VANCOUVER, B.C.
March 14, 1988

THE REGISTRAR: Order in court. Calling Delgamuukw versus Her Majesty the Queen, at bar, my Lord.
MR. GRANT: Yes. The next witness, who's in the witness box, is Chief Tenimgyet, T-e-n-i-m-g-y-e-t.
THE COURT: T-e-n-i --
MR. GRANT: M-g-y-e-t, Art Mathews Jr., and also, my Lord, Mr. Mathews will give the bulk of his evidence in English but requested the assistance of an interpreter for some of the phrases or things, and Miss Sadie Howard is available, as has been.
THE COURT: Was Miss Howard sworn before? I think she was.
MR. GRANT: Yeah. She was sworn in Smithers, I believe.
THE COURT: Yes, all right.
MR. GRANT: And of course, as this is -- the bulk of his evidence is Gitksan, Miss Fern Stevens has returned to assist the court and the court reporter.
THE COURT: Glad to see Miss Stevens again. Thank you. All right, would you swear the witness, please.
THE REGISTRAR: I caution the interpreter you are still under oath.

ARTHUR IRA MATHEWS, a witness called on behalf of the Plaintiffs having been duly sworn testifies as follows:

THE REGISTRAR: Would you state your name for the record, please, and spell your last name?
A Full name is Arthur Ira Mathews, M-a-t-h-e-w-s.
THE REGISTRAR: Thank you.
THE COURT: One T?
A Please.
THE COURT: Thank you. Sit down, please, if you wish.
MR. GRANT:
Q My Lord, before commencing the examination of Mr. Mathews I just would like to set the framework in light of some of the -- in light of the stage of the trial at which we are at for the court and so my learned friends will appreciate where we are at at this phase of the trial. Last week we completed the evidence about Wet'suwet'en ownership and jurisdiction to be given by the witnesses themselves. Beginning today with this witness, Tenimgyet, the remainder of the Indian people's evidence will be primarily concerned with Gitksan ownership and jurisdiction.

Now, if I just may refer for a moment that the first three witnesses in the trial, Mary McKenzie, Mary Johnson, and Olive Ryan, outlined for the court the basic elements of the Gitksan system. They described the primary institutions through which the laws are articulated, the feast and the kinship linkages through which rights are obtained and obligations are fulfilled. In particular, you may recall the Wilp or house; Pdekt, the clan; and the wilnadahl, closely related houses within the clan; and the wilksiwitxw, the father's side. They also described that their adaawk were histories of particular wilnadahl that also record Gitksan law and territory ownership, and the crests displayed on poles and regalia encapsulate significant historical events. These three witness also described how these basic and social and political elements have been in their own houses and their own lives. The last witness, Miss Wilson-Kenni, described to the court the role of specialists within Gitksan and Wet'suwet'en houses, and using that you may have -- the first three witness, all of them elders, can be thought of as historians within an oral culture.

Now, this witness, my Lord, Art Mathews, is one of the younger plaintiffs in the court action. His evidence will describe how previously -- how the laws and institutions function today in his house and related kinship groups. He's the head chief of his house and of the Lax Gibuu clan of Gitwangak, and his evidence, my Lord, will reflect the variation in the institutions and customs seen in the westernmost Gitksan villages. These are the villages of Gitwangax and Kitsegukla and the related village of Kitwancool. In his evidence and that of some of the witnesses following him, the activities of his house and relatives will exemplify how Gitksan ownership and jurisdiction is exercised.

The focus of Mr. Mathews' explanation of his house's authority system will be his two territories and his fishing sites on the lower Skeena River. He will show how the adaawk of his wilnadahl establish and demonstrate his house's long-term ownership of the territories and fishing sites and how certain historical events on the territory came to be recorded by crests and songs. He will describe how the adaawk teach house members the laws about their relationship to their territory and the animals on it. The

application of those laws to present day management of the territories' resources will be described as well as the management changes made by the house during the witness' own lifetime. Art Mathews will relate how actions by the Federal and Provincial defendants have changed the management options available to his house and the actions he and other house members have taken in response to those changes. In other words, there will be some detail about the relationship of this witness and his house to his territory.

And all of this witness' evidence will be related to the jurisdiction exercised at the feast and how his network of kinship-based responsibilities are discharged. However, evidence of these broad relationships can only be found by examining detailed relationships between oral history, territory placenames and boundaries, resource law and practice, and feast procedures.

Now, after his evidence, my Lord, the Plaintiffs will be introducing far less detailed evidence of other houses from the western Gitksan villages of Kitsegukla and Gitwangax. A later set of Gitksan witnesses will demonstrate the variation found amongst the Gitksan houses with territories in the northern part of the territory. So in some sense, my Lord, this witness' evidence in some ways will be a paradigm of how the Gitksan houses, and in particular the western Gitksan houses relate to their territory and the historical ties to the territory.

Your name is Art Mathews?

A Yes.

Q And you were born on May 27th, 1940?

A Yes.

Q And you hold the Chief's name Tenimgyet today?

A Yes.

Q And you're a member of the wolf clan?

A Yes.

Q Can you tell the court what the name Tenimgyet means?

A Tenimgyet in our language, the first part, "Tenim", means a half bear/half human. It also means that Tenimgyet, to break if down more, it's a bear without a den that walks around all winter, it doesn't hibernate. We also use the name Tenimgyet as a nax nok performed before a feast is held.

Q When did you receive the name Tenimgyet?

A When my grandfather died, my ni ye'e, we call it in our language, grandfather, Geoffrey Morgan, held the

name.
THE COURT: Geoffrey Morgan?
A Wallace Morgan.
THE COURT: Wallace Morgan.
A Yeah. He died, and he held the name Axtii hiikw, on December 29th 1987, I think it was.
Q That was last year. 1978?
A Well. I got that crossed around. Yeah, '78, yeah.
Q Thank you. That's when Wallace Morgan died?
A Yes.
Q And he had held the name Axtii hiikw?
A Axtii hiikw.
THE COURT: What was that name?
A Axtii hiikw.
THE COURT: Yes.
MR. GRANT: Can you give a reference on the Gitksan, please.
THE TRANSLATOR: 477.
THE COURT: 477?
MR. GRANT: There is a list -- I believe a copy of a list is now just being photocopied and will be over imminently for the court --
THE COURT: All right, thank you.
MR. GRANT: And my friends. That's a list of Gitksan names, I believe; is that right?
THE TRANSLATOR: Um-hum.
THE COURT: And 477 is the name of the grandfather of the witness?
THE TRANSLATOR: Yes.
MR. GRANT: Axtii hiikw.
THE COURT: Thank you.
MR. GRANT:
Q Now, at the time that your grandfather, Wallace Morgan, died what name did you hold then?
A I held -- my name then was Ax dii mihl.
MR. GRANT: Can you give a spelling for that? Maybe you should spell it for the court.
THE TRANSLATOR: 473, A-x d-i-i m-i-h-l.
THE COURT: M-i-h-l?
THE TRANSLATOR: Yes.
THE COURT: Thank you.
MR. GRANT:
Q And what does that mean?
A Ax dii mihl? "Doesn't burn".
Q And how old were you when you received the name Ax dii mihl?
A Oh, I was well over my 20's.
Q Before you had that name, Ax dii mihl, did you hold

another name?
A Yes. When I was just a small child my other grandfather, Charlie Smith, gave me a name, and the name out of our house, the child's name of Ligii ooyax. That name, it's very important to us to have a name to enter into a feast hall. You want the spelling of the name first or --
MR. GRANT: Yes.
THE TRANSLATOR: Ligii ooyax, L-i-g-i-i o-o-y-a-x.
MR. GRANT:
Q And what does -- can you tell the court what that name means?
A Ligii ooyax, it's a ceremonial name that is performed with every house, they call si ooyax. That's to give you the rights to go into the feast hall, but in this case Ligii ooyax is a name in our house.
Q So to be clear, the name itself means the ceremony of getting into the feast?
A Yes. All other houses have si ooyax, the smaller people that were entitled to go, but in this case that's our name in our own house, Ligii ooyax.
Q Did you receive -- and how old were you when -- approximately when you received that name?
A I was about between seven or eight, somewhere in that range.
Q Okay. Did you receive a name between that name and Ax dii mihl?
A Yes. One feast we had, I don't remember the dates, but my other grandfather, Jack Morgan, Xbiilaxha, give me a name of Sax gyoo, free parking or fish out of water.
THE COURT: I'm sorry?
A Or free parking, or just idling, you know how the fish just idles, you know sit and no movement.
THE TRANSLATOR: S-a-x g-y-o-o.
MR. GRANT:
Q And that description of the fish idling, that's what the name means?
A Yes.
Q Do you remember approximately how old you were when you received that name?
A No. I just -- I didn't hold a name long, because my senior chief of the house, Axtii hiikw, didn't agree with the name because he said it didn't match the progression they had planned for me, so I didn't use the name very long.
Q Before you received your first name were you allowed

1 into the feast hall?
2 A No. That's a strict rule against you cannot enter a
3 feast hall without being Siligii ooyax. That is
4 ceremonial name that entitles you to go into the feast
5 hall.
6 Q Okay. Now, when this court case started in 1984 the
7 named plaintiff from your house was Axtii hiikw; is
8 that right?
9 A That's right.
10 Q And who held the name at that time, Axtii hiikw?
11 A My other grandfather, Geoffrey Morgan, was the
12 plaintiff at the time.
13 Q Okay. And then it was changed between then and now to
14 Tenimgyet?
15 A That's right.
16 Q Can you explain to the court why you're now the named
17 plaintiff for this house?
18 A In 1981, after the death of Wallace Morgan, he died
19 remember in -- I remember in December of --
20 Q '78?
21 A '78.
22 Q Yes?
23 A It was decided -- my grandfather, Geoffrey, was the
24 sole survivor, to give the name Axtii hiikw a rest for
25 a full year, and he was going to make a decision
26 because he was the sole survivor at the time, so he
27 said "Okay, we just perform the funeral duties, pay
28 everybody" but nobody was going to get the name. We
29 wanted to leave it at rest.
30 Q That was the name Axtii hiikw. And he still held the
31 name Tenimgyet himself?
32 A Yes.
33 Q Yes. And that was in 1978 or '79 when Wallace died?
34 A Yes.
35 Q And Wallace's feast was January 3rd of 1979; is that
36 right?
37 A That's right, yes.
38 Q The funeral feast. Okay, go on?
39 A In 1981, when we had a fence raising --
40 THE COURT: I'm sorry?
41 MR. GRANT: Fence raising.
42 THE COURT: Fence raising?
43 A He came to my house at first and he asked me -- he
44 said "Are you ready -- are you ready to take on a big
45 responsibility". I said "Oh, yeah, I'm ready for
46 anything". He said "Not that way, this is serious,
47 this is tremendous burden on you once I make this

move". So I said "Yeah, okay". Then at the feast -- he didn't tell me at the time he was going to give me the name.

Q Who was it that came to you?

A Geoffrey.

THE COURT: I'm sorry?

MR. GRANT: Geoffrey was the one who came.

THE COURT: I'm sorry, I thought he died in 1979.

MR. GRANT: Wallace died -- Wallace died in December of 1978. His funeral feast was January of 1979.

THE COURT: All right. So --

MR. GRANT: And the only survivor was Geoffrey.

THE COURT: I see. All right, thank you.

MR. GRANT:

Q And they were brothers; is that right?

A Yeah. There was three brothers: Jack, Geoffrey, and Wallace were all brothers.

Q Yes.

A So at that feast after all the other things were finished, all -- and when he came up to speak he called me and stood me beside him, and in our language he said to everybody Gya'aa sim, Hla nit dim Tenimgyedit. In other words, "Here is my grandson, he will now assume and take the name in the person of Tenimgyet in our house ".

MR. GRANT: Do you have that phrase for the reporter?

THE TRANSLATOR: Yes, um-hum.

MR. GRANT:

Q Go on?

A And at the time I just took the name, and what he said and all the other chiefs spoke and said "Okay, that's fine, that's your rights". I was actually right in line at that name. In 1983 the stone raising stone, that's when I assumed the full power and rights of Tenimgyet where a nax nok was performed, my mother sang, and that's when other chiefs really -- I was accepted into the role of Simoogit.

Q And that was the stone raising for Wallace Morgan?

A Wallace Morgan.

Q And was Geoffrey still alive at that time?

A Yes. He was there.

Q Well, when you completed that, your name at the stone raising in 1983 what happened -- what name did Geoffrey then hold and what?

A Yes. He then said that he was going to assume and take the name of Axtii hiikw, and I -- at that speech he says "I am going to be Axtii hiikw, I will hold

the" -- you must remember in feast houses we have seats, and he says "I will remain on the seat until I die, but Tenimgyet is going to control the territory and have jurisdiction over it".

Q And Geoffrey has since died?

A Yes.

Q He died in 1985?

A That's right.

Q So in 1984 Geoffrey was alive?

A Yes.

Q And at the time the court case started in October of 1984 he was still alive, and you held the name Tenimgyet?

A That's right.

Q So given what he said in 1983 why was he -- why did you and he decide that he would be the named plaintiff then?

A Well, he was our elder, and we have lots of respect for elders. Regardless of what name I had, he was in fact our head man, our simoogit of the house because of his wisdom and understanding.

Q Between the time you took the name Tenimgyet and his death did you still consult with him about decisions on the territory?

A Yes. Even our smokehouse that we built.

Q Yes?

A After what he said and he said in front of the people, I had lots of respect for him. I had to go to his house and officially ask him for permission to build our smokehouse where it is today, and he said "Fine, it's all yours", but only one specified instruction was to leave one fishing site open for him at all times that he was going to use, and the fishing site's name is Miinhl am k'ooxst.

MR. GRANT: Do you have that?

THE COURT: What is this, Mr. Grant, the name of the fishing site?

MR. GRANT: The name of the fishing site, my Lord.

THE COURT: Thank you.

MR. GRANT:

Q This is the fishing site that was left for him?

A Yes. Wanted that open all the time for himself.

THE TRANSLATOR: Miinhl am k'ooxst, M-i-i-n --

THE COURT: I'm sorry?

THE TRANSLATOR: M-i-i-n-h-l a-m k-'-o-o-x-s-t

THE COURT: Thank you. Could I interrupt, Mr. Grant, and ask you or ask the witness, what is the name of the -- of

the house of the witness; is it Tenimgyet?
MR. GRANT:
Q I was going to come to that, but may as well do it at this point, yes. What is the name of your house?
A The name of our house as of today is 'Yax 'yagaa huwaalp, or in Gitksan it's Yagaa ni yooksxw wilp. In Ts'imxsan it's 'Yax 'yagaa huwaalp.
THE TRANSLATOR: It's number 86.
MR. GRANT: Can you give the spelling to the court?
THE TRANSLATOR: '-Y-a-x '-Y-a-g-a-a h-u-w-a-a-l-p.
THE COURT: A-a-l-t?
THE TRANSLATOR: P.
THE COURT: L-p, thank you.
MR. GRANT:
Q And what does that name mean?
A It means "Over the cliff", "Hanging over the cliff". Like if I had a house here, that's what it means, hang over the edge, and the name stems from one of the adaawks coming off of the -- that's where the name arrived from. That's the location of their house on the --- -- do you want the spelling?
MR. GRANT: Just give her a moment.
THE TRANSLATOR: 255.
THE COURT: 255?
THE TRANSLATOR: Yes.
THE COURT: This is the same name in a different dialect or language?
MR. GRANT:
Q Sorry, no. The adaawk, it's from the -- where is the house located on the down --?
A The T'a'ootsip is or the building that they built in Gitwangax.
Q And it was a fortress there?
A A fortress, yeah, that was built.
THE COURT: I'm sorry, I thought the witness said adaawk. What is the words?
A T'a'ootsip.
MR. GRANT: Can you give the spelling for his Lordship, please?
THE TRANSLATOR: T'-a'-o-o-t-s-i-p.
THE COURT: G-s-i-p?
THE TRANSLATOR: T.
THE COURT: I really have a very serious difficulty hearing someone when they're facing away from me. Don't you worry about it, I had the same trouble with Mr. Mitchell.
MR. GRANT: Miss Stevens is just getting back into form, my Lord, and the list will be over imminently, which will

assist both you and my friends.
THE COURT: Yep.
MR. GRANT:
Q And you were explaining what T'a'ootsip was?
A Yeah. It's a fortress, a battle hill they call it, and it's designed for warfare, and that's where -- and that's where our house was, one of them that was on the -- that T'a'ootsip, that hill, and the location, that's why the name of it, because while -- because the way it was -- part of it was on the ground and part of it was on the high hill supporting --
Q You're indicating the arm that hung over?
A Yes. And that was the hill, it was like that, standing on piles.
THE COURT: Is this the hill that's across the river on the Gitwingax side of the river where there's a stairway up to the top of the hill?
A That's right.
THE COURT: That's the hill we're talking about?
A That's the hill we're talking about.
THE COURT: Thanks.
MR. GRANT:
Q And that's where the T'a'ootsip was?
A The name came from, yeah.
Q You described what happened in 1983 and your other grandfather, Geoffrey Morgan, died?
A Um-hum.
Q And that was in 1985?
A That's right.
Q Now, is there anyone holding the name Axtii hiikw today?
A Yes. My uncle, Henry Tait holds the name Axtii hiikw.
Q And can you explain what's happened in terms of how you each -- what you each are responsible for in the house?
A Yes. It was decided at a meeting when Geoffrey died, we had a house meeting, not only just our house, my father was there, Ts'iiwa'.
THE TRANSLATOR: T-s-'-i-i-w-a-'.
THE COURT: That's your father?
A That's right. And another person we called to witness what we were doing and what we were saying. In our law we have to have witnesses even at our house meeting, so two of them were invited, my dad and George Turner, which is Yal.
Q And both your father and George Turner are from different houses?

A That's right.
Q And from different clans?
A That's right. At that meeting we decided -- my mother spoke, she was the elder of that. Her name is Bax heldaa saat.
THE TRANSLATOR: 472 on the list.
THE COURT: 472?
MR. GRANT:
Q Go ahead, Mr. Mathews. Yes, your mother was there?
A Yes. And she spoke, and it was decided my uncle and Henry Tait would take the name Axtii hiikw, and it was then also decided that we would keep the tradition that he will occupy the seat of Axtii hiikw and I will be right next to him as the same role we had me and Geoffrey when he was still alive, and that was decided then that that role will apply and we will keep it in that role, that his main functions and his duties were my advisor and to look after the running of the feast and some of the responsibilities that -- to make sure of that responsibility.
Q And is that what occurs right up to today?
A It is right today, yes.
Q And was -- were there any discussions as to who would be -- which of the two of you would be the chief in representing your house in this court case?
A Yes. That I would be here as a plaintiff today. That's why you see the heading "Tenimgyet".
Q Now, when did you start to be trained to be the head chief of your house?
A I would say I would be trained from a young age; these adaawks being told to me in short form, in medium form. Like when I say that, I mean when you're just a young kid they just give you the general outline of an adaawk, and as you get older more detailed as you get -- progressed until the full form of the adaawk is fulfilled and its full length and the yuuhlxamtxw, gan didils, everything that's in it, you have to understand.
MR. GRANT: Can you give those words, Miss Stephens?
THE TRANSLATOR: Yuuhlxamtxw, Y-u-u-h-l-x-a-m-t-x-w, and gan didils, g-a-n d-i-d-i-l-s.
THE COURT: I'm sorry, G-a-m?.
THE TRANSLATOR: G-a-n.
THE COURT: Yes.
THE TRANSLATOR: D-i-d-i-l-s.
THE COURT: Thank you. And what does that mean, please?
MR. GRANT:

Q Yes. What do those two words mean?
A Yuuhlxamtxw means they give you advice.
THE INTERPRETER: They give you advice and --
THE COURT: You have to speak up.
THE INTERPRETER: All the facts of life they give you.
THE COURT: I don't think any of us can hear what you're saying, please. Mr. Grant --
THE INTERPRETER: Yuuhlxamtxw is when they give you advice on when -- how to live your life and show respect to people. And gan didils is --
A Okay, I'll say. Yuuhlxamtxw is wisdom, to give me wisdom, the understanding, the various spirituality of our land. Gan didils is the way of life, how to react, how not to react. In other words, it's a doctrine of one's adaawk, it's a realism, it's philosophy, and it's epics, both life and death.
MR. GRANT: And later in your evidence we will come back to the adaawk, and I will ask you to explain that with reference to a specific adaawk of your house. Just to have further background maybe it's appropriate now, my Lord, I have a document book. Now, I'm going to refer you, just for the court's assistance, to the -- to tab 1 of the document book. This is -- the cover isn't labelled but it would be the document book of the Plaintiffs with respect to this witness. If I can refer you to tab 1, and just so that it's easier for the court, and to page 3. Now, there's a genealogy in there. My Lord, we've taken heed of your comments and have put it in another kind of envelope so that you can mark it.
THE COURT: Thank you.
MR. GRANT:
Q More easily. And I just refer you to page 3 of the genealogy, and that is on page 3 on the left-hand side, third person up, Art Mathews Jr., Tenimgyet. That is yourself, is that right?
A That's right.
Q And your wife is Myrtle Mathews?
A That's right.
Q Okay. Now, you don't have to refer to this, because presumably you know this, but you have a number of sisters and brothers?
A That's right.
Q And they are Archie, Mary, then Audrey, Ivan, Mabel, Charlie and Irene?
A Yes.
Q Is that right? Now, the only ones who are still alive

are Charles, Mary and Irene; is that right?
A That's right.
Q And your -- does your brother Charles hold a name today?
A Yes. He holds the name of Axdii mihl.
Q That is the name you previously held?
A That I had previously held, yes.
Q When did he get that name?
A At the time I received Tenimgyet, we passed -- everybody had moved up a step.
THE COURT: I'm sorry, I haven't found Irene. Did you say Irene?
MR. GRANT: If you go over to page 4 along that same line you can see Mabel Matthews, Audrey Matthews, Ivan Matthews and Irene Matthews at the end. This would be the --
THE COURT: Yes, I'm sorry, yes. I have it. I was looking at the wrong line, but I have Irene as being deceased?
A Yes.
THE COURT: She is deceased.
MR. GRANT: Yes. The witness' evidence is the only ones alive are Charles, Mary and Ivan.
THE COURT: Oh, all right. Thank you.
MR. GRANT:
Q And does Mary hold a name today, your sister?
A Yes. She holds the name of Biis hoon.
MR. GRANT: Okay. Can you give a number or a spelling for that, Miss Stephens?
THE COURT: It's on the genealogy, the name.
THE TRANSLATOR: 484.
MR. GRANT: Fine. Sorry, I missed it.
THE COURT: All right.
MR. GRANT: And you can refer to that as 484, my Lord.
THE COURT: 484.
MR. GRANT:
Q And your sister -- or I'm sorry, your brother, Ivan, does he hold a name in your house today?
A Yes. He's one of the simoogit or holds the third seat in our house as Bii laxha.
Q And who holds the second seat?
A Further down.
MR. GRANT: No. You said he holds the third seat. You hold the first seat, I gather, and the next one is --
MR. PLANT: No. That's not the witness' evidence --
A Me and Henry, as you look at us, Axtii hiikw and Tenimgyet are one.
MR. GRANT:
Q Yes?

A The second seat down, I should say, was Bii laxha. I keep thinking the two together. I think the provincial lawyer, he's right on the ball this morning. Thank you for that, that is right. Me and Axtii hiikw are one. Bii laxha comes beside us and then 'Wii hloots'.

Q Now, I refer you to tab 3. Tab 3, if you can just take a moment -- you can keep out the genealogy. Now, this -- so is this the seating, does this show the seating at the table at which you sit?

A That is right.

Q In the feast hall?

A That's right.

Q So there is -- you consider when you explain it that yourself and Axtii hiikw or Henry Tait are one, and next to you, that is on your right, is Ivan?

A Yes.

Q That is your brother, Bii laxha?

A Yeah.

Q And then 'Wii hloots' is the next?

A Yes.

Q Okay. I will come back to the seating chart later. Now, if you refer back to the genealogy, you have under your sister, Mary Matthews, this is page 3 and it will go onto page 4, my Lord, under your sister -- your sister, Mary, was married to Abel Shanoss?

A That's right.

Q And they have a number of children?

A Yes.

Q Geraldine, Arthur, Abel Jr., Barry, Jamie, Sherri and Farrah Pilon?

A Um-hum.

Q And those children are members of your house?

A That's right.

Q And Geraldine has a number of children who are members of your house?

A That's right.

Q Have all of your sister's children received names in your house?

A Yes. All of them except for two.

Q Okay. Which two have not?

A Jamie -- one is Jamie and one of Sherri's, Clayton.

Q Okay. Geraldine's children, have they received names in your house?

A Yes.

Q Okay. Now, under your own name there's the name Mabel Morgan. And she is -- was she a member of your house?

A No. We adopted them in.
Q Okay. So is she a member of your house today?
A Yes. Now that we have adopted them in.
Q Okay. And under her name there is Colleen, Gail, Rhonda and Wallace?
A Them are the only ones that are adopted thus far. There are others but they will be adopted.
MR. GRANT: Okay.
THE COURT: Which is the one who has been adopted?
MR. GRANT:
Q Mabel and Art Jr. And then the four children I've referred to: Colleen, Gail, Rhonda and Wallace; have those four been adopted?
A The ones down here are adopted, yes.
Q But she has other children?
A Yes.
Q And they're not adopted?
A Not yet.
Q Your wife, Myrtle, is she -- where is she from?
A My wife, Myrtle, from Kitkatla.
Q So is she --
A Tsimxsan.
Q Tsimxsan. What is the house she is from in Kitkatla?
A The house she is from in Kitkatla is Gisbedwada. She is from the House of Gisbedwada and is K'aim twa.
MR. GRANT: Can you give the spellings to the court, please, Miss Stevens.
THE TRANSLATOR: Where do I start; Kitkatla, K-i-t-k-a-t-l-a.
MR. GRANT: Kitkatla is okay, the name of the house and the chief, Gisbedwada.
THE TRANSLATOR: G-i-s-b-e-d-w-a-d-a, and K'aim twa, K'-a-i-m-t-w-a.
MR. GRANT:
Q And what does that chief's name mean?
A K'aim twa?
Q Yes?
A "Close by" in Tsimxsan. If we say in Ts'imxsan it would be K'aim tun, of course, "nearby".
Q Now, is the name of your wife's house among the Ts'imxsan, is that the same as the Ts'imxsan word for the fireweed clan?
A That's right, yes. They were the fireweed clan, yes.
Q Okay. But it's also a name of that specific house?
A Yes. Their crest even reflects it as that.
Q Has your wife, Myrtle, been adopted?
A Not yet.
Q Do you anticipate that she will be?

A Yes. In the very near future.
Q Why?
A Because it's a law, a rule, tradition.
Q Among the Gitksan?
A Among the Gitksan, yes.
THE COURT: Will be adopted into your house?
A No. May be adopted into Gwis gyen.
THE COURT: Into a Gitksan house?
MR. GRANT: Into a Gitksan house.
THE COURT: Thank you.
MR. GRANT:
Q You said she may be adopted into Gwis gyen, which is Axtii hiikw's house?
A Hopefully.
Q Okay. Why do you say it's law or rule or practise that she be adopted into a Gitksan house?
A Put it into words, respect that in the laws of -- as I have pointed back to, even children had to get names to get into the feast house, so as these elders it's so important to adopt them so they don't get embarrassed standing outside the feast hall and somebody walking up to them "What's your name, where are you from, where is your linkage", all that other stuff, so they adopt them in front of people so the next feast they know where to put them, and under whose house and whose chief they belong.
Q What about your children, are they in a Gitksan house today?
A Not yet. These court proceedings have held up everything, everything seemed to be on hold because of here all the time standing out. Gitksan is out working on these, grooming us, telling us, my father, so everything has been on hold for awhile, so it will happen.
MR. GRANT: Okay.
THE COURT: Well, your children are in a Tx'imxsan house now, are they?
A Yes. They are in a Tx'imxsan house.
MR. GRANT:
Q And when your wife is adopted, your children will be adopted; is that right?
A Yes.
Q Do your children attend any of the feasts now?
A They do. The first part of it they helped serve, but when the business of the house arises they go home.
Q Okay. As I commence to deal with the genealogy maybe I can just refer you just to some of the other parts

of the genealogy. You have reviewed this genealogy; is that right?

A That's right.

Q And it -- does it set out who the members of your house are and some of your ancestors?

A That's right, yeah.

Q Now, going over to page 4, the second line from the top there is Kathleen Robinson and Art Matthews Sr., and that's your mother and father; is that right?

A That's right.

Q Now, then there is a dotted line going along the same level and a reference to Henry Tait, and that is the person who holds the name Axtii hiikw?

A Um-hum.

Q And Horace Tait and Vina Tait?

A That's right.

Q Are they brothers and sister?

A Yes.

Q And were they adopted by your grandmother, or your mother?

A I hate to use adopted for these people for my house, because in our system, our linkage system, when we relate the linkage system, the blood line, that when they're cousins they call themselves sisters in my system, but if we tried to run a linkage system that we tried here, that's why I hate to say this, that they're adopted in the broad sense they are, but in our system it's not, because they're sisters in their own first-cousins way, that's why you see this dotted line, that my grandfather and Henry's grandmother were sisters in the back -- if we go back five or six hundred years you will see these connections take place, but on this genealogy we tried to link and put in place that are alive today, and as I go further into the adaawk you will see three houses try to be put on this genealogy, which is the House of Bii lax ha, the House of 'Wii hloots', and the House of Tenimgyet.

THE COURT: I don't understand that, Mr. Grant. These three: Henry, Horace and Vina seem to be brothers and -- brothers and sisters of the mother of the witness. Would they not be in the same house as the mother of the witness and --

A Yes.

THE COURT: So why is there a dotted line at all?

MR. GRANT: Well --

THE COURT: Why should there be any difficulty about adoption or

what house they belong with when they belong to the same house as their sister?

MR. GRANT:

Q Well, are they the natural -- is Henry the brother, the natural brother of your mother?

A No.

MR. GRANT: My Lord, they're not the natural brothers, and I'm going to pursue it with the witness and have the witness explain it further.

THE COURT: All right, thank you.

MR. GRANT:

Q Maybe we can -- I will refer you to this with just going back and then we'll come back to this for a moment. If you refer to page 3, there's a reference there to Mary Mark and Charlie Mark, and they were the parents of your mother; is that right?

A That's right.

Q And Martha Derrick and Louie Derrick was your mother's grandparents?

A That's right.

Q And then it goes back up here to a name Uksaganuxs(sic)?

A Oksa ganuuxws.

Q And then there is a broken line and a connection over. Now, can -- is there a reason -- you have explained that, going back, Henry Tait would be related and that relationship could be shown some generations back?

A That's right.

Q Is there something that happened in your house that has caused difficulty in showing those connections that far back?

A Yes.

Q Can you explain to the court what has happened?

A I don't want to be too negative, but this is caused by the white man. When they came they brought disease amongst my people. You might say that was the first germ warfare they have had with us, but this is what happened, that over half of our house was wiped out by disease. That is why the birth of Axtii hiikw emerged through all these people, all these people dying off, and he was just about the sole survivor with a high-ranking name, that he was pulled out to look after the clan, our house. That's why it's a broken line here, that this was almost an empty house at the time.

Q Does your relationship, does blood relationship with Henry and his family, does it go back before that

disease?
A That's right. If we link these lines together and Henry's grandmother, my grandmother and Morgan's grandmother, there would be one there that's called an Indian name, Henry's grandmother and my grandmother -- my mother's grandmother was -- her name was Noxs laaswaa, the language there, but why we broke the line there was after that disease that killed off over the course --
MR. GRANT: Do you have a spelling for the linkage that he referred to?
THE TRANSLATOR: Noxs laaswaa, N-o-x-s l-a-a-s-w-a-a.
THE COURT: N-o-x --
THE TRANSLATOR: L-a-a-s-w-a-a. The X is underlined.
THE COURT: Yes, thank you.
MR. GRANT:
Q Than that's two words, is it, or one?
A Yes.
THE TRANSLATOR: Two words, right.
MR. GRANT: Now, you referred, over to again on page 3 there is these two indications of -- at the very top of the two circles, two women, and then one of them was the mother or related to the Axtii hiikw who died in 1985. You see at the top of page 3 there on the left side?
THE COURT: 1895.
MR. GRANT: I'm sorry, 1895, yes. I'm referring to this here. And if you turn it back to page 2, that Axtii hiikw was the brother -- yes. The triangle indicates a male -- the brother of Noxs laaswaa?
THE COURT: Noxs laaswaa is the one?
THE TRANSLATOR: Noxs laaswaa, yep.
MR. GRANT:
Q Is that the same name? It's spelled different, it looks like --
A That's the same name as I referred, yes.
Q Okay. And that was the mother of Sarah Morgan?
A Yes.
Q And Sarah Morgan was the mother of the three persons you've referred to, Geoffrey, Jack, and Wallace?
A That's right.
THE COURT: I'm sorry, Sarah was what relation to --
MR. GRANT: She is the mother of Geoffrey, who's on page 1.
THE COURT: Yes.
MR. GRANT: My Lord, Wallace and Jack.
THE COURT: All right, thank you.
MR. GRANT:
Q And there were other brothers: Jacob, Silas and

Eddie; is that right?
A Yes.
Q And a sister Nancy; is that right?
A That's too far back for me. Could very well be.
Q You don't recall Nancy, but --
A No. The deceased ones I don't know too well, but I know their in-house group.
Q You knew yourself the three brothers: Geoffrey, Jack and Wallace?
A Yes, personally. I lived and travelled with them.
Q Okay. And going back to the first page, there was -- there's a reference to Girtie Brown being adopted by a Maryanne Jones, Maryanne being Geoffrey's sister?
A Um-hum.
Q Do you know Girtie Brown?
A Yes.
Q And is she a member of your house?
A Yes.
MR. PLANT: Does that mean that the line above Girtie Brown should be a dotted line?
MR. GRANT: I'm sorry, did I say adopted?
MR. PLANT: Yes.
MR. GRANT:
Q Was she the natural daughter of Maryanne?
A Yes.
Q I'm sorry, it was my mistake.
A I thought you were talking about the line going that way.
Q Again, Girtie had a daughter, Mary, who has a number of children?
A Yes.
Q That are referred to there, and they're all in your house?
A Yes.
Q And there is a dotted line going over to the second page referring to Elsie Morgan and Tina Holland?
A Yes.
Q And who adopted them?
A My grandmother, Girtie Brown, which holds the name Wihl 'wiixts'aanii, was Girtie Brown's name.
MR. GRANT: That name is on the genealogy, my Lord.
THE COURT: Yes.
MR. GRANT:
Q Does that mean Elsie and Tina were adopted by Girtie?
A That's right.
Q And who is Elsie married to?
A She's married to one of Wallace's -- my grandfather's

boys, Richard Morgan, who is one of the chiefs in Guxsan's house. Guu ts'its'aawit is his name.

Q Okay. Do you have the number for Guxsan and the spelling of his name?

A Guxsan and Guu ts'its'aawit are the two people's names.

THE TRANSLATOR: I didn't get the second name.

MR. GRANT:

Q What is Richard Morgan's chief's name?

A Guu ts'its'aawit.

THE TRANSLATOR: Okay. Guxsan is number 16 on the plaintiff's list and Guu ts'its'aawit is G-u-u t-s'-i-t-s'-a-a-w-i-t.

MR. GRANT:

Q And they -- there's reference to Barbara and Lloyd Morgan, Elsie's children. Do they have other children besides those two?

A Yes. There are others. It's the same situation as Mabel. They will be as time permits.

Q But presently those are the two in your house?

A These two are adopted today.

Q And Tina Holland is married to Guy Morgan?

A Yes.

Q And Tina was adopted into your house?

A Yes.

Q And her husband, Guy, is he a chief?

A Yes. He's one of the chiefs from Kitwancool, chief Luuxoon.

Q Okay. And he holds the name Luuxoon?

A That's right.

MR. GRANT: That's referred to on --

THE TRANSLATOR: 44 on the plaintiff's list.

MR. GRANT: I would ask that this document, the genealogy, be marked as the next exhibit, my Lord.

THE COURT: Yes.

THE REGISTRAR: The genealogy of --

MR. GRANT: I'm sorry. The genealogy of Tenimgyet, dated March 3rd, 1988, for the record.

THE REGISTRAR: Thank you. That will be Exhibit number 346, my Lord.

EXHIBIT 346 - Genealogy of Tenimgyet dated March 3, 1988

THE COURT: Do you want the tab 2 -- I'm sorry, tab 3, the seating at the feast, marked as an exhibit, Mr. Grant.

MR. GRANT:

Q Yes. Possibly before that I will refer you to tab 2. And do you know who that person is in the photograph at tab 2?
A That's my great-grandmother.
Q What was her name?
A I refer to her myself as Maggie.
Q Maggie Derrick?
A Maggie Derrick. Her name, her Indian name -- my grandmother's name is Bax heldaa saat.
Q And is she the person referred to as married to Louie Derrick?
A Yes.
Q And the mother of Mary Mark, your grandmother, on page 3?
A Yes.

MR. GRANT: I would ask that that photograph be marked as the next exhibit, my Lord.

THE REGISTRAR: 347, tab 2.

EXHIBIT 347 - Photograph of Maggie Derrick

MR. GRANT: And tab 3 should be -- I would ask that it be marked as the next exhibit. That would be Lax Gibuu-Lax Skiik seating chart.

EXHIBIT 348 - Lax Gibuu-Lax Skiik seating chart

MR. PLANT: My Lord, while tab 3 is being marked I must admit I don't know every document on the plaintiff's document list, but I haven't seen this one before, and I -- without objecting to it I would merely make the comment that if my friend is intending to tender documents of this sort through his witnesses it would be of considerable assistance to us if he would give us more than the notice which he gave us in respect of this one, which is to say the first time I saw it is when he gave me this book this morning. I'm not objecting to marking the document.

THE COURT: Thank you.

THE REGISTRAR: Tab 3 will be Exhibit 348, my Lord, seating diagram.

MR. GRANT: Yes. This document was just prepared in preparation for this witness, my Lord, rather than have him write it out personally. I wonder, I'm moving into another area, it may be a convenient time to break, my Lord.

THE COURT: All right, thank you.

THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED AT 11:10)

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

Graham D. Parker
Official Reporter
United Reporting Service Ltd.

⊥h2 A. Mathews (for plaintiff)

1 (PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURNMENT)
2 THE REGISTRAR: Order in court.
3 THE COURT: Mr. Grant.
4 MR. GRANT:
5 Q Thank you. You described this morning that what
6 happened in 1983 -- or I'm sorry, 198 -- well, in this
7 period of time when your -- when your grandfather
8 died, 1981, that -- that you were given authority over
9 the territory, and you also referred to the fact that
10 when there was the disease, Ax tii hiikxw was given
11 authority, was the only survivor in the house. Is
12 that change of a head chief's name, of who is the head
13 chief of a house, that transition, is that in
14 accordance with the Gitksan laws or is it some kind of
15 exception to the Gitksan law?
16 A It is in accordance and consistent with our laws.
17 Q Your house has adaawk?
18 A Yes.
19 Q It has crests?
20 A Yes.
21 Q It has territory?
22 A Yes.
23 Q And you've described it has membership?
24 A Membership, yes.
25 Q When the change of who is the chief responsible
26 occurs, does that affect or does that change the
27 adaawk?
28 A Not a bit.
29 Q Does it change the crests?
30 A No.
31 Q Does it exchange the territories?
32 A No.
33 Q Does it change the membership?
34 A No.
35 Q I'd like to refer you for a few moment to your -- the
36 mother side of your family. Your mother, I believe
37 you described, as Kathleen Matthews?
38 A Yes.
39 Q And she holds the name Bax heldaa saat?
40 A That's right.
41 Q What does that name mean?
42 A Bax heldaa saat, it's stopping over, stopping over,
43 stopping over.
44 Q Who held the name before your mother?
45 A My grandmother, Emma Robinson, and before her it was
46 Maggie, my grandmother, the photo we referred to
47 already.

Q Okay. And Maggie, I believe, was also -- also shown on the genealogy as Martha Derrick?
A That's right. Like I said before, I know her as --
Q As Maggie?
A -- as Maggie.
Q Your mother was born in 1918?
A Yes.
Q And did your mother ever go away from the community to go to school?
A Yes. She was sent away at a very young age to go to Edmonton Residential School.
Q Do you know approximately when she returned home?
A It was around 1936.
Q And her mother, your grandmother, Mary, died when your mother was quite young?
A Yes.
Q And who raised your mother then after that?
A After that Maggie for a while and then Maggie died. Then she was looked after by our other grandmother, Sarah Morgan.
Q Okay.
A And then Emma.
Q Sarah Morgan being Steve Morgan's wife and Geoffrey's mother?
A Yes. And then Emma brought her up right till the death of Emma.
Q Do you remember when Sarah died?
A No. I was too young.
Q Okay. And do you know which name Sarah held before she died?
A Tenimgyet.
Q And after she died, who took the name Tenimgyet?
A Geoffrey.
Q Okay. And who -- before Sarah held the name Tenimgyet, was it -- do you know the name of who held it or what happened to the name before that?
A No. That's when the disease was there. Nobody held it. It was like what we did with Ax tii hiikxw's name. It was put to rest for a while until the membership or all of us, the house members, are old enough to pick the name up.
Q So Sarah was the first person post the disease epidemic to hold the name Tenimgyet?
A Yes.
THE COURT: I'm sorry. Was the name left to rest after Sarah died or before?
THE WITNESS: Before.

MR. GRANT:
Q And then after Sarah died, at her death who took the name?
A Geoffrey Morgan.
Q Okay. And he held the name until you took it in 198 --
A '81.
Q '81. This morning you described a number of people who were adopted into your house, Mabel Morgan and some of her children and others, who were referred to on Exhibit 346, I believe, the genealogy. Do those people have any rights to use your territories?
A Yes. But -- there's a but in there. They have to have direct permission from either me or Henry or my mother.
Q From either you, Henry, Ax tii hiikxw --
A Yeah.
Q -- or your mother?
A Yes. I will go into the detail later of the role of my mother.
Q Before proceeding to that, I'd like to ask you a bit about your father's side. And is your father's side known as your wilksiwitxw?
A Yes.
Q And your father is Art Mathew Senior?
A Yes.
Q He was born February 27th, 1913? Yes?
A Yes.
Q And he's a member of the House of Luuxoon?
A Yes.
MR. GRANT: And that's a --
THE COURT: Sorry. House of --
MR. GRANT: Luuxoon. Do you have a -- I think that's on the plaintiff's list.
THE SPELLER: Yes, it is. Number 44.
MR. GRANT: Number 44.
THE COURT: Thank you.
MR. GRANT:
Q And what clan is Luuxoon?
A Frog.
THE COURT: I'm sorry. The plaintiff's list I have -- oh, yes. I'm sorry. No. 44 in this list is Luutkudziiwas.
MR. GRANT: 44 is Luutkudziiwas on that one.
THE COURT: Yes. On the plaintiff's list I have. Perhaps I'm using the wrong list. Madam registrar, show that to Mr. Grant, please.
MR. GRANT:

Q In any event, on this list, my lord, the one that you have, it would be 45. I see it right there if that's of assistance, but we'll endeavour to have all the lists sorted out by noon hour.
Where was your father raised?
A My father actually was born on our territory, win ixstaat, at a place called an ax woowax.
MR. GRANT: Do you have those spellings, please?
THE SPELLER: Win ixstaat is w-i-n-space-i-x-s-t-a-a-t and an ax woowax is a-n-space-a-x underlined-space-w-o-o-w-a-x underlined.
THE COURT: Is that one place or two places?
THE SPELLER: Two places.
THE WITNESS: Like, if I related to your word, your lordship, I would say in the County of Prince Albert and a certain address. That's what I'm saying.
THE COURT: Yes. Thank you.
MR. GRANT:
Q So the territory, the general name of the territory you're talking about is this name, win ixstaat?
A Yes.
Q And the specific place is an ax woowax?
A Yes.
Q Who raised your father on the territory?
A At a very young age her own parents. Her mother died, so the sister, Sophia Smith, took up the duties of raising her, and Charlie Smith.
Q And was Sophia Smith your father's mother's mother?
A Yes.
Q In other words, his maternal grandmother --
A Um-hum.
Q -- by our terms. And who was your father's father?
A His own natural father?
Q Yes.
A It was Herbert Matthews.
Q Of which house and which clan?
A From the House of Guxsan from Gitsegukla.
Q And that's Gisk'aast or fireweed clan?
A Yes.
Q And did your father travel on any of the territory of Tenimgyet?
A Yes. He was born there and raised, and Charlie Smith held one of our names on that territory, so he went -- actually grew up on the territory, both tsihl gwellii and Xsi gwin ixstaat.
MR. GRANT: Do you have the spelling for tsihl gwellii?
THE COURT: Sorry. What is this, the clan -- or the house,

rather?
MR. GRANT: No. This is the second territory. In fact, my lord, if you refer to Tab Number 5, you can see. It's an overlay map, which was just produced. I just received it this morning. It was -- you can see the -- the triangle just above the word "legend". You can see that diagonal block where -- that's Xsi gwin ixstaat that the witness is referring to. And then you can see over to the left that other area called tsihl gwellii. And I'll show this to Miss Stevens. I don't believe she's had a chance to look at this. Just so you can see the reference to tsihl gwellii.
THE SPELLER: That's 416 on the --
MR. GRANT: -- on the word list.
THE SPELLER: Yes.
THE COURT: Let me just get myself placed here.
MR. GRANT: Yes, my lord.
THE COURT: One of these lines, X-s-a-m, is that Skeena?
MR. GRANT:
Q Xsam or Skeena. And if you -- if you look, you see that name in black, Tsim tsitxs. Is that how you say it?
A Yes. Tsim tsitxs.
MR. GRANT: And if you just look to the left of that, you will see Cedarvale in red.
THE COURT: This is an incredibly difficult map because I have so much reflection off the plastic.
MR. GRANT: To assist you, you can lift it up.
THE COURT: Oh, yes.
MR. GRANT: You can take it --
THE COURT: I'm going to take it out.
MR. GRANT: Once again, at least we've used plastic pouches instead of these other sheets.
THE COURT: Cedarvale.
MR. GRANT: You can see Cedarvale there. And going up along there, of course you can see Highway 16 and you can see Kitwanga, and down to the bottom you can see Doreen.
THE COURT: On the river?
MR. GRANT: Yes. It's around the centre.
THE COURT: Yes. I have it.
MR. GRANT: You have it?
THE COURT: Yes.
MR. GRANT: This witness will be referring to those locations. And this is like I believe other maps that were prepared for Mr. Mitchell. It's an overlay on a standard topographical map.

MR. PLANT: And I am -- I think I should rise at this point, my lord. I haven't seen this map until now. I don't have any objection to the lower -- the bottom part of it, but I do object to any part of the overlay being tendered in evidence. I don't have any objection to it being used from time to time to assist your lordship, but I have no alternative given the late disclosure but to object to the use of the overlay as a whole and in particular the --

THE COURT: Well --

MR. PLANT: -- plastic part.

THE COURT: I don't think, Mr. Plant, you can stop your friend from -- nor do I think I should stop your friend from using it for whatever purpose he thinks appropriate. You certainly have every opportunity to verify it and cross-examine on it when you're ready. If you need time for that purpose, then you should be given that sort of time. I don't think we should stop the evidence because you haven't seen this before, regrettable as that may be. If your friend tenders it after the witness identifies it, I would mark it, but it wouldn't be of any conclusive sense. Even if you were making no objection, it would still be open to show that the map is wrong or inaccurate or misleading or anything else you want to show it to be. Go ahead, Mr. Grant.

MR. GRANT: Yes. I'm not -- for the reason my friend has said, I'm not intending to -- I just want to give you some references. He referred to two territories. I'm not intending to lead the witness on this.

THE COURT: Where do you see --

MR. GRANT: You can see from the legend the house territory boundary. It's the dash and dotted line. And there's one territory, Xsi gwin ixstaat. At that triangle you can see the name Woodcock and then you can see the name Wilson Creek, my lord, and there's a dotted line around there, which refers to some places, one of them being Sagat, S-a-g-a-t, and goes around.

THE COURT: Yes.

MR. GRANT: Now, that's one of the territories. The second territory is, first of all, the black line that goes around the outside and then it becomes a dotted and dashed line.

THE COURT: Yes.

MR. GRANT: Now, the reason it's a solid black line from the legend is its external boundary of the Gitksan, and this refers to external boundary.

THE COURT: Yes. And the territory is the -- the dot/dash line in the upper left one-third of the map, is it, the solid line and the dot/dash line?
MR. GRANT: The solid line, yes.
THE COURT: And the dot/dash line --
MR. GRANT: Yes.
THE COURT: -- surrounding the word t-s-i-h-l-g-w-e-l-l-i-i.
MR. GRANT: That's the second territory. The only reason I referred you to this is because the witness was talking about where his father went, and I want you to have some placing of that.
THE COURT: That westerly external boundary, that must be a substantial creek or river, is it?
MR. GRANT: Yes. The witness will speak to it. It's not just a creek or river, my lord. It's a number of things, my lord.
THE COURT: Yes. All right.
MR. GRANT: But this is the western boundary. Just to approximate you on Exhibit 5, my lord, it -- it's referred to -- it's this outer -- the most westerly most portion. Well --
THE COURT: On Exhibit 5.
MR. GRANT: On Exhibit 5 on the middle part. Then there's another piece in here.
THE COURT: Yes.
MR. GRANT: Those are the two territories, but we thought it would convenience you to have them both on the same map to follow this witness' evidence.
THE COURT: Thank you.
MR. GRANT:
Q So you -- I'm sorry, Mr. Mathews, for the interruption, but you indicated that your father travelled on both of these territories?
A Yes.
Q And he travelled on them with whom?
A With Charlie Smith.
MR. GRANT: Okay. And with anyone else?
MR. PLANT: Before the witness answers that, my lord, I'm not sure if it's been established in the evidence or not whether or not the witness' father is still alive, and I would like to have that before I consider my position in relation to this evidence.
MR. GRANT: The witness' father is still alive, my lord. In fact, he swore an affidavit which has been delivered to my friends relating to the territorial boundaries, and that affidavit is an affidavit of the witness' father.

THE COURT: And his name is?
MR. GRANT:
Q Art Mathews Senior, and I think his Indian or chief's name is Ts'iiwa'?
A Ts'iiwa'.
THE COURT: How is that spelled?
MR. GRANT: Just a moment, my lord.
THE SPELLER: Ts'iiwa', T-s-apostrophe-i-i-w-a-apostrophe.
THE COURT: Thank you.
MR. GRANT:
Q Did your father travel on the territory with anyone else besides Charles Smith?
A Yes.
MR. PLANT: Perhaps this is evidence that should be given by Mr. Mathews Senior unless it's being tendered for some collateral purpose.
THE COURT: Well, you have a problem there, don't you, Mr. Grant?
MR. GRANT:
Q Yes, my lord. Okay. I'll proceed.
Have you travelled on these territories?
A I've travelled on the upper tsihl gwellii part and on the xsi gwin ixstaat.
Q When you say "the upper part" --
A Tsihl gwellii.
Q And who did you travel on those territories with yourself?
A My three grandfathers: Jack, Geoffrey and Wallace. There was a purpose. I went up there. Afterwards I'll get into it later.
Q And did you travel on those territories with your father?
A Yes.
Q Well, maybe now you should -- can you describe for the Court why you travelled there with your three grandfathers?
A To show me the boundaries, the boundaries of our territory that touches off with some of our relatives from the Kitsimkalum area and the relatives from the Nass. They took me up here to show me where our boundaries starts, begins, and the corner posts.
Q Can you explain for the Court your relationship through your father to the House of Luuxoon?
A When you say "relationship", you mean my father or as a teacher?
Q Well, I mean -- I mean in terms of your responsibilities for your territory. Is there any

1 involvement of Luuxoon's house?
2 A Yes. They're my wilksiwitxw. The House of Luuxoon
3 are my wilksitxw. And when I talked about the phrases
4 my grandfather used earlier at the feast, he specified
5 a direct order, or asked that all my wilksitxw take
6 care of me, never to abandon me, to help me, to groom
7 me, to teach me all the laws, the rules that I have to
8 play. That's the Simoogit.
9 Q And have they been involved in that?
10 A Yes.
11 Q Have others than your father been involved in that?
12 A Yes. My mother from Guxsan. From my mother's side I
13 take an active role because during that same phrase,
14 he handed me over to all the chiefs that were present
15 in the hall so that they can look after me, groom me,
16 not give me away in the sense of things, to show me
17 directions as a young chief. Like, he said that I
18 have to have more grooming, more respect in these
19 areas, not to the territory itself but the role and
20 the laws that will apply; that they would give me
21 directions in these areas.
22 Q And you referred to Guxsan. And that's your mother's
23 wilksitxw?
24 A Yes. My mother's wilksitxw.
25 Q And do they have a responsibility for you as well as
26 for your mother?
27 A Yes. They're my -- what I call in our language
28 niye'e. It is my grandfather on the Guxsan's side, so
29 they have a great role to play to train me.
30 MR. GRANT: Did you get that last word, Miss Stevens?
31 THE SPELLER: niye'e is n-i-y-e-apostrophe-e.
32 THE COURT: What is that, please?
33 THE WITNESS: Grandfather.
34 THE COURT: That's grandfather?
35 THE WITNESS: Yes. In our system.
36 THE COURT: Did I get this right? That the House of Guxsan is
37 your mother's wilksitxw?
38 THE WITNESS: Yes.
39 MR. GRANT: I think that's G-u-x-s-a-n, and they're a named
40 plaintiff. I'd like to refer you for a moment to
41 Tab -- Tab 3 of the document book. I'm sorry. It's
42 Exhibit 348.
43 THE COURT: I think that's 347. Oh, Tab 3.
44 MR. GRANT: Tab 3, yes.
45 THE COURT: Yes. Tab 348.
46 MR. GRANT:
47 Q Now, with reference to that, starting from the centre

of the table where yourself and Henry Tait sit, Ax tii hiikxw and Tenimgyet, and going up to the top of that page, are those persons all members of your house?
A Yes.
Q And your clan?
A Yes.
Q Now, this -- can you indicate to the Court where the door of the hall would be in this diagram in relation to this table if you were sitting where your name is?
A If I was sitting -- we turn this around. Like, start where it is centred and turn the book this way. And the door would be here. We'd be the head table.
THE COURT: The door would be in front of the "C" of centre?
THE WITNESS: Yes.
MR. GRANT:
Q And you would be facing the door?
A Yes. Whoever putting this up, if it was the frogs, were known as the 'niidil, which I'll deal with later in detail.
THE COURT: You would be facing the door with your back to everyone else?
THE WITNESS: No. Facing the door this way. The wall would be here and we'll be facing the people that are putting on the feast over here.
MR. GRANT:
Q Okay. Just indicate the -- in the diagram. So if you were sitting here where your name was and this was the table where it says "centre of table", just where would the door be then?
A Well, if this was the feast hall, because we sit in the back --
Q Yes?
A -- which will be -- indicate this will be the back of the hall and the front of the hall here --
Q Yes.
A -- we will be facing the people.
MR. GRANT: Okay.
THE COURT: That doesn't make sense to me. I'm sorry. If you take the page as being the hall --
THE WITNESS: Yes.
THE COURT: -- and the door is by the word "centre", as I think you said --
THE WITNESS: Yes.
THE COURT: -- then if you're facing the door, you'd have your back to the rest of the hall, would you not?
MR. GRANT:
Q No. The door is at the far end of the hall from the

1 centre; is that right?
2 A Yes.
3 THE COURT: All right. Well, then you're not using the page
4 then as the hall.
5 THE WITNESS: Like, if you were sitting right where you are,
6 your lordship, that's the way these are put, and the
7 door here.
8 THE COURT: Then you'd be facing --
9 THE WITNESS: Facing your audience, the rest of the feast hall.
10 THE COURT: All right.
11 MR. GRANT:
12 Q So behind the names, is that where the wall would be?
13 A Yes. Forget about the names.
14 Q Okay.
15 A Concentrate with the table.
16 Q Okay.
17 A There's the table.
18 Q Yes. And you're sitting on this side?
19 A Yes.
20 Q That is the side where those names are, the right-hand
21 side, my lord. The wall would be to the right of
22 that?
23 A Yeah.
24 Q And the right-hand side of the page, the hall would be
25 off the page to the left?
26 A Yes. You can just ignore the names. That's just for
27 reference.
28 MR. GRANT: Now, this -- this is entitled as a feast hosted by
29 the Ganeda. And that shouldn't be Canada, my lord. I
30 think it's G-a-n-e-d-a.
31 THE COURT: Yes.
32 MR. GRANT:
33 Q That's the frog clan; is that right?
34 A Yes. It will be a great thing if Canada would host it
35 once in a while.
36 Q May be a bigger feast. How many clans are there in
37 Gitwangaak?
38 A Originally three.
39 Q Which ones?
40 A The Lax Gibuu, the Lax Skiik, and Ganeda.
41 THE COURT: I'm sorry.
42 MR. GRANT: Lax Gibuu, which is right on the top, my lord, Lax
43 Skiik.
44 THE COURT: S-k-i-i-k?
45 MR. GRANT: Yes. And Ganeda.
46 THE COURT: Lax Skiik is what?
47 THE WITNESS: Eagle.

THE COURT: Thank you. And the other one is Ganeda, is it, G-a-n-e-d-a; is that right?
MR. GRANT: Yes. With the G underlined.
THE COURT: That's frog.
MR. GRANT: Yes.
THE COURT: Thank you.
MR. GRANT: I'd ask that Exhibit 348 be -- that correction can be made on the exhibit.
THE COURT: Yes.
MR. GRANT:
Q Now, in this diagram, Exhibit 348, next to Henry Tait on the other side of you, it shows Vernon Smith?
A Saxum hiigookx.
Q And he is a chief of the Lax Skiik clan?
A Yes.
Q And then below him there is a number of other persons and after their names it refers to Lax Skiik. They are all Lax Skiik or eagles?
A Yes.
Q Can you explain to the Court why you and the Lax Skiik sit together at the feast hall, why your house?
A We refer back to the map. What tab was that?
Q Certainly. It's Tab 5 if you wish to refer to the map. You can actually take it out of there if you like.
A In our adaawk, we originated from the village of Git lax an dek'.
THE COURT: Is that shown here?
MR. GRANT: The name isn't on there, my lord.
THE COURT: All right. Spelling, please?
THE SPELLER: Git lax an dek' is 402 and it's spelled G-i-t-space-l-a-x underlined-a-n-space-d-e-k-apostrophe.
THE WITNESS: That's where our tribe -- this house originated. We left Git lax an dek'; that their brothers were living at Xsi gwin k'aat' close to Doreen.
MR. GRANT:
Q Before you go on here, can you explain to the Court where on the map this Git lax an dek' would be?
A Right opposite the lake.
Q That's the one you're indicating, the one Dam gistum Geelum?
A Dam gistum Geelum, we call it in our language.
THE COURT: On which side of the lake?
THE WITNESS: Looking at it, it would be on the left side.
THE COURT: It would be the west side?
THE WITNESS: Yes.

MR. GRANT:
Q And would it be near the top of the lake or the bottom?
A Yes. Closer to the top than the bottom.
MR. GRANT: I'll just have you --
THE COURT: Just a moment.
MR. GRANT:
Q -- put a "1" on that. Just put a "1" approximately where it is.
A Approximately this area.
MR. GRANT: My pen is of no good.
THE COURT: You put a cross?
THE WITNESS: I don't like using crosses.
MR. GRANT:
Q Just use a "1", eh. You can put it on the underlay and it will show through. Put a "1" where that village is.
A It's in this area.
MR. GRANT: Okay.
THE COURT: There's already there --
THE WITNESS: No. It's another part of it.
MR. GRANT: Can you show the exhibit to the Court? It's on the underlay, one just on the left side, my lord. You can see where he's marked it.
THE COURT: Yes. Thank you.
THE WITNESS: Now, if you start from there, there's a dotted -- like, dotted line.
THE COURT: Going east or going north?
THE WITNESS: Going east.
THE COURT: Yes.
THE WITNESS: That's the route Tenimgyet and 'Wii Hloots' left this village, because it was getting overcrowded or whatever. They left and migrated over the mountain. They took the creek known to us as Xsi mehletxwit.
MR. GRANT: Can you give that spelling?
THE SPELLER: Xsi mehletxwit, X-s-i-space-m-e-h-l-e-t-x-w-i-t.
THE WITNESS: They went to this creek up over the mountain till they reached the creek. In our language we call that creek Xsi gwin axwt.
THE SPELLER: Xsi gwin axwt, X-s-i-space-g-w-i-n-space-a-x-w-t.
THE WITNESS: And follow down the creek to Skeena, Xsan. Then from there -- this is west -- west to a village, Xsi gwin k'aat', which is close to Doreen. There they lived.
THE COURT: They went down river to Doreen?
THE WITNESS: Down to Skeena. To reach this village you have to go down to Skeena a ways.

MR. GRANT:
Q Can you give the spelling of that village?
A They went to Xsi gwin k'aat', where the village was.
THE SPELLER: Xsi gwin k'aat', X-s-i-space-g-w-i-n-space-k underlined-apostrophe-a-a-t-apostrophe.
THE COURT: That's Doreen, is it?
THE WITNESS: Doreen. That's close to it. Doreen will be further down.
MR. GRANT:
Q Just for the record, my lord, the witness, as he was describing this, was following along with his finger along the dotted line, which goes parallel. What's on the underlay map is Quill Creek and further west is on the underlay as Douglas Creek. So that's the -- of the dotted trail lines, it's the southernmost of those on this document. Just go ahead.
A They lived here a long time with the Lax Skiik group. They didn't change crests, or nobody went into other houses. They lived separately. They formed a village, and the village belonged to the Lax Skiik, this ancient village. The head chief of the village there, the Xsi gwin k'aat', was Ligii Nihla.
Q And just referring to Exhibit 348 for a moment, is that the name that's referred to underneath Vernon Smith's name?
A That's right.
THE COURT: What's the name of the village, L-i-g-i-i-n-i-h-l-a?
MR. GRANT:
Q That was the name of the head chief?
A Yes. Ligii Nihla was his name.
THE COURT: That wasn't the name of the village?
MR. GRANT:
Q No. That was the name of the head chief, my lord.
A They lived here for many years. Like I said, it's a village, and there they formed the rules that were supposed to be followed, and it is today. The rule was they would work together because there was a few of them, but not to cross crests or anything or adaawk. It stays normal, because they just moved as one village. The only -- because there was a few of them, they decided to combine the territory -- not the territory but the seating arrangements, and they were older than Wii hloots and Tenimgyet, and everytime there's a rule. They were slightly ahead of us because we were younger than they were. There's a rule. And that is why the house is split. The seating arrangements were fixed in the feast halls;

that it was there and we follow it today; that the Lax Gibuu and Lax Skiik sit side by side. From there they migrated up to Skeena up towards what's known as Kitwanga today. They lived across the river from what is known as Kitwanga today to a place, the village they started again. They call it Ant gii is.

MR. GRANT: Do you have the spelling for that?

THE SPELLER: Ant gii is, A-n-t-space-g-i-i-space-i-s.

THE WITNESS: They lived here a while. When they say a while, in our language it might be a couple hundred years or whatever. Then they decided to move across close to where Kitwanga is today. There's a little river running down there. We call it Xsi t'ax.

MR. GRANT: Go ahead.

THE SPELLER: Xsi t'ax is X-s-i-space-t-apostrophe-a-x underlined.

THE WITNESS: Known today as Kitwanga River on the map. Here they lived because there was plenty of fish and provision were readily available for them here. They lived here until they joined 'Neekt and his group.

MR. GRANT: 'Neekt.

THE SPELLER: 'Neekt, apostrophe-n-e-e-k-t.

THE WITNESS: And Lax T'a'otsip, which I referred to the house earlier.

MR. GRANT:

Q That's where the battle hill is located.

A Yes.

Q You said that -- in some detail you said that when they moved up that -- I think you said it was Ligii Nihla or Xsi gwin k'aat' were older than Wii hloots and Tenimgyet. Is there a different word in the description of the adaawk which tells you who was the younger and the older?

A Yes. In our language, we have names. Like, for instance, when you're just born to teenager, we call Si gigyet.

MR. GRANT: Can you give that, please?

THE SPELLER: S-i-space-g-i-g-y-e-t.

THE WITNESS: And then there are the followers, your warriors, your workers, your helpers, your everything. They're called am gigyet.

THE SPELLER: A-m-space-g-i-g-y-e-t.

THE COURT: g-i-g-y-e-t?

THE SPELLER: Yes.

THE WITNESS: And then the younger chiefs were called Lax gigyet.

THE SPELLER: L-a-x underlined-space-g-i-g-y-e-t.

1 THE WITNESS: And then you have your Sim gigyet, the higher
2 ranking, older, wiser.
3 MR. GRANT:
4 Q Are they chiefs?
5 A Chiefs, yes.
6 MR. GRANT: I think -- do you have that one, Sim gigyet?
7 THE COURT: No, I don't. I may have.
8 MR. GRANT: You may as well have it.
9 THE SPELLER: S-i-m-space-g-i-g-y-e-t.
10 THE COURT: Thank you.
11 THE WITNESS: That is how we know the age group or the dividing
12 of every group. They say -- well, if I mention Sim
13 gigyet, Lax gigyet, am gigyet and the newborns, the
14 teenagers, Si gigyet, we know exactly which age group
15 we're talking about.
16 MR. GRANT:
17 Q You have those -- those are the names you just gave?
18 A I just repeated them.
19 Q Now, one of the names you mention in this history of
20 this migration was 'Wii Hloots'. And that's held by
21 someone in your house today?
22 A Yes. Today it's held by my other uncle, Horace Tait,
23 as you could see on the seating list. It's listed.
24 MR. GRANT: On Exhibit 348 it is held by his -- before we go
25 further, possibly we could have the map on -- at Tab 5
26 marked as the next exhibit, my lord, just so that it
27 will be for ease of reference. And the witness has
28 identified the southern trail on the boundary.
29 THE REGISTRAR: Exhibit 349, Tab 5, a map.
30 (EXHIBIT 349: Tab 5, map)
31 THE WITNESS: May I just add here, Peter, that this trail is
32 still in use.
33 MR. GRANT:
34 Q This trail that you've described?
35 A Yes.
36 Q Okay. We will return -- I'll return to that.
37 A Yes. But I thought I'd just remind you that it's
38 still in use.
39 Q Yes. When you hold a feast, that is when your house
40 puts on a feast in Gitwangaak, do the Lax Skiik sit at
41 that feast, or do they --
42 A No. I forgot to get into that, but they help each
43 other in every way. If they put up a feast, we're
44 there. If we put up a feast, they're there. If they
45 put up a pole, we're there to help. We put up a pole,
46 they're there.
47 THE COURT: When you say "they're not seated", you mean that

they --
THE WITNESS: They're the host.
THE COURT: They're like a host?
THE WITNESS: They're running the feast.
MR. GRANT:
Q Are there -- there Gisk'aast or fireweed houses that are from Gitwangaak? I don't mean people living there now but people at those houses at Gitwangaak?
A Just the Ganeda. Wii hlengwax got a house. I'm reading out the frogs now.
Q Okay.
A And Ax goot, Hakw.
THE COURT: I'm lost, Mr. Grant. I thought the question was whether there were any people from the fireweed houses living in Gitwangaak.
MR. GRANT:
Q You mentioned the three clans. That is the fireweed -- or I'm sorry -- the Ganeda, the Lax Gibuu and the Lax Skiik. There is no Gisk'aast in Gitwangaak; is that correct?
A Not earlier.
MR. GRANT: And now what you're referring to is Wii hlengwax. Which number is that?
THE SPELLER: 76.
MR. GRANT:
Q 76. Those are frog houses. Gitwangaak and Hakw I believe you referred to?
A Hakw.
MR. GRANT: That's number --
THE SPELLER: I'm not sure if it's on here. It's not on here.
THE COURT: We have several that sounds like Hakw. 27 is H-a-a-x-w.
MR. GRANT: I think it's --
THE COURT: And then we have 30.
MR. GRANT: H-a-k-w. It's in the pleadings.
THE COURT: H-a-k-w.
THE COURT: It's not on the list, not alphabetically anyway.
MR. GRANT: Now --
THE COURT: I'm sorry. I have an incomplete note then, Mr. Grant. I've got number 76 and Hakw. And what about them?
MR. GRANT:
Q Okay. They are head chiefs?
A They are head chiefs.
Q Of which clan?
A The frogs.
Q And where are their houses?

A On Gitwangaak.
Q What about Lelt?
A Lelt is another house, yes.
Q Of the frog clan?
A Yes. As a Wii hlengwax.
Q And that's in Gitwangaak?
A Yes. There's a number of them.
Q Okay. You mentioned this fishing -- you mentioned the place where the Lax Skiik and the Lax Gibuu came at Gitwangaak. Is that place still used today?
A If you remember the marshmallow incident, yes.
Q And that was -- that is a fishing site?
A That's a fishing site, yes.
Q Okay. Who is the head chief of the Lax Skiik today?
A Now it's known as Saxum higookx, and I cannot speak for the group, how that formed or whatever reasons they pulled out. Saxum higookx ran ahead of Ligii Nihlaa, but in our adaawk we always recognize Ligii Nihlaa, but we also accept the fact that they have Saxum higookx, the fact that they run into problems like we did with the death and the diseases. I can't speak for them.
THE COURT: I didn't get that, Mr. Grant. I'm sorry. You asked him who was the head chief of the Lax Skiik and he gave you the name.
MR. GRANT: He gave me the name Saxum higookx. My lord, if you refer to 348 Tab 3.
THE COURT: Yes. That is the name that is parallel to Vernon Smith's name. Yes. All right. I didn't get what he said after that.
MR. GRANT:
Q Okay. And the witness was describing that he could not speak for them, but that they refer to Ligii Nihlaa, and that's the name that's underneath Vernon Smith's name as part of -- as a head chief of the eagles.
Now, you were saying that -- I think you referred also to the fact that they may have -- have had difficulty like you in terms of the disease; is that right?
A Yes. That's what I said, but I cannot speak for them.
Q Yes. Can you tell the Court on -- at Tab 3 there's a blank for an English name besides Ligii Nihlaa. Do you know who holds that name or cares for that name today?
A Vernon Smith.
Q So he is the present holder of both names?

A Yes.
MR. PLANT: I don't want to be confused. The question was who holds or cares for that name.
MR. GRANT:
Q Yes. I see what my friend is saying. My friend was concerned about my question more than your answer. I'll clarify it. Does he hold the name himself?
A Yes, he does.
MR. GRANT: Okay. My lord, it may be an appropriate time for the break because I was going to move into a new area.
THE COURT: Does he hold the name as a caretaker?
THE WITNESS: He holds the name Ligii Nihlaa.
THE COURT: So I should just take it your evidence is that the holder of Ligii Nihlaa is Vernon Smith?
THE WITNESS: Yes. He holds both names, yes, and he holds Saxum higookx as well.
THE COURT: As well as --
THE WITNESS: Saxum higookx.
THE COURT: All right. Thank you. Two o'clock.
THE REGISTRAR: Order in court. Court will adjourn until two.

(PROCEEDINGS ADJOURNED)

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

_____
Kathie Tanaka, Official Reporter
UNITED REPORTING SERVICE LTD.

(PROCEEDINGS RESUMED AT 2:00)

THE REGISTRAR: Order in court. Calling Delgamuukw and Her Majesty the Queen at bar, my Lord.
THE COURT: Mr. Grant.
MR. GRANT:
Q Yes, my Lord. Before proceeding, I have a word list which is alphabetical so the number, and there was some difficulty about getting the numbers -- the number ordering on the system. We'll get that in due course, but in any event, it's alphabetical and it's Gitksan words. I've provided copies to my friends. Mr. Mathews, this morning you were talking about your father's side, your wilksiwitxw, and was Charlie Smith, I believe you indicated was related to your father?
A That was his grandfather, stepfather like in a way, but the reason he was on our territory, through Amnigwootxw.
Q Your grandfather, Charles Smith?
A Charles Smith.
Q Now, did Charles Smith at any time take care of the Tenimgyet territories for the members of the House of Tenimgyet?
A Yes, he did.
Q Can you explain to the court what happened and why?
A What happened was -- this is the, might say the tail-end of the era of this disease I talked about when it wiped out our house almost down to just children left, so Charlie Smith took control, you might say, through amnigwootxw, and by doing that he had to obtain a name, one of the names in our house, the chief name, like my brother Ivan now holds, was Bii Lax ha.
MR. GRANT: Just pause a minute. Do you have that number?
THE TRANSLATOR: 475.
THE COURT: Sorry?
MR. GRANT: 475.
THE COURT: Thank you.
MR. GRANT: On this listing it could be alphabetical, my Lord.
THE COURT: Yes. Now, there was a word that he took control, and this word was used and by doing that he had to have a name. I didn't get the word.
THE TRANSLATOR: Amnigwootxw.
MR. GRANT: Amnigwootxw.
MR. GRANT: Do you have that word?
THE COURT: Did we have it this morning?

MR. GRANT: I believe we did, my Lord.
THE COURT: Can we have it again, please?
THE TRANSLATOR: A-m-n-i-g-w-o-o-w-x-w.
THE COURT: I'm sorry, can we have it again?
THE TRANSLATOR: A-m-n-i-g-w-o-o-w-x-w.
THE COURT: Thank you.
MR. GRANT:
Q And what do you mean when you say he had that name by amnigwootxw?
A There are, in our house and all Gitksan houses, two types of amnigwootxw. One is privileged rights. This amnigwootxw I'm talking about now through Charlie Smith was the actual taking of a name from our house and using it to show control, jurisdiction, and ownership. If he did not obtain the name Bii Lax ha all other chiefs wouldn't have recognized -- he had no voice, he had no business talking about this house, he had no rights to be a care keeper, so in that sense he had to obtain the name Bii lax ha.
Q Is what you've just described for Charlie Smith different than what you said was privileged rights?
A Yes. Privileged amnigwootxw right is you don't have a name from our house but you're privileged to come on our territory through your father's side.
Q And when did Charlie Smith take on the name Bii Lax ha and take care of the territory?
A It was in around the early 20's, and it ended about '41 or '42.
Q 1941 or '42?
A Yes.
Q I would ask you to look at tab 14 of the document book. It's the last tab. Now, that is -- that first page of that tab is a trapline -- application for registration of a trapline dated January 12, 1986 -- or 1926. Did you -- you knew Charles Smith?
A Yes.
Q Could he write?
A No.
Q Okay. Have you been able to compare the description under the geographical points there in relation to your territory?
A If we use our boundaries through our own system, and this relates very close.
Q To which territory?
A To the Tsihl Gwellii territory.
Q Okay.
MR. GRANT: I would ask for this document to be marked as an

exhibit, my Lord. I don't know if my friends are going to object. It's Federal Government document 10379 or part of the file documents.

THE COURT: The entire document?

MR. GRANT: I'm only referring to the top page to which the witness has referred. That is the January 12th, 1926 application of registration of trapline.

THE REGISTRAR: for --

MR. PLANT: My Lord, this document is admissible as the archival -- the archival designation is on the lower right-hand corner. I don't think this document is admissible necessarily for anything that has been said about it so far in evidence. I'm not speaking to that, but I'm quite happy to have this document marked.

THE COURT: All right.

MR. MACAULAY: My Lord, I note from the document this is our document we found. There is a note at the bottom saying note "See regulations on the back". I can tell your Lordship this is the document we got from Victoria reproduced. I'm just drawing that to your Lordship. This -- There's a reverse to that one. We can -- I can look tonight in our files and see if we have the other side.

THE COURT: All right. Subject to that the top document in tab 14 will be the next exhibit.

THE REGISTRAR: Number 350. What's the date?

MR. GRANT: January 12th, 1926, application for registration of a trapline by Charles Smith.

THE REGISTRAR: Thank you.

THE COURT: 350.

EXHIBIT 350 - Application for registration of a trapline by Charles Smith dated January 12, 1926

MR. GRANT:

Q Now, at that time in January of 1926 was Charles Smith in this role that you were describing?

A Yes.

Q In relation to your territory?

A Yes.

Q Is Charles Smith related to Henry Wilson?

A He is his half brother.

Q And Henry Wilson is still alive?

A Yes.

Q Does Henry Wilson utilize any portion of your territory or fishing sites?

A Yes. Because through that other type of amnigwootxw I was talking about earlier, that his requests of amnigwootxw as permission from me to use one of our fishing sites, which is called gwin k'alp.
THE COURT: I'm sorry. What was the word the witness used just a moment ago?
MR. GRANT: The name of the fishing site, my Lord.
THE COURT: That's -- you're giving me the name of the fishing site?
A Gwin k'alp.
THE COURT: I thought he used a word a moment ago relating to the kind of permission.
MR. GRANT: Amnigwootxw. It's the same term he used early, yes.
THE COURT: You know what I have for that word, it's not a privilege name, it's an actual name that gives them jurisdiction over the territory. I took it that this was some kind of special privilege or a privilege right different from amnigwootxw. Am I wrong in that?
MR. GRANT: Yes, my Lord. I took a note of it because of how the witness described it that there were two types of amnigwootxw. Firstly was privileged rights and then was the actual taking of the name.
THE COURT: Yeah. They're both using the same word?
A Yes.
THE COURT: All right. I thought it was probably a different word for them.
MR. GRANT:
Q So what you've described with Charles Smith is he took the name Bii lax ha and took charge of the territory?
A Yes.
Q And that is amnigwootxw used in one sense?
A Yes. You might say that type of amnigwootxw he took the territory and held it in trust.
Q For who?
A For our house.
Q Okay. Was Charles Smith a member of your house?
A No.
Q When he took that name did he become a member of your house?
A He did, yes.
MR. GRANT: Okay.
THE COURT: All right. And the name of the special fishing site, please.
MR. GRANT: Gwin k'alp, and I'll be referring to it in Exhibit 31 in due course on that. It's spelled g-w-i-n k'-a-l-p.
THE TRANSLATOR: Number 467.

THE COURT: Thank you. It's on Exhibit 349?
MR. GRANT: It's on Exhibit 31, my Lord.
THE COURT: Oh.
MR. GRANT:
Q Which I requested the registrar to produce. Your copies are -- I think are on the table. I think we will be referring to that in much more detail later. You said that Charles Smith took on this responsibility until around 1941 or '42. Did he keep the name Bii lax ha after that time?
A No. It was -- he took the name off and gave it to my grandfather, Jack Morgan.
Q And your -- and Charles Smith, he was -- he lived for sometime after that?
A Yes. Only a few years.
THE COURT: Your grandfather's name again?
A Charlie -- Oh, the one that received the name?
THE COURT: The one that received the name, yes?
A Jack Morgan.
MR. GRANT:
Q This is Geoffrey's brother?
A Yes.
Q I would like to move into another area, Mr. Mathews, and that is the area of your training to which you alluded or referred to this morning. Can you tell the court when your training to become a high chief or a Simoogit began and how did it begin?
A You might say it began when I first received my first name, Ligii ooyax, and it started progressing from there. We're told short versions about the adaawk like Biis hoont adaawk.
Q I will ask you about the adaawk in a moment, but you say that you were taught a short version of the adaawk?
A Yes.
Q Can you explain that to the court?
A Short versions would be similar to Barbeau's stuff.
Q You're referring to the type of notes that Barbeau would have taken?
A Yes.
Q Are there different -- are you taught different versions of the adaawk?
A Yes. Like I said this morning, that as you grow older the adaawk expands in more detail, and everything that's gone into it, the spirituality -- I say spirituality, we call sisatxw, purification.
THE TRANSLATOR: S-i-s-a-t-x-w.

THE COURT: I'm sorry. Can I have it again?
THE TRANSLATOR: S-i-s-a-t-x-w.
THE COURT: And what is that, please; spirituality?
A Yeah. It's a purification, the purifying of your very soul, your spirit, not physically, external.
MR. GRANT:
Q Um-hum.
A These types of thing, they expand and expand, but with the territorial names, the trails, the cabins, the exterior boundaries. It encloses everything after, it just expands, expands. It's similar like going to university where you hear these lectures daily hammered into you.
Q Were you taught the adaawk in more and more detail as you grew up?
A Yes.
Q And you referred to the, I think you've said the Biis hoont adaawk. Were you taught that in detail?
A Yes. By these three grandfathers, the short version of it I heard.
Q Which three grandfathers again, because you've referred to a number?
A I'm going to start with four, and the first short version I heard from my grandfather, Charlie Smith, and his wife, Sophia Smith, and then more in detail came through Jack, Geoffrey, Wallace, and my mother.
Q How long does it take to tell in its greatest detail the adaawk that -- let's take the Biis hoont adaawk, for example?
A Up to four months.
Q Is that every day type of thing, you mean?
A Yes. You fill in the details, it's really vast. Like I said this morning, it covers philosophy, it covers epics. It's life, death, survival, covers everything, covers reincarnation, it covers everything that we do day to day. It covers spirituality, why we have nax noks today, for instance. It's in detail, a detail which I can get into if you want me to get into that area.
Q I'll come back to that area in a few minutes. When the adaawk is taught in detail who is usually present?
A This is where we get serious. Just the family hears -- a Simoogit tells an adaawk in its -- it's like I described, all these material things, and nobody is allowed to hear this, because wisdom leaking out about our sisatxw, how we do it and how we realize things, hunting signs, all other things they say

1 belongs to that house itself. But actually the actual
2 adaawk itself publicly is told in feast halls, but not
3 the secret parts of it. That belongs to the house
4 itself.
5 Q Okay. You say that the adaawk talks about your
6 territory?
7 A Yes.
8 Q Is that right? Is that part of the adaawk talked
9 about in the feast hall?
10 A Yes. Like, for instance, in our starvation adaawk, it
11 describes in great detail our territory, camp sites,
12 bear dens, where food is available.
13 Q Do any of your adaawk describe the relationship or
14 teach you any significant relationship between your
15 house and bears?
16 A Yes. The Biis hoont adaawk.
17 Q Okay. Can you tell in the shorter version but with
18 some examples of the type of detail in the Biis hoont
19 adaawk to the court?
20 A Yes. I can do a short version of it.
21 THE COURT: Before you do that, I don't recognize that adjective
22 you used a moment ago, Mr. Grant, some kind of an
23 adaawk.
24 MR. GRANT: Oh, I'm sorry, I'm sorry. My Lord, that was the
25 name. I thought that it was my term -- can you give a
26 spelling for that word, Biis hoont.
27 THE TRANSLATOR: Biis hoont adaawk B-i-i-s --
28 THE COURT: Sorry, B-i-i-s.
29 THE TRANSLATOR: Yes. Space h-o-o-n-t space a-d-a-w-w-k.
30 THE COURT: All right. And what is that?
31 MR. GRANT:
32 Q Now, when you're referring to Biis hoont, is that the
33 name of a person in this adaawk?
34 A That is the name, yes, after she was found.
35 THE COURT: Name of a person?
36 A Yes.
37 MR. GRANT:
38 Q And is that name held by someone in your house today?
39 A Yes. My sister holds that name.
40 Q That is Mary?
41 A That is Mary's name.
42 Q Can you tell the court what that name means?
43 A Biis hoont, it's a meeting, like how shall I describe
44 it. If you see snow outside -- it's the bare ground
45 where the snow begins best, and it's xbaasin sint, we
46 say in our language.
47 MR. GRANT: Go ahead.

THE TRANSLATOR: Xbaasin sint, X-b-a-a-s-i-n space s-i-n-t.
THE COURT: That is what?
A Biis hoon. What I'm trying to describe here, the description I'm trying to make, the meaning Xbaasin sint. You take a look at Peter where his face meets his beard, that's xbaasin sint.
MR. GRANT:
Q You said it was like the snow on the ground?
A Yes. That's just to -- to get you to the meaning of what I'm talking about now. You see the gentleman here seeing what I'm trying to say, when I compare it with your face where your face meets with your beard, that's what we call xbaasin sint.
Q Okay. And when you hear the adaawk, does that explain that meaning and why that name?
A Yes.
Q Okay. Can you -- can you tell the court where that adaawk took place and then just describe in shorter form the adaawk and where you think it appropriate some of the detail, and you can advise the court this is a more detailed section?
A Biis hoont adaawk began -- the map I showed you this morning where we put number 1 at the village of Git lax an dek'. This adaawk begins at Git lax an dek' shown right here, and you could see it's outside of our territory. I will go into why that is. The chief of the village, this village here at Git lax an dek', was Bii lax ha, and the brothers were Tenimgyet and 'Wii hloots'. One day, fine beautiful day around August, middle of August, when they went out to pick berries, these berries we call salmon berries, what we call 'mii k'ooxst.
MR. GRANT: Can you give a spelling for that?
THE TRANSLATOR: 'M-i-i space K-o-o-x-s-t.
A These berries don't grow anywhere else in our territory except this place, Tsihl Gwellii. They went out to pick these berries. They went out early in the morning, picked all day, and they filled out the rough -- there were boxes, we have bent boxes we use for picking berries on our land which we call Galenk.
THE TRANSLATOR: G-a-l-e-n-k'.
THE COURT: And that's what you call these bent boxes?
A The Galenk', yeah, bent boxes.
THE COURT: Yes.
A And that lady's name before, Biis hoon, she was -- her name was Noxs Mesxw. No different -- no doubt about these young girls who are very proud and very choosy

and very picky, as she had three -- two of her uncles were chiefs, along with her father being the head chief.

THE COURT: I haven't got this girl's name?

A Noxs mesxw.

THE TRANSLATOR: Noxs mesxw was N-o-x-s space m-e-s-x-w.

THE COURT: Yes.

A Now, if we were telling this in a longer version we would stop there and go back and break it down, then the Yuuhlxamtxw takes over. The Yuuhlxamtxw and adaawk goes hand in hand. The person who's telling the story; Simoogit, or my mother, whoever, they stop here and start breaking this adaawk down. Okay. They say that is the reason we cannot be too proud, the bent box that I talk about symbolizes what you're trying to be told before. You're wise, you collect these and gather it inside these bent boxes as collections for your thoughts, or the bent box symbolizes these things that are told to you, so you see the problem here is you were to try to make an adaawk, it stretches and you fill out all these things, and that's why it's called an adaawk, and these things were done. But anyway, they went out to pick berries, picked all day, and filled the box. On the way home this proud young lady stepped and slipped on bear dung, which got her very angry and started calling these bears names, like in our language she called them naak'.

THE TRANSLATOR: N-a-a-k'.

MR. GRANT:

Q Before we proceed, Mr. Mathews also referred to another word when he said "My grandmother or my mother was telling the story". Do you have that word on the list?

A Yuuhlxamtxw.

MR. GRANT: Yes.

THE TRANSLATOR: It's 345.

MR. GRANT:

Q It's the last word on the list, I believe?

A Naak' in our language, what it means if we break it down to this, or something like a bastard or somebody with no father, no mother, that's what she said to these bears, "Why did this Naak' put his dung on the way". After saying that they continued their way home to the village. They didn't go very far, and the straps on this box we referred to started breaking, and it took sometime to put it together, and they

would put it together, she would put it together. The other ladies would try and help and say "No, get out of here, I don't need your help". Nevertheless, they kept on. This happened three times, and they -- it was getting towards evening, so she just told the ladies "I don't want any of your guy's help, go call my brothers, they'll come and get me", which the other ladies did. They left in -- they didn't -- I don't know, not so long after, she could see her two brothers coming, but this time they didn't look too strange, except they had bear hides across their shoulders. And when they met up with her she said "Oh, I'm having trouble with my back pack, can you help me". "Oh, yeah", he said, quickly gobbled up the berries and smashed up the box and threw it away. Anyway, then he said "Okay, we're going home", and which they did, they went. When they come to the village then it's kind of look strange to her. The houses were all the same but the people kind of look different because they all had bear skins hanging the wrong way. Anyway, he went into the house. Now, she knew it was different because her father was never close, he was always sitting way in the back, and he left her close to the middle of the house. That evening a little mouse, grandmother mouse, we called it in our language oowinjiits.

THE TRANSLATOR: Oowinjiits, O-o-w-i-n-j-i-i-t-s.

THE COURT: And that's a mouse?

A Yes.

THE COURT: Yes?

A This mouse came when she was sitting there and tickled her and must have been what you call it, Italian mouse, because he tickled her on the kabut(phonetics). And then the girl turned around and she seen him and she seen the little mouse and said "My grandmother wants to see you", which he quickly did, and the little mouse went under a little pile of branches, and as soon as Biis hoon, Naxs mesxw cleared the branches she was inside a house, this house, this grandmother's house, and the first order of the day when she got in there was she says "Take out the plugs from within your ears and throw it into the fire". This I asked my grandfather why the mouse and this, and she said it symbolizes conscience, it's not the actual mouse, but your conscience. Your conscience takes over after you make mistakes, and your conscience, you search, you start to take the plugs out of your ears and start to

see what you've overlooked or stepped over or over-reacted, or your conscience now takes over. That is symbolized by that mouse. It's a symbol. And this mouse told her you have been taken by the bears because you laughed about their -- or got mad over their bear dung, was the -- and he says you have to do what they tell you, otherwise if you die your house is wiped out, the whole village will no longer exist, so therefore you have to listen and do what you're told, which this girl -- and he told the girl "You go out to use the washroom". You see, she was a princess, had bunches of bracelets and earrings. "Every time you use the washrooms bury deep and put one of your things, your bracelets or broaches or whatever, put one of them on top", which the girl did. After he went -- this mouse, he went back, now she knows she was taken, kidnapped or kept by the bears. And when she used the washroom she would put one of these bracelets on it, and after she finished all the other little bears would come after it and put it on the end of a stick and start swinging and said "Look, no wonder why she laughed at us, it looks better than ours". And from there they left -- lived there all summer. Once in awhile the chief would tell them the other guy go get some fish, and which they did, and they would come back with great big strings, lines of fish. They would just string hundreds of fish on the line when they came back, and that the chief told the younger kids "Don't eat the skin of it because it will be too slippery for you", which my mother taught me when I was growing up. Part of the training -- that's part of the things that the young men in our group don't eat fish scale because it might get slippery when you go out hunting and slip and fall down. It would be a disaster. It comes out from this adaawk, but the bears were teaching her and she could listen to what the bears were teaching their children. And as they would do these things, go out gathering fish, one of them would be missing, and the chief would, use our language, oo hla daawihl saa waak'ooxst.

THE TRANSLATOR: Do you want the spelling of it?

THE COURT: Yes, please.

THE TRANSLATOR: O-o space h-l-a space d-a-a-w-i-h-l space s-a-a-w-a-a-k'-o-o-x-s-t.

THE COURT: And what is that, please?

A That in our language refers to adaawk waa k'ooxs, it refers to when somebody dies and they cremate them, oo

hla daawihl saawaak'ooxst. They say when somebody dies it means he's gone to another world where he could only pick these waa k'ooxs into another world.

MR. GRANT:

Q So it refers to when a person dies and is cremated?

A Yes.

Q Okay.

A And this happened all summer, and some of them would just come back in little parts, maybe just the feet would come back, or hand, or some of them would come back whole with big holes here. And the chief was talking to his people, say "You see that guy is not completed, that's because they never followed the rules back in your village, they spoiled and damaged or never followed the burning of the hide". If you didn't need it you would burn it for reincarnation's sake. If they didn't follow anything, part of a bear, it's not completed, it's not solid, it's not all there you might say because they failed to follow a certain rule, but that's why some of these things we still do today is to look after -- it's our belief in reincarnation through this bear business and what Biis hoon happened to -- seen happen to the bear, and towards the fall before the bears are around, the end of September, early October, the chief of the bears put up a big feast, was going to marry her off, because they were ready to hibernate, so she -- he put up a big feast, and then after which all the witnesses, I'm not going to go into details because you guys are all familiar with that, but they went to the feast system and he get up and says "Naa loosim dim ant neksxw hlguuhlxw'y", which means -- really means "Who out of all of you is going to marry my daughter, Noxs mesxw, and the bears -- one would volunteer, jumped up, and said "I will marry her", and he would say -- and the chief says "Where are you going to stay with her, which part of the country, where"?

A And some other says "At the bank", the bank of the river I'm talking about, not in the Royal Bank or anything, but in a bank, the river bank, and the chief says "No, mesxw is going to find it.

THE TRANSLATOR: Mesxw, M-e-s-x-w?

A That's Biis hoon.

THE COURT: That means dogs?

A That's the girl's dog's name, Mesxw. Right away these bears know that Mesxw is going to find it and Mesxw is

1 going to find it right away and sniff it out, and this
2 went on and on and on, and finally one in the back
3 said, there's an old bear sitting there taking care of
4 his wounds which he collected all summer, a big
5 grizzly. He said "My grandmother" -- his big foot
6 there, it had a crack, he was pouring hot pits on it
7 and jump around bank "Oh, oh", because the pits would
8 burn the way -- he was healing up his foot and he was
9 the last one there, and he was doing this thing. He
10 wasn't worried about anybody, he was taking his time.
11 Then said "I will marry her". And the chief says
12 "Where are you going to stay with her, where are you
13 going to live, which part of the country". "Oh", he
14 said, "I'm going to take her up Win laax lislisxwhl
15 anuhl.
16 THE COURT: Take her, I'm sorry, where?
17 A Win laax lis lisxwhl anuhl. I'll get to the meaning
18 after you get the spelling.
19 MR. GRANT: This is a place?
20 A This is a place.
21 THE TRANSLATOR: W-i-n space l-a-a-x space l-i-s-l-il-s-x-w-h-l
22 space a-n-u-h-l.
23 A And this is a description of where the slides -- it's
24 a unique slide that's on its -- only the slides come
25 down on both sides, and it kind of the shape at that
26 ground where it took, it just like a satellite dish,
27 comparing it today like a satellite dish. Any little
28 movement or noise down there you could pick it right
29 away, it was like a radar thing. That's why he called
30 it Win laax lislisxwhl anuhl. There's two -- it's
31 like a drum and you tried to touch it, it amplifies
32 sounds. The big chief says "Okay, you've got it
33 because mesxw is going to have a tough time trying to
34 find her", which they did. And when they started off
35 the whole village got up and they all departed, and as
36 they travelled couples would drop off here, there,
37 here, there, until they were the last two to keep on
38 going to go to this place called Win laax lislisxwhl
39 anuhl. When they got there the chief, the big bear,
40 grizzly bear, told her to go and get some bows for
41 matresses for bedding, and the lady knew how we did
42 it, humans, and went and got the most softest parts of
43 the bow, collected and put it down nice, beautiful.
44 This big guy grabbed them and throw them all out and
45 said "It's no good, it doesn't work, it's not good,
46 too hard, you get bruises on it, just imagine if you
47 sleep on this all winter, you get bruises all over."

He went out and showed her and he went out and got great big tops of the trees and put them there, and the girl said when he came home that it's just as soft as anything that she did, the branches off the ground and just like natural spring mattress. And they prepared for winter, and during the winter he said that every time Biis hoon -- this big guy would be napping most of the time, and every time Biis hoon got hungry and said "I am hungry, what do you want to eat", "Oh, I will have some pieces", like he would pull it out of the back of his pocket and give it to her. And meanwhile back at the village the Git lax an dek' people were looking for her, and when they found the place where the lady said this is where we left her and told them what happened, so where the -- showed where the girl was, and when they seen it through human eyes they seen that was bear tracks beside human tracks, that's when they know that this girl was taken by the bear. They went home during that winter. The oldest one started what we call sisatxw, which I was referring awhile ago. Just purification.

MR. GRANT:

Q This is the oldest?

A The oldest of the brothers.

Q Of her brothers?

A Yes.

Q Sorry, go ahead?

A And when the sisatxw, he did it but he cheated. When you sisatxw you're not allowed to sleep with your wife or sex or any of that thing, but he did and he broke the rule, so when he went up to look he would never find, every time he come close the big bear would put his finger in the mouth and point it out of the way. That's where he would go. He can never come up with it because of the location of this Win laax lislisxwhl anuhl. You can see right up around. The second brother followed -- he followed it correctly, only mistake he made was when he eat these woo'uumst.

THE TRANSLATOR: Woo'uumst is W-o-o'-u-u-m-s-t?

A And this is what they use for purification, and he -- when he went in there he didn't have sex, he didn't have all the other elements that you go through purification, but his mistake was the woo'uumst were all the different lengths, so it didn't work.

MR. GRANT:

Q Can you describe what that is?

A Woo'uumst is double club.
Q Okay.
A And they would peel the end, the outside bark, and eat the inside, and they would take this peel, the outside, and burn the outside where the thorns are. If they're pokey, if you've ever seen a double club, they're real pokey on the outside, and in the summertime they're quite poisonous but, anyway, he eats it -- he eats it, and then he would light the bark that was left and inhale it, and he would call the bear, "Eh", going like that, and when he did that, the smoke of what he did went into the bear den, and this big bear den -- this big bear would start fanning it out of his den. He knew he was trying to perform this sisatxw, and he did the same thing, he went out, but like I said, he cheated and getting too sick over this stuff, so he cut some short, and the same way, when he got close there that big bear would do the same, stick the finger in his mouth and point him out the way, point away a different direction from where the den is.
Q Just for the record, you're indicating putting the finger out and indicating pointing around and stretching your arm out. Go ahead?
A But when the youngest one, the youngest one, the baby brother you might say, his name was -- you want the name of this guy?
Q Yes. If you can?
A His name was Tsilim tk'iiwen. Richard Morgan's young boy holds that name now when we adopted him through Gertie Brown.
MR. GRANT: Can we get a spelling for that?
THE TRANSLATOR: Tsilim tk'iiwen, T-s-i-l-i-m space t-k'-i-i-w-e-n.
A And meaning that Tsilim tk'iiwen, if you're inside the bear den the bear's feet would go ahead headed -- feet come ahead of the body, the paws. When he was preparing his sisatxw he would do everything right to the tee, to the perfect, the lengths of the arms were the same. The days of the steam bath, the guxw uutxw, we call it.
THE TRANSLATOR: Guxw uutxw, g-u-x-w space u-u-t-x-w.
THE COURT: I'm sorry. Did you say O-o?
THE TRANSLATOR: N. G-u-x-w u-u-t-x-w.
THE COURT: And what does that mean, please?
A It's a sweat box, like some of your saunas.
THE COURT: All right.

A And he would do all these when he -- and when he was doing it, when he was eating this woo'uumst, would spit some of the juice of the mouth of the dog, and what he was was doing -- both him and the dog were now sisatxw, and he would repeat what he -- the other guy would to him. When he inhaled the smoke from the woo'uumst bark, and when he would puff it out in the back in the bear den they would come in as arrows and stuck quickly, took root to the ground, and this big bear couldn't pull it out, it stuck, and they were just half suffocated there because of this tremendous smoke that was coming in, they couldn't get rid of it anymore, it was deep rooted. In our language we call that, when that starts to happen, Hla mitxw hli set.

THE TRANSLATOR: Hla mitxw hli set, H-l-a space m-i-t-x-w space h-l-i space s-e-t.

A Which means he's ready, he's -- his soul is ready, the body is ready. He is part -- if you're trying to relate it to your land, he's right there spiritually, physically, mentally, he's all there prepared. And when this started happening the big grizzly started teaching his wife what he would do. He knew they were going to come now, so he started teaching it. He would show this lady what the people back in the village were doing. He would just point at a wall and show them, "See what they're doing here, see the mistakes they're doing", it was -- he could -- that's why we called him Nax nogam lik'i'nsxw.

THE COURT: Are you saying that he taught his wife or pointed out to her the mistakes people in the village were making?

A Yes. Was showing her through visions, using the wall.

THE COURT: All right, thank you.

MR. GRANT: Do you have that?

THE TRANSLATOR: Um-hum. Nax nogam lik'i'nsxw, N-a-x space n-o-g-a-m space l-i-k'-i'-n-s-x-w.

A And all that says in our language is supernatural grizzly.

MR. GRANT:

Q Um-hum.

A And some of the things we do today directly where this big grizzly would show them the mistakes, he picked it up through these demonstrations he was showing on the walls of the caves, and when he was doing this he knew and then he taught Biis hoon the song to sing when he was dying, the dying song. We have that in our house.

Q Is it still used today?

A Still used today. They also have song -- another song he composed and taught this woman was the song after he died. They would sing it after this thing would die. He also taught her not to put his hide after they would kill him, he wanted his hide -- left the hide intact. That was just skin and take it off and not to put it on the ground or dirty it in any way, shape or form. That was a real law. He didn't want any part of him dirty, and if you go see our training this is the symbol of respect. You never put down anybody to soil, we have respect for other people. That's all that means, is to respect and honour. And there was a reason why, and he told his wife, Biis hoon "When you're taking me home, you're tired, put this hide over you, tell your brother not to look back but look straight ahead", and she would. And she would turn to half bear/half human, which I hold the name, Tenimgyet, he turned to Tenimgyet, half bear/half human. That was the instructions he left. Meanwhile, her young brother was coming. He started off early, he knew the spirits were good, he came, the signs, the hunting signs were all there, some of the hunting signs we have. He had it all that day, like the reading of the chickadees. If you're going hunting, this was specified by that big grizzly, and that's what happened to him when he went -- if the bird -- the chickadees come from ahead of you and sit behind you you go straight ahead. The chickadees come from whatever direction, they come from -- you're turned that way, and that's where you will make a kill. Even today we use that sign. Also, Gaak, the crow, was there. He knew the signs, and if the crow comes it just flies over you, never says nothing, just the wing beat. You could listen to it, like that, you know, certain kill come. We still practise that, teach it to my children, these signs I'm telling you now. We still do these things, these practises. All the signs were there, and he kept going until he was at the foot of -- his sister could see him coming way over, but he was captured by the bears, he couldn't holler, the guy couldn't hear because they were in two different worlds, so he couldn't hear.

Q His sister?

A His sister hollering and screaming, but he knew where he was going, like the signs were all there, and he just kept going until he got to the foot of this big mountain, of this Win laax lislisxwhl anuhl. There

the sister ground some -- soft snow around March and her fingerprints and hand marks were there and dropped it, and it rolled down and landed right on his snowshoes. He picked it up and his dog just sniffed it and made one bark and started wagging his tail. He knew the master was up there.

THE COURT: Sorry?

MR. GRANT: He knew.

THE COURT: Knew what?

A He knew that that, the dog, that Biis hoon was up there. That was the dog's master. He started wagging his tail and jumping and barking, and started going up just -- you know how a dog is when they recognize, kind of feel strange if you're away for awhile. That's what happens, they kind of bark and hesitate. That's what this big dog was doing. And the brother went up, all the instructions were there, the sister that was in the cave knew, the bear told him that they will never kill anybody inside a den, they will never have cubs. I mean they will have cubs before they're killed, still happens today, and he told that they will never kill anybody inside the den, which part of this adaawk -- this part of the adaawk my uncle Andrew Derrick told to me. I will go into it later.

THE COURT: I'll have to take the adjournment now, Mr. Grant.

MR. GRANT: Yes.

THE REGISTRAR: Order in court. Court is recessed.

(PROCEEDINGS ADJOURNED AT 3:05)

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

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Graham D. Parker
Official Reporter
United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURNMENT)

THE REGISTRAR: Order in Court. Ready to proceed, my lord.
THE COURT: Thank you. Mr. Grant. Oh, I should tell counsel before I forget that I won't be able to sit on Wednesday morning. I'm statutory director of the Vancouver Foundation and they have four meetings a year and I'm expected to be there, as I say, on the statutory record. I don't have any choice in the matter.
MR. GRANT: You could invite them here, my lord.
THE COURT: They might find some proper subject for charity here. I don't know.
THE REGISTRAR: But we will sit in the afternoon?
THE COURT: We'll sit in the afternoon.
MR. GRANT: So the entire morning we'll be off on Wednesday?
THE COURT: Yes.
MR. GRANT:
Q Mr. Mathews, you were proceeding to tell -- in the process of telling the adaawk. I believe from recollection you were at the point where the younger brother --
A Was at the site.
Q Can you just proceed?
A Yes. He come to the site, like I said, with this snowball, making it roll down. I went past that.
THE COURT: I thought it was inside the dens where you won't be killed.
THE WITNESS: I was just talking about our -- the loss of the bear; that they'll never kill anybody inside the den, or they will have their cubs inside the den. This was told by this big grizzly.

Anyway, this younger brother came right to the mouth of the den and his sister poked her head through the cave and says, "Just wait. Just wait here. Don't do anything. Just wait". She went back in. Not long after the brother heard these little cubs were being born. He could hear the cubs. Then she handed them out to him one by one, two of them.
MR. GRANT:
Q There were two of them?
A There were two cubs. And told his brother the instructions that were left by this Nax nogam lik'i' nsxw. You got that?
Q That's the name of the grizzly bear.
A The grizzly bear. He says, "Don't kill him yet. Don't do anything. Let him come out. Come out of the cave", which he did, and then they killed him outside the cave. And when he was dying, the woman sang that

Dirge song.

And after that, they put his body on -- they prepared these hemlock branches, where his body was going to be laid after they killed him. This is instructions left by -- and they did. And they followed the instructions right to the T like we said when they field dress him, keep his body off the ground, not to get it dirty. All that was done perfectly.

And when they were on their way down back to -- to the village, it's pretty steep, and he's just giving birth to these two cubs. He told his brother the instructions, "Don't look back. Just go straight ahead, whatever, here, anything. Look straight ahead. Don't turn back. Don't look back". When they're descending from this cave, he put this hide on her and she walked down perfectly without any problem, slipping or -- or anything. When he got down this -- when he did this, the brother would hear a big grizzly. They know the sound of a grizzly and that's what he here, but he kept going straight ahead. He could hear this grizzly behind him, but he knew the instructions and he did.

When they came to the edge of the village, that's when the white Biis hoon sang the other bear song, which they -- if it's a male, they say hiilee on the song. That meant there's a male bear. If it's a female bear, they say oolee. There's two. If it's a male bear, they say hiilee and if it's a female, they say oolee on the song.

And his father missing her come running up and meeting her. He'd hand him these bear cubs. That was his grandchildren. Then they take them. Another instruction the bear had, the big grizzly had, is when they would arrive at the village, they would put up a pole for the cubs to play on. They call it an bax. We have that today too, an bax. Wherever we set up camp, we make sure and put up a pole. An bax, we call it.

MR. GRANT: Could we have a spelling for that, please?

THE SPELLER: An bax, a-n-space-b-a-x underlined.

THE WITNESS: And these little bears, as they grow a little older, they would run up and down this an bax. That was the purpose. That was the instructions strictly left by their dad. And during the time that Biis hoon was captured, there was no bears, nothing. They disappeared. The village was almost in famine. They

had nothing. Even the fish disappeared, as mentioned by this grandmother mouse, told them what would happen. If he followed directions from that mouse, everything would come back once he was recaptured, which happened, and every time these little bears would run up, they would see outside on the great big mountains there. We call it haahl daax.

MR. GRANT:

Q Could you give us that name?

A Haahl daax.

THE SPELLER: Haahl daax, h-a-a-h-l-space-d-a-a-x.

THE WITNESS: And these big mountains, haahl daax, it's situated right here on the map, by the Sand Lake.

MR. GRANT:

Q Okay. It's indicated on --

A Right at the corner.

THE COURT: Where is that between?

MR. GRANT: Exhibit 349.

THE COURT: Yes.

THE WITNESS: Sand Lake.

MR. GRANT: The far left corner of Sand Lake where you see that Dam Git axsol, that's Sand Lake.

THE COURT: How do you spell Sand Lake?

MR. GRANT: Sand. It's S-a-n-d. It's actually underneath there.

THE COURT: That's the English name of Sand Lake?

THE WITNESS: Yes. Dam Git axsol we call it.

THE SPELLER: That's 411 on the word list.

MR. GRANT:

Q And -- and then there's this mountain that you're referring to?

A Yes. Haahl daax.

MR. GRANT: Possibly we could put a "2" underneath on the red where that is.

THE COURT: That's just north of the lake, is it?

MR. GRANT:

Q Yes. It's different from where the writing is, my lord. So I'll have him mark it. Can you pass that up? The witness put a number "2" on it.

A Yes. These bear cubs would see, like, a little puff of smoke. You ever look out in the morning? There's a little puff of smoke along the sides of the mountains. That's what them little bears would see. And they point at it. They say, "There's my grandfather's smoke, my grandfather's", and these hunters would go and find these -- the bear in the den where they have located. These little bears would

1 know exactly where these -- the bear den are.
2 And even today we use the same sign to look in
3 that general direction. If we are searching for
4 bears, we would still use the same thing. And that's
5 what -- these little bear cubs would point anywhere on
6 that area where the bears' dens used to be. And in
7 our other adaawk, that bear den still exists today,
8 some of the bear dens that these little bears would
9 identify, and we still use them today as markers in
10 our territory.
11 And I think I'll just come to a stop.
12 Q I just wanted to ask you a few questions. One is you
13 mentioned that there was a feast described in the
14 adaawk, and you just made mention of that. When the
15 adaawk is told to you in detail, are -- is the detail
16 of the feasts and what you're to do at feasts
17 described?
18 A What I've just described here would have been told at
19 a chief -- at a feast hall.
20 Q Yes.
21 A Some of the most detail I've just pulled out. Like,
22 this is the sisatxw part. That's a sacred part to us.
23 Q That would be told within your house?
24 A Within our house. And the signs are pulled out. You
25 guys would make good hunters now.
26 Q Now, I'd like to show you just to -- when you were out
27 on the territory, were you shown where this -- these
28 events occurred?
29 A Yes.
30 MR. GRANT: And I'd like to refer you to the Tab 10 in the
31 exhibit book -- or the document book, I should say,
32 which is a series of photographs. And all of the
33 photographs have numbers on them and the numbers are
34 correct. I will refer to them by number, my lord. I
35 think in a couple of places one or two photographs are
36 switched in location, but the numbers are all correct,
37 as I understand. Now --
38 MR. PLANT: Perhaps before my friend asks any questions about
39 these photographs, are they on the list of documents?
40 MR. GRANT:
41 Q No. These photographs -- a list of documents is being
42 delivered to my friends later today or tomorrow, which
43 these photographs will be on. They're not on a list
44 of documents, as well as the other documents that are
45 not already listed here will be on that as well as
46 other documents that weren't listed earlier.
47 I just ask if you could refer to any photograph

which shows the area where this was?
A The recollection of people that I've asked known pointed out to me they pick berries in this general area.
Q The witness is referring to photo number 29, my lord, which is a photograph of two persons looking at -- this lake is Gitsim Geelum Lake?
A Gitsim Geelum.
Q Now, you indicated where they were picking berries. This is where Biis hoon was?
A Yes.
Q Can you just on the photograph put a mark, a number "1" in the area where she was picking berries on that photograph?
A In this general area.
Q Okay. Just one moment.
A Almost on top of the person writing it.
MR. GRANT: I'll show that to the Court.
THE COURT: Put a "3" there.
MR. GRANT: Put a number "1" on that photo number 29 in red.
THE COURT: How did you mark it?
MR. GRANT:
Q With a number "1". I'm just going to -- now, can you in that photograph see the area, or in any other photographs see the area where the grizzly bear took the Biis hoon?
A It's up in behind this mountain here, in that area behind -- do you see that from here and go up? There's a creek, a river going up into this area in behind here.
Q Okay. So it's in behind a mountain which is on the skyline to the right of photo 29. So if I put an arrow that way, that would be in behind that?
A It's in behind there.
MR. GRANT: And I put an arrow behind to indicate behind where it would be. It's on the skyline, indicating where the witness showed.
MR. PLANT: My lord, when I took the answer to a question one or two questions ago, I made a note to the effect "various people told me", and if the -- or "people I've talked to", words to that effect. If this evidence comes from that, I would like to have the source of the information stated. It's not an objection to the question though, my lord.
MR. GRANT:
Q Yes. I will be coming to that, my lord. I'll deal with it now. Who were the people that told you where

this was?
A My dad, standing right there on the photo.
Q Yes. What about your grandfathers?
A My grandfathers: Geoffrey, Wallace and Jack.
Q And your dad is the person on the left in photo 29 as you look at it; is that right?
A Yes.
Q Now, I'd like to return for a moment to your training. Have you yourself been involved with your grandfathers in hunting bears?
A Yes. But mostly with my Uncle Andrew Derrick.
Q Oh, yes.
A Ax dii mihl. In our laws, ways, traditions, your grand -- your uncle is responsible for field training. When I say "field training", it involves hunting, survival and the sisatxw that I talked about. He's the one who's in charge of training. I remember one time at Xsi Gwin ixstaat -- Xsi Gwin ixstaat at Pacific Place on our berry patch called Win luu gan.
MR. GRANT: Can you give a spelling for that?
THE SPELLER: Win luu gan, w-i-n-space-l-u-u-space-g underlined-a-n.
THE COURT: What is that, please?
THE WITNESS: Win luu gan. That's a name of our berry patch. It's a description of where our berry patch is.
THE COURT: Thank you.
THE WITNESS: In the Wilson Creek area, Xsi Gwin ixstaat area. We went out early in the morning. He didn't tell me where we're going. He just said "Come". We went, and we went up the trail to this berry patch, and there he knew a bear den; took me there, and this was around early March. You could see it's starting just to melt at the mouth of the cave. He went; sharpened the end of a stick so long. I didn't have a tape to measure, stick, sharpened the edge.
Q Between two to three feet long you indicated?
A Yes. Gave it to me and said, "Get in there and wake the bear up". With great respect and honour for my uncle, I went in. I went half-way in and just like anybody else, I chickened out and came crawling back out again. Then he told me about the things, Biis hoon.

I was telling you a while ago that this bear instructed that he'll never kill inside the den, so he told me, "Just go in there. It's not going to kill you. Just wake him up", which I did. I felt better when he told me this from our adaawk, because I had

great belief in the adaawk, spirits, belief. So I went in there and give it a good poke. I could feel it moving around. I then came back out, and the bear was right behind me. When they're in the den they're blind anyway. When they come out, they don't know.

And he killed him, shot him once. And as the bear was still half dead, you might say, it's still going like that, he grabbed me and rubbed my face on its mouth, indicating that we will be fearless and fear nobody; we would have power, same power as this grizzly had. And that's one of the trainings I had.

Q How old were you when that happened about?

A I was early teenager, probably about 13 years old.

Q Can you indicate on the Exhibit 349, I believe, the map -- yes, Tab 5. Can you indicate where this event occurred? Possibly you can --

A Such a small area. It will be around here somewhere.

Q Just approximately.

A Yes.

Q Okay.

A Just a creek over here. It will be in that general area.

Q Do you want to just put a "3" there? It's where the "3" is. The witness indicated it's very small, so it's just approximately there because of the size of the map.

You described -- when you were describing this adaawk, you described about the lesson about the chickadee and the raven?

A Yes.

Q Have you used that yourself?

A Yes. And that's been taught also by my Uncle Andrew Derrick, which his name in our name -- I shouldn't use the English name too much, but his name is Ax dii mihl.

Q That was your mother's brother?

A Yes.

Q It's on the genealogy at page 3, my lord, Mr. Andrew Derrick.

Is there anything that you do to provide for bears because of this relationship out of this adaawk?

A Yes. Even today when my mother and father are fishing down at this area, Wilson Creek, Xsi Gwin ixstaat, through the training of this great grizzly, we -- whatever fish that's too badly damaged by seals and whatever, they're old, some of them we catch them that way, we put them on the beach just a little further

down above our smokehouse to feed the bears. The name of the place where they usually could do this is Xsi gwin alak', they call them. It's on our fishing site map.

Q Possibly, my lord, we could refer to Exhibit 31 for identification. This is Exhibit 31 in these proceedings. And this map is -- this is a Kitwanga -- labelled the Kitwanga fishing sites. You can see Kitwanga there and it goes downstream. Now, can you refer to the fishing site? You're referring to the one that is entitled Gwanksim tsim alak'?

A Gwanksim tsim alak'. There's two sites there, you have to remember.

Q Okay. The name that's on the map is G-w-a-n-x-s-i-m, second word j-a, third word a-a-l-a-x. I say that because it may be different than how Miss Stevens -- the witness is pointing to that site. And there are two sites there?

A Yes.

Q One is a little bit upstream of where that triangle is?

A Yes. There are two.

Q And your smokehouse is at which site?

A There it is, Miinhl am k'ooxst.

MR. GRANT: That's M-i-n-h-l-a-m-g-o-o-k-s-t. Do you have the area the witness is referring to, my lord?

THE COURT: Yes.

MR. GRANT:

Q And that's the location of your smokehouse?

A Yes.

MR. GRANT: Okay.

THE COURT: Where is the smokehouse again, please?

MR. GRANT: At Miinhl am k'ooxst.

THE COURT: Oh, yes.

MR. GRANT: See that on the map?

THE COURT: Well, actually there are three fishing sites there that are said to belong to Tenimgyet.

MR. GRANT: There are more than that, but the witness was referring to the one where the one triangle is furthest upstream on the right bank.

THE COURT: Yes.

MR. GRANT:

Q And he indicated that there are two fishing sites there, the one that's labelled Gwanksim tsim alak'. I'll return to that exhibit later in your examination. Now, is there an adaawk of your house that refers to -- I'll say refers to 'Wii hloots' and

a dispute between him and his brother?
A Yes. 'Wiihloots' at an ancient time -- when I say "ancient time", the one you're talking -- the one I'm going to talk about our adaawk, had a big village at An gol hon, at Woodcock, a place at Woodcock, a place there now known as Woodcock.
MR. GRANT: That name is on the map, Exhibit 349, my lord.
THE COURT: What's it called again?
MR. GRANT:
Q An gol hon?
A An gol hon is the name of the fishing site, but the village itself --
THE COURT: A-n-g-o-l-h-o-n?
MR. GRANT:
Q That's right. That's the location.
A 'Wii hloots' lived there and Tenimgyet.
THE COURT: I'm sorry. Who is this person that lived there?
THE WITNESS: 'Wii hloots'.
MR. GRANT: Can you give a spelling for that?
THE SPELLER: 'Wii hloots' is 474 on the word list.
MR. GRANT: Can you -- do you have the spelling there?
THE SPELLER: Apostrophe-W-i-i-space-h-l-o-o-t-s-apostrophe.
MR. GRANT:
Q This is a chief in your house, 'Wii hloots'?
A Yes. Him and his brother, a Galaa 'uu.
MR. GRANT: Do you have a number for that, or the spelling?
THE SPELLER: Galaa 'uu, G underlined-a-l-a-a-apostrophe-u-u.
MR. GRANT:
Q And that's another chief's name in your house?
A Yes. The brother of 'Wii hloots'. They lived at this An gol hon, we call it, and his brother, Tenimgyet, lived in Xsi win ixstaat, Wilson Creek in the map.
Q And it's the name just downstream of An gol hon on the map --
A Yes.
Q -- on Exhibit 349?
A 'Wii hloots' and his brother originated, like I said before, from Tsihl Gwellii, from Git lax an dek', and from time to time, like, they had remembered the vast amount of many caribou that came through Tsihl Gwellii area. At the time there was hardly any meat available, only fish available. He had a great big fish trap. We call T'in.
MR. GRANT: Do you have a spelling for that?
THE SPELLER: T'in, T-apostrophe-i-n.
THE WITNESS: And they had lots of fishing but no -- nothing in meat. And they remember. They know their territory

really good. They remembered the caribou that comes through Tsihl Gwellii. So they set off from An gol hon past Xsi win ixstaat. They took the trail from Tsim ts'itixs, we call that.

MR. GRANT: That's shown on the map. Do you have it?

THE COURT: No.

MR. GRANT: It's on Exhibit 349. It's the third triangle downstream, and it's -- the name is written across in black.

THE COURT: What is the name again?

MR. GRANT:

Q Tsim ts'itixs. It's on the map as T-s-i-m-t-s-i-i-x.

A They followed this trail to the -- go to their top end of their territory coming from Woodcock, from the top end, I'm talking about, Tsihl Gwelii, Cedar River as known on the map. In this general area they wanted to go to get the caribou. When they got there, the caribou was -- wasn't too many caribou, but they killed one caribou. We call it Wijix.

THE SPELLER: Wijix, W-i-j-i-x.

THE COURT: What does that mean? That means caribou, does it?

THE WITNESS: Yes.

MR. GRANT:

Q That's the name for caribou.

A They -- there's a specified place where they get caribou here where they used to snare them and trap them, and the place in the Tsihl Gwellii territory where they go for this caribou is called Ts'imaakhl gan k'ok'.

THE SPELLER: 398 on the word list.

MR. GRANT:

Q Can you just indicate where that is?

A This is a pretty small map.

Q There's a name here in the south end.

A Yes. There's a name on there.

MR. GRANT: It's where the name is located. Can you see that?

THE COURT: What's the name, please?

THE WITNESS: Ts'imaakhl gan k'ok'.

MR. GRANT: You can see it. Is just above the Gitsim Geelum Lake, T-s-i-m-a-a-k-h-l-a-n-g-o-k-h-l in black. It's the western -- the far south-western corner of that inside the black boundary.

THE COURT: Yes. What is that, a river?

THE WITNESS: It's a slope on the mountain like a bench. The mountain would come down and there's a bench, like a ledge. It's a ledge along the mountain, not a narrow ledge but it's a forest area. And Ts'imaakhl gan

k'ok' means the mouth of the snare. That's where they picked up this caribou, and they chased it down to the flats just at the head of Git axsol, on the swamp area just above Git axsol on the place they call Laalaxoo. Laalaxoo in our language is swamp.

MR. GRANT: Well, Laalaxoo is right along that western boundary there, my lord, just below Sand Lake on Exhibit 349.

THE COURT: Yes.

THE WITNESS: And that's where they killed this caribou.

THE COURT: I'm sorry. Was Sand Lake not -- is Sand Lake the large lake in the lower left-hand corner? I thought Sand Lake was the one up at the top.

MR. GRANT: It's at the top, that's right. And between the name that was given before, Git axsol, and Sand Lake, the one in that upper corner, you see along the boundary a name Laalaxoo?

THE COURT: Yes.

MR. GRANT:

Q That's the name and the place the witness is now referring to.

A That's where they killed the caribou. And when -- after they killed the caribou, they both shot at the same time with their arrows and killed it, and when they got there, they fought over this caribou and it end up that Galaa 'uu killed 'Wii hloots' over the caribou.

After that he was so grieved when he seen this Gaak coming, the one I mentioned before in the adaawk, this Gaak came, flew over him and sat right close and started cawing.

Q That is a raven?

A Started cawing. And he got so grieved of what he did, he composed a Limx oo'y. It's a Dirge song.

THE COURT: I'm sorry. Are you saying dread song or Dirge song?

MR. GRANT: Dirge.

THE COURT: What do you think, Mr. Grant? Shall we adjourn?

MR. GRANT:

Q I believe he's almost finished this and if we could just bear this for a moment.

A After he did that, like I said, he was so grieved. He cremated his brother there, 'Wii hloots', turned around and went back home. When I say "home", he went back to An gol hon. We could leave it there if you want to.

THE COURT: Back to Woodcock?

THE WITNESS: Yes.

MR. GRANT:

Q And where was his brother, 'Wii hloots', buried?
A At this place at Laalaxoo.
Q You're indicating a place on the far left or the far western edge of the Tsihl Gwellii territory?
A Yes.
THE COURT: All right. Thank you. We'll adjourn until tomorrow morning at 10 o'clock.
THE REGISTRAR: Order in court. Court will adjourn until 10:00 a.m.

(PROCEEDINGS ADJOURNED UNTIL MARCH 15, 1988 AT 10:00 A.M.)

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

Kathie Tanaka, Official Reporter
UNITED REPORTING SERVICE LTD.