Vancouver, B.C.,
March 23rd, 1988.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE REGISTRAR: In Supreme Court of British Columbia. This Wednesday, March 23, 1988. Calling Delgamuukw versus Her Majesty the Queen, at bar, my lord.
I caution the witness and the interpreter you're still under oath.

JOAN RYAN, Resumed:

THE COURT: Mr. Jackson.
MR. JACKSON: My lord, when we took the adjournment yesterday afternoon Chief Hanamuxw had described the nature of the field centres which are part of the NITEP program, and I'll pick up the questioning from that point.

EXAMINATION IN CHIEF BY MR. JACKSON:
Q What is the responsibilities of the advisory committee in relation to the field centres you described yesterday?
A The other responsibilities for the NITEP committee has to do with the selection of the NITEP staff. We usually advertise for the positions just like we do for other positions for the staffing of the University of British Columbia. Usually a sub-committee is established from the advisory committee that would accept the applications from the applicants. They would review the qualifications of the people who apply for the positions on the NITEP staff. They would short list the people that they would like to interview. And usually on the committee that deals with the applications we would have a member of the community in which the centre's located be on the review committee, the director of NITEP, the supervisor of NITEP, the co-ordinator for that centre if that co-ordinator is still available, a student from the area in which the centre is located. They would go through all the applications and after establishing who the candidate is for the position they would make the recommendation to the whole advisory committee who in turn will review the qualification of that particular individual and set out the terms of the contract under which that person is to be hired. The advisory committee would vote on

this applicant, and if the majority on the committee agrees that this is going to be the applicant to be recommended to the Dean of Education then that name is forwarded to the Dean who will either say yes or no depending on whether he feels this person is going to fit into -- into the staff of the university or faculty of the university. So far we have not had one recommendation turned down by the Faculty of Education, but he still has that power to make the final judgment, and if he says no then we can go back and start the process over again.

Q But you say that has not happened?

A So far no within 14 years.

Q In addition to the establishment of field centres and the admission and selection of staff what other heads of responsibilities do you have as the advisory committee?

A Before the students can be enrolled in the Faculty of Education at the university our program director goes through all the applications from the students. He lists in detail for the senate the academic qualifications of the students. From his list he presents that information to the advisory committee. We go through the list, and we either approve the list or we ask the certain students be recommended to take other training before enrolling in the Faculty of Education. And then our program director presents that to the senate just like any other students who enroll at the University of British Columbia.

In addition to that the advisory committee also deals with what we call re-admissions. Some of our students for many different reasons cannot stay in the program. One of them being financial, the other one has to do with the process that they involve themselves in. And I mentioned part of this yesterday in my presentation, that there are times when our students have difficulty sorting out their own values and have to find a way of coping with that. And it seems to indicate to us that this process of sorting out your values and your own self-discipline and your own interests is connected to whether you can handle the program straight through or not. Our program is designed so that there are exit points for our students if they are experiencing personal problems that have to do with sorting out their identity. Last week I was involved in a committee meeting of this advisory board and we re-admitted nine students for

the coming year. Many of these students dropped out about four years ago, three years ago, two years ago and even just last year.

THE COURT: Sorry. Can I stop you for a minute and ask you where are your field centres?

A There's one in Victoria, Chilliwack, Prince George, Kamloops.

THE COURT: The closest one?

A Chilliwack is the closest one.

THE COURT: From here, but the closest one from the claim area would be Prince George?

A That's right.

THE COURT: Yes. Thank you.

MR. JACKSON:

Q Does the advisory committee have any role in terms of the shape of direction of programs?

A Yes. One of the things that we had to negotiate with the university when the entry meets the program was to request that the courses be taken not in the same sequence as the regular program. And it took awhile to establish that, because we have never had the regular teacher training program rearranged to the extent to which we wanted NITEP to be patterned. On the part of the university it was chancy for them, but it worked.

Q Okay. Is there any relationship between --

A Let me just finish.

Q Sorry. I beg your pardon.

A The other thing that we do as an advisory committee is to review the content of many of the courses that are taken by our students. And our basic request to the faculty members is that they have to look at the background of our students and design the course content to compliment and supplement the background knowledge of our students in the program. And in most cases this has been done. And the other thing we have done is that we have made direct requests to the faculty saying that we feel certain courses are really important to our students, and this is where our native education courses come in. The other one change that we had requested had to do with the speech arts, and we felt this was really important for our students because English is the second language to many of our students, therefore, they need to practice if they are going to be effective cummunicators in the classroom. This has never been done as part of the regular teacher training program, and I'm happy to say

that this particular course is going to be included in the new five year program that is being introduced at the University of British Columbia. The speech arts is going to be one of the required courses for teacher trainees.

Q Does the advisory committee have any role vis-a-vis Indian communities away from the university and the university?

A Certainly we try to maintain the links with the Indian community. We have to listen to the kinds of requirements that they feel our communities need which may not be identical to what the larger community requires. And the university is doing its best right now to respond to that request. They have expanded the role of our advisory committee to include the responsibility of being part of the First House of Learning group that is being established in UBC. The responsibility of this First House of Learning is to encourage as many post-secondary students from the native communities to enter other programs. We feel that when students leave the secondary school they should be encouraged to further their education, and we hope that this First House of Learning will accommodate that need of the communities. One of their responsibilities right now is to survey the communities and see just what areas need to be looked at and have courses designed to meet those needs. And I guess one of the decisions that would have to be made is whether this set of courses would be offered on campus or whether they would be offered off campus like NITEP, but that is a decision that is going to come in the future.

Q You referred to the First House of Learning. Is that the full title?

A Yes.

Q It's -- I --

A You have -- sorry.

Q No. I understood, and perhaps my friends will permit this, it's the First Nations House of Learning?

A Sorry. Okay. Yes.

Q Chief Hanamuxw, when you started work in the formation and establishment of the NITEP program do you know how many native teachers there were in British Columbia approximately?

A This would be in 1974 and we had 26 qualified -- fully qualified teachers in British Columbia.

Q Do you know how many teachers there were in British

Columbia generally at that point?
A 23,000 teachers in British Columbia.
Q Since the formation of the foundation of the NITEP program how many people have graduated?
A We have 96 graduates from the program. These are people with full degrees, but we have had close to 400 students enrolled in the program since its inception. And one of the reasons for our low rate of graduates has to do with the fact that once the students are enrolled in NITEP and they discovered that they can handle the university programs some of them have transferred to other programs and have completed their education in other areas. So even though our numbers are low we have -- we have had an impact on other programs.
Q Have any of the people, to your knowledge, graduated from NITEP gone into the law school?
A Penny Desjarlais.
Q Yes.
A Yes.
Q Do you know of the 96 people who have graduated how many of them have been from Gitksan and Wet'suwet'en communities?
A Seven.
Q And could you tell me who is the program director for NITEP at the present time?
A Roger Smith, and he's from Hazleton.
Q And is he a Gitksan person?
A He's a Gitksan person, yes.
Q Chief Hanamuxw, when I showed you the other day that paper by Dr. Kirkness and Dr. McEachern, and in its title it refers to the NITEP program as a paradigm, as I recall the title. Do you have any knowledge of the extent to which the NITEP program has been viewed as a model in other -- outside of British Columbia?
THE COURT: I'm sorry. Are you asking about this paper or are you asking about the program?
MR. JACKSON: I'm asking about the program.
A Certainly it's stated in this paper Dr. McEachern had used this model in the Philippines. And we've had people from Italy express an interest in the model of this program, also people from New Zealand and Australia as well.
MR. JACKSON: Perhaps your lordship in your sojourns in Australia could make some inquiries on our behalf.
THE COURT: I'll make some inquiries and see if I can confirm what's been said. As a matter of fact, I received a

1 call this morning from one of my judges, and who said
2 they are arguing an Aboriginal case in the -- what is
3 it called, the High Court of Australia?
4 MR. JACKSON: Yes.
5 THE COURT: The top court.
6 MR. JACKSON: Yes.
7 THE COURT: They are arguing a case as of yesterday. I'll make
8 some inquires about it.
9 MR. JACKSON:
10 Q Could you explain how you see the nature of the
11 relationship between the University of British
12 Columbia and NITEP?
13 A Certainly when we were considering establishing the
14 program we were very firm in saying that input had to
15 come from the Indian people, so that our advisory
16 committee was struck to illustrate that point that
17 most of the members on the committee had to be Indian
18 people from different parts of British Columbia, along
19 with the faculty members. We felt that if the program
20 is going to succeed it had to be a joint
21 responsibility, and that the exchange would have to
22 come from both directions at all times. We felt that
23 the university cannot work in isolation, and neither
24 can we. And it took a lot of politicizing to achieve
25 that point. And when we did we felt that the program
26 had to continue with the idea of having an advisory
27 committee that included Indian people. And that same
28 theory exists today. We feel that the university has
29 a lot of resources that they can offer such as the
30 buildings, the staff with the knowledge that our
31 students would need if they're going to become
32 successful teachers, the funding that would maintain
33 such a program, and yet at the same time we feel that
34 our people had resources that is necessary to maintain
35 the stability that is essential in establishing such a
36 program. They have the resources such as our own
37 adaawk, our songs, our legends, our spiritual beliefs,
38 our philosophy of life. And we felt that the students
39 need both if they are going to be successful
40 individuals throughout their lives. And we have tried
41 very hard to combine the two.
42 Q Could you explain to the court how you see your
43 continuing work with the NITEP program, and the work
44 in fact you've outlined for the court over the years,
45 how do you see that related to your role, your
46 authority as Hanamuxw?
47 A One of the requirements of a chief is that you are

expected to take care of your people and to improve their lot in life, whatever that may take. And certainly in my decision to be a part of this advisory committee was based on this idea that I am expected as Hanamuxw to help develop the skills of my people. There's -- one of the things that we strongly believe in is that the mind, the spirit, and the body must be one, and they have to be aligned at all times. If your education was segmented then you don't achieve that. We feel that the whole person has to be developed. That you don't deal just with the mind alone in isolation. You also have to take into consideration other needs of the individual, and that you try and develop them totally as best you can. And I feel that in doing this work I'm also fulfilling one of the historical precedents started by my grandparents that whenever we try to solve problems, and I'm going to have to take you back to the time when the four Houses of Gisk'aast were established in Gitsegukla. The four houses of the Gisk'aast are, Xsgogimlax ha, Gwis gyen, Hanamuxw and Wiigyet.

THE COURT: Pardon? What was the last one, please?

MR. JACKSON: Wiigyet.

THE COURT: Wiigyet. Thank you.

A I'm going to have to change one of those. I'm sorry. I got confused. I was thinking ahead of myself. Guxsan is the other one, not Wiigyet.

THE COURT: That's Guxsan as we call it, G-U-X-S-A-N?

A M'hm.

MR. JACKSON: Yes, my lord.

A When those four houses met a long time ago when they were conducting their businesses of directing the activities of the people it was always Hanamuxw who had to make the announcements for the people, who had to take the messages to the neighbouring tribes. And based on that role of being the spokesperson for Gisk'aast at my village I looked upon my involvement with NITEP as fulfilling that responsibility of being the spokesperson not just for the Gitksan people, but for the Indian people of British Columbia, because when we conducted meetings with B.C. NITEP we found that many of the Indian people in British Columbia had similar needs, had similar problems that need to be taken care of. And so basically that was my motivation in saying that I will work as hard as I can to see that this program is established not just for a short period of time, but for as long as our people

1 need this kind of program.
2 Q Are you familiar with the term ambassador?
3 A Yes.
4 Q Can you relate the work you have done as Hanamuxw to
5 your understanding of that term?
6 A Yes. I can relate to it in this way, I can say that
7 when you look at an ambassador usually that person is
8 a person who has with him his cultural values, his
9 spiritual values, and that's kind of the baggage that
10 he takes with him when he travels to new territories.
11 And as he enters those territories he certainly will
12 meet other people with a similar kind of
13 qualifications. And when you -- when you meet and
14 interact with those people you try and accommodate
15 their values, their spiritual beliefs in with yours,
16 combine them to make it stronger not only for your own
17 nation but for theirs as well, because you work
18 towards a common goal, and the stronger that you can
19 make your commitment to achieve that goal the better
20 it is for you and also for them.
21 Q Have any of the members of your house followed your
22 example in pursuing post-secondary education?
23 A Yes.
24 Q Could you --
25 A My brother Don has attended university. He has three
26 years of university in the field of accountancy and
27 economics.
28 Q Does he hold a name in your house?
29 A Yes. His name is Maas Gaak.
30 THE SPELLER: Number 27 on the word list.
31 THE REGISTRAR: Number 27 on the word list.
32 MR. JACKSON:
33 Q Is there anyone else in your house?
34 A Yes. I have a niece who graduated from Simon Fraser
35 last year with a full degree in her majors in
36 anthropology. I also have in my house the
37 granddaughter of Gwa'aa maats.
38 THE COURT: I'm sorry. Granddaughter?
39 A Granddaughter of Gwa'aa maats, yes. She graduated
40 from the NITEP program with a full degree. I have a
41 sister Barbara, Barbara Clifton, and her name is
42 Yagaaxe txw.
43 THE SPELLER: 807 on the word list. 801 I mean.
44 THE COURT: Is that the sister or the granddaughter?
45 A This is my sister Beverly -- or I'm sorry. Barbara
46 Clifton.
47 THE COURT: All right. Do we have a number for the

granddaughter, please?
THE REGISTRAR: 12, my lord, on the word list.
THE COURT: 12. Thank you. You were going to tell me about Barbara Clifton.
MR. JACKSON: I think the name you were given is the name Gwa'aa maats, which is the name of the grandmother of Leona Thistle.
Q Is that correct?
A Leona is the granddaughter of Gwa'aa maats.
Q And Gwa'aa maats is in relation to your house?
A Is a wing chief in my house.
THE COURT: I haven't been told anything about your sister.
A I'm coming to it, my lord.
THE COURT: All right. Thank you.
A My sister Barbara is taking courses that would prepare her for accountancy, but not a full degree in accountancy. She has taken some courses that would qualify her for a counselling position in the alcoholic program, and she now works in Hazleton.
MR. JACKSON:
Q Have you yourself been involved with any educational projects within the Gitksan territories?
A Well, has to do with establishing a kindergarten program for the Gitwingax band. The title is the Nursery Kindergarden Program on the reserve. I helped them to prepare the content for the kindergarden program, and assisted in establishing the content of the program for the nursery part of the program.
Q Chief Hanamuxw, what language do you speak?
A Gitksan. My second language is English.
Q In the setting up of the kindergarten program you just described would it be appropriate in instructing Gitksan children in their own language to employ a person who was a Tsimxsan speaker who had never worked or lived within the Gitksan communities?
A No.
Q Could you explain why that would not be appropriate?
A The Gitksan language is a very distinct language of its own, and if a person from a neighbouring territory comes in it would be difficult for them to do any instruction in our Gitksan language for many reasons. One is that when you learn a second language I think the most important thing missing would be the motive aspect of the words in the language, that you don't appreciate the emotional connotations of the words when you acquire a second language. You can do that over a period of time, and it does take time to

acquire that. Certainly it would be very difficult for that person to explain some of our adaawk or legends to the children, and to give the correct pronunciation of the words. For a Tsimxsan some of their pronounciation of their words are different from ours. The phrasing could be different as well. The meaning of some of the words would be different. So if that person is going to instruct children in Gitksan they are going to have to do some -- or spend some time studying the language before they can handle the program adequately.

Q Would it be possible for a Tsimxsan person who did live within the territories -- within the communities of the Gitksan to acquire sufficient knowledge so that they could, in fact, instruct Indian children in the Gitksan language?

A Certainly it's possible.

Q Do you have any to your own knowledge examples of where that has happened?

A Yes. In Gitwingax.

Q In the school you just described?

A Yes. In the nursery school, kindergarten school in Gitwingax. Virginia Moore is originally from Kitkatla, and she is Tsimxsan, which is the way we call it.

Q And what is her relation to you?

A She is married to 'Niitsxw, a wing chief in my house. And she has been in Gitwingax for a period of years, and she has acquired the knowledge of the Gitksan language.

Q Chief Hanamuxw, in the work you have done over the years that you have described for the court with the NITEP program, in the work you have done in as you described it negotiating with the Province, have you given up or abandoned your authority as a Gitksan chief?

A No. Even though I am away from the territory certainly I maintain links with first of all Gitwingax which is my dad's reserve, and I certainly maintain my links with Gitsegukla, which is my mother's reserve. And whenever there are activities in those two villages if I can attend them I certainly try and attend them whenever the dates are set. And if I know them sufficiently beforehand then I make every effort to attend the activities that they have in those villages, and as much as possible contribute where I can ideas that might be helpful to them, support them

in whatever way I can.
MR. JACKSON: I would like you, Madam Registrar, if you could place the Exhibit 34 again before Chief Hanamuxw, and perhaps the witness could place it in front of her.
Q Chief Hanamuxw, referring you back to that picture of November the 1st, 1966, when you took the name Hanamuxw what did you understand was passed to you under Gitksan law?
A I'm sorry. I'm waiting for my dictionary to be read. There was a sentence given to me first by Ida Moore, Suu wii gantxw, and then it was given to me by the Wil'na t'ahl, and I'll repeat the Indian sentence to you now.
MR. JACKSON: Fern, ready?
THE SPELLER: Yes.
MR. JACKSON:
Q What is that sentence, Chief Hanamuxw?
A Hlaa niin xsi gyalatxwit dim ant guuhl hli dax gyets dip niye'en. Dim guudinhl wa midim'y ama gya'adihl Lax yip.
Q Do you have a translation of those words that were given to you?
A Roughly the translation would be that you are the one that has been selected to take the land that was your inheritance, to hold it, and to take care of it. If you were to look at the implication of that --
THE COURT: Just a moment, please. Madam reporter, have you --
THE SPELLER: It's number 804 on the word list.
THE COURT: The whole expression?
THE SPELLER: Yes.
THE COURT: All right. Thank you. Is that sufficient, madam reporter?
THE REPORTER: Yes. Thank you.
THE COURT: All right. Thank you.
MR. JACKSON:
Q You were just explaining about the implications of that.
A I have to collect my thoughts again. Just a minute.
THE COURT: You were going to tell me the implications of what you have just said.
A That's right, so I have to collect the words again.
THE COURT: Yes. Thank you.
A That means the land that your forefathers had, that includes the regalia, that includes the adaawk, that includes the pole, that includes the resources on the land, that includes the name Hanamuxw, and the right to use that name within the Gitksan territory. That

means the right to use the authority of the chief. That includes providing leadership for the people, the Gisk'aast as well as the other clans in Gitsegukla. It means preserving the history of the house. It means taking care of the present, and always with the idea that you link it with the future. It means having the right to assist not just the people in your own house, but everyone in your community if they need help. It means going to other levels of authority whenever you need to negotiate with them to take care of the needs of the people, or it may mean going to neighbouring nations and negotiating with them issues that deal with the Indian problems, or it may mean offering suggestions as to how these can be solved, how the problems can be solved. It also means that you as the chief have the responsibility of training the younger members of your -- of your family so that all the traditions, all the customs, all the rituals within your house are maintained. So in a sense the chief is also the teacher for the younger people as well as a counsellor, as well as a spiritual leader.

MR. JACKSON:

Q In giving the translation of the Gitksan words that were passed to you my note is that you -- part of it was to take care of the inheritance of the house. Could you explain what you mean by taking care of the territory, taking care of the resources?

A I guess one way to get at that particular question is to say that we have a management plan as to how we take care of our resources, and one definite example that I can give here is that when you look at your inventory you know approximately how many dried fish you need within a year, how many cans you use within a year, how many are frozen, how many are half smoked, and based on that inventory when you start to process again in the spring, and during the summer you go to the river and you only take from the river what you need. Included in that list has to do with trading as well. I missed one item as well so I better go back and add that one. You're encouraged to protect the species of the fish, that you don't take more than what you require so that the cycle continues and that you will continue to obtain the fish from the river in the future. We are told that we must never at any time destroy the stock.

Q Again, when you were translating the phrase you said to hold the property. What do you understand that

1 means? Explain to the court. Elaborate on that.
2 A I was directly translating our words into English
3 which at best of times is difficult to do. To me it
4 means that the property is not given to you directly.
5 In other words, it's not your personal property, but
6 rather you are designated as the person to manage that
7 property not just for yourself but for all of the
8 members of your house. All of our members -- all the
9 members of the house have the right to use the
10 territory whenever they need resources from the
11 territory. And if they need to go to the territory
12 they probably would pay a courtesy call to Hanamuxw to
13 ask for permission to go to the territory. And
14 usually that's just a routine matter. The answer to
15 that question is always yes, because the chiefs are
16 told that they have to be generous. And I mentioned
17 this yesterday in the list of characteristics that
18 they expect to have in a chief, that whoever is in
19 need of fish they are welcome to come to your fishing
20 site and take whatever fish they need, because there
21 are people within our Gitksan territory who do not own
22 fishing sites. They do not have houses, but the
23 chiefs have to give them access to their -- to their
24 fishing sites so that they can survive like everybody
25 else.
26 Q In terms of what was passed to you, what rights were
27 passed to you in relation to the use of the
28 territories in terms of people who are not members of
29 your house?
30 A I'm not -- I'm not too clear on your question. I see
31 myself answering it in two ways.
32 Q Let me clarify it so you're entirely clear on the
33 question. You mentioned in your last answer that you
34 hold the property on behalf of the other members of
35 the house, and they have rights to use the territory.
36 What is the position in relation to other members of
37 other houses who wish to use Hanamuxw's fishing site
38 or Hanamuxw's territory?
39 A Okay. Number one, no one can come on to your
40 territory without permission from you. And as far as
41 some of the other chiefs are concerned they exercise
42 the same right to give permission to people who want
43 to use their sites. For people who are not members of
44 your house it's not a standing permit for them to go
45 to your site. Each time that they want, or each year
46 that they want to go to your site, or at least the
47 Gitksan regulation requires them that they should come

to the chief and ask for permission again, so it's an annual renewal of that type of permission.

Q In receiving the name did any rights or responsibilities pass to you in relation to participation in the feast hall?

A It gives me the right to be invited to memorial feasts of other clans. It gives me the right to attend pole raising feasts of other clans. It gives me the right to pass judgment on whether Gitksan laws are fulfilled when a name is transferred to a new candidate or a new chief. It also gives me veto power if I feel that certain regulations and laws are not being fulfilled. It gives me the right to participate in all ventures -- all ventures that the chiefs would like to undertake. I'll give this land claims court as an example of where I have the privilege of exercising my right to make the decision to be part of this court case.

MR. JACKSON: Would that be a convenient time to take the break?

THE COURT: Yes. Thank you.

THE REGISTRAR: Order in court. Court will recess.

(PROCEEDINGS ADJOURNED)

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

Peri McHale, Official Reporter
UNITED REPORTING SERVICE LTD.

JOAN RYAN, Resumed:

EXAMINATION IN CHIEF BY MR. JACKSON: (Continued)

MR. JACKSON:

Q Before the break, Chief Hanamuxw, you had mentioned that -- you gave evidence that one of the rights and responsibilities which passed to you was those in relation to participating in the feast hall, and you had given evidence, as I understand, that a part of that role was to validate, to confirm if things were done appropriately. Can you give an example of that process?

A Before you get to the feast hall, it is really important that consultations take place within your own house, certainly within your wilksiwitxw, certainly within your wilksiwitxw and, if necessary, consult with the other chiefs as well. The extent to which you consult the other chiefs, the other houses, depends on the nature of the issue. It can be extensive or it can be limited but consultation does take place. It is a requirement before you get to the feast hall. And so when we sit as either -- I am sorry, as witnesses in the feast hall, what we are actually doing is giving our stamp of approval of the way the business is conducted. There will be times when errors are made in describing some of the territories and if that is the case, then it's the position of the chiefs who are present to indicate that an error has taken place. And usually it's not handled at the feast where it occurs, it's usually dealt with in a subsequent feast. It is usually the responsibility of the wilksiwitxw to correct that error. He has to point out that mistakes were made, maybe, in describing a corner of the territory or the fishing sites or maybe the traplines or maybe a wrong crest was used. I can just go that far in giving you examples of what may happen.

Q In your experience, and to your knowledge, has that occurred where you have in fact witnessed that process where a chief has raised the issue of whether a territory or a fishing site has been improperly described or claimed?

A I was not present at the feast when the error was made but I was present at the feast where the correction was made. And it was done by the wilksiwitxw of Haalus and that's Gwisgyen.

Q Just to clarify my understanding of that, the feast at which the error was made was a feast put on by Haalus?
A It would have to be.
Q And the correction which was made, was it a subsequent feast?
A It was a subsequent feast of Haalus.
Q And the person who made the correction was Gwisgyen?
A Yes, Gwisgyen the father of Haalus.
Q In terms of what you describe as the authority that had passed to you as chief Hanamuxw when you took on the name, can you describe to the court how you exercise that authority, the process whereby you would exercise that authority?
A Certainly it is more difficult for me to exercise my authority because I live outside of the territory. But I do have ways of delegating my authority to members of my house and I do that by asking my mother Gwaans to represent me at feasts that are given by other clans. That's one form of delegation. Or I can delegate -- I have to take part in an activity for me or I can delegate part of my authority to as Maas Gaak.
THE COURT: I didn't get that name.
A Maas Gaak.
THE TRANSLATOR: It's number 27 on the word list.
MR. JACKSON:
Q What was the name after your mother, you delegated to somebody else?
A K'amx tsi kaax, that's James Ryan.
Q What is his position in your house?
A He is a wing chief in my house. So is Gwaans, so is Maas Gaak. Again also delegate part of my authority to Gwa'aa maats, a wing chief in my office.
Q That's Dora Johnson?
A Yes, Dora Johnson. 'Niitsxw, Larry Moore.
MR. JACKSON: Those names are all on our word list, my lord. Would it assist you to have those numbers at this point.
THE COURT: Yes, I will have to have them, a name or a number.
THE TRANSLATOR: 'Niitsxw was 29, Gwa'aa maats is 12, Maas gaak is 27, K'amx tsi kaax is number 19 and Gwaans is --
THE COURT: I have Gwaans. Thank you.
MR. JACKSON:
Q Would you, in making a decision, would you normally make that decision yourself, decision affecting your house?
THE COURT: Do you mean a decision to delegate or a decision?

MR. JACKSON: No, I wasn't talking about a decision to delegate, but in general --

Q When you have to make a decision as Hanamuxw, did you make that decision on your own?

A When you are a chief it's necessary for you to do both. There would be occasions when you have to make the decision alone. But basically speaking, we make our decisions collectively, because that's part of the tradition of the Gitksan law, that consultation has to take place within your own house, it has to take place within your wil'na t'ahl, it has to take place with the other clans as well wil'na t'ahl. That's at the village level. But you can also go to the other villages too and go through the same process as well. So the network can sometimes be very large or just confined to your own village.

Q What would determine whether the consultation was confined to, say, your house as opposed to a consultation which involved all the other chiefs or all the other villages?

A Well, certainly outside of the larger -- I will start with the larger network. The consultation would be based on an issue that would affect all of the villages and then you would have to consult all of the villages.

Q What would be an example of that sort of --

A Certainly our land claims is one example, a very good example of how the network of consultation would take place before we can jointly or collectively decide that we are going to take this action.

At the village level, certainly you can do your consultation that would involve all the clans or just your own wil'na t'ahl or it could be related only to your own house. And I guess the most important one that you would have to deal with has to do with the selection of a chief, that would be one example, where consultation would start at your house level and certainly it would go to your wil'na t'ahl, certainly would go to your wilksiwitxw. I am not sure whether that answers that question.

Q In terms of you dealt with decisions which affect, as it were, all the Gitksan houses, decisions which might affect the clans or the village, what would be the kind of decision which would be centred, as it were, at the house level?

A Certainly the members who would receive names, like we have names that are strictly for boys and certainly

1 strictly for girls, and you have to make a house
2 decision when is the right time for the children of
3 the house are ready to receive those names. So that
4 would be one example where we would have a house
5 meeting. Certainly we would have to have a house
6 meeting when we want to put on a feast, when the date
7 has to be set, so that the members of your house
8 prepare all the things that they would need to put on
9 that feast.
10 Q On that particular issue, I would like you just to
11 direct your mind to this question: As you have given
12 evidence, you live in Prince Rupert, and I am
13 wondering if you would explain to the court how you,
14 as a chief who is resident in Prince Rupert most of
15 the time, how do you fulfill your responsibilities as
16 a Gitksan chief within the feast system?
17 A Part of it is solved by making many phone calls and
18 having a huge telephone bill. Certainly part of it is
19 solved by delegating a lot of my plans to be handled
20 by Gwaans, Maas Gaak, K'amxtsi kaax, if necessary, and
21 they would make the formal arrangements for me and it
22 may require on my part to make trips back to
23 Gitsegukla before the feast but basically the
24 preparation would be handled by K'amxtsi kaax and Maas
25 Gaak. Certainly I have received a lot of support from
26 Gwis gyen.
27 Q That's Stanley Williams?
28 A That's Stanley Williams, yes. He would help out if
29 necessary when it's time to invite people to the
30 feast, he would assist Maas Gaak in issuing the
31 invitations to the chiefs.
32 Q Is the process of delegation which you described, that
33 is something which is consistent with your
34 understanding of Gitksan law on the way in which a
35 chief can discharge their responsibilities?
36 A Yes. That's a normal part of our process in dealing
37 with the types of issues or certainly different types
38 of requirements that we have within our laws,
39 certainly what is happening when I delegate to Maas
40 Gaak is that I am training him as to how the Gitksan
41 person is to organize, a Gitksan person within a house
42 is to organize a feast. So, in a sense, by asking him
43 to do certain jobs for me before putting on a feast,
44 in essence, I am saying this is how we do it, and I am
45 expecting you to fulfill this responsibility. So in
46 essence it's a training programme for him and it goes
47 as well for all the other members of my house and

1 certainly within the feast hall too, there are certain
2 rules and regulations that you have to know and it's
3 at the feast hall where the members of the house get
4 practical experience that they need in order for them
5 to learn what those rules and regulations are. So, in
6 a sense you are setting up practical experience for
7 them to be able to use the rules and regulations of
8 the Gitksan people, especially in the House of
9 Hanamuxw.
10 Q When you delegate or rely upon other members of your
11 house, do you have to tell them specifically what it
12 is they have to do?
13 A Yes. We certainly believe in a division of labour, we
14 certainly recognize very strongly that each individual
15 arrives in this world with different kinds of skills
16 and we try and capitalize on it. And so you, as a
17 chief, when you look at the members of your house you
18 take that into consideration when you assign duties to
19 them. And, yes, you do give specific orders saying
20 that if you are going to need 500 loaves of bread,
21 that's the order you give to one member of your house
22 to order for you. Or if you are going to need 300
23 towels, then that's what you say to them, they have to
24 go out and find ways of finding 300 towels for you and
25 you have to make sure too that you are going to give
26 them enough time to be able to acquire that.
27 Q Can you give the court an example of how you as
28 Hanamuxw have worked with members of your house and
29 with your wil'na t'ahl in organizing a feast which, as
30 it were, describes how you have delegated and how you
31 have worked with those members while maintaining your
32 position as a teacher in Prince Rupert?
33 A This process takes place not only when I am putting on
34 a feast but also when I am going to take a part in
35 other feasts in a house of Giskaast, the same kind of
36 delegation takes place. Because even when you are
37 taking part in the feast of another house you are
38 still required to prepare food, to bring gifts that
39 would be distributed at the feast so you still have to
40 place an order for someone close to or at least in
41 your territory to be able to get these ready. One
42 example I can give about my own house is when we put
43 up the stone for uncle Jeffery.
44 Q This is the former Hanamuxw?
45 A The former Hanamuxw, where I had to depend on a lot of
46 the members of my family to organize the feast for me,
47 I also have to depend on my in-laws to help me out.

They are assigned a role to do some of the cooking for me, to help wrap up some of the gifts that are to be distributed. Some of them had to go to the bank and make sure that I have the right denominations of the bills that are going to be used within the feast when the monetary gifts are given out to the chiefs. Certainly, I had to depend on some of my wilksiwitxw to help me out as well.

Q Did they have a particular role, the wilksiwitxw, in terms of that feast?

A Usually they give me monetary support as well. But when you don't ask they give it to you automatically. But some of my wilksiwitxw had to sing the songs from my father's house, to indicate or to demonstrate to the public that they approve of my feast and of my concern that the headstone for Hanamuxw was put in place over the grave.

Q At that feast, were speeches made by chiefs in your house, in your wil'na t'ahl?

A Yes.

Q Who made those speeches?

A Which is the normal procedure at the feast. Certainly, for my own house, Gwaans made a speech to the people for coming and honouring the invitation to this particular feast. I thanked all my workers, I also made a speech, I thanked all my workers for the work they had done, carrying out all the responsibilities of preparing the food and the gifts for the guests, for ensuring that the hall was ready, and that the chairs and tables were placed where they should be, because we do have particular tables for particular clans within the feast hall. And those had to be in place. And when it came time to describe the territory, and the power of Hanamuxw, it was left to Gwis gyen to explain that to the gathering.

Q And was that in accordance with Gitksan law that Gwis gyen would be the one to describe the territories for Hanamuxw in the headstone feast?

A Yes. It's part of one of the characteristics I explained yesterday that you have to honour your elders, certainly in my house, my mother Gwaans and Gwis gyen are the ones that I consider to be my historians and keepers of the Gitksan laws within the house of Hanamuxw. And this is a normal procedure, there is nothing unusual about that.

Q Where you are required, under Gitksan law, to define or describe the territories of Hanamuxw, who would you

rely upon to do that in a feast situation?
A Certainly Gwis gyen and if Gwis gyen is not there, certainly my mother Gwaans would do that. Their knowledge of the territory is extensive and certainly they are respected as authorities on this issue by the other chiefs.
Q Outside of the context of a feast, if you are required to define, describe the territories, fishing sites of Hanamuxw, would you delegate that authority?
A Because I am outside of the territory, really, I have no choice but to delegate that authority to my mother, Gwaans.
Q Would you delegate that to anyone else?
A If Gwaans was not there, certainly a member of my own house, I would delegate that to, or if I don't have anyone available from my house certainly Gwis gyen would do it for me.
Q Just in terms of clarifying the -- where was the headstone feast of Jeffery Johnson held?
A It was in Gitsegukla.
Q When was that?
A That was November of '85.
Q In addition to those feasts where you would delegate responsibilities for attendance to Gwaans or other members of your house, have you participated in feasts yourself, other than the headstone feast you have described, within the Gitksan territories?
A Yes, I have.
Q I am showing you a list here -- and, my lord, there is a copy -- I have got a mark with a squiggle here, that's all -- and I am producing for you a list, is that a list which you have compiled and does that list show the feasts which you have yourself personally attended as Hanamuxw since November, 1985?
A Yes. Yes. This is a list that I have compiled saying that these were the feasts that I actually attended in person, where I have not delegated my authorities to Gwaans to attend a feast on my behalf.
MR. JACKSON: I would like to enter that as the next exhibit, my lord.
THE COURT: Yes. The exhibit number?
THE REGISTRAR: Exhibit 375 my lord.

(EXHIBIT 375: LIST OF FEASTS ATTENDED BY HANAMUXW)

MR. JACKSON:
Q At the headstone feast of Jeffery Johnson, was any

announcement made regarding totem poles?
A Yes, there was an announcement made about totem poles.
Q Could you indicate what that was?
A That in the future the House of Hanamuxw was going to -- okay, I am going to have to say that there are two poles. The first pole -- the first pole was going to be repaired, so that crests remain as they were because the quality of the wood is deteriorating.
Q That first pole, what pole is that one?
A That's the one that was in front of our house and was taken down.
Q Whose pole was that?
A That was Hanamuxw's pole. That one has been in the village of Gitsegukla for quite a number of years. That pole was repaired in 1945 by Jeffery Johnson and was placed in front of his House in Gitsegukla, then the second pole is a new pole, new in the sense that it is going to be new wood but it's going to contain the same crests as the original pole, because I am the one that is going to be putting up or at least putting up that pole. My father's crest had to be down, placed at the bottom, to indicate to the people in the future that it was this Hanamuxw that had prepared that pole. Wil'na t'ahl's crest must be at the bottom.
Q What is the significance of the raising of a pole of the former Hanamuxw, Jeffery Johnson, and the raising of your pole, the present Hanamuxw?
A First and foremost, it means that what I am doing now is preserving the past for the nieces and nephews that we have now and the future members of my family. Also following the tradition that is required for the chief that you put up your own pole, which indicates that there is continuity in the history of the house, and that putting of the pole indicates that you intend to maintain that link with the past, it means that you are careful about preserving the history of the house. One way of ensuring that the history is there. It also indicates too that you do have a house. I mean, without the pole it certainly would be difficult to identify the House of Hanamuxw because your pole records experiences of your house. It's like a history book of your house. It's evidence that Hanamuxw's house did exist, does exist and will continue to exist. So maintaining your poles is really important. It's a very important evidence in the Gitksan Nation, that you are what you are.

1 Q As someone, a school teacher, who has been educated
2 both as a Gitksan chief and someone who is an educator
3 of children both Indian and non-Indian, can you make
4 any comparison for the court between the history that
5 you have talked about which is represented in the
6 totem poles and the history in the text books with
7 which -- which are part of the curriculum of the
8 non-Indian society?
9 A I need clarification on this question. You mean, you
10 are saying the content?
11 Q The quality of the history.
12 A Quality of the history? In terms of whether it's
13 positive or negative?
14 Q No, no. I will ask the question again.
15 You have said that the totem pole represents your
16 history, is there anything different for you in how
17 that history is presented than if it were written down
18 in the history book, a written source of history as
19 opposed to the history which is in the pole?
20 A It's our only way of recording our history, it's
21 pictorial rather than verbal and, in some ways, it's
22 very difficult to erase because it has been carved in
23 wood, it takes a long period of time to change it,
24 it's our form of keeping a permanent record of our
25 history. Certainly, it doesn't have as many pages as
26 a book has. The crests have their own meaning, just
27 like any other book, there is certain types of
28 information that you gain from a written record. The
29 same is true of the pictorial representations that you
30 have in your pole, they have meanings and people who
31 know the poles will be able to tell you what those
32 crests mean on a pole. So, I am saying that there is
33 a parallel, but maybe not to the same extent as a
34 history book, and that you would gain just as much
35 information from it as you would a text book, even
36 though the length of your pole may not be as long as
37 the pages in a book.
38 Q I won't ask you whether it's a more economical way of
39 recording history then.
40 Let me change the topic. You gave evidence before,
41 both in terms of your training as a chief and in terms
42 of giving your responsibilities, that there was --
43 spiritual strength was a quality. Can you explain the
44 relationship between spiritual strengths and the
45 duties of a Gitksan chief?
46 A In listing qualifications for a chief I mentioned that
47 one of the first things that they look for in a person

that is being prepared for chief is the idea that you could accept the concept of a creator, the concept of the creator is your guide, your protector, your source of wisdom and to our people it is really important that you incorporate those ideas into your life, that you acknowledge the creator on a daily basis and that you seek his guidance in the activities that you, you have to undertake. And to ask him to protect you on a daily basis and to go with you wherever you go. And to make sure that the decisions that you make, your conduct, is in accordance with what we consider to be acceptable to our creator.

Q Is there any special training or any special way in which you prepare yourself to gain that spiritual strength?

A Certainly by listening to our elders is one way of gaining understanding of what we mean by our spiritual values. One of the ways in which you incorporate into your life is to exercise every day, one of the ways in which you try and enhance the presence or increase the presence of the creator in your life is to prepare your body, your mind and your spirit, and you do that or one form of doing that is by fasting, and this is where guidance from your creator is very important, the length of time that you do your fasting depends on the instructions that you get from your creator, so it may be for a short period of time, it might be a fairly lengthy time, but at all times you are protected by him.

Q Do you yourself engage in that, in fasting?

A At times, yes.

Q You gave evidence yesterday afternoon that as a young child you spent time, you went out into the territories of your father and that you were involved in fishing with your grandfather on the Skeena, did you, as a young child, spend time on the territories of Hanamuxw?

A Certainly on one of them, yes.

Q Which territory is that?

A That would be the one near Carnaby.

Q The territory near Carnaby.

A That's Gwaans' territories.

Q That's the territory of Gwaans described in her evidence?

A Yes.

Q As a young child did you go out onto any other territory of Hanamuxw?

A No.
Q You gave evidence that, I believe it was a, at the age of 13 you went to -- away from home to school?
A Yes.
Q And your evidence is that since that time you in fact have been involved in your educational endeavours and in your work as a teacher, and the work based in Prince Rupert, have you since that time gone out on to the other territory of Hanamuxw, the territory not at Carnaby?
A No, no.
Q Is there anyone in your house who is responsible for the Carnaby territory in terms of Gitksan law?
A I am going to have to include the two territories in this question.
Q I am sorry, I should have expanded that to the two territories.
A Yes, when the decision was made that I was going to be the one to take the name Hanamuxw, part of the provision that was made on November 1st, 1966, was that my brother James, K'amxtsi kaax, was going to be given or, I am sorry, was given the responsibility of taking care of the territories for me. And there were reasons for that.
THE COURT: I am sorry, did you say who was given that responsibility?
A K'amxtsi kaax, my brother James.
THE COURT: For both territories?
A For both territories, yes.
MR. JACKSON: What number is that?
THE TRANSLATOR: Number 19.
MR. JACKSON:
Q And you have already said your brother James is a wing of your chief?
A Yes, he is one of the chiefs of my house. There were very practical reasons for doing that. One was I am a female chief, and this is one of the ways in which the wil'na t'ahl wanted to protect me, for if I was to go out on the territory myself I may meet up with danger. The second to me is the most important one, and that is James has been given the responsibility of training my nephews to know the boundaries of the territory, not just my nephews but also the other members of my house, the male members of my house. And he has done that, he has been training the other members of the house to know the boundaries of the territories of Hanamuxw.

Q Does your brother, as the caretaker of the territories, report to you regarding the territories?
A Yes, he brings the reports to me, he will tell me the number of times he has been out there, either with myself or with my nephews and if he wants to take his friends along too, that's fine, he will take them along too. Sometimes he will bring me food that comes from the territories.
Q Are there other -- you mentioned your nephews, are there -- who would these be who would go out on to the territories, as it were?
A Andrew Clifton and Jamie Clifton.
Q What is their --
A They are the sons of my sister Barbara.
Q Just to clarify this, James, in relation to your family lineage, he is your brother, what's his position in the family?
A James is, according to Gitksan law, James would be my successor as a chief, so in taking care of the territory he is a chief in training.
Q You mentioned that your brother gives you information, gives you food from the territory, could you tell the court whether or not you maintain any involvement with the territories in terms of fishing activities?
A Line fishing, yes, not necessarily net fishing.
Q Could you explain what your involvement is with fishing within Gitksan territory?
A I thought your question started out by saying it was in my territory.
Q Well --
A I mean, I just want to clarify that. I may have missed a word in what you were saying.
Q Let me ask you, what is your involvement with fishing within the territories of Hanamuxw or the territories of your father's side?
A Okay. There were two parts to the question.
Q I didn't make myself clear.
A Not the first time around. I thought I heard the second part of it, yes.
Certainly, within my own territory, we don't always fish with a net but we will go and do what I call line fishing, fish with a line and then take some trout out of the river. If we go to my father's territory, then certainly we get our salmon from Lax'wii t'in, I mentioned that yesterday.
Q That's one of the fishing sites --
A That's one of the fishing sites of my father, known

for spring salmon. And we get a lot of spring from that fishing hole, to the place of Haalus, when he was alive, that he would bring the salmon to my mother's house, where the process would take place. We would can the salmon that would come from that fishing hole, or we would freeze it, depending on the purpose we need that fish for.

Q Do you and have you over the years, since taking the name, gone back to Gitsegukla or Kitwanga to participate in the processing of fish yourself?

A Nearly every summer I do spend a few weeks in Gitsegukla, helping mother to process food that has been given to us by wil'na t'ahl and wilksiwitxw.

Q And that process would involve what?

A Canning the fish, cleaning it and making sure that we use up all of the fish that is given to us. That's one of the other things we are trained to do is that we don't waste any part of the fish if we can possibly utilize it in our menus, we certainly do.

Q Would that fish processing, would that take place principally at your mother's house in Gitsegukla?

A Yes.

Q Would you spend any time when you go back into the territories on your father's territory in Kitwanga?

A Yes. Sometimes I would go out and look for soap berries or I will look for huckleberries, depends on the part of the summer that I am up there. Berries don't ripen all at once so depends what I can get at a particular time.

Q You will participate in that berry picking activity?

A Yes, any excuse to get out in the outdoors.

Q In terms of, again, the resources of the territory, in addition to fish which you yourself are involved in, in processing, I would like to ask you whether you receive any food, any fish, berries from the territories, from other people? And perhaps we could start with fish, do you receive any fish from other people?

A Yes, certainly, some of my wil'na t'ahl will give me some from Gitsegukla, will give me some fish, yes.

Q Can you give some examples of that?

A Sometimes from the house of Guxsan, I will get some fish. Certainly from Kitwancool, from my wilksiwitxw, and they would bring salted fish or --

Q That's Lelt?

A No, Xamlaxyeltxw.

THE TRANSLATOR: That's number 85 on the list.

MR. JACKSON: 85 on the plaintiffs' list.
THE COURT: Thank you.
A Or he may buy food from another territory and bring it to us, if he is -- if it's in the Nass River area and it's this time of year, he will bring oolichans or if he is down at the coast, if it's the time of year when you get herring eggs, he will bring herring eggs. So, my supply for food comes from many sources, my supply of food from the land comes from many sources.
Q And it comes from your father's side and your mother's side also?
A Yes, my mother's side also.
Q Do you receive any fish from members of the family of the former Hanamuxw?
A Yes.
Q And who would that be?
A That is Gwoimt, which is Elmer Johnson.
Q Arnold Johnson and Elmer Johnson?
A Yes.
Q They are in what house?
A Just checking the pronounciation. Gwoimt.
THE TRANSLATOR: Number 21 on the plaintiff's list.
MR. JACKSON: 21.
Q And is it appropriate -- of course they are not in your house, is it appropriate that they would give you fish?
A Yes. Because their father was Hanamuxw and so even though I am, we don't have a term for it, it's still the same as and Gmnigwootxu and that would be the purpose of giving me the fish.
Q Do you receive, in addition to fish you have received from your father's side and your mother's side and as you described from the family of the former Hanamuxw, do you receive any berries from them, from anyone?
A Yes. Most of the berries that I would receive would come from Sinankxws, that is Fanny Williams, she is a wing chief in Haalus.
MR. JACKSON: That number, Miss Stevens?
THE TRANSLATOR: 693.
Q And what would she give you?
A Sometimes she will give me huckleberries or it could be soap berries, sometimes it would be wild raspberries, which she will have collected from the territory. Sometimes it will be wild crabapples from her own backyard, and she says if you don't believe me, she left an open invitation the other day saying you are wellcome to come to her back door to pick your

own crabapples to make your own jelly. Sometimes her version of an Indian fruit cocktail, she will leave jars with either mother or with me. It's part of the sharing that our families are encouraged to do. It's part of her way of looking after me. That's part of the job of wilksiwitxw to make sure that you are well provided for.

MR. JACKSON: Would it be appropriate to take the break?

THE COURT: Yes. All right. Thank you. 2 o'clock, please.

(PROCEEDINGS ADJOURNED FOR LUNCH)

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

Wilf Roy
Official Reporter

(PROCEEDINGS RESUMED PURSUANT TO LUNCHEON RECESS)

THE REGISTRAR: Calling Delgamuukw versus Her Majesty the Queen, at bar, my lord.
THE COURT: Mr. Jackson.
MR. JACKSON: Thank you, my lord.
Q Chief Hanamuxw, just before we broke for lunch you had mentioned that of the people who supplied you with fish some of these are members of your wil'na t'ahl. Could you indicate for the court who they would be?
A Sammy Williams, Gwis gyen, would bring fish to mother's house. Xsgo gimlaxha's house would bring fish to us in the person of Vernon Williams from Gitsegukla.
MR. JACKSON: Xsgo gimlaxha is number 87 on the list, my lord.
THE COURT: Thank you.
MR. JACKSON:
Q Also before the luncheon, perhaps appropriately, you made a reference to Gitksan fruit cocktail. Could you explain exactly what that is?
A Well, usually it's preserving two different -- two or three different kinds of berries at the same time, or in the same jar. So it's equivalent to the kind of fruit cocktail that you would buy in the store except that the content would be from the land of Sinankxws.
Q Thank you. Do any other members of your house who live outside of the territories receive food from either members of the House of Hanamuxw or members of the wil'na t'ahl?
A Certainly my sister Beverly Alexander who lives in Seattle will get the same kind of food given to me from Sinankxws. That she will set aside a portion for my sister Beverly Alexander, or for my sister Barbara Clifton, or for my brothers Don, James and Eric.
Q They don't -- they live within the territories?
A They live within the territory. It's her responsibility, as I said before lunch, that as our wilksi witxw she makes sure -- she makes certain that we are well provided for.
Q Okay. Your sister Barbara, has she ever supplied food from outside of the territories?
A Yes. Through her in-laws from Hartley Bay that she would bring herring eggs that she had obtained from her in-laws, clams, seaweed, cockles. Those would be the food items that she would bring to mother's house.
Q The --
A Or sometimes to my house.
Q The -- in relation to your last response, when you

1 receive fish and berries from within the Gitksan
2 territories how are they delivered to you?
3 A Sometimes mother's house serves as a depot for -- for
4 our family. That our wilksi witxw leaves the food
5 items at our house. When we go there we can pick them
6 up. Or sometimes they are delivered to us directly if
7 possible, or sometimes they are given to us at the
8 feast.
9 Q This morning you gave some evidence of the
10 significance of the -- the raising of the totem pole
11 which your house plans. Are there any other aspects
12 of that pole raising which you can talk about in terms
13 of the significance of that event in the life of your
14 house?
15 A Certainly it's a way of maintaining the heritage
16 from -- from our grandfathers, and in making sure that
17 the pole is put up again. We have taken it down to
18 restore it, and also to put a new one with an added
19 crest to indicate that it's my pole as opposed to the
20 previous owner. It's a way of reaffirming and
21 confirming the Dax gyet of Hanamuxw. It's a way of
22 establishing that the property of Hanamuxw has not
23 been abandoned, nor will it be in the future. It's a
24 way of telling the other chiefs that the house is as
25 strong as it was before, and that it will continue to
26 exist because we do have a fair number of people in
27 our houses who will continue with the activities
28 within the House of Hanamuxw who will ensure that it
29 will continue in the future. It's also a way of
30 releasing the spirits of those who have passed on.
31 It's a way of giving thanks for having had them in --
32 in your house. It's a way of giving recognition to
33 the contributions that they have made to your house.
34 It's a way of acknowledging to our creator too the
35 privilege of having had them share their lives with
36 you. It's a way of saying that we have completed the
37 business of caring for them. It's a way of saying
38 that they have added a dimension to our lives. And
39 when I say our lives I'm talking about the members of
40 my house, and to you as an individual. And it's a way
41 of saying that we respect them, and we are saying that
42 they were important to us. That's it.
43 Q Chief Hanamuxw, your mother, Gwaans, gave evidence in
44 this court regarding the first salmon ceremony. Is
45 that something which takes place in a contemporary
46 context? Is it something which you yourself have
47 participated?

A Yes. If I am in the territory when the first salmon arrives I -- like all wildlife you can't always accurately predict when they will arrive. I would say, yes. And in the modern context it's a very private type of ceremony. You do it within the confines of your home. The first thing that you do is you give thanks to your creator for providing you with the salmon. You ask him to protect the species. You ask him to replenish the species. You ask the creator to protect the fishermen as they go and harvest the river that no harm will come to them. And that you ask forgiveness from your creator for having to destroy the creatures smaller than you are in order for your own life to be sustained. That's it.

Q This morning you gave in your evidence when I asked you regarding -- I asked you how you exercised your authority and you gave us as an example of a case in which your authority is exercised in conjunction with other chiefs the land claims and this case, initiation of this case. Are there any other examples which you can tell the court regarding collective decision making by the Gitksan Wet'suwet'en chiefs?

A One other example that I can give you is the decision made by the Gitwingax band to do a blockade on the Canadian National Railway tracks. The Gitwingax Band had invited the chiefs from the other Gitksan villages as witnesses to their decision to do the blockade. It was a collective decision to do the blockade. And when the action plan was going to be put into effect I received a phone call from Ken Russell, who's the chief councillor at Gitsegukla, asking me to attend a meeting to finalize the plan to do the blockade. At the time I had a chest cold and found it was impossible for me to return to Gitwingax for the meeting, so the nearest person who could delegate my authority was my brother James, K'amxtsi kaax, at Gitwingax. I explained to him what the meeting was going to be about. I explained to him what my decision was with regard to this issue, that I certainly would lend my support to the decision of the Gitwingax to do the blockade. He consented to sit in on the meeting. And he was able to work alongside the members of the Gitwingax Band to do the blockade. He was an active participant in that action on my behalf on behalf of the House Hanamuxw. And I was getting reports both from K'amxtsi kaax and Maas Gaak regarding progress of that situation on a daily basis.

Q This is your brother James and brother Don?
A Along with television reports as well. Yes.
Q Are there any other examples beyond that one?
A Certainly the problem regarding the overlap of the territories in the Nishga' territory.
THE COURT: I'm sorry. Which territory?
A Nishga'.
THE COURT: Nishga'?
A Nishga'.
THE COURT: Oh. Thank you.
A At these meetings my mother, Gwaans, represented me, or Maas Gaak. I was able to attend personally a couple of the meetings regarding the overlap, but they certainly had more than four meetings regarding the overlap. That's another example of where the chiefs had to have a collective stand on a declaratory issue, and where it was important that the Gitksan chiefs lend their support.
MR. JACKSON:
Q And are there any other examples which come to your mind at this time?
A Not at the moment. I may have to think some more about this particular question.
Q Now, I would like you to look at Exhibit 29, tab 2. Would you look through that document. Have you seen that document before?
A Yes, I have.
Q And have you reviewed it?
A Yes, but I'm just double-checking now to see whether all the information is down.
Q Is that document an accurate statement of the members of the House of Hanamuxw?
A Yes, to this point in time I would say it is. And by saying that I am hoping that I will have additional members in the future.
Q Have you in your capacity as Hanamuxw ever agreed to the regulation of fishing at the sites of Hanamuxw by the Federal Government?
A No. And my reason for that is that it's my territory, and the regulations that would apply to my territory would have to be first of all my regulations, and then to the larger issue the Gitksan regulations. My regulations have to coincide certainly with what the Gitksan Nation considers to be their regulations for governing everything connected with the territories.
MS. KOENIGSBERG: Excuse me, my lord. I don't know if we are going any further with this. I simply rise to say

that it is my understanding this area, as it appears to be going directly to the jurisdiction of Federal Government, is not properly raised in the pleadings and should not be admitted into evidence. I don't see the relevance of this particular one to the social system. We are not really talking about the effect of something that Fisheries may have done.

MR. JACKSON: My lord, I wasn't going to pursue this matter --

THE COURT: All right.

MR. JACKSON: -- Beyond that single question.

THE COURT: All right.

MR. JACKSON: But I don't accede to my friend's objection in terms of it is a matter of the extent of the authority, and I think it is properly a matter for evidence.

THE COURT: Well, it may raise all kinds of problems of paramountcy, and other things that I'm sure can be heard in due course.

MR. JACKSON: On legal argument.

THE COURT: The evidence is in, and the objection is noted, and Mr. Jackson is going to move on to something else so I won't trouble any of you, including myself, with any further comment. Thank you.

MR. JACKSON:

Q Yesterday afternoon at around this time when we started on your evidence you had described your early education and your early training as a Gitksan chief. Have you taken any steps as part of your responsibilities as a Gitksan chief to ensure that other members of the House of Hanamuxw are educated in the Gitksan way?

A Yes. I'll go back to the responsibility that K'amxtsi kaax has with regard to training the nephews in my house, and I can give you one particular example of how we are coping with that at the present time. James has taught Andy Clifton a great deal about the territory.

THE COURT: I'm sorry. This is James your brother teaching his son?

A James my brother, yes.

THE COURT: Teaching his son?

A No. Teaching his nephew.

THE COURT: His nephew?

A Yes.

THE COURT: Is that your nephew as well?

A Yes, he would have to be my nephew as well.

THE COURT: And the nephew's name?

A Andy Clifton Jr..
THE COURT: Thank you.
A Andy at the moment along with learning about our territories from my brother James, K'amxtsi kaax, he is presently taking a forestry course where he is expanding his knowledge about forestry management so that he would do a better job of taking care of the resources on my territories. The course he's taking was organized by the tribal council on behalf of the chiefs as a way of ensuring that forestry resources on the territories are taken care of. They wanted the young people to have the technical skills that would enable us to take care of the resources, to protect them the best way that we know how, and to make sure that we have forestry resources in the future. This is another example of where the request for education is coming from the people, and seeking outside help to make sure that education is given to the young people for the benefit of the Gitksan Nation. It is done with the idea that the resources are important not just to the people, not just the human resources, but also to the animal resources as well, because if we destroy the habitat of the animals, in essence, we are destroying the animals as well.
Q In terms of the adaawk, the history of your house, have arrangements been made for the carrying on of that part of Gitksan education?
A Yes. Certainly my mother, Gwaans, is doing that.
A Certainly other members of the wil'na t'ahl like Gwis gyen, for instance, every time we go to his house there will be occasions when he will be telling us about the rules and regulations of the Gitksan. He will be telling us about the adaawk. Certainly our wilksi witxw is responsible not just in training the chiefs but also the other members of my family. Our wilksi witxw has a responsibility of ensuring all the members in my immediate family have the same knowledge as I have.
Q In terms of the protocol, the correct behavior, conducting oneself at a feast, have arrangements been made -- are arrangements underway to ensure that younger members of your house are educated in that?
A Yes. My mother, Gwaans, is doing that whenever we sponsor a feast, or whenever the wil'na t'ahl sponsor a feast. It has also been part of my responsibility too to inform the younger members of my family before a feast is called on what I expect them to do when --

when we're at the feast hall.
Q I would like you to -- could you look at Exhibit 29, tab 9. Could you identify for the court of whom is that a photograph?
A My great grandmother, Fanny Johnson.
Q Chief Hanamuxw, is there a piece of the regalia which belongs to the House of Hanamuxw which symbolizes the role you have described of Hanamuxw as an ambassador?
A Certainly the hat worn by my great grandmother, Fanny Johnson.
Q Do you have that hat in your possession?
A Yes, I have my hat.
Q Do you have that with you in court today?
A Yes, I have.
Q Could you show that -- that hat to the court?
A Yes.
Q And that is the same hat which is --
A Yes. It's the same hat that you see in this photograph.
Q Do you know how old that hat is, Chief Hanamuxw?
A I can give you an approximate time. From what we can establish within our family this hat was before the time of Johnny Hanamuxw.
Q So going back in terms of those who have held Hanamuxw could you just go back through your successors -- your predecessors?
A I'm not there yet.
Q Your predecessors who have held the name of Hanamuxw who would have worn that hat?
A I don't think I could do it without the genealogy chart.
THE COURT: Well, look at the chart by all means.
THE REGISTRAR: It's tab 2.
THE COURT: Well, we're there already, aren't we, because she said she got it from Jeffery Johnson.
MR. JACKSON: Jeffery Johnson.
THE COURT: And ahead of her could only be Johnny Hanamuxw, who was, or I gather Fanny Johnson, would it not?
MR. JACKSON:
Q Well, Fanny Johnson was Hanamuxw?
A Yes.
Q And before Fanny Johnson?
A Johnny.
Q Johnny Hanamuxw?
THE COURT: Yes.

MR. JACKSON:

Q Chief Hanamuxw, have you in your mind lived up to the responsibilities of the name of Hanamuxw when those responsibilities were laid on you in 1966?

A I have attempted to live up to the name of Hanamuxw by continually attending as many of the feasts as possible in my own territory, by continually delegating my responsibilities to the members of my house, by continuing to support the collective actions of the chiefs on whatever issues that are important to the Gitksan Nation. I feel that in moving outside of the territory I have lived up to one of the expectations of Hanamuxw, that I am working with other Indian groups to improve the lives of the Indian people not only of the Gitksan territory, but also in British Columbia as a whole. I feel that I am encouraging members of my family to continue to take an active part in the businesses conducted by my house. I am living up to that responsibility by encouraging that. James is doing the training for me for the nephews that I have in my house. I'm living up to it by saying that the history of the House of Hanamuxw is to be preserved, and that whenever possible the Dax gyet of Hanamuxw be reaffirmed. And that we do our public relations as much as possible from the House of Hanamuxw making sure that the message gets out to the other chiefs that our house is firmly established within the Gitksan territory. And at the present time there is no sign that there would be a demise of the House of Hanamuxw.

MR. JACKSON: I'm wondering if we could take a break for a few moments, my lord.

THE COURT: Yes. All right. I have to take another adjournment at three o'clock, but I'll be glad to stand down for a moment.

MR. JACKSON: Thank you.

THE REGISTRAR: Order in court. Court will take a short recess.

(PROCEEDINGS ADJOURNED AND RESUMED FOLLOWING SHORT RECESS)

THE REGISTRAR: Ready to proceed.

THE COURT: Mr. Jackson.

MR. JACKSON: Yes. I just have one question more for this witness, my lord.

Q Chief Hanamuxw, when you were talking about the blockade at CN at Gitwingax, who initiated the meetings regarding that particular event?

A Certainly it would be the chiefs, the hereditary

chiefs of Gitwingax that would initiate that action, complimented of course by the involvement of the council band.

MR. JACKSON: Those are all my questions, my lord.

THE COURT: All right. Thank you. Mr. Plant, are you going next?

MR. PLANT: Yes, I think so.

CROSS-EXAMINATION BY MR. PLANT:

Q Chief Hanamuxw, you've said just now that it was the hereditary chiefs who initiated the meetings regarding the blockade at the -- on the CN track. Did you attend those meetings?

A My delegates did. As I explained to you I had a cold and couldn't come to the village. I received a personal invitation to attend the meeting, but with a chest cold it wasn't impossible to be in Gitwingax.

Q Would I be correct then in assuming your understanding of who it was that had initiated the meetings has come to you from what others have told you?

A Certainly from the invitation that I received, the person who issued the invitation explained to me who had initiated the plan. It was really important to them. It was really important for that person to explain to me who initiated the plan for many of the other chiefs know what Hanamuxw's stand will be if it was not the hereditary chiefs that called that action for that meeting. Chances are the answer would have been no rather than yes, I'm going to send a delegate to your meeting, and that I will lend my support to this action, this collective action that the Gitwingax chiefs are seeking.

Q Thank you. When did this blockade occur?

A This would be in December '85.

Q You told us about Virginia Moore as you described her as someone who had originally come from Tsimxsan background, and who after a period of years now is an -- after a period of years of living in Gitwingax is now the kindergarten teacher in Gitwingax?

A Nursery kindergarten.

Q Nursery kindergarten?

A Yes, that is correct.

Q How many years did she live in Gitwingax in order to acquire the necessary facility with Gitksan, the language?

A I would say her oldest child is 19. She would have been with the Gitwingax people approximately 21 years.

1 Q Is she the instructor in the nursery and kindergarten
2 school?
3 A At the moment she is, yes. She has full
4 responsibility of taking care of the program of the
5 school, the operation of the school. The school is
6 not located as the same, or is in the same location as
7 the primary -- primary school in Gitwingax. And when
8 I say primary it's Grades 1, 2 and 3.
9 Q What are the languages or language in which she
10 conducts her classes?
11 A The nursery kindergarten was planned as a bilingual
12 program, so instruction for part of the day would have
13 to be in Gitksan, and certainly part of the day would
14 have to be in English in preparation for teaching the
15 children how to read and write the English language.
16 Q What are the subjects that are taught, if that's not
17 putting it too rigorously given that we are only
18 talking about a nursery kindergarten program?
19 A The kindergarten program is not as tightly organized
20 as the -- as is the program for Grades 1, 2 and 3, and
21 all the other grade levels. Their subjects tend to be
22 integrated, but the components of the program are
23 similar, or in some cases identical as the curriculum
24 for Grades 1 and 2. The components that are stressed
25 in -- in the program would be science, social studies,
26 health, physical education, reading, certainly plenty
27 of opportunities to do oral -- oral work. And this
28 usually involves taking small groups of children. We
29 described having small groups of children working
30 together as centres. So she would have different
31 centres within the -- within the room where the
32 children can or take in the activities. Certainly
33 arithmetic is part of it, that they have to learn how
34 to count. Certainly they have to learn manners that
35 they learn how to work together as a social unit.
36 They learn to respect opinions of each other. They
37 learn to adapt to the idea of working in a group.
38 This is particularly true of children who come from a
39 family that has only a single child in it, and so it's
40 important that they learn the social skills of
41 interacting with others. And this is the basis on
42 which the nursery program is organized. It's a
43 prerequisite to kindergarten to get the children used
44 to the idea of having to work with other children,
45 learn the skills of listening, and yet at the same
46 time learning how to practice the skills of using the
47 English language so that they can be effective

1 cummunicators within a group setting.
2 Q Do the children have exposure to the Gitksan customs
3 and legends, the adaawk, the histories, songs, things
4 of that nature in the context of this program?
5 A Certainly, yes.
6 Q And does that exposure continue on into what I think
7 you called the primary school, and I'm assuming that
8 we're speaking of the school on the reserve at
9 Gitwingax?
10 A Yes, I am. I cannot give you a firm answer about that
11 one. I was involved in designing the program for the
12 nursery and the kindergarten program, and certainly at
13 that point there was discussion as to whether the band
14 would continue with a plan of including the Grades 1,
15 2 and 3, and the school on the reserve. And the plan
16 at the time was that whatever the content was at the
17 kindergarten level would definitely be included in
18 Grades 1 and 2. I cannot say for sure whether that
19 plan has been carried out or not, because I just have
20 not checked with the band to see if they have gone
21 that far in their --
22 Q The program at any rate for the kindergarten and
23 nursery education level does include exposure to the
24 things I mentioned a minute ago, the components of
25 Gitksan culture, if I may put it that way?
26 A Yes. I can skip Grades 1 and 2 and 3 and say that as
27 far as the curriculum is concerned as far as the
28 Provincial schools at the Grade 4 level that one has a
29 very strong content -- strong native content in its
30 social studies program. And to my knowledge they do
31 include that in the high school where you have Grade 4
32 students attending right up to Grade 10. And there's
33 a limited content in the high school curriculum for
34 Indian designs.
35 Q You were asked to identify Exhibit 375, which is a
36 list of feasts that you've attended since November of
37 1985. On the first page the first name there is Sam
38 Sampare.
39 A M'hm.
40 Q What house is he from?
41 A From the frog clan.
42 Q Do you know what the name of his house was? Do you
43 know who the head chief of the house was that Sam
44 Sampare was in?
45 A I'm going through -- sorry. I'm going through my head
46 the names of the people. I need to sort out the
47 people in my head.

Q Well, you've had a minute or two to think about it, Chief Hanamuxw. Are you narrowing the options down?
A Not quite, because I tend to have -- like I'm going through the genealogies, and there are a couple of areas where I tend to confuse them. And I know I said in my statement at the beginning that I'm going to have to tell the truth, and I'm still trying to sort that out.

THE COURT: Should we take the afternoon adjournment then, Mr. Plant?

MR. PLANT: Yes,

THE REGISTRAR: Order in court. Court will recess.

(PROCEEDINGS ADJOURNED)

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

Peri McHale, Official Reporter
UNITED REPORTING SERVICE LTD.

1 (PROCEEDINGS RESUMED FOLLOWING SHORT RECESS)
2
3 JOAN RYAN, Resumed:
4
5 CROSS-EXAMINATION BY MR. PLANT: (Continued)
6
7 MR. PLANT:
8 Q Ms. Ryan, could I ask you to turn to or have put
9 before you, Exhibit 29.
10 THE COURT: Are you leaving Exhibit 375?
11 MR. PLANT: Yes, I am.
12 THE COURT: Can I ask, where it says fence in several places,
13 does that mean feast?
14 A Yes, feast for fence and headstone. But I will give
15 you the answer to the one, I finally sorted out my
16 files in my head and the person who sponsored the
17 feast for Tsimxsan was Luukoon and that house is from
18 Kitwancool.
19 THE COURT: What I am really concerned about, it says in several
20 places headstone fence, does that mean headstone --
21 A There should be a slash between the headstone and
22 fence. Sometimes the feast is just for the headstone
23 alone, sometimes it's a combination of the headstone
24 and the fence.
25 THE COURT: I don't think, I may be wrong, I don't think I have
26 heard of a fence previously in this trial, though it
27 may have been mentioned.
28 MR. PLANT: The previous witness, Mr. Mathews, gave some
29 evidence about a fence feast.
30 THE COURT: I missed that.
31 MR. PLANT: Perhaps that does raise a matter that I -- that
32 might arise out of exhibit 375.
33 A You also want me to refer to --
34 Q Not yet, because the question that his lordship asked
35 has suggested a question that I would like to pursue.
36 Firstly, do I understand you correctly that the
37 headstone feast and the fence feast, may occur as two
38 separate feasts?
39 A Certainly, depends when the projects were completed.
40 Sometimes the fence feast will occur first before the
41 headstone or they can be done together.
42 Q Does the fence feast refer to the erection of a fence
43 around the tombstone in the graveyard?
44 A Around the plot.
45 Q Around the plot?
46 A Yes. And certainly you can put the headstone inside
47 the fence.

1 Q Yes. There is also the funeral feast?
2 A Yes.
3 Q And am I correct in assuming that the funeral feast,
4 the headstone feast, the fence feast are, although
5 perhaps not in that order, the sequence of feasts that
6 occur after the death of a Gitksan person?
7 A Yes.
8 Q And that lead up to the taking of a name by the
9 successor?
10 A Not necessarily. The name can be transferred at the
11 funeral feast and the feast for the headstone or the
12 fence, or the combination of the headstone and fence,
13 can take place after the funeral feast. It depends
14 really on the decision of the house. If they have a
15 successor to the name, then the name is passed on to
16 that person at the funeral feast. If they feel that
17 they do not have a suitable candidate for that title,
18 that title can be put aside temporarily until a
19 candidate is selected. But that doesn't mean that
20 it's the end of the house, just because they put that
21 title aside while they are preparing the successor.
22 But that would have to be a decision of the house and
23 wil'na t'ahl and wilksiwitxu.
24 Q In your case was the transfer of the rights and
25 responsibilities that go with the name Hanamuxw, was
26 that transfer to you complete on the occasion of
27 Jeffery Johnson's funeral feast in 1966?
28 A Complete in the sense that I take full responsibility
29 and with the privilege of appointing my brother,
30 James, K'amxtsi kaax, as the caretaker of the
31 territory and also the privilege of appointing my
32 mother, Gwaans, as the historian for the House of
33 Hanamuxw and accepting the fact that Gwis gyen also be
34 the historian for the house of Hanamuxw.
35 Q Was there something that remained undone?
36 A Yes, certainly the establishment of a headstone was
37 left undone at the feast. And this is normal, this is
38 not really unusual that the headstone is not or is not
39 part of the business that you conduct at the funeral
40 feast. You make plans to establish the headstone and
41 the fence at the funeral feast, usually at that feast
42 you appoint someone who will take on the project of
43 building a fence, if it's necessary, if a fence is
44 already there in the family plot, then it's not
45 necessary for you to appoint someone to be in charge
46 of that project. And also you can, at the same time,
47 appoint someone to purchase the headstone and make

1 sure it's established in a plot where the body has
2 been buried. There are a number of things that would
3 determine exactly when those items are to be
4 completed, usually you establish a time line as to
5 when you think the projects are to be completed. And
6 that's usually the responsibility of the house to
7 decide when these are done. If they do have a person
8 appointed as successor to the deceased person, then it
9 would be his responsibility to appoint the person to
10 construct the fence, to purchase the headstone and
11 make sure that it is put in place. So that's part of
12 the of the business you conduct at the funeral feast.
13 Q If I can just interrupt there, when the headstone
14 feast for Jeffery Johnson was, you mentioned
15 eventually held in November of 1985, did that have any
16 consequence for your rights and responsibilities as
17 chief Hanamuxw?
18 A No, because it was explained to the funeral feast that
19 the headstone would be established.
20 Q And you had become a full chief, in every sense of the
21 word, at the funeral feast?
22 A Oh, yes, yes.
23 Q Now, I would like to ask you to turn to the book,
24 Exhibit 29, and in particular, the documents at tab
25 number three of that book, which are two in number.
26 The first is a head table of Gisk'aast, Gitsegukla and
27 Ganeda, and the second, if I am looking at the same
28 thing, is a document entitled Gisk'aast, table by the
29 door. Now, you told us in your evidence, told the
30 court in your evidence about the importance of your
31 brother's, Don and James to you in the carrying out of
32 your functions as Chief Hanamuxw. Could you identify
33 for me, where, if anywhere, on either of these two
34 seating charts those two gentlemen would be sitting?
35 A James would be sitting right here.
36 Q Across from you?
37 A Across from me.
38 Q And that's because he is your successor?
39 A Yes, he is in line.
40 Q And then your brother Don?
41 A Would be here.
42 Q You were pointing -- does he sit across from your
43 mother?
44 A Yes.
45 Q Is there some uncertainty there? Does he sometimes
46 have a seat on the other side of the table?
47 A Depends, yes. If James is not there then Don would be

1 there too.
2 Q All right. Just to explain what I think you have
3 done, so that it will appear on the record, if James
4 is not at a feast then Don will sit in James's seat
5 across from you?
6 A Yes, across, yes.
7 Q If you are not there, does your seat remain vacant or
8 does James move across to sit in your seat?
9 A No, usually my seat, and this is the way they handle
10 it with the other chiefs, if you are not there, then
11 your seat is vacant.
12 Q Now, if you are there, and James is there, where does
13 Don sit?
14 A On this table.
15 Q And that's the second table in the exhibit. And where
16 does he sit at that table, across the table from your
17 mother?
18 A Hm-hmm.
19 Q Is that correct?
20 A Yes.
21 Q What does your brother James's name mean in English,
22 if translated?
23 A I am not too sure whether I can exactly translate it
24 in English. There might be portions of it missing but
25 I will try. The way I understand it it means you are
26 cutting it only with your teeth. You don't have any
27 other tool to cut it with.
28 Q Did that name exist in the House of Hanamuxw before
29 you became chief?
30 A It has always been a part of the House of Hanamuxw.
31 Q Chief Hanamuxw, by becoming a chief of the Gitksan, do
32 you acquire spiritual power?
33 A We don't believe that you acquire spiritual power, we
34 feel that the spirit is always a part of you, right
35 from the start. And it is up to you to develop and
36 strengthen that spiritual power.
37 Q But does the same spirit, is the same spirit part of
38 every Gitksan person or is it limited only to those
39 who are chiefs or are destined to become chiefs?
40 A We believe that every human being has a spirit so it
41 would be in every Gitksan person as well as anybody
42 else.
43 MR. PLANT: Thank you very much, Chief Hanamuxw. Those are all
44 my questions.
45 MS. KOENIGSBERG: I have no questions, my lord.
46 THE COURT: Thank you, Mrs. Ryan. You were excused.
47 THE COURT: Sorry, I haven't asked Mr. Jackson if he wanted to

re-examine.
MR. JACKSON: Trying to deprive me of my moment of glory to stand up and say I have no re-examination.
THE COURT: All right. Thank you, Mrs. Ryan.

(Witness aside)

MR. GRANT: My lord, maybe Mr. Jackson should lead more evidence, because the cross is much shorter than when I lead evidence.
THE COURT: Yes, it certainly is.
MS. KOENSIGBERG: Don't take it personally.
MR. GRANT: I don't take it personally.
MR. PLANT: My lips are sealed.
MR. GRANT: In any event, what has happened as a result of this and as a result of the predictions and prognosis between myself and Mr. Rush and anticipation is that the next witness is not available. We anticipated that Mrs. Ryan would go until tomorrow afternoon, from my earlier discussions both with Mr. Jackson and the other witness. I don't know if that is a good sign or a bad sign. It is near the end of the fourth week and what I would propose is that my friend Mr. Plant had this motion, this application, and that that application could be heard on Friday morning as had been planned. I spoke with Mr. Rush today and he will be dealing with that application. If that's a great difficulty for the court or my friend, then I could try to reach Mr. Rush and see if we could readjust it but I talked to him at noon. I anticipated even then that Hanamuxw's evidence would go until tomorrow noon.
THE COURT: Mr. Plant, is it convenient for you to stand this matter down then until Friday morning? But I can say that if it's convenient to Mr. Rush and Mr. Plant and whoever else is involved, I could hear it tomorrow instead of Friday.
MR. PLANT: I prefer you hear it tomorrow but obviously I am prepared to meet Mr. Rush's convenience.
THE COURT: Well, you can communicate with the registry. If you can move it forward and have it tomorrow, and that's convenient, I will hear it tomorrow. Other than that we can hear it Friday. And in that case we wouldn't be sitting tomorrow.
MR. GRANT: All that we would have on the is then the evidence --
THE COURT: I have some mildly bad news for you, if we are going to be down for an extensive period, I must ask counsel

to remove things from the room. Probably have to use the room during that three week period. So I think we will not move the court exhibits out, Madam Registrar will look after them. But it may be necessary that we will need the room.

MR. GRANT: We anticipated that.

THE COURT: You are excused and we will adjourn until 10 o'clock on Friday, unless counsel can let me know they can proceed tomorrow.

(PROCEEDINGS ADJOURNED ACCORDINGLY)

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

Wilf Roy
Official Reporter