Andrew, Henry and Irene, and that's when I quit and I went to the other side.
Q And did you ever go back to the Moricetown side to trap after your three children were born?
A Now we still trap that area on the village side, Bazil and us, we trapped on the village side around the village.
Q Did you yourself do any trapping on the village side of the Bulkley after your first three children were born?
A Yes, we -- I trapped on the west side up until the time when Henry -- Henry was taken my brother's name and about the time when he passed away is when I moved back to the east side.
Q I am not sure I understood that. You say -- and I really just want to hear what Mr. Holland, what you just said. Trapped on west side until Henry was taking my mother's name?
THE COURT: My brother.
A My brother.
THE COURT: Which she earlier identified.
MR. PLANT: I beg your pardon?

THE COURT: Which she earlier identified possibly as her uncle.
MR. PLANT: Yes. I am just about to clear that up.
Q When you speak of your brother you are speaking of Peter Bazil?
A Yes.
Q So after Henry, that's your son, took Peter Bazil's name, Wah tah K'eght, you trapped -- you began trapping -- or rather, start again. After Henry took Peter's name Wah tah K'eght, you trapped on the east side of the Bulkley?
A Yes. And since then I am still trapping over there.
Q On the east side?
A Yes.
Q Did you trap or hunt in any place on the west side other than the area around Toboggan Lake and the hill which you have called Decen gyet'ekw?
A A long time ago we trapped the whole area around there, but due to the population of white people in the area our activities were the limited.
THE COURT: Limited to these two areas?
A The area Decen gyet'ekw is the one since I moved to the east side. Bazil's sister is the only one that's been using that area up there, Decen gyet'ekw, and the rest of the area from pointing at the picture here, the store at Trout Creek and all from there throughout the area it's all farmers and we were unable to use that part of the territory.
MR. PLANT:
Q In your life, Mrs. Alfred, have you trapped on the west side of the Bulkley at any place other than Toboggan Lake or Decen gyet'ekw, and I am asking you personally because I know that Bazil and Josephine, that's Bazil's sister, have been all over that territory, but now I want to ask you about you.
MR. RUSH: No, no. Excuse me. My lord, I understand what my friend is trying to get to, but the witness has identified a third area and I think would it not be a fair question to ask her what are the places that she herself trapped or hunted?
THE COURT: What is the third area?
MR. RUSH: The third area is the one she identified as being behind the village.
THE COURT: I took that to be Decen gyet'ekw.
MR. PLANT: I did too. I am certainly not trying to mislead, my lord. If the witness identified a third area I want to find where that is too.
THE COURT: In addition to that she has said a long time ago she

1 said we trapped the whole area.
2 MR. RUSH: Yes.
3 MR. PLANT: And that's true, too.
4 THE COURT: I think maybe we will take the morning adjournment
5 now and you can start fresh in a few minutes, Mr.
6 Plant. Thank you.
7
8 (PROCEEDINGS ADJOURNED PURSUANT TO MORNING
9 ADJOURNMENT)
10
11 I hereby certify the foregoing to be
12 a true and accurate transcript of the
13 proceedings herein to the best of my
14 skill and ability.
15
16
17
18 Laara Yardley,
19 Official Reporter,
20 United Reporting Service Ltd.
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47 (PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURNMENT)

THE REGISTRAR: Order in court.
MR. PLANT:
Q Mrs. Alfred, I've been asking you about a creek called S'kwe or S'kwe. Do you know the English name of that creek?
A No. I don't know. I forgot.
Q Have you ever heard that creek referred to as John Brown Creek?
A I remember that name now that you mention it. I heard it, but -- so I've just known it as S'kwe.
Q I want to come back to the places that you've trapped again in a few minutes, but, first of all, your son, Henry Alfred, holds the name Wah Tah K'eght; is that correct?
A Yes.
Q And have you taught him what you know about the location of the territory of Wah Tah K'eght?
A I -- I have taught him the names of the places that I know, which was, in turn, taught to us by our ancestors, and mostly he was taught by his grandmother the places on the territory.
Q When you refer to his grandmother, are you referring to your mother, Lucy Pius?
A Yes.
Q And your mother, Lucy Pius, also taught you about the territory of Wah Tah K'eght?
A Yes. And also taught Henry about the territory.
Q Am I correct in assuming that one of Henry Alfred's duties as chief is to know where the territory of Wah Tah K'eght is?
A Yes.
Q When did you teach Henry about the location of the territory of Wah Tah K'eght?
A Our uncles and her mother taught us the areas on the territories, and Henry was mostly taught by his grandmother when Henry used to travel with her when they went out hunting and trapping.
Q Well, let me ask you this then: Did you teach Henry or did Henry learn from his grandmother?
A Yes. They taught all of us and she was the one that taught Henry the areas in the territory.
Q So it was Lucy Pius, your mother, who taught Henry about the territory of Wah Tah K'eght; is that correct?
A Yes. He went out in -- out hunting and trapping with his grandmother, who taught him the area while they were trapping.

Q His grandmother is Lucy Pius, your mother?
A Yes.
Q Henry went to school in Moricetown?
A Yes.
Q He knows how to read and write English?
A Yes, he can. He does all right.
Q Did you ever help Henry answer interrogatories which were delivered to him by the provincial government in this case?
A No. I didn't help him with the papers that were made out, but I did give him information.
Q Did you give him information about the location of the territory of Wah Tah K'eght?
A They -- I didn't -- I wasn't with him at the -- when they were preparing the papers, but they were taught about the areas beforehand.
Q By "the areas", do you mean the territory of Wah Tah K'eght?
A Yes.
Q Were you there when the territory of Wah Tah K'eght was talked about, the areas that were talked about beforehand?
A Are you talking about when they're going to make the registry?
Q Well, I -- you say you weren't with him when he prepared the papers, but they talked about the areas beforehand. Do you remember saying that?
A When we -- as I -- I taught him the territory, much the same way as our -- our ancestors taught us.
Q Do you remember when Henry had to answer the interrogatories?
A Yes.
Q Did you have any conversations with Henry about the territory of Wah Tah K'eght at that time?
A They talked to us about it, but -- so we always tell them everything we know about the territory.
Q Who talked to you?
A When they were talking to us last summer about -- in preparation, we talked about the territory to Neil.
Q Is that -- I'm sorry.
A And I think the -- the lawyer was also present.
Q When you say Neil, are you speaking of Neil Sterritt?
A Yes.
Q My lord -- well, let me ask you this, Mrs. Alfred: Have you ever seen a map of the territory of of Wah Tah K'eght?
A Yes. It was shown to me, but I don't read, so -- and

the place names on the boundaries were explained to me which I knew of.

Q Did you understand those place names and boundaries to be what was on the map?

A Yes.

Q Was it a map that showed the territory of Wah Tah K'eght?

A Yes.

Q I'm going to put the map in front of you, and I realize that you don't read, Mrs. Alfred, but I think I have to ask you whether you recognize this as being the map that was shown to you, or a copy of it?

A If -- this could be the one, but if the place names on there are translated in Wet'suwet'en, I would be able to tell you more.

Q So the best that you could say right now is that that could be the map?

A It could be the one, but -- if you mention the Wet'suwet'en names, maybe I might know.

MR. PLANT: Well, before I do that, I -- I would like to tender this as a document to be marked for identification only at this time, my lord. The map which I placed before the witness is a copy of Schedule B to the interrogatories of Henry Alfred, also known as Wah Tah K'eght. They were provided to us under cover of interrogatories, the answers to which were dated July 31, 1986. I have a copy for your lordship, which may assist in finding one or two of the locations that we've been talking about.

MR. RUSH: This is already an exhibit.

THE COURT: Oh, is it? What number is that?

MR. RUSH: 84. Mr. Goldie entered it as an exhibit.

MR. PLANT: Well, that may be.

MR. RUSH: If it's the same one.

MR. PLANT: My list says so too. Do we have a copy of Exhibit 84 in the court? Well, I don't need to take your time, madam registrar.

THE COURT: I can look at this.

MR. RUSH: Is it the same one? I don't know.

MR. PLANT: It's the interrogatories affidavit map.

THE COURT: Show it to Mr. Rush, please.

MR. PLANT: Yes. I don't know if any marks were made on Exhibit 84 at the time that it was used in evidence.

My lord, I have our copy of Exhibit 84 which I would be happy to hand up to your lordship in lieu of the document that I've been referring to, be it only for the reason that our copy of Exhibit 84 has more of

the detail that seems to have been lost in the reproduction process.

THE COURT: Thank you.

MR. PLANT:

Q Now, I -- I don't want to ask very many questions of you, Mrs. Alfred, about this map, but let me ask you this one question: I am pointing to a place which is on the left-hand side of the territory which is depicted on this map and is to the left or the west of the Bulkley, and it appears to me to be a stream, and above that stream are the letters S-k-w-a-h-apostrophe. Now, you told us about the creek S'kwe?

A Yes.

Q And that's a creek that flows into the Bulkley?

A Yes.

Q And it flows from the west to the east?

A Yes.

Q And does it flow into the Bulkley near the village of Moricetown?

A Yes.

MR. PLANT: Does your lordship have the creek S'kwe?

THE COURT: Yes.

MR. PLANT:

Q Thank you, Mrs. Alfred. Now, Mrs. Alfred, you said that there was a hill south of S'kwe where you used to set your traps, and you called that place Decen gyet'ekw?

A Yes.

Q And you also told us about setting traps near Toboggan Lake?

A Yes. We used to go trapping beaver there a long time ago.

MR. PLANT: Now, my lord, the place which I understand to be Toboggan Lake is depicted on this map close to the bottom of the territory, which is outlined in large black line, and the word -- or words beside it are Ta begh Tai. Does your lordship have that?

THE COURT: Not yet.

MR. PLANT: It's on the left or the west side of the Bulkley, which is the river that runs down the centre of the map, and it's -- perhaps I could -- well, it's an inch or two to the left of the Bulkley, about one inch above the southern boundary of the territory in an area which has district lots with the numbers 33, 34 and 35 marked. Another way of getting there would be to look just about an inch or two above the left

1 centre of where the map is, an inch or two above the
2 bottom of the map in the exact centre. You go down to
3 the bottom of the map. Smithers is in the middle just
4 above the bottom of the map. The next major feature
5 up is a -- a lake which has the word T-a-s-s and then
6 a new word, D-l-e-e-s-e.
7 THE COURT: Yes. I have that.
8 MR. PLANT: The next feature up, if you follow the CNR railway,
9 or the highway, is a small oval -- well, elongated
10 shape lake, beside which are printed the words capital
11 T-a and b-a-g-h-t-e-y. That's just a couple of inches
12 above --
13 THE COURT: Yes. I have that too.
14 MR. PLANT: And that's Toboggan Lake. Although, as I understand
15 the witness' evidence, the words Ta begh Tai refer to
16 a trail alongside Catlin lake -- I'm sorry -- Toboggan
17 Lake.
18 THE COURT: I have all that. Thank you.
19 MR. PLANT:
20 Q Now, Mrs. Alfred, where else did you trap on the west
21 side of Bulkley? By saying that -- you told us about
22 the Decen gyet'ekw and you told us about Toboggan
23 Lake, and I'd like to know where else in your life you
24 have trapped on the west side of the Bulkley?
25 A On -- we trapped and hunted around Ta begh Tai and
26 Decen gyet'ekw and also Bazil was trapping around
27 northwest of that end of the territory.
28 Q Did you ever trap with Bazil in that northwest end of
29 the territory?
30 A I didn't travel with him when he was hunting and
31 trapping, but I used that area where I mentioned.
32 MR. PLANT: Now, you told us something about Bazil Michell.
33 THE COURT: I'm sorry, Mr. Plant.
34 MR. PLANT: I'm sorry, my lord.
35 THE COURT: The witness did say in addition to the two locations
36 you mentioned that she trapped somewhere else and then
37 she went on to talk about where Bazil Michell had
38 trapped, and I didn't get the name of that other
39 location.
40 MR. PLANT: Was that in the immediate -- the answer that we just
41 had?
42 THE COURT: Yes. Just before that. Well, just before the
43 immediate-to-last answer, you asked her where she
44 trapped in addition to --
45 MR. PLANT: Oh, yes. Excuse me, my lord. It's quite correct.
46 And as I understood it, she had said Ta begh Tai and
47 Decen gyet'ekw, but if I'm wrong, we better clear that

up.
THE COURT: I'd like to know if there was another location mentioned. I didn't take it to be what you just said.
MR. PLANT: Then, Mr. Holland, you gave two place names as part of the last answer. Could you repeat them so that we could make a note of them?
THE INTERPRETER: Ta begh Tai and Decen gyet'ekw.
THE COURT: Then those are the two locations.
MR. PLANT: The last one?
THE INTERPRETER: Decen gyet'ekw.
THE COURT: All right. Thank you.
MR. PLANT: Those are, I think, the two places that we had spoken about earlier.
THE COURT: Yes. I think they are.
MR. PLANT:
Q Bazil Michell is still alive, Mrs. Alfred?
A Yes. He's pretty sick right now.
Q He's an old man, isn't he?
A Yes.
Q He holds the name Hadah K'umah, number 223?
A Yes.
Q Do you know who held that name before Bazil?
A My mother's sister.
Q Do you know if someone named Johnny Austin, A-u-s-t-i-n, ever held the name Hadah K'umah?
A Yes. I know him.
Q You know who Johnny Austin was?
A Yes. Yes. That was Bazil's mother's brother.
Q Did Johnny Austin, to your knowledge, ever hold the name Hadah K'umah?
A I don't think he held a name, but I don't know about it. I was pretty young then.
Q I heard the last answer as I don't think he held a name. Was the last answer I don't think he held the name Hadah K'umah?
A The name.
Q Which house does the name Hadah K'umah belong to?
A The name belongs to Tsee K'al K'e yex, but Bazil gave that name to -- Peter Bazil gave the name to Bazil Michell, who is from G'en egh la yex.
THE COURT: What is the number of that house, please?
MR. PLANT: I'm looking for the number of Tsee K'al K'e yex.
THE SPELLER: Tsee K'al K'e yex is 398 and G'en egh la yex is 399.
MR. PLANT:
Q You said the name belongs to Tsee K'al K'e yex. That's the house on a flat rock?

A Yes.
Q Bazil was born into the house of many eyes, also known as G'en egh la yex?
A Yes.
Q Do you know who Bazil's mother was? I'm speaking of Bazil Michell?
A Yes. He was Amelia, who is from G'en egh la yex.
Q She was in the house of many eyes?
A Yes.
Q And Bazil's father was Arthur Michell, who's sometimes called Lame Arthur Michell?
A Yes.
Q Bazil's father, as I understand it, was also a Laksilyu, and he held the name Hagwilnegh?
A Yes.
Q And as I understand it, it is unusual for someone, a Wet'suwet'en person, to have a father and mother in the same clan?
A It is true it is unusual, but I didn't know why it was like that from long time ago.
Q Now, did you attend the feast where Peter Bazil gave permission to Bazil Michell to use the west side of the Bulkley River?
A Yes.
Q Did that feast occur before you were married?
A Yes.
MR. PLANT: Now, Mr. Rush asked you a question at volume 40, page 2668 of the transcript. He asked: "And for what period of time was Bazil Michell given permission to set his traps or use the west side of the Wah tah K'eght's territory?" And you said: "I don't know, but all the Laksilyu used the territory amongst themselves."
Mr. Holland, would you please translate that and then I have a question for Mrs. Alfred.
MR. RUSH: What's the line again, the page line?
MR. PLANT:
Q The page is 2668 and it's the last question and answer on the page.
A Yes. I -- I remember that. I still don't know for how long he gave him that area to use. Possibly the reason behind that was that they always worked together and the two of them always helped one another at all times.
Q My question, Mrs. Alfred, was going to be what did you mean when you say -- or said all the Laksilyu used the territory amongst themselves?

A The -- they all used the territory because they -- even though they have different houses, they all consider one another relatives.
Q So do the people of the different houses of the Laksilyu have the right to go on each other's territories?
A Yes.
Q And they have the right to go hunt and trap on each other's territories?
A They don't do it that way. The reason behind Peter Bazil giving the use of that territory to Bazil Michell was because Peter Bazil did not have any brothers to work with and he -- he adopted him as a brother. That is why they were working together.
Q Peter adopted Bazil Michell as his brother?
A Yes.
Q Did Peter adopt -- I'm sorry if I interrupted.
A He always helped him out, that is why.
Q Did Peter adopt Bazil Michell into the house on a flat rock?
A Yes. That is why he gave him my aunt's name and also the use of the territory.
Q And so is it correct to say that now Bazil Michell is a member of the house on a flat rock?
A Yes. He would belong there because he holds a name from Tsee K'al K'e yex and he has the use of the territory.
Q According to your understanding of Wet'suwet'en law, would Bazil have the right to select the person who gets the name Hadah K'umah after he dies?
A Yes. He could do that, and he's -- up to now he's made a suggestion that he would like to see the name go back to the people of Tsee K'al K'e yex or one of the members, and he's made a suggestion that one of my daughter's sons should be in line for that name.
Q It was Bazil Michell who made that suggestion?
A Yes. That's -- that is the direction that he's been talking to us.
Q Who is the -- the man who is -- who you describe as one of your daughter's sons? What is his name?
A It would be Cyril Michell.
MR. PLANT: Cyril.
THE COURT: I'm sorry. I haven't quite figured out how to spell that name.
MR. PLANT: I was going to think that Cyril was spelled C-y-r-i-l, but -- is that -- well, let's use that as a working spelling.

THE COURT: All right.
THE SPELLER: It's an English name.
MR. PLANT:
Q I was going to say, that's an English name, isn't it?
A Yes. That's an English name.
Q Now, I want to see if I can understand what happened when Peter gave -- Peter Bazil gave Bazil Michell the right to use the Hadah K'umah territory. You say that Peter Bazil adopted Bazil into the house on a flat rock?
A Yes.
Q Does that mean that Bazil is no longer a member of the house of many eyes?
A That may be so, but he's -- he's still Laksilyu and they all work together.
Q And the three houses of Laksilyu are very close, aren't they, the three houses that we've been talking about?
A Yes. They are very close, but when they have a feast -- they may have different houses, but when they have a feast, that is where they help one another and that's called Hawal.
MR. RUSH: Hawal. I think that's H-a-w-a-l.
THE SPELLER: 293.
MR. PLANT:
Q In the feast hall all the members of the Laksilyu clan sit together?
A Yes. They all -- they all sit together on one side and the chiefs sit in the middle.
Q Have you ever heard of Sam Stayce, S-t-a-y-c-e? Sam Stayce?
A No.
Q Have you ever heard him described as one of your ancestors?
A You've got me confused.
Q So you don't know who Sam Stayce is or was?
A I don't know. I wouldn't know who you're talking about.
MR. PLANT: I'm going to go on to another area, but it will only take a minute or two.
THE COURT: Whatever you say. We have two minutes.
MR. PLANT: Let me just ask these questions.
THE COURT: We can go over a few minutes if we have to.
MR. PLANT:
Q I want to ask you some questions about John Namox' brother Pat. Do you know Pat Namox?
A Yes. I know him.

1 Q And does he sometimes go by the name J-e-a-n?
2 A Maybe you're speaking of John.
3 Q No. I read something about J-e-a-n. And let's just
4 talk about Pat Namox. Pat sits in front of John Namox
5 in the feast hall?
6 A Yes.
7 Q Is there some reason why he sits in front of John
8 Namox?
9 A If John passes away, he would move back in that seat.
10 Q Does the person who sits in the front row, is that
11 person considered to be the successor to the chief, in
12 front of whom he sits?
13 A Yes.
14 Q Pat Namox is, as I understand it, also a church chief
15 in Moricetown?
16 A Yes.
17 Q What is a church chief?
18 A He would be a religious leader who oversees some of
19 the -- he oversees the village itself, and he also has
20 other -- other selected men under him whom he guides
21 to look after the village
22 MR. PLANT: Would it be convenient to adjourn at this point?
23 THE COURT: Yes. Thank you. Two o'clock, please.
24 THE REGISTRAR: Order in court. This court stands adjourned
25 until two o'clock this afternoon.
26
27 (PROCEEDINGS ADJOURNED)
28
29 I hereby certify the foregoing to be
30 a true and accurate transcript of the
31 proceedings transcribed to the best
32 of my skill and ability.
33
34
35
36 Kathie Tanaka, Official Reporter
37 UNITED REPORTING SERVICE LTD.
38
39
40
41
42
43
44
45
46
47

(PROCEEDINGS RESUMED PURSUANT TO LUNCHEON ADJOURNMENT)

THE REGISTRAR: Recalling Delgamuukw against Her Majesty the Queen.

THE COURT: Mr. Plant?

CROSS-EXAMINATION BY MR. PLANT, (Continued):

Q Mrs. Alfred, you have told us that a church chief is a religious leader who oversees some of -- and then I think the interpreter started again and said that he has other selected men under him look after the village. In what way does the church chief look after the village?

A Their job would be, if they are young people or children who would be led astray and they would counsel them. Also if there is separation in marriages, there again they would participate in counselling the marriage separation or breakdown.

Q Are there any other functions which the church chief performs?

A They would -- he would also look after the functions of the church activities.

Q When you speak of church here, are you speaking of the Catholic church at Moricetown?

A Yes.

Q What kinds of activities does the church chief look after?

A If the priest in a church makes a speech, he would also -- that church chief would explain what the priest is saying.

Q By explain do you mean translate into Wet'suwet'en?

A Yes.

Q Does the church chief have any functions at Feasts in Moricetown?

A Yes. He also participates and he also speaks there, too.

Q How does the church chief participate in Feasts?

A His participation in a Feast is always the same as -- he participates in a Feast the same as everybody else.

Q Does he have a special position in the village?

A Yes. His position as a Catholic chief, he would look after the village.

Q Does the church chief -- or let me start again. Is the church chief an important person in the life of the Wet'suwet'en?

A Yes.

Q And he participates in the burial of Wet'suwet'en people?

A Yes.

Q Does he participate in baptisms of children?

A The priest does the baptismal by himself, but the church chief, he always -- he's always at the Sunday services.

Q Does he have a special job at the Sunday service?

A At the Sunday service he speaks to the Indian people there.

Q So is he one of the people who participates in the Sunday service?

A Yes.

Q How is the church chief selected?

A If they come to the church and if there is to be a successor to one other church chief, they all come to the church and select a new church chief and then the bishop comes and baptizes them also.

Q Is there a special ceremony for the baptism of the church chief?

A Yes.

Q And that ceremony takes place in the church at Moricetown?

A Yes.

Q Your late husband, Peter Alfred, was a church chief?

A Yes.

Q Is there only one church chief at a time?

A Yes.

Q And does he choose the people who will help him?

A Yes.

Q Now, Mrs. Alfred, as I understand it, you were born in Moricetown in the house that you showed us in the photograph, which I believe is Exhibit 134, the house up back on the hill, is that correct?

A Yes.

Q And that house was what -- let me ask you this: Was that house what you have sometimes called a winter home?

A Yes, that would be called a winter home sometimes. We lived there most of the time.

Q And as I understand it, you -- well, actually I am not sure of this. Have you lived in Moricetown all your life?

A Yes. I was raised there. That's why I lived there all the time.

Q And you still live there today?

A Yes.

Q And you lived in Moricetown when you were married to Peter Alfred in 1931?

A Yes.

Q And you lived in Moricetown when your children were born?

A Yes.

Q Now, you have told us that your husband was a commercial fisherman for two years. Did your husband ever work as a truck driver?

A When he was on the coast fishing in the winter months he drove truck for Hanson.

Q He drove a truck for Hanson. Is that the man who cuts poles?

A Yes.

Q Did your husband -- well, you say he cut -- he drove truck for -- drove a truck for Hanson one winter. Was that the only time that he ever was a truck driver?

A Yes.

Q And where was Hanson's pole cutting operation?

A He drove truck for him in various areas wherever they were making poles.

Q Did that include the area around Beament?

A Yes.

Q Did that include any areas around Moricetown?

A No. There is no poles around there.

Q Were there other Moricetown people who worked cutting poles or driving truck for -- driving trucks for Mr.

Hanson?

A No. But some of the people like Little Tommy worked for Hanson. Also late Big Tommy.

Q That's Little Tommy and Big Tommy Michell?

A Yes. They -- they worked for Hanson.

Q And Bazil and Josephine Michell?

A Yes. They all worked for him.

Q Lucy Bazil's husband, Frank, he worked cutting poles, too?

A I don't think so. I didn't see him, but he was probably working on the coast.

Q Did your husband Peter, your late husband Peter, ever work in a sawmill?

A Yes. We worked on -- we worked on sawmills, but we worked for some of the white people. They have all passed on.

Q Did these white people have sawmills near Moricetown?

A There was two white people, one by the name of Gordon Chapman and one by the name of Spence, they had a sawmill north of K'aaz Kwe, but they didn't stay very long when they quit.

Q Didn't stay very long?

A No, they didn't. They didn't stay long.

Q Now, K'aaz Kwe --

THE TRANSLATOR: 368.

MR. PLANT: Thank you.

THE COURT: I am sorry?

MR. PLANT: 368.

THE COURT: Thank you.

MR. PLANT:

Q Is a -- that's a creek that flows into the Bulkley, comes from the east, it's on the other side of the village -- I am sorry, on the other side of the Bulkley from Moricetown village?

A Yes.

Q Am I right that that creek flows into the Bulkley just north of where the Moricetown village is today?

A Yes.

MR. PLANT: My lord, the creek that the witness is referring to is I think the creek that --

THE COURT: I see it on the map.

MR. PLANT: -- the map has.

THE COURT: Spelled a little differently.

MR. PLANT: It's spelled a little differently. G-'-a-z-k-w-u-h.

Q Which side of the river was the sawmill on, Mrs. Alfred?

A It was -- it was on the K'aaz Kwe side. It was north of K'aaz Kwe.

Q Did your husband log in that area? Did he cut trees for this sawmill operation?

A Yes, he -- he logged on there.

Q And is that the area of K'aaz Kwe or north of K'aaz Kwe?

A It would be north of K'aaz Kwe.

Q Was it as far north as Beament?

A No.

Q So somewhere between K'aaz Kwe and Beament?

A Yes.

Q Is that on the territory of Wah tah K'eght.

MR. RUSH: Is what on the territory of Wah tah K'eght?

MR. PLANT: Excuse me?

MR. RUSH: Is what --

MR. PLANT:

Q The area where the logging took place, that is to say between Beament or K'aaz Kwe creek or K'aaz Kwe -- let me ask you this: First of all, you say it was between K'aaz Kwe and Beament. Was it -- do you know where Kwun Creek is, Mrs. Alfred, K-w-u-n?

A Yes. It was -- it was straight up from on that creek. That's where the sawmill was for a little while. Not very long.

Q Just to make sure I have this, the sawmill that we

have been talking about was straight up from Kwun Creek?

A Yes, it was above that on a side hill.

MR. RUSH: I'd just like Mr. Mitchell or Mr. Holland to assure us that we are talking about the same place, that the Kwun, whatever the spelling is or the pronunciation is the same that you are referring to on the map.

THE COURT: There is two Kwuns on the map.

MR. PLANT: I had understood the witness to have identified the location, but let's try this.

Q Downstream from K'aaz Kwe do you know of a creek called Kwun Creek which flows into the Bulkley on the east side flowing from east to west into the Bulkley?

A I didn't know the creek that you are speaking of. You've lost me some place when you started talking about Kwun Creek.

Q Have you ever heard of a place called Kwun Creek, Mrs. Alfred?

A No.

THE COURT: I have got it that there has been logged in the K'aaz Kwe area north of there but not as far north as Beament, and the only question I am left with is on what side of the Bulkley River?

MR. PLANT: I was also hoping to find out whether it was north

or south of Kwun Creek which appears to correspond with the thick black line that marks the boundary of Wah tah K'eght's territory as it enters the Bulkley on the map which is Exhibit 84. It is not marked as Kwun Creek on that map on Exhibit 84. There is on that area on that place on the government map is described as Kwun Creek.

THE COURT: Coming from in the east or the west?

MR. PLANT: Coming in from the east on the east bank. The line, the boundary line as plotted on Exhibit 84 at the point where it comes into the Bulkley is drawn over what is Kwun Creek on government maps.

THE COURT: All right.

MR. PLANT:

Q Now, Mrs. Alfred, you've talked about --

MR. RUSH: Excuse me just before you go on, how is Kwun spelled?

MR. PLANT: K-w-u-n.

MR. RUSH: Okay. Thank you.

MR. PLANT: And I believe Mr. Holland was translating it as Kwun Kwe.

THE COURT: Yes.

MR. PLANT:

Q But, Mrs. Alfred, you have never heard of a place which I know as Kwun Creek, is that correct?

A I don't know no Kwun Kwe. But just wondering maybe you are talking about L'taa Kwa or something.

THE REGISTRAR: 383.

MR. RUSH: L'taa Kwa.

THE TRANSLATOR: L'taa Kwa, 383.

MR. PLANT:

Q No. I am talking about a creek on the other side of the Bulkley, right where L'taa Kwa comes in. Right near there.

A That's the one they call Ts'a buu' kwe.

MR. PLANT: May I have a spelling for that, please? My lord, Ts'a buu'kwe not plotted on Exhibit 84.

THE COURT: No, I haven't found it yet anyways.

THE TRANSLATOR: Ts'a buu' kwe, T-s-'-a-b-u-u-' k-w-e.

MR. PLANT: That a B or a P?

THE TRANSLATOR: B.

MR. PLANT: Thank you.

THE COURT: And what is that, please?

MR. PLANT:

Q Is Ts'a buu' kwe a river that flows into the Bulkley from east to west on the east side of the Bulkley?

A Yes. That's the one that flows down from the hill.

THE COURT: On the --

MR. PLANT:

Q On the hill you are talking about, is that a mountain? Does that hill rise up to a mountain?

A Yes. I think that's where it flows from.

THE COURT: On the east side of the Bulkley?

A Yes. That's on the east side of the river. That is the only creeks I know beside K'aaz Kwe, that other creek it's only ones that I know of.

MR. PLANT:

Q Do you know the name of the mountain?

A No.

Q Mrs. Alfred, could you look at the photograph at tab 22 of this book. Does that look familiar to you? And I am really directing your attention to what appears to be a mountain in the upper right-hand part of the photograph?

A I don't recognize that mountain in the photo, but it does look like Hudson Bay Mountain.

Q I think this photograph is taken on the other side of -- or it's taken north and I think that this is supposed to be a photograph of the mountain that you were talking about a minute ago?

A I just recognize this picture. It looks like the area where there is a fence, this fence along here where it leads down into the canyon and it's looking north and

looking at the mountain there, this fence here was put in for safety reasons for -- and there is a lake in there. That's Ts'a buu' kwe right here, that lake in here.

THE COURT: Could I ask -- does this creek Ts'a buu' kwe, Ts'a buu' kwe I guess, is it on the territory of Wah tah K'eght?

MR. PLANT: Ts'a buu' kwe.

MR. RUSH: Is that Ts'a buu' kwe?

THE COURT: Ts'a buu' kwe.

A Oh, that Ts'a buu' kwe is in Gilseyhu's territory.

THE COURT: It is in whose territory?

MR. RUSH: Gilseyhu's territory. 132, my lord.

A Gilseyhu is south on our territory.

MR. PLANT:

Q Is K'aaz Kwe a boundary of the territory of Wah tah K'eght?

A Yes.

Q Now, you said that your husband, your late husband Peter Alfred, worked for white people who had a sawmill north of K'aaz Kwe. Was that on the east or the west side of the Bulkley, the sawmill I mean?

A The sawmill was north of K'aaz Kwe across the river.

Q Was it on the village side of the river?

A No. It was across from the village side.

Q And how far was the sawmill from the river?

A It was some distance up the hill about a mile.

Q Was the sawmill located near the place which you have described as Ts'a buu' kwe?

A No. It was in between the creek Ts'a buu' kwe and K'aaz Kwe.

Q Was the sawmill located on Gilseyhu's territory?

A Yes.

Q And was the logging that your husband participated in conducted on Gilseyhu's territory?

A Yes.

Q So far as you know did your husband have permission from any of the chiefs in the Gilseyhu clan to take trees from that area?

A I don't think so. I forget now. That's probably one of the reasons why they didn't stay there long and they just came back.

Q Did your husband, late husband, work for any other sawmill operations?

A No.

Q Did your husband ever work for Sylvester William at Springhill?

A Yes. He worked for him.

Q Did Sylvester William have a sawmill at Springhill?

A Yes. He had a sawmill there.

Q Did your husband work at that sawmill?

A Yes. There was a few people worked on that mill and my husband was falling for them.

Q Your husband cut trees for Sylvester William?

A Yes.

Q Is Springhill the place also known as Ha ta lii?

A Yes.

Q Can you tell me where Springhill is in relation to Moricetown? Oh, I am sorry, before we do that, I don't know if there is a number.

THE TRANSLATOR: 492.

THE COURT: 49 -- ?

MR. PLANT: 492.

THE COURT: Thank you.

MR. PLANT:

Q I was about to ask you where Springhill is in relation to Moricetown?

A It's across the river from the village south of Moricetown.

Q Can you tell me where Springhill is in relation to a place called C'eget Kwe? And if I haven't pronounced that right, the spelling I have is C-'-e-g-e-t K-w-e.

A Springhill would be south of C'eget Kwe. And C'eget Kwe would be closer -- closer to Moricetown.

MR. PLANT: My lord, do you see C'eget Kwe on the map spelled K-e-h?

THE COURT: Yes.

MR. PLANT:

Q Well, is Springhill as far down as Driftwood Creek? Oh, I am sorry, I don't mean to interrupt.

A Springhill would be just a little ways from Too Coo Kwe.

THE TRANSLATOR: 366.

MR. PLANT: 366. My lord, do you see Too Coo Kwe on the map?

THE COURT: Yes. Yes.

MR. PLANT:

Q Did Peter Alfred cut trees in the vicinity of Springhill for Sylvester William?

A Yes.

Q For how many years did he?

A They were only there for about two years and when they moved out.

THE COURT: Two years ago when?

A They worked in there for only two years.

THE COURT: When?

A That was Cecil and Dorothy and Janet weren't married

yet at that time. Cecil was just small. He was skidding then.

THE COURT: That's fine, thank you.

MR. PLANT:

Q Was Cecil born in 1945, Mrs. Alfred?

A Yes.

Q Did Sylvester William have the permission of Wah tah K'eght to operate a sawmill and take trees from the area around Springhill?

A Yes, I believe he did, because that is one of the reasons why our family was working on there and then didn't stay there long because they wanted to conserve the timbers in there.

Q Did your late husband cut trees or work in sawmills in any other location besides the two that you've already mentioned?

A No.

Q Did your late husband ever work as a saxophone player?

A Yes, he played saxophone.

Q Did your late husband Peter Alfred speak English?

A Yes, he spoke English.

Q And as I understand it, he was also the elected chief of the Village of Moricetown, is that correct?

A Yes.

Q So he was the chief counsellor of the band in Moricetown?

A Yes.

Q Did he hold that position for a long time?

A He held -- they usually hold that position sometimes two, three years and then it changes hand.

Q And then he would hold it again after awhile?

A No.

Q Was your late husband responsible for building the hall at Moricetown?

A Yes. Him and Donald were responsible for building the hall there.

Q Who is Donald?

A And Alfred also. Donald Michell. He's also passed on.

Q And you said Alfred. Who is Alfred?

A Alfred Mitchell.

Q Did your husband -- was your husband responsible for building the handicraft store in Moricetown?

A Yes, he was responsible for building the handicraft store.

Q And the campgrounds?

A Yes, he was -- yes, he was involved with the committee that was responsible for that, like Johnny Mack and

Dan and them.

Q Is that Dan Michell?

A Yes.

Q That's the campground for tourists?

A Yes. They were the first ones responsible for the original campground, but there is different people involved now.

Q Is there still a campground for tourists at Moricetown?

A Yes.

Q When you were a little girl in Moricetown, was there a bridge across the canyon?

A Yes.

Q And there was a bridge across the canyon as far back as you can remember?

A Yes.

Q And of course the railroad went near the village when you were a little girl?

A Yes.

Q Were there --

A It was made -- it was put in before my time.

Q Were there automobiles in Moricetown when you were a little girl?

A Yes. There was old cars around there at that time.

1 Q There were no cars?
2
3 A Old cars.
4
5 Q Old cars. Your husband Peter Alfred, did he have a
6
7 car? Was he one of the first people to have a car?
8
9 MR. RUSH: Two questions.
10
11 MR. PLANT: Yes, that's fine. I will ask the second one first.
12
13 Q Was your husband Peter Alfred one of the first people
14
15 to have a car in Moricetown?
16
17 A Bazil and my old man were the first ones to have a car
18
19 there.
20
21 Q Bazil had a taxi service? Is this Bazil Michell?
22
23 Sorry, first of all, the Bazil that you speak of, is
24
25 that Bazil Michell?
26
27 A Yes, that's Bazil Michell.
28
29 Q And Bazil had a taxi service?
30
31 A I don't think he had a taxi. People helped him --
32
33 helped one another out them days. I don't think he
34
35 had a taxi.
36
37 Q If you wanted to go shopping for supplies, would you
38
39 go up to Hazelton or Smithers or where would you go?
40
41 A I would go to either one of the two places, Hazelton
42
43 or Smithers.
44
45 Q Was there a store in Moricetown when you were a little
46
47 girl?

A No.

THE COURT: Can we take the afternoon adjournment now, Mr. Plant, please. Thank you.

(PROCEEDINGS ADJOURNED PURSUANT TO AFTERNOON 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.

Laara Yardley,

Official Reporter,

United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURNMENT)

THE REGISTRAR: Order in court.

MR. PLANT:

Q Mrs. Alfred, you told us that when you went to Glentanna when you were 14 years old, you hunted for rabbits and marten and you had a line for deadfalls. Do you remember telling us that?

A Yes.

Q Deadfalls are a kind of trap; is that correct?

A Yes.

Q Where was the line -- the trapline, the deadfalls trapline?

A We -- my brother used to go over the hill to Tedeltl'ets and he would go over there and he would camp over maybe two days or two nights, but us, we used to go up to -- up to the -- when he goes over the hill, we would turn back and he would continue on up by himself to Tedeltl'ets.

THE SPELLER: Tedeltl'ets, 372.

THE COURT: 372. Thank you.

MR. PLANT:

Q So when you say that you had a line for deadfalls, are you talking about the trapline that Peter Bazil, your brother, used to have?

A Yes.

Q Did you yourself ever trap or have a line of traps along Driftwood Creek?

A No.

Q And when I refer to Driftwood Creek, I'm referring to the place called C'ede'i Kwe or capital C-apostrophe-e-d-e-apostrophe-i-k-w-e. Do you understand that?

A Yes.

THE COURT: Was that triple E?

MR. PLANT: I beg your pardon?

THE COURT: Was that C triple E?

MR. PLANT: No. It's C-apostrophe-e-d-e.

THE COURT: Oh, e-d-e.

THE SPELLER: Number 231.

MR. PLANT:

Q Thank you, Mr. Michell.

Could you turn to the last picture in the book of photographs that I have in front of you? That's at Tab 31 of the book. Do you recognize what is shown in that photograph, Mrs. Alfred?

A I recognize that hall in the picture. It's a hall up in Glentanna area and the creek, C'ede'i Kwe. C'enuu'i Kwe comes down not too far from there.

THE SPELLER: It's not on the list.

MR. PLANT: That's the same word?

THE SPELLER: No.

MR. PLANT: Oh, a different word.

THE SPELLER: C'enuu'i Kwe, C-apostrophe-e-n-u-u-apostrophe-i-k-w-e.

THE COURT: I'm sorry, Mr. Michell. C-apostrophe-e-a-u?

THE SPELLER: C-apostrophe-e-n-u-u-apostrophe-i-k-w-e.

MR. PLANT:

Q Do you know if that creek, C'enuu'i Kwe, has a name in English, Mrs. Alfred?

A No. I forgot that name.

1 Q Have you ever heard of a creek called Canyon Creek?
2
3 A Canyon Creek is south of that hall there, but the
4
5 creek I was referring to is north of that hall there.
6
7 Q And is the creek that you were referring to north of
8
9 Driftwood Creek?
10
11 A That's -- that's the creek they call C'enuu'i Kwe.
12
13 Q That creek, C'enuu'i Kwe, is that north of Driftwood
14
15 Creek?
16
17 A That -- that first creek is C'enuu'i Kwe and the creek
18
19 further north is C'ede'i Kwe.
20
21 THE COURT: North of what? I'm sorry. From Driftwood or from
22
23 the hall?
24
25 MR. PLANT:
26
27 Q I think --
28
29 A The creek that comes down on the left-hand side of the
30
31 hall in the picture is C'enuu'i Kwe and then the one
32
33 further north is C'ede'i Kwe.
34
35 Q So of the two creeks, C'ede'i Kwe or Driftwood Creek
36
37 is the further north? That is the closer to
38
39 Moricetown?
40
41 A The creek on the northern part of -- come down on the
42
43 northern part of Glentanna is the one they call
44
45 C'ede'i Kwe. It's north Glentanna.
46
47 Q And is the other creek, C'enuu'i Kwe, is that south of

Glentanna?

A Yes.

Q Is there a boundary of Wah Tah K'eght's territory in that area?

A The traditional boundary line is the one they call C'enuu'i Kwe and anything south of that would be Gitdumden.

Q The line is C'enuu'i Kwe? The traditional line is C'enuu'i Kwe?

A Yes.

Q The building in the photograph at Tab 31, has that been there a long time, Mrs. Alfred?

A I don't know -- I don't know what year it was built, but it wasn't all that long ago after white people had settled around the area.

Q Were there buildings in Glentanna that the white people lived in the first time you remember going there?

A No.

Q But the -- the farmers and ranchers have been there for a long time; is that correct?

A There was nobody around the area when we used to go there to hunt for rabbits, but the white people started moving in before the time I got married.

MR. PLANT: I'd ask that the photograph at Tab 31 be marked as the next exhibit.

THE REGISTRAR: Number 147.

THE COURT: Thank you.

(EXHIBIT 147: Photograph)

MR. PLANT: My lord, Glentanna, very roughly speaking, and I am -- I mean that when I say that -- is if your lordship has where the solid line which I take to be the boundary of the Wah Tah K'eght territory on Exhibit 84, where that crosses the Bulkley at the southern part, if you go to the right about an inch and up a little ways, there's a plot marked lot 859. It's really just to the right of the Bulkley, an inch up above, half an inch, thereabouts. There's a --

THE COURT: Yes.

MR. PLANT: -- a line that crosses diagonally through that --

THE COURT: Yes.

MR. PLANT: -- district lot.

THE COURT: That's the -- is that called the high road?

MR. PLANT: The Telkwa High Road. I -- my understanding, and this is just an inference that I have drawn from trying to compare this map to other maps, is that, very roughly speaking, that's about where Glentanna is.

1 MR. RUSH: Well, I --
2
3 MR. PLANT: I only say that for assistance.
4
5 MR. RUSH: Well, Glentanna is an area which I think may have
6
7 variable meanings depending on who you're asking
8
9 and --
10
11 THE COURT: Right.
12
13 MR. PLANT: Oh, then let me qualify what I'm saying, because I
14
15 certainly don't want to suggest any conclusion from
16
17 what I am saying. The location of Glentanna that I'm
18
19 talking about is the spot which is marked Glentanna on
20
21 government maps. Now, Glentanna may be an area. It
22
23 may not be a particular place or --
24
25 THE COURT: Nothing is clear. You're just saying you understand
26
27 that's the general area.
28
29 MR. RUSH: Yes. The witness has, I think, consistently referred
30
31 to Glentanna as an area and not a spot, and I think --
32
33 I do think that there are different views among a
34
35 number of people about what constitutes Glentanna.
36
37 THE COURT: I wanted to briefly know generally where it is. Now
38
39 I know generally where Mr. Plant says it is anyway.
40
41 MR. PLANT: I think if you were to ask anyone who had never
42
43 lived there, there might be a consensus on one thing:
44
45 That whatever Glentanna is, there isn't a lot there.
46
47 Now, if I could --

THE COURT: Mr. Plant.

MR. PLANT: Oh, excuse me.

THE COURT: This copy of Exhibit 84, it used to be for identification. It's Exhibit 84 now. Is this your copy?

MR. PLANT: Yes. You may have that if it will assist your lordship. I was -- I provided that to you earlier because I did not want to take the time to try and find where the Court's copy is.

THE COURT: I can mark where you say Glentanna is anyway just for my own purposes. All right. Thank you. It was 859, wasn't it?

MR. PLANT: In that very general area. I certainly don't want to be taken as representing that it's --

THE COURT: No.

MR. PLANT: -- north or south of that boundary line.

THE COURT: All right.

MR. PLANT:

Q But in relation to the rest of the map, that's its approximate location.

Mrs. Alfred, do you have the photograph at Tab 30 in front of you? My instructions are that that is a picture of Driftwood Canyon Provincial Park in the winter. Have you ever been there?

A Yes. I know the place.

Q And does that photograph look like the place which you know?

A That -- that picture -- I know there's a picnic ground there and that -- that area inside is within our territory.

MR. PLANT: I'd ask that that be marked as the next exhibit, my lord.

THE REGISTRAR: Exhibit 148.

(EXHIBIT 148: Photograph)

MR. PLANT:

Q Now, you told us about the place that Peter Bazil -- Peter Bazil used to go off to trap and camp for two days and two nights, and, as I understand it, that is the place which is number 372, Tedeltl'ets?

A Yes.

Q Can you tell me where that is in relation to Glentanna?

A We would go straight up from -- up on the hill from Glentanna to go to Tedeltl'ets travelling east.

Q Is that up into the mountains?

A The hill that he goes over is not a mountain, but the lake where he goes to has mountains around it.

Q What did he trap at the lake?

A He would hunt and trap beaver in the lake and they also harvested trout, and they had a fish fence there with an opening in it where they set the fish trap. Bazil's late mother were using that area a long time ago and that is why Bazil also had -- had a line in there.

Q Was Bazil's late mother known as -- first of all, when you say Bazil, do you mean Peter Bazil?

A Yes.

Q And was his late mother known as Heywon?

A No.

MR. PLANT: The spelling I have for Heywon is H-e-y-w-o-n. Is that correct?

THE SPELLER: Yes.

MR. PLANT:

Q What was Peter Bazil's late mother's name?

A That is -- that was the same name that Bazil has now.

Q The same name that Bazil Michell has now?

A Yes.

Q And that's Hadah K'umah?

A Yes.

THE SPELLER: 223.

MR. PLANT:

Q Is there a creek -- well, let me ask you this first:

This -- the word Tedeltl'ets, number 372, is that the name of the lake where Peter Bazil used to trap beaver and harvest trout?

A Yes.

Q Is there a creek which flows out of that lake?

A That would be C'ede'i Kwe.

Q I beg your pardon?

A That would be C'ede'i Kwe.

THE SPELLER: 231.

THE COURT: 371?

THE SPELLER: 231.

MR. PLANT:

Q Is the lake that you call Tedeltl'ets at the top of Driftwood Creek?

A That creek would be flowing out of Tedeltl'ets and flow south and then hit down towards the river.

Q And that creek is the C'ede'i Kwe or Driftwood Creek?

A Yes.

Q Have you ever set traps on Too Coo Kwe?

A No. My mother just hunted and trapped that area.

MR. PLANT: My spelling for that --

THE SPELLER: 366.

MR. PLANT: Thank you.

Now, Mrs. Alfred, you told us that you hunt -- and

I think you mean nowadays -- that you hunt around

We'til xoos, number 394, and I'll spell that because I

think my pronounciation of that is worse than some of

the others. W-e-apostrophe-t-i-l-x-o-o-s; is that

correct?

THE INTERPRETER: She -- she would like you to rephrase that so

she knows what you're talking about.

MR. PLANT: Perhaps I'll ask for assistance.

THE SPELLER: Spell that again.

MR. PLANT: It's number 394.

Mrs. Alfred, I understand that you trap and hunt

around a place which has a name that I'm going to ask

Mr. Michell to pronounce because I can't pronounce it.

THE SPELLER: We'til xoos.

MR. PLANT:

Q That's number 394.

A Yes. I still trap out there now.

Q Am I right in assuming that that is a hill south of

K'aaz Kwe?

A Yes. That hill goes -- goes almost to -- to K'aaz

Kwe.

Q And is it on the south side of K'aaz Kwe?

A Yes. It would be on the south side of K'aaz Kwe.

Q And is that a hill that -- well, let me ask you this:

Is that hill close to the river or is it far back up in the mountains?

A It's not a mountain but a hill and that hill all goes -- ends down by K'aaz Kwe and where -- K'aaz Kwe nuk' and then I go over the hill there and then I go towards a lake called Tses nak Han Ts'en Ben and then I go around there and then I come back.

MR. PLANT: Is Tses nak Han Ts'en Ben 371?

THE SPELLER: Yes.

MR. PLANT:

Q When you say you go over the hill, are you talking about going to the east?

A Yes. So then we go along the foot -- foot of the mountain towards the lake and then we go back over the hill and go back down to where we started out.

Q Is the place you start out, is that close to the Bulkley?

A Yes.

Q Is there a creek that flows out of the lake, Tses nak Han Ts'en Ben?

A There is a stream coming out of that lake, Tses nak Han Ts'en Ben, but I wouldn't call it a creek. It's just a very small stream that goes into K'aaz Kwe.

Q Do you know how far the lake is from the Bulkley?

A I don't -- I don't know the mileage from the river to the lake, but we go up there and back in one day.

Q How do you travel?

A We walk on foot.

Q You walk around the trapline on foot?

A Yes. We walk around there. You wouldn't expect me to drive a car up there. I walk.

Q Have you ever had a trapline or set traps on a creek or stream called Xaaz Kwe, X-a-a-z-K-w-e?

A I don't know Xaaz Kwe. I'm just wondering if you're talking about K'aaz Kwe.

MR. PLANT: So that a place -- that's not a place you've ever heard of before? No. I -- that was a question that I thought was responsive to the last answer.

MR. RUSH: I think that the name that you are endeavouring to pronounce should be spelled -- or pronounced with the assistance of Mr. Michell.

MR. PLANT: That's an excellent idea. X-a-a-z-k-w-e.

THE SPELLER: Xaaz Kwe.

MR. PLANT:

Q Now that you've heard Mr. Michell say it, is that a place that you've ever heard of?

A No. I only know K'aaz Kwe. I never heard of any Xaaz Kwe.

THE COURT: I think, Mr. Plant, we'll take advantage of that last answer to adjourn. Just excuse me a moment.

All right. Yes. All right. We will adjourn until tomorrow morning.

(PROCEEDINGS ADJOURNED UNTIL JANUARY 20, 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
UNITED REPORTING SERVICE LTD.