March 8, 1988
Vancouver, B.C.

(OTHER MATTERS SPOKEN TO)

THE REGISTRAR: Calling Delgamuukw versus her Majesty the Queen. I caution the witness you're still under oath.
THE COURT: Mr. Grant.

EXAMINATION IN CHIEF CONT. BY MR. GRANT:
Q Yes. Mrs. Wilson-Kenni, Steve Robinson, the present holder of the name Spookw has a number of grandchildren?
A Yes.
MR. GRANT: And --
THE COURT: I'm sorry, did you say Steve Kenni?
MR. GRANT: Steve Robinson, the present holder of the name Spookw.
THE COURT: Okay.
MR. GRANT:
Q And do those grandchildren include Bruce Robinson?
A Yes.
Q Trina Robinson?
A Yes.
Q Steven Michael Robinson?
A Yes.
Q Jennifer Robinson?
A Yes.
Q Andy Kergen Robinson?
A Yes.
Q And have those children been adopted into any house?
A Into the House of Spookw.
Q And can you explain how, if they're his grandchildren, they would be able to be in the House of Spookw when he -- are they -- let me ask you another way; are they children of his son's or his daughter's?
A His son's.
Q Do you know Steve Robinson's wife?
A Helen -- Steve Robinson's wife, yes, Eileen.
Q Eileen?
A Yes.
Q And which house does she belong to?
A Nikateen.
THE COURT: I'm sorry?
MR. GRANT: Nikateen. That is N-i-k-a-t-e-e-n.
THE COURT: I'm sorry?
MR. GRANT: N-i --

THE COURT: Yes.
MR. GRANT: -- k-a-t-e-e-n.
THE COURT: And these are children of his daughter?
THE WITNESS: Children of his son.
THE COURT: Of his son.
MR. GRANT: That is the grandchildren I've named.
THE COURT: Yes.
MR. GRANT:
Q He has two sons?
A Yes.
Q Bruce Robinson and Victor Robinson?
A Yes.
Q And these grandchildren are the children of those two sons?
A Yes.
Q Were they adopted into his house? Let me ask you this: Were their mothers of these grandchildren members of the House of Spookw by birth?
A No, they were adopted into the house.
Q And their children were adopted with them?
A Yes.
Q Okay. Now, these grandchildren and their mothers are not on the genealogy at tab 1; is that right?
A That's right.
Q Okay. But they are members of the house?
A Yes.
Q Okay. Do you know Marian Nobles?
A I don't know her personally, but she is -- she is I believe one of Adelaine's children.
Q Adelaine?
A Adelaine. She's Adelaine Holland now.
Q And is she -- what house does she belong to, that is, Marian Nobles?
A Spookw.
Q And is she referred to on the genealogy?
A No.
Q Do you know William Gerow or Gerow, G-e-r-o-w? Do you know who that is?
A I don't know him personally, but he is one of the Gerows that's Adelaine's brothers.
Q And what house does he belong to?
A Spookw.
Q And is he -- was his name on the genealogy?
A No.
Q Okay. Now, with the additions of these people that you referred to this morning on the genealogy, are those all of the members of the House of Spookw --

A Yes.
Q -- to your knowledge? Yesterday I was asking you about certain decisions of the -- or certain matters in which the Hagwilget band was involved in the Catholic public schools, Hagwilget Rock, and the membership code. Has the Hagwilget band -- can you just to give the court some idea -- can you tell the court how many reserves the Hagwilget Band administers under the Indian Affairs system?
A The Hagwilget -- there's Hagwilget and there's also the Bulkley Reserve.
Q And approximately where is the Bulkley Reserve located?
A I guess it's approximately 12 to 15 miles from Hagwilget.
Q Would that be east or west or south-east?
A East. East.
Q Okay. Now, how large is the Hagwilget Reserve?
A Hagwilget Reserve?
Q Where the village is located?
A It's 306 acres.
Q And how large is the Bulkley Reserve?
A It's about a hundred and ten acres.
Q Okay. Since you've been the band manager had the Hagwilget band considered economic development projects of any sort?
A Yes.
Q And can you give an example of the type of economic development you've considered or the band has considered?
A Well, one of them was a sawmill.
Q Why was the band interested in economic development, and in particular a sawmill? What was the purpose of that, the intent of the band?
A Well, it was to create employment.
Q Can you give some idea of the unemployment rate among the Hagwilget people?
A It's quite high. It's about 80 per cent.
Q And did this sawmill project go ahead?
A No, it didn't.
Q Okay. Can you explain to the court what happened to it?
A Well, for one thing I guess the main reason was that we realized that we had to get permission from the chiefs, the hereditary chiefs, in order to get the timber for it.
Q And where was it considered that you would be doing

the logging? Where was the idea of the band to do the logging?
A Well, at the Bulkley Reserve.
Q And do you know whose territory that is on?
A The Bulkley Reserve?
Q Yes?
A I think it's Djogaslee.
MR. GRANT: Okay. That is on Exhibit 63, the chiefs list, number 5. You have that list I believe, My Lord.
THE COURT: Yes, I do. Thank you.
MR. GRANT:
Q And that's a Gitksan chief Walter Wilson?
A Yes.
Q And he is of which clan?
A I know it, but I can't put my mind to it.
THE COURT: Well, lead it, Mr. Grant, I'm sure it's not going to be a matter in dispute.
MR. GRANT:
Q Certainly, My Lord. You've referred before to me that he was of the Lax see'l or frog clan; is that right?
A Oh, yes.
Q Now, in the preparation of that project were you involved in discussions with representatives of the Ministry of Forests as the band manager for Hagwilget?
A Actually, no.
MR. GRANT: Now --
THE COURT: I'm left hanging, Mr. Grant. Did the chief Djogaslee, or however it's pronounced, number five, did he agree to the request of the, or the suggestion of the Hagwilget band council, to develop the timber on that reserve?
MR. GRANT:
Q Did you go to Djogaslee about the development of the -- of logging the timber on that territory? Did the band go to him?
A No.
Q Okay. Can you explain why not?
A Well, for one thing the -- what would have had to happen is we would be forced to do clear cutting and we had to think about that too and so we just put it on hold to think about it some more and then talk to Djogaslee, and the thing is it might not have just been Djogaslee that we would talk to because of where we would get the logs from.
Q You mean you may have gone to other places to get logs as well?
A That's right.

Q So this project has not gone ahead at this stage?
A No.
Q Okay. You said "We would have been forced to clear cut." Who would have forced you to clear cut?
A Well, that's part of the conditions on the timber licences, as I understand.
MR. MACKENZIE: I take it that's the witness' personal knowledge, My Lord?
MR. GRANT: Well, I didn't know. I think the conditions on -- my friends have introduced document after document about timber licences, and if they're taking exception that this is the policy of the Ministry of Forests, if this is a matter in issue, that's fine, but we'll have to dump in document after document to establish it, My Lord. I mean is that a matter in dispute?
MR. MACKENZIE: This witness' knowledge of those conditions and the discussions that may or may not have occurred is in dispute.
THE COURT: Well, I take it that you didn't talk to the Forestry department about logging the Bulkley Reserve, did you or did you?
THE WITNESS: No, I didn't.
MR. GRANT:
Q But you were involved in the development of this proposal?
A Yes.
Q And you became aware of the requirements in the course of the development of that proposal?
A Yes.
Q In your position as the band manager?
A Yes.
Q I'd like to move to another area, Mrs. Wilson-Kenni. There's been evidence led in this case that there were two -- there were a number of feasts, but there were in particular two feasts between the Wet'suwet'en and the Nuu'tsenii, one in April of 1986, as I recall, and the other in April of 1987. The April 1986 feast was held in Moricetown, the 1987 feast was held in Burns Lake. Did you attend either of those feasts?
A Yes.
Q And do you -- what was your involvement in the Moricetown feast, the first in order? What did you do there?
A Well, at the Moricetown feast I was -- I was mainly helping the ladies in looking after our guests who were from the Burns Lake area.
Q And are they known as Nuu'tsenii?

A Some of them are.
Q Okay. And were some -- you said some were Nuu'tsenii. Were others different than Nuu'tsenii?
A Well, some are Wet'suwet'en.
Q Just to be clear, could you tell the court what -- how do you know -- translate Wet'suwet'en, what does that mean?
A Well, that's Wet'suwet'en people who lived in the valley.
Q People who lived down in the valley?
A Yeah.
Q What about Nuu'tsenii?
A Those are the people that live way up the river.
Q Now, did the feast one year later in Burns Lake, did it -- it followed on the -- was it like a sequel or follow-up to the April '86 feast in Moricetown?
A Yes.
Q Was there any resolution at the Burns Lake feast of any of the territorial questions about the boundary between the Nuu'tsenii and Wet'suwet'en?
A Well, I came away from that meeting with the understanding that Thutade wasn't settled.
THE COURT: I'm sorry, what wasn't settled?
MR. GRANT: Thutade, T-h-u-t-a-d-e.
THE COURT: T-h-u --
MR. GRANT: -- t-a-d-e-.
THE COURT: Was not settled?
THE WITNESS: Not settled.
MR. GRANT:
Q What nations are involved on the boundary at Thutade?
A I don't know how to pronounce those names up there, what the nations are, but some of the people are from Bear Lake and that up around that area.
Q Okay. Well, were the Wet'suwet'en involved in that or the Gitksan or both?
A The Gitksan.
Q Okay. Were there other areas that were discussed on the boundaries at Burns Lake?
A Chapman Lake.
Q And was that resolved or left unresolved at the Burns Lake feast?
A Well, I understood that it was -- that the decision had been made on that, that it had been resolved.
Q Can you recall offhand who the chiefs were involved from the -- well, would that have been a Gitksan or Wet'suwet'en boundary with the Nuu'tsenii at Chapman Lake?

A At Chapman Lake it's Wet'suwet'en.
Q Do you recall what Wet'suwet'en chiefs spoke regarding that?
A There were quite a number. I think Roy Morris was one of them and there was -- I just remember some of the names because I later talked to them, and John Thomas is one of the people that spoke.
Q Is John Thomas Nuu'tsenii or Wet'suwet'en?
A I think that John Thomas is Wet'suwet'en, but I can't recall at this time what the other names were. There's quite a number of people there.
Q Was there an area of Burns Lake, around Burns Lake that was discussed at the Burns Lake feast? I'm talking about Burns Lake the lake.
A Burns Lake. It was mentioned about Gitumskanees.
Q And was the boundary settled at Burns Lake, as far as you know, at that feast?
A I don't recall that. All I know is that one of the speakers mentioned that we are on Gitumskanees' territory when they were speaking.
Q And that was where the --
A Where that meeting was taking place.
THE COURT: Mr. Grant, should I remember what Thutade is or Thutade?
MR. GRANT: Should you remember it?
THE COURT: Yes. I don't recall that word being used. It may well have been, but I don't recall it.
MR. GRANT: Just let me think about it, My Lord. I think it was referred to in Mr. Joseph's evidence.
THE COURT: What does it mean?
MR. GRANT: Oh, Thutade is a lake on the government maps.
THE COURT: All right. That's good enough. Thank you.
MR. GRANT: It's -- you can certainly reference it.
THE COURT: And where is it? Just generally way up north?
MR. GRANT: Yeah, it's up on the north-east sector.
THE COURT: That's fine. Thank you.
MR. GRANT: I think it's in the area that was known as Moose Valley, which was made famous by somebody in a book.
MR. MACAULAY: It's on the --
MR. GRANT: It's on the big map, Exhibit 5, as well.
THE COURT: You look so pleased, Mr. Macaulay.
MR. MACAULAY: I haven't heard from my friends yet about that.
MR. GRANT: My friend Mr. Rush was waiting patiently and Mr. Macaulay was never here so he let sleeping dogs lie.
THE COURT: It's --
MR. GRANT: That's no offence to Mr. Macaulay.
MR. MACAULAY: I didn't take that way. I take it I have to wait

until Mr. Rush comes back?
THE COURT: Apparently.
MR. GRANT:
Q Mrs. Wilson-Kenni, I'd like you to explain that. You were present at these feasts and Ed John was present at these two feasts was he?
A Yes.
Q You heard the people speak and describe -- discuss these boundaries at these feasts, discuss the territories; is that right?
A Yes.
Q Can you explain why there would be some confusion, what your understanding is of why there would be some confusion over the boundary between the Nuu'tsenii and the Wet'suwet'en or the Nuu'tsenii and the Gitksan? How is that division or -- how is that division created?
A Well, as I was listening to what was going on it became very clear to me that there was two systems being used there.
Q At these feasts?
A Yes. And the Gitksan Wet'suwet'en were using the system of the clans and the houses and the ownership of the territories through the clans and the houses, but the Carrier Sekani were using the DIA boundaries, you know, and how the districts were, and a lot of the speakers were chief councillors for bands, that's why I -- that's why I came to that conclusion that there's two different systems there. And there were a few that realized what we were saying and they realized that some of them were members of houses and Wet'suwet'en, for instance.
Q When you said a number of the speakers were chief councillors of bands?
A Yes.
Q Are you talking about both Wet'suwet'en -- are you talking about on --
A I'm talking about the Carrier Sekani speakers.
Q I see.
A The people that came up to speak there.
Q Okay. And then you said some people realized you were dealing with a house. Which people are you referring to?
A Well, one in particular because I spoke to him later because -- from what I heard him say, I spoke to him later and he identified himself as belonging to the House of Goohlaht.

Q Who was that?
A That was John Thomas.
Q And Goohlaht is a Wet'suwet'en house?
A Yes.
Q You described about -- you said something about the district boundaries or the Indian Affairs boundaries. What boundaries are you referring to there?
A Well, there's the Hazelton District and then there's the Prince George District of which they are a part.
Q And these are districts?
A It's entirely different.
Q These are districts created by the Department of Indian Affairs?
A Yes.
Q And that's how they administer the province?
A Yes.
THE COURT: I thought I'd seen a lot of correspondence in reference to the Babine District?
THE WITNESS: Uh-huh.
MR. GRANT:
Q Yes.
A The Hazelton District used to be known as the Babine, see, and when that was changed it was the -- I think it was changed to Gitksan Carrier District, and then now it's Hazelton District.
Q Was there a division at some time between the -- of the Babine District, that is, the area that was -- is now in Prince George, do you know what -- well, let me refer you to the -- there are documents that my friends have introduced, the McKenna-McBride commission, and they talk about the Stuart Agency and the Babine Agency in the McKenna-McBride commission reports, and do either of those co-relate to the districts you're talking about?
A Well, that's what our district used to be known as, Babine Agency.
Q Okay. And what about the Stuart Agency?
A The Stuart Agency?
Q Yes. You haven't heard of that --
A No.
Q -- term before? You know about the Broman Lake Band? You know -- you know the Broman Lake Band?
A I know of it, yes.
Q Yes. Do you know what agency or district it is in?
A It's in at Prince George district.
Q Have you heard of the Felix George Reserve?
A I've heard of it, yes.

Q Do you know what agency it is in?
A It's at Prince George Agency.
Q You've heard of the Cheslatta Reserve?
A Yes.
Q Do you know which agency it is in?
A Prince George I think.
THE COURT: How do you spell that, please?
MR. GRANT: Cheslatta?
THE COURT: Yes.
MR. GRANT: C-h-e-s-l-a-t-t-a.
THE COURT: Thank you. Cheslatta Reserve?
MR. GRANT: Yes.
THE COURT: Thank you.
MR. GRANT:
Q You mentioned John Thomas who was a member of the House of Goohlaht, was he -- is he a chief councillor of any village do you know?
A I don't know if he's a councillor.
Q Do you know where he lives?
A Nee teh ben.
THE COURT: I'm sorry?
MR. GRANT:
Q Nee teh ben?
A Nee teh ben.
THE TRANSLATOR: 326.
MR. GRANT: 326 on the Wet'suwet'en list.
THE COURT: Thank you.
MR. GRANT:
Q And is that in the Hazelton district or the Prince George district?
A Prince George.
Q Okay. You mentioned Nee teh ben, do you know -- can you describe in relation to some other geographic location where that is or what Nee teh ben --
A It's around Francis Lake.
Q And that's the Wet'suwet'en name for Francis Lake?
A Must be.
Q Francis Lake also is the lake that's sometimes called Francois Lake?
A Yes.
Q It's not even clear among non-Indians.
And I believe you, you'll have to refresh my memory, but I believe you already mentioned Sophie Ogen earlier in your evidence. She's a member of the House of Spookw; is that right?
A Yes.
Q And does she -- do you know where she lives?

A Broman Lake.
MR. GRANT: Mrs. Wilson-Kenni, yesterday I -- certain documents were delivered to me by the provincial defendant relating to a trespass removal and they appear to be parts of a file which includes Exhibit 321 which is at tab 8 of the blue book, and I would just like to --
THE COURT: Which book is that?
MR. GRANT: The black book, I'm sorry.
THE COURT: Tab 8?
MR. GRANT: Tab 8, yes, and I understand from my friend these are all from the same file, these documents.
MR. MACKENZIE: Yes, My Lord. That's what I'm instructed, My Lord.
MR. GRANT:
Q And just open to Exhibit 321, which you have there, and I'll show you -- I just want to check this exhibit stamp on the plastic --
A It says 321 on in.
Q Okay. Now, comparing that letter that came out of this file, Exhibit 321 refers to District Lot 1237; is that right, you see in the first paragraph?
A Yes.
Q Okay. And this document you identified yesterday is the document which your mother and father had received relating to their cabin?
A Yes.
Q Is that right?
A Yes.
Q Well, I'd like to read to you a document entitled a "Miscellaneous Report", dated March 9th, 1983, re the "Legal Description, Lot 1237", "Applicant Name, Unknown", "Purpose and Tenure, Trespass", and then it says "Location, New Hazelton - 6.0 kilometres east of Municipality - 1 kilometre off Highway 16 on the Bulkley Canyon Road".
Would that approximate the description of where your mother's cabin was located, six miles east of New Hazelton and one kilometre off Highway 16 on the Bulkley Canyon Road?
A Yes.
Q Okay. Then there's a description, and I'd ask if this matches the description of the cabin to your knowledge, and if not, any differences. It says:

"Lot 1237 and 1586 are both under agricultural application, this file. The improvements are situated off a public gravel secondary road. The

highway to New Hazelton is paved, power is available on the main road, but not along the Bulkley Canyon Road."

Then there is the description:

"The cabin is not occupied, however summer occupation was confirmed."

Now, this is dated March 9th, 1983. Did your parents use the cabin in the summer months?

A Yes.

Q Did they use it in any other times of the year in 1982, '83, this would be the year before it was burned?

A Yes.

Q What other times?

A They use it every year.

Q What times of the year?

A During the -- during the fall, and you know, for during the time when they go out berry picking or hunting.

Q So they use it at other times than the summer?

A And sometimes they go out there just for a week-end and stay there with their grandchildren.

Q And would those include your son Abe?

A Yes.

THE COURT: Mr. Grant, the map that's in at tab 8 shows this property on Lot 1236, not lot 1237.

MR. GRANT: My friends may -- yes, I see that, My Lord.

THE COURT: That's not to say that someone hasn't made a mistake. It's been known to happen.

MR. GRANT: Well, it's a relief to know that the provincial crown can make mistakes on maps as well, My Lord.

THE COURT: I think we all can.

MR. GRANT: Yes. As I think Mr. Rush said, maps are only opinions.

THE COURT: Is this property near Rossvale Lake?

THE WITNESS: Yes.

MR. GRANT:

Q Yes. On that map it appears to be right in the corner of Lot 1236. There's another map which forms part of this document that has marked in heavy black "Lot 1236", and "Lot 1586" and -- well, I'll just show it to the witness. Have you seen this map before today? This is part of the documents that the provincial defendant gave me yesterday.

A No, I haven't seen it.
MR. GRANT: Well, possibly it could be marked for identification because it would certainly clarify -- I think when you see this other map, you can see that they've triangulated into what that little triangle in the map which is part of Exhibit 321 is actually 1237 is stretched. This is just part of this file that was given to me. I'd ask that that be marked as the next exhibit.
MR. MACKENZIE: I don't know whether that's been identified, My Lord.
MR. GRANT: It hasn't been. I can mark it for an exhibit for identification if my friend objects.
THE COURT: All right. Let's call it 321 A for identification.

(EXHIBIT 321A FOR IDENTIFICATION: Miscellaneous report)

MR. GRANT: Yes. I think it will just sort of clarify the question the court --
THE REGISTRAR: Do you have an extra one?
MR. GRANT: That is the only one I have at this point.
THE COURT: That's all right. We can get along with it for now.
MR. GRANT:
Q Maybe my friends have an extra one.
Now, this description in this miscellaneous report, the miscellaneous report that I'm reading from, is to the regional director "J. Hall" from the district manager "M. Nock", and then it's got at the bottom "Richard Stuckenberg, Land Inspector, Smithers". But the report goes on:

"Improvements consist of a 6.3 meter by 3.2 metre log cabin, not insulated, lined in part with kraft paper, not chinked, no wood stove, some old furniture, spring mattress and a rather clean appearance inside."

Does that match the description of your parent's cabin?
A Yes, but there's a stove in there. He says there's no stove.
Q He says "no wood stove". Was there a wood stove in the cabin?
A Yes.
Q Then it says, "Numerous wine bottles were stored inside."?
A That's what they used to pack water in.

Q They packed water in empty wine jugs?
A Yes.
Q It says, "Seasonal occupation could be very comfortable with a wood heater.", and you agree with that?
A Yes.
Q Okay. The bottom of the note says:

"Seizure and removal is recommended in order that the agricultural lease application proceed. After April 15th/'83, burning permit is required."

Now, you have -- I'll show you this memorandum, and have you seen this before today?
A No, I haven't seen this.
Q Okay. Has your mother ever -- she's never given you a copy of a document like this?
A No.
Q I'm going to refer you to -- there's other documents in the file, but I'm going to refer to you a document dated September 21st, '83. It appears to be the last document in this. I don't know, is this the entire file? This is not the entire file, but this is the last document, the latest we have, "To Jack Hall" from "R. Stuckenberg".

Now, if you'd look at Exhibit -- Exhibit 321, it's to the attention of Mr. Stuckenberg and it's from Mr. Hall. Now, this is to Jack Hall from Mr. Stuckenberg dated September 21st, '83. It says:

"Re: Trespass cabin removal. With the assistance of the Ministry of Forests - Mr. Brian Atherton, the subject cabin was destroyed by fire this morning. This now concludes our involvement in the trespass file."

Would it be -- would you agree that it was around September 21st, 1983, that your mother's cabin was burned, was destroyed?
A Yes.
Q Another document in the file dated July 25th of '83 states, and again it's from Mr. Stuckenberg to Mr. Hall:

"Notice was placed on the log building July 22nd, 1983."

And then it goes on:

"Removal by fire may not be feasible owing to weather conditions. We will consider our options in 30 days."

So according to this notice, a notice was placed on your parent's cabin on July 22nd '83 and it was burned in September of '83. Did your parents go to that cabin in July -- between July 22nd and September 21st '83?

A Yes.

Q Did anything happen that summer that kept your parents from going to the cabin in August and September of '83?

A My sister had been living in that cabin and she died there in August 19th of '83.

Q That was Rita?

A Yes.

THE COURT: What date was that?

MR. GRANT:

Q August 19th, 1983. Was it in tragic circumstances?

A Yes.

Q And did your mother not wish to return because of that?

A Yes.

Q And the next time your mother returned was the cabin there?

A When my stepfather went up there the cabin had been burnt down.

Q He went there first?

A Yes.

Q And then found the cabin was burnt down?

A Yes. Yes.

Q Mrs. Wilson-Kenni, you have described over the last few days the feasts of your house and you've described your role as a chief in the House of Spookw. Does the feast of the house relate to the territory? Does Spookw's feast relate to Spookw's territory?

A Yes, it does.

MR. GRANT: Do you want to take a few moments? I wonder, My Lord, maybe we could have a bit of a break?

THE COURT: Yes. Let me know when you're ready to proceed.

THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED FOR A SHORT RECESS)

(PROCEEDINGS RECONVENED PURSUANT TO A SHORT RECESS)

THE REGISTRAR: Order in court. Ready to proceed, My Lord.
THE COURT: Mr. Grant.
MR. GRANT:

Q I just wanted to ask you one final area. You talked about the feasts in detail and the large number of feasts that your house has been involved in, and in which you've been involved over the last couple of years. Is there a connection between the feasts and the territory and authority of Spookw over that territory and over the people of Spookw's house?

A The minute that I walk into the feast hall I feel that I'm there because of the territory. The territory belonged to us. Spookw territory belongs to us, members of Spookw, and even though I haven't done any hunting or trapping on the territory since I was a young girl, I still feel that it is part of me and I think that in the way that I've talked to my daughter she feels that same attachment and the love of that territory as I do. The feast hall is where we do our business connecting us to that territory. It just reinforces our connection to the territory. It's part -- it's -- as far as I'm concerned, it's part of me. It's part of my life and also part of my children's life. It's a part of all the members of Spookw. It's a feeling that I can't describe any better than that. It's just part of us and it belongs to us. It's a part of us and it's just reinforced in the feast hall.

Q How old is your daughter?

A My daughter?

Q Yes.

A She's 27.

Q This connection that you have said between you and the territory through the feast, does this apply, that connection and that relationship, apply to other Gitksan and Wet'suwet'en persons in the same situation as you, in other words, others who have not been on the territory for sometime but are active in the feast?

A Yes.

Q Okay. Yesterday you described how sometimes you have to try to explain things to your husband Don, who was not born as a Wet'suwet'en Gitksan person. Is this, what you've just described, one of the things that you described to Don?

A Yes.
MR. GRANT: My Lord, that concludes my direct. My friend, Mr. Mackenzie, delivered a further document to me this morning and indicated to me this was something -- well, I presume it's something that just came to his attention. He didn't indicate that to me, but I would like to have an opportunity just to look at my notes. I didn't -- that brief break we just had was for other reasons. I didn't really want to discuss it with the witness.
THE COURT: Is it --
MR. GRANT: I'd like to discuss this document with the witness before she commences her cross.
THE COURT: Yes.
MR. GRANT: I do understand you have scheduled yourself for 11:15, but I'd ask liberty to break now if we could.
THE COURT: Do you think you need more than a couple of minutes or do you think we should adjourn until 11:30?
MR. GRANT: Well, I wouldn't like to promise I just need a couple of minutes because I'd like to -- I haven't had a chance to really look at the document.
THE COURT: All right. We'll adjourn until 11:30 then.
MR. GRANT: Thank you.
THE REGISTRAR: Order in court.

(PROCEEDINGS ADJOURNED FOR MORNING RECESS)

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

Tanita S. French
Official Reporter

(PROCEEDINGS RESUMED FOLLOWING SHORT RECESS)

DORA WILSON KENNI, resumed.

THE COURT: Mr. Grant?
MR. GRANT: Yes, my lord, I lead the direct examination of this witness, but I -- I have reached a form of agreement with my friend, Mr. Mackenzie, he just indicated to me at the break that there were three additional files of documents which are not listed on the defendants' list of documents which may be relevant to the issue of the burning of Mrs. Wilson Kenni's mother's cabin. And I have proposed to him that he get those files for me to examine and by agreement I have an opportunity to discuss it with the witness. But, to avoid delays, he could proceed on other areas of his cross-examination today and I think he has agreed to that so that I trust Mr. Macaulay has no problem with that.
MR. MACAULAY: I have no objection to that.
THE COURT: That you, Mr. Grant. Are you going next, Mr. Mackenzie?
MR. MACKENZIE: Yes, my lord, on that point, I confirm what Mr. Grant has said. These files have just come to light, they may be relevant, we haven't had an opportunity to examine them. We wish to review them of course for privilege and then disclose the relevant documents.
THE COURT: I have to say that I have very grave misgivings about how they could possibly be relevant but I will be glad to hear what counsel have to say. This is a claim to jurisdiction and ownership of vast amounts of land and how the destruction of a cabin, rightly or wrongly, can affect the underlying title to the territory, escapes me. But I will be glad to hear what you have to say in due course.
MR. GRANT: I just want an opportunity if certain documents are put to the witness, that haven't been produced to us or listed for us, that I have an opportunity to -- at least the witness has an opportunity to look at them and determine what they are. That's really all I am concerned about. And I readily concur with some parts of what you are saying regarding the issue of relevance but I think we dealt with that yesterday, the province's theory of relevance.
THE COURT: Who was it that burnt Atlanta, even if that, even if the sort of cataclysmic thing were to take place, it wouldn't have affected the rights of the parties in a case of this kind. But I will be glad to hear what

1 counsel have to say in due course.
2 Go ahead, Mr. Mackenzie.
3 MR. MACKENZIE: Thank you, my lord.
4
5 CROSS-EXAMINATION BY MR. MacKENZIE:
6
7 MR. MACKENZIE: I am handing up a book of documents, my lord.
8 THE COURT: Thank you.
9 MR. MACKENZIE: This is one for the court. Yes, my friend has
10 asked me whether these documents have been disclosed.
11 These are documents are all listed or have been
12 provided to my friend.
13 THE COURT: Thank you.
14 MR. MACKENZIE:
15 Q Mrs. Wilson Kenni, yesterday you told us about living
16 in three different worlds, do you recall that?
17 A Yes.
18 Q And one of those was the world of the feast hall and
19 the hereditary chiefs?
20 A Yes.
21 Q And the other was the world of the band council and
22 the Department of Indian Affairs, wasn't it?
23 A Yes.
24 Q And finally, there was the world of the non-Indians
25 and the world in which your husband is a part and with
26 which you have contact when you describe your
27 experiences in the feast hall to him?
28 A Yes.
29 Q Now, in this litigation --
30 MR. GRANT: Just one point, I believe that the witness's
31 evidence on the transcript was that the three worlds
32 were the Indian world, the Gitksan world, the
33 Wet'suwet'en world and the white world and my friend
34 misconstrued the answer. That was my recollection of
35 the evidence.
36 THE COURT: That's four worlds.
37 MR. GRANT: I am sorry, I said the Gitksan and Wet'suwet'en and
38 the white world was the answer the witness gave.
39 THE COURT: Was it yesterday?
40 MR. GRANT: Yes, it was yesterday.
41 THE COURT: Does it matter, Mr. Mackenzie?
42 MR. MACKENZIE: I don't think it matters. I think the witness
43 agrees if she didn't say it then she agrees now.
44 THE COURT: She lives in multi worlds. All right.
45 MR. MACKENZIE: I can get that reference --
46 THE COURT: I think we are agreed it doesn't matter.
47 MR. MACKENZIE: Yes, my lord. I have the reference, my lord,

and -- I have it, I will give it to my friend because of course I didn't have a transcript yesterday.
Q So, at any rate, Mrs. Wilson Kenni, in this litigation, it's in the world of the hereditary chiefs and the feast hall that you are represented, is it not?
A Yes.
Q And you are represented in this lawsuit by Steven Robinson?
A Spookw, yes.
Q Yes, Chief Spookw. And as a member of the House of Spookw, you have a claim to the territory of the house?
A Yes.
Q And you have spoken today about the territory.
Do you have a claim to any other Gitksan territory besides that in Spookw?
A Say that again?
Q Your claim is limited to the territory of the house of Spookw; is that correct?
A Yes.
Q And you have no claim to the territory of any Wet'suwet'en house, do you?
A No.
Q You told us that Hagwilget is in Spookw's territory?
A Yes.
Q And you said that Blue Lake is in Spookw's territory?
A Yes.
Q And you have said that St. Mary's school is in Spookw's territory?
A Yes.
Q Can you tell his lordship where Spookw's territory is?
A I just have a general idea of where Spookw's territory is. I said yesterday that we have different people in our house who do certain things and one of that is knowing the boundaries and that's Steven that knows the boundaries.
Q Steven is the person in the House of Spookw who is the most knowledgeable about the boundaries of the house?
A Yes.
Q And we are talking about Steven Robinson?
A Yes.
Q Well, you seem to have a general idea in your testimony of where the house territory is, I take it you would agree that New Hazelton is included in the house territory?
A Yes.

Q And would you agree also that Highway 16 runs through the house territory?
A Yes.
Q And would you agree also that the Canadian National Railroad runs through the house territory?
A Yes.
Q But you don't know exactly where the boundaries of the territory is; is that correct?
A No, I don't know the boundaries.
Q Does Ross Lake Provincial Park lie within Spookw's territory?
A Yes.
Q Does Seeley Lake Provincial Park lie within Spookw's territory?
A Yes.
Q Does part of the Kitsegukla Indian Reserve lie within Spookw's territory?
A I am not too sure.
MR. GRANT: There is a number of reserves, I wonder if my friend could give the reserve he is referring to. There is different names for them.
MR. MACKENZIE:
Q I am speaking about the reserve just past Skeena crossing on the banks of the -- at the confluence of the Kitsegukla and Skeena River, is that -- does part of that reserve lie within Spookw's territory to your knowledge?
A I don't know. I don't know where that reserve is that you are talking about.
Q You know where the Kitsegukla River flows into the Skeena River?
A Yes.
Q You know the Kitsegukla Indian Reserve is at that location?
A Yes.
Q Is any part of that Indian reserve in Spookw's territory, to your knowledge?
A I don't know. I still can't say.
Q And the bridge at Hagwilget lies partially within Spookw's territory, does it?
A The bridge at Hagwilget?
Q Yes.
A Yes.
Q And you would agree with me also that there are major B. C. Hydro power transmission lines running through Spookw's territory?
A Yes. That's what I was talking about yesterday, where

1 they dug up that grave site, one of the main causes of
2 concern at one point, with my grandmother.
3 Q And it's your evidence that Chief Steven -- Chief
4 Spookw, Steven Robinson or is it your evidence that
5 the Chief Steven Robinson has jurisdiction over that
6 territory that we just described?
7 A The chief of Spookw House, yes.
8 Q Yes. Now, you live on the Hagwilget Reserve now?
9 A Yes.
10 Q You recently returned to the reserve, did you not?
11 A Yes. I returned there in '79. But I lived there off
12 and on before that.
13 Q And you also own another piece of property?
14 A Yes.
15 Q And that property is near the Susqua River?
16 A Yes.
17 Q And you own that property with your daughter Deborah?
18 A Yes.
19 Q And I am referring now to the book of documents at tab
20 2 of that book. That book is marked book of documents
21 for Dora Wilson -- Dora Kenni, it should be Dora
22 Wilson Kenni.
23 THE COURT: How does one spell Suskwa.
24 MR. MACKENZIE: S-u-s-k-w-a, my lord. That spelling that I gave
25 your lordship is the spelling that appears on
26 government maps.
27 THE COURT: Thank you.
28 MR. MACKENZIE:
29 Q Now, Mrs. Wilson Kenni, may I ask you to turn to tab 2
30 in the book of documents, please. Yes, you have it.
31 Have you seen a copy of that Certificate of Title
32 before, Mrs. Wilson Kenni?
33 A Yes, I have one like that.
34 Q And that's the Certificate of Title for the property
35 that you own in joint tenancy with your daughter?
36 A Yes.
37 MR. MACKENZIE: May I mark that as an exhibit, my lord.
38 THE REGISTRAR: Exhibit 326, my lord, tab 2.
39 MR. GRANT: No objection.
40 (EXHIBIT 326: CERTIFICATE OF TITLE DATED
41 AUGUST 7, 1984)
42 MR. MACKENZIE: That Certificate of Title, application for
43 registration received August 3, 1984, signed and
44 sealed August 7, 1984.
45 MR. GRANT: By the acting registrar.
46 MR. MACKENZIE: Yes, by the acting registrar.
47 Q Now, Mrs. Wilson Kenni, when you received your copy of

1 the document, which is marked Exhibit 326, did you
2 note that there is an indication of provisos and
3 conditions in a Crown grant?
4 A That's what's written on there, yes.
5 Q Yes. And have you had an opportunity to review the
6 Crown grant to which that sentence refers?
7 A No. All I have is this sheet, that's all I have.
8 Q You are referring to Exhibit 326.
9 And I note, my lord, that on Exhibit 326 there is a
10 reference to a document number J11221, in relation to
11 the Crown grant reference.
12 So you have owned that property since August,
13 1984; is that correct?
14 A Yes.
15 Q And on which chief's territory is that property
16 located?
17 A I thought it was on the Spookw territory but when I
18 looked in the map, I saw lot 1062 on there and I
19 noticed it was in Djogaslee's territory.
20 MR. GRANT: Number five.
21 THE COURT: Thank you.
22 MR. MACKENZIE:
23 Q And Djogaslee is Walter Wilson?
24 A Yes.
25 Q Do you know a chief whose name is, if I am pronouncing
26 it correctly, Axtiidzeek?
27 A Yes, he is part of Djogaslee's group.
28 MR. MACKENZIE: Do we have a spelling for that please?
29 THE TRANSLATOR: What was that again?
30 MR. MACKENZIE: Do we have a number for that, please?
31 THE COURT: How is it pronounced?
32 MR. MACKENZIE: If you go to tab 13 in the document book, my
33 lord, you will see that territory depicted on an
34 enlargement of Exhibit 5 and, my lord, you will see
35 that --
36 MR. GRANT: It's spelled on Exhibit 5. A-x-t-i-i-d-z-e-e-k.
37 MR. MACKENZIE: Yes, that's correct. That appears at tab 13 in
38 the document book, which is an enlargement of that
39 section of Exhibit 5.
40 THE COURT: All right.
41 MR. MACKENZIE:
42 Q Now I will just refer you to that map, Exhibit 5, Mrs.
43 Kenni, and you have it there at tab 13. And could you
44 indicate for his lordship where on that map at tab 13,
45 your property is located?
46 A Where it says 1062.
47 Q Now, I am going to put a letter on there and hand it

to his lordship so that perhaps you could put a letter, the letter A, right on that lot, please.
A 1062.
Q I am going to circle that A that you marked there, and you have put an A on lot 1062, as it appears on the enlargement of Exhibit 5 at tab 13. Now, looking at, continuing to look at Exhibit 5, at tab 13, Mrs. Kenni, there is indicated on that exhibit two territories, which I have highlighted in yellow, entitled Spookw. Is that the general location of the Spookw territories, to your knowledge?
A It's the general area of Spookw. I am not sure whether this is one of the draft maps where some of this might be changed.
Q Oh, yes.
A And like maybe it's a little over, I don't know.
Q Let me assure you that's a copy of Exhibit 5, which is the large map behind you, with all those different colours and that, those boundaries appear in that location on that Exhibit 5.
Mrs. Wilson Kenni, do you know who has the name Axtiidzeek at this time?
A I think it's Bruce Johnson.
Q And where would he live, please?
A Kispiox.
Q And what clan would Bruce Johnson be in, please?
A Lax see'l.
Q Now that was a Wet'suwet'en name that you mentioned, was it not?
A What, Lax see'l?
Q Oh, I beg your pardon. Lax see'l, yes.
Now, did you seek permission from Walter Wilson, who is Djogaslee, to purchase that property on lot 1062?
A No, I didn't. I thought that was Spookw's territory. I didn't realize my mistake, like I said, until I looked at the map and saw 1062 in that area there.
Q How large is that property?
A It's 140 acres. There is 20 acres I think was taken off by, I believe it was highways or forestry, I can't remember which one, because of the large gravel pit there.
Q And there is a Suskwa forest road that goes past that property?
A Yes.
Q And that's a road that is maintained by the Forest Service?

A I don't know.
MR. GRANT: Well, my lord, I don't know if my friend can -- this is an area where he was sensitive to me and I think I should be equally sensitive. How does this witness know who is maintaining and what's going on within the minds of --
THE COURT: The question was objective, was this road maintained by the forestry. If she has seen it --
MR. GRANT: If she has observed it.
THE COURT: Or learned about it in some indirect way. But if she doesn't know, she doesn't know. We will see. Do you know who built and maintains that road?
A I don't know who maintains it. Someone maintains it but I don't know who.
MR. MACKENZIE:
Q Some government department?
A Probably.
Q Do you see logging trucks using that road?
A Yes.
Q Do you have improvements or any buildings on that property?
A We did have some barns for our animals but burnt them down.
Q Did you have animals on the territory, on your property?
A Yes.
Q Have you lived out there?
A We had a cabin out there.
Q Is there any electricity or water supplies?
A No. The power goes by it though.
Q Now, referring to the book of documents, tab 16, -- at the map at -- tab 13 is already an exhibit, Exhibit 5.
THE COURT: Yes.
MR. MACKENZIE:
Q Now, you have paid taxes on this property at lot 1062, have you, Mrs. Wilson Kenni?
A Yes.
Q And in 1984, you paid $264.15 tax; is that correct?
MR. GRANT: My lord, what is the relevance of the amount of tax that this person has paid?
THE COURT: I don't think it has any relevance.
MR. GRANT: She said she paid taxes, isn't that the end of it?
THE COURT: Unless Mr. Mackenzie can give some reason that's not apparent to me.
MR. GRANT: I object.
MR. MACKENZIE:
Q And you paid taxes on that property in 1985?

A Yes.
Q And in 1986?
A Yes.
Q In 1987?
MR. GRANT: My lord, I think the fact she says that she paid taxes, is that not the end it? Do we have no go into the details of it?
THE COURT: I am not sure on that one, Mr. Grant. We are already through it anyway.
MR. GRANT: Okay. Maybe we will be on to something else.
MR. MACKENZIE:
Q I will refer now to tab 3 of the document book. I am not marking that tab, we just referred to as an exhibit, my lord. That is -- that's tab 16.
Now, looking at the documents at tab 3, Mrs. Wilson Kenni, the first document is a, appears to be a plan of survey with the name John McEllhenny, have you seen that document before?
A No.
Q The next document is a Crown grant dated April 29, 1911, to Mr. McEllhenny, have you seen that document before?
A No, I have only seen it when my lawyer showed them to me. That's the first time I saw it.
Q And these, this document to which I have just referred, refers to lot 1062, 1062, I am instructed that these documents are all contained in the Land Title Office file relating to this lot. And the next document appears to be a plan in the name of Lloyd Morgan Gethling, have you seen that document before?
A No.
Q But that is a depiction of the location of your property, is it not?
A Hm-hmm, yes.
Q And who is, do you know Mr. Gethling?
A Sure do.
Q You purchased -- I am sorry, he owned the property before you, didn't he?
A Yes.
Q Yes. And the next document is J, document J11221, a Crown grant to Mr. Gethling, dated August 6, 1980. Have you seen that document before?
A No.
Q But you will recall that it is that document number to which your Certificate of Title refers, J11221, but I take it you didn't have occasion to follow up that reference?

1 A No.
2 Q And carrying on, what I am instructed is the reverse
3 of that document, J11221, there are certain conditions
4 and provisos, I take it you haven't had a chance to
5 read those before?
6 MR. GRANT: Is this the next page?
7 A No.
8 MR. MACKENZIE: Yes, it has Telefax number page seven at the
9 top?
10 A No, I have never seen this before.
11 Q And the next page is a Certificate of Indefeasible
12 Title, title number J11221, dated August 18, 1980.
13 Have you seen that document before?
14 A No.
15 Q Now, there is a reference in that document to a lis
16 pendens in the name of Donald Kenni, is that your
17 husband?
18 A Yes.
19 Q And it says there he is a plaintiff. Now was your
20 husband involved in a lawsuit related to this
21 property, District Lot 1062?
22 A Yes.
23 Q And carrying over, there is a certificate of lis
24 pendens, filed June 10, 1981, and have you seen a copy
25 of that document before?
26 A No.
27 Q Was it in June, 1981, that your husband, Donald Kenni,
28 commenced a lawsuit against Mr. Gethling related to
29 this property, Lot 1062?
30 A Yes, it could be around that time.
31 Q And carrying on to the next document, is a writ of
32 summons dated June 10, 1981 --
33 A Is it this page here?
34 Q Yes, that's right. It has Telefax page number ten
35 right at the upper right hand corner.
36 A Seems like it's upside down.
37 Q You are looking at the next page, page 11, if I could
38 draw your attention to this document dated, filed June
39 10, 1981.
40 A Hm-hmm.
41 Q And you were aware that, as you said, that your
42 husband had commenced this action against Mr.
43 Gethling, weren't you?
44 A I was aware of it but I didn't remember the exact
45 date.
46 Q Now carrying on to the next document I would like to
47 refer to, it's an endorsement which appears at the

1 page which has page 12 in the upper right hand corner.
2 Now, is it the case that your husband wished to have
3 Mr. Gethling assign this land, Lot 1062, to him, to
4 your husband?
5 MR. GRANT: My lord, I wonder again, I object on the basis of
6 relevance. Now we are moving quite far afield. We
7 are not even talking about this witness, we are
8 talking about what her husband is involved in some
9 dispute with some other man over some land. I wonder
10 if I could ask my friend to elucidate as to what the
11 relevance of that is.
12 THE COURT: Are you not able to go to the point, Mr. Mackenzie,
13 without going back to grants from the Crown and
14 tracing the title, and the manner, form and and
15 practice of old conveyances?
16 MR. MACKENZIE: Yes, my lord. The point is, well, one of the
17 points is --
18 Q Are you aware there was a British Columbia
19 agricultural lease involved with this property, Lot
20 1062, Mrs. Wilson Kenni?
21 A I was aware that there was something about agriculture
22 in it and also that a certain amount of land had to be
23 cleared before Lloyd Gethling was able to get the
24 deed. And the thing is, my husband was doing all the
25 work, this was between Lloyd Gethling and my husband,
26 and I felt that he was using all of Don's work in
27 order to get the deeds to the lands out there. This
28 is not the only piece of land that he got out in that
29 area.
30 Q Mr. Gethling you are speaking of?
31 A Yes. And not only that, you know, he was selling
32 these pieces of property to other people, some of who
33 are not even from this country. And it became
34 apparent to us that he wanted to keep all of it and
35 didn't want to give Don this land for all the work
36 that he did. There was an understanding between him
37 that he was to clear a certain amount, when that
38 happened he got the deed, he wasn't ready to turn the
39 deed over. And that was upsetting because Don put a
40 lot of work in there.
41 Q And your husband, you have testified, was adopted in
42 to the house of Hagwilnegh?
43 A Yes.
44 Q And he has told you that he recognizes the authority
45 of Hagwilnegh as the chief of that house?
46 A Yes.
47 Q And eventually that dispute was settled and the

1 property was transferred to you and Deborah, wasn't
2 it?
3 A Yes.
4 Q It now, why was the property not transferred to your
5 husband?
6 A Because he wanted Debbie and I to have it.
7 Q Going on to another subject, Mrs. Wilson Kenni, you
8 testified that there was no doctor present when you
9 were born?
10 A That's right.
11 Q There was a midwife at your birth and also at Louise
12 Sebastian's birth?
13 A Yes.
14 Q And at the present time there is a hospital at
15 Hazelton, isn't there?
16 A Yes.
17 Q And it's the Wrinch Memorial Hospital, isn't it?
18 A Yes.
19 Q And it's a modern facility?
20 A Yes.
21 Q With medical facilities available to members of the
22 Hagwilget Reserve?
23 A Yes.
24 Q And is it the case that medical services are provided
25 to members of the Hagwilget Reserve without charge?
26 A Yes.
27 Q And when your daughter Deborah Ann was born, she was
28 born at a hospital?
29 A Yes.
30 Q And a doctor, I take it, was present at that time?
31 A Yes.
32 Q You testified that you are the band manager at the
33 Hagwilget Reserve?
34 A Yes.
35 Q And you also spoke about your interest in educational
36 facilities, the educational opportunities on the
37 reserve have improved significantly since you started
38 in 1979; is that right?
39 A Yes.
40 Q And at the present time the Indian children who are
41 members of the Hagwilget Reserve are entitled to
42 education without the payment of tuition fees?
43 MR. GRANT: Where?
44 A What do you mean?
45 MR. MACKENZIE:
46 Q Indian children are now, Indian children members of
47 the Hagwilget Reserve can attend secondary school

1 without paying tuition fees?
2 A I am sure there is tuition fees paid for them.
3 Q But the Indian families do not pay the tuition fees,
4 do they?
5 A No.
6 Q And Indian children who are in the families on the
7 Hagwilget Reserve may attend post secondary university
8 education without payment of tuition fees, is that
9 also correct?
10 A They have to pay tuition fees to the university they
11 are going to.
12 Q Well, those fees are paid by the federal government,
13 are they not?
14 A Yes.
15 Q And is it the case that when students from the
16 Hagwilget Reserve attend post secondary education they
17 are provided with living allowances?
18 A Yes.
19 Q And you have a dayschool on the reserve now?
20 A It's a little school, that's for Headstart. It's
21 before kindergarten.
22 Q After finishing with that school, the children of the
23 Hagwilget families go on to other schools in New
24 Hazelton and Hazelton community?
25 A Yes.
26 Q And your daughter Deborah Kenni completed high school,
27 did she?
28 A Yes.
29 Q Now, moving on to another subject, Mrs. Kenni, I am
30 going to refer you now to tab 10 in the document book.
31 Now, this is a document entitled Polling Division,
32 Alpha voters list, Skeena, and does your name appear
33 at item 297 in the lower right hand column of that
34 document?
35 A Yes.
36 Q And you voted in the last provincial election, did
37 you?
38 A Yes.
39 Q And did you vote in municipal elections?
40 A Yes.
41 Q And did you vote in elections for local school
42 trustees?
43 A Repeat that question, please?
44 Q Did you vote in elections for school trustees?
45 A Yes.
46 Q And I take it that you also voted in band council
47 elections for the Hagwilget Reserve?

1 A Just the last one.
2 Q Yes. Now, is it the case that your uncle Alfred
3 Wilson is also on the Skeena voters list at item 293
4 on that document? Is Alfred M. Wilson your uncle
5 Alfred? That's item 293?
6 A Yes. Yes.
7 Q And your cousin Ron Sebastian appears at item 231 on
8 that list; is that correct?
9 A Yes.
10 Q And your husband -- I am sorry, your uncle Alfred and
11 your cousin Ron are both members of the House of
12 Spookw, are they not?
13 A Yes.
14 Q And several other members of the Hagwilget Reserve
15 also have their names on the voters list, to your
16 knowledge, do they not?
17 MR. GRANT: On this one here?
18 MR. MACKENZIE: Well, I will start with this one. Thank you,
19 Mr. Grant.
20 Q I am starting with the document at tab 10, and asking
21 the witness to confirm the items, for example,
22 commencing at item 201, the upper left hand corner,
23 the Pierres?
24 A Yes.
25 Q They are all members of the Hagwilget Reserve, are
26 they not?
27 A Yes.
28 Q Is there a -- in elections is there a polling station
29 on the reserve?
30 A No.
31 Q Is there a returning officer for that area to your
32 knowledge?
33 A Is there a returning officer for that area?
34 Q Yes.
35 A Yes.
36 Q And, to your knowledge, as band manager, are all the
37 members of the Hagwilget Band eligible to vote in
38 provincial elections?
39 MR. GRANT: My lord, how can she say if all the band members are
40 eligible to vote. We are talking about people here,
41 different ages, are they on the voters list? Surely
42 it's a question of law, about eligibility to vote.
43 THE COURT: I am sure it requires more specificity. But is it
44 necessary to have this much detail?
45 MR. GRANT: That's the other point, my lord.
46 THE COURT: I think it applies, that comment applies on both
47 sides of this litigation, Mr. Grant. Seems to me that

the question of whether there is voting or isn't voting could be handled with much less detail than we are getting, as could many of the matters that we have descended into. But, I think you do need more specificity.

MR. MACKENZIE: Moving on to another subject.

Q In your evidence you testified you were out of the country for a period of time; is that correct? Moving to another subject, Mrs. Wilson Kenni.

A Yes.

Q You testified that at the time of Johnson Alexander's funeral you were out of the country; is that right?

A Yes.

Q And you were out of country?

A Yes.

Q And did you -- where did you travel on that trip, generally?

A To New York and Washington, D. C.

Q Did you carry a Canadian passport on that trip?

A Passport?

Q Yes.

A No, not on that trip.

Q Have you been issued with a passport by the Government of Canada?

A Yes. But I have never renewed it though. I think it's lapsed.

Q Mrs. Wilson Kenni, you testified that -- well, you didn't testify to this, but is it a fact that you are a director of the B. C. Indian Arts and Crafts Society?

A Yes.

Q And that's a society incorporated under the B. C. Societies Act?

A Yes.

Q And you are also a director, you testified, I think, of the Gitksan-Wet'suwet'en Tribal Council Association?

A Pardon me?

Q You were a director from 1979, approximately, of the Gitksan-Wet'suwet'en Tribal Council Association?

A Yes.

Q And you were the vice-president of that association at sometime?

A Yes.

Q What years, during what years were you vice-president of that association?

A I think it was from '79 to '83.

1 Q And you attended the -- beg your pardon, during that
2 period of time was Mr. Neil Sterritt the president of
3 the association?
4 A Pardon me?
5 Q During that time that you were vice-president at any
6 time was Neil, Mr. Neil Sterritt the president of the
7 association?
8 A Yes, I think so.
9 Q Now, you attended annual meetings of the association
10 during your term as vice-president?
11 A Yes.
12 Q And at those annual meetings, the association
13 financial statements were reviewed by the directors?
14 A Yes.
15 Q Moving on to another subject. You spoke about your
16 experiences at Ksan, and that's a museum and a complex
17 of arts and craft studios near Hazelton, is it not?
18 A Yes.
19 Q And you were the manager of Ksan from 1975 until 1978,
20 correct?
21 A Yes.
22 Q Now, I am referring to a document at tab 19 of the
23 document book.
24 MR. GRANT: I don't have that.
25 MR. MACKENZIE: That's the one I provided to my friend in
26 advance.
27 Q This is an excerpt at tab 19, that is an excerpt from
28 a booklet entitled First Annual Collection -- beg your
29 pardon, do you have it? First Annual Collection Ksan,
30 1978, Original Graphics; have you seen the original of
31 that booklet, Mrs. Wilson Kenni?
32 A First Annual Collection -- I would have to see it to
33 remember it.
34 Q Yes. Would you agree that that's an accurate
35 depiction of Ksan on the front of that copy I have
36 copied at tab 19?
37 A Yes, this first page?
38 Q Yes.
39 A Yes.
40 Q Moving on to the next page at tab 19, I am going to
41 refer you to the description of the museum that's on
42 that page, and I am reading now from the -- reading
43 now from the first paragraph, the top of the
44 paragraph, Ksan, that's K-s-a-n, is a replica of a
45 Gitksan Indian village near Hazelton, you will agree
46 with that description?
47 A Yes.

1 Q And there is a museum there, is there not?
2 A Yes.
3 Q An exhibition hall; is that correct?
4 A Yes.
5 Q An art school for Indian artists?
6 A Yes.
7 Q Shop selling original arts and crafts products?
8 A Yes.
9 Q And feast house?
10 A Yes.
11 Q And the next passage I want to direct your attention
12 to is the last sentence, "The community is a focal
13 point of a exciting re-emergence of the cultures of
14 the northwest..." Beg your pardon -- "the cultures of
15 northwest coast peoples. Can you agree with that
16 statement?
17 A I don't know why they put re-emergence, because the
18 culture has always been strong there. Maybe it's --
19 well, that word isn't, to me, isn't the right word,
20 re-emergence, because the culture was always strong
21 there.
22 Q And the Ksan complex was opened in the late 1970s; is
23 that right? I am sorry, it would be the early
24 1970s --
25 A About '69, late '69.
26 Q Yes, 1969. Yes.
27 And there is a reference on the next page at tab 19
28 to Mr. Art Sterritt, and I take it you know Mr. Art
29 Sterritt, do you?
30 A Yes, I know Art.
31 Q And it says in the passage there, the last sentence,
32 second last sentence, that he is a vice-president of
33 the Ksan Association, is that a correct statement?
34 A Well, I -- was this in '78 then?
35 Q Yes, assuming it's in 1978, which is the date of
36 this --
37 A That's probably right.
38 Q And it says he is very active in the volunteer
39 citizens group who organized the remarkable Ksan
40 native arts culture centre, is that a true statement
41 in 1978, to your knowledge?
42 MR. GRANT: I wonder about the relevance of that, my lord?
43 A I don't know what --
44 MR. MACKENZIE:
45 Q Is there a -- was there a volunteer citizens group?
46 A Yes.
47 MR. GRANT: I object on the the basis of relevance. Does it

make any difference to this litigation whether there was a volunteer citizens group?

THE COURT: Mr. Mackenzie?

MR. MACKENZIE: Well, my lord, in my submission, the question of the culture of the Gitksan-Wet'suwet'en people is one that's clearly at issue in this case, and the vigour and the question of the continuation, the continuance of that culture is clearly at issue, and the question whether there was a revival and whether certain specific people were instrumental in that revival is also relevant, in my submission.

THE COURT: I think that I will allow the evidence, subject to objection. I have some serious reservations about its, both its relevance and its probative value, but I think I will rule on it on the same basis that I may have erred, I have no doubt, on leaning towards admissibility rather than exclusion. But I will hear you on this and whatever else at 2 o'clock.

(Proceedings adjourned for lunch)

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

Wilf Roy
Official Reporter

(PROCEEDINGS RECONVENED AT 2:00 p.m.)

THE REGISTRAR: Order in court. Calling Delgamuukw versus Her Majesty the Queen at bar, My Lord.
THE COURT: Mr. Mackenzie.
MR. MACKENZIE:
Q Thank you, My Lord.
Mrs. Wilson-Kenni, you testified yesterday I think that you were aware of the name Medigmgyet, M-e-d-i-g-m-g-y-e-t?
A Yes.
Q Yes. And you testified that that was a name in the House of Guuhadak, right?
A Yes.
Q Well, that's a name that's held by Steven Robinson, isn't it?
A Yes.
MR. MACKENZIE: And Mr. Robinson, who holds that name, has interrogatories which appear at tab 6 of the document book, and I'm referring to the affidavit of --
THE COURT: Is that Steve Robinson who's Spookw?
MR. MACKENZIE:
Q Yes.
A Yes.
THE COURT: Thank you.
MR. MACKENZIE: The affidavit of Steven Robinson dated February 3, 1987, and I'm referring specifically to interrogatory number 24 which follows the map pocket which is at page -- or tab 6. Does Your Lordship have that interrogatory number 24 which is on a page with the number 6 on the bottom following the map pocket? It may be -- it may have been misplaced.
THE COURT: No, I have nothing after the map pocket. Wait a minute. On tab 6?
MR. MACKENZIE: Yes. Maybe you have -- maybe it's just before in your copy, My Lord.
THE COURT: On what page 6?
MR. MACKENZIE: Page 6, My Lord.
THE COURT: Yes, I have it. Thank you.
MR. MACKENZIE:
Q And going over to page 9, Steven Robinson says:

"I also speak as Medigmgyet, M-e-d-i-g-m-g-y-e-t, for the members of Medigmgyet's, M-e-d-i-g-m-g-y-e-t-'-s, House."

You see that Mrs. Wilson-Kenni?
A Yes.

1 Q Yes. Now, do you know of a house with the name
2 Medigmgyet?
3 A No, I don't. It's Guuhadak.
4 Q And -- oh, you've never heard of that house?
5 A No.
6 MR. MACKENZIE: And that house does not appear in the statement
7 of claim in this litigation?
8 MR. GRANT: Well, My Lord, the witness said "I don't. It's
9 Guuhadak.", and Guuhadak does appear in the statement
10 of claim.
11 MR. MACKENZIE:
12 Q My Lord, I heard what the witness said. The house
13 Medigmgyet does not appear in the statement of claim
14 in this litigation.
15 Referring to interrogatory number 13, which
16 appears at page 2 just before that one we just
17 referred to, paragraph -- or interrogatory 13 C, Mr.
18 Robinson says:
19
20 "Spookw, Medigmgyet, I received these names on the
21 death of Tommy Muldoe."
22
23 Do you see that Mrs. Wilson-Kenni?
24 A Yes.
25 Q Yes. Now, Tommy Muldoe held the name Spookw; is that
26 correct?
27 A He held that name in the same way that the present
28 Spookw is holding the name Guuhadak.
29 Q Yes. Well, when Tommy Muldoe died Steven Robinson
30 took over the name Spookw didn't he?
31 A When Johnson Alexander died Steven Robinson took the
32 name Spookw. It's when Medigmgyet died that he -- I
33 mean, Tommy Muldoe died that he got Medigmgyet, what I
34 understand.
35 Q Okay. Tommy Muldoe does not appear on the genealogy
36 that you've discussed here, Exhibit 315, does it?
37 A No.
38 Q And Tommy Muldoe's children do not appear on the
39 genealogy do they?
40 A Well, it shouldn't if he's Lax gibuu. His children
41 would be of his wife's clan.
42 Q And Tommy Muldoe's mother does not appear on the
43 genealogy does she?
44 A No, I don't think so.
45 MR. MACKENZIE: Just moving onto another subject for a minute.
46 THE COURT: Well, I wonder if I can just --
47 MR. MACKENZIE: Yes, My Lord.

THE COURT: Is it your position, Mr. Grant, that this statement on page 9 should read that -- that he also speaks as Medigmgyet for the members of --
MR. GRANT: Medigmgyet.
THE COURT: Medigmgyet for the House of Guuhadak?
MR. GRANT: Yes. He says he speaks as Medigmgyet for the members of Medigmgyet's House. Medigmgyet, this witness has described, is a chief in the House of Guuhadak, so that where it refers to there Medigmgyet's House, if you want to know the head chief, he's not saying that that's the head chief of that house. The head chief of that house is Guuhadak, and that's what this witness' evidence is. That's what this witness has explained, that that's the same house, that's why I objected to my friend's -- my friend's question about that that house is not referred to in the statement of claim.
THE COURT: Yes. All right. I think I understand.
MR. MACKENZIE: Well, there's no mention of Guuhadak in that interrogatory number 24.
THE COURT: Nor is there any mention of a House of Medigmgyet. He said he speaks for the House of -- Medigmgyet's House, which I'm now told is Guuhadak.
MR. GRANT: The head chief is Guuhadak and that's what the witness' evidence was.
THE COURT: What is inartisticaly worded is the sentence at the end of interrogatory number 24. Instead of saying he speaks for the members of a house, he said -- and give a name, he says he speaks for the members of Medigmgyet's House, which we have been told now is Guuhadak.
MR. GRANT: I think that's part of the problem of the whole process of the interrogatories where we, as you recall, where I think I worded several thousand questions which dealt with all these people, in trying to get it dealt with fast.
THE COURT: All right.
MR. MACKENZIE:
Q Now, Mrs. Wilson-Kenni, you're a member of the Roman Catholic Church?
A Pardon me?
Q Are you a member of the Roman Catholic Church?
A Yes.
Q And you were married in a church?
A Yes.
Q And were your children baptized in the Roman Catholic Church?

A Yes.
Q Now, Mrs. Wilson-Kenni, you testified yesterday that in your early years as band manager you signed some sustenance permits, do you recall that testimony?
A Yes.
Q And you testified further that the band does not issue sustenance permits today, do you recall that testimony?
A Yes.
Q Well, the members of the band still apply for sustenance permits though don't they?
A They probably do, but I wouldn't know who.
Q And it's the case, is it not, that when in the early days you were signing documents, those were applications to the Fish and Wildlife Branch; is that correct?
A Yes.
Q Yes. And it was the Fish and Wildlife Branch that issued the permits wasn't it?
A Yes.
Q Now, you understand those permits were intended to permit possession of wild game meat outside of the normal hunting season?
A Yes.
Q And I refer you to tab 1 A in the document book. Going through these quickly, if you turn over three pages you'll come to a document entitled "British Columbia Wildlife Act Permit Regulations"; do you have that?
A Yes.
Q Yes. And that's in the name of Elsie Sebastian dated December 6, 1979. Is that your signature in the bottom of that document as witness?
A Yes.

MR. MACKENZIE: Next exhibit, My Lord?
THE REGISTRAR: Exhibit 327, Tab 1 A.

(EXHIBIT 327: Tab 1 A, Application form)

MR. MACKENZIE: My Lord, the exhibit number should apply to the application form.
Mrs. Kenni, turning to the permit just before Exhibit 327, have you seen that a copy of that document before? That's a permit issued to Elsie Sebastian dated December 13, 1979.
THE COURT: Well, this is the permit that was issued pursuant to that application is it?

MR. MACKENZIE: Yes, My Lord.
THE COURT: Any objection to that?
MR. GRANT: Well, if she can't identify it, I don't see how it's admissible, My Lord. I mean, I don't know if this was issued out of the band office or --
THE COURT: No, no, it was issued by the Fish and Wildlife Branch.
MR. GRANT: Well, there were different practises in different places. I understand this signature -- I think sometimes they gave a batch of them to band offices.
THE COURT: Do you know whose signature that is Mrs. Wilson-Kenni?
MR. MACKENZIE:
Q Can you --
A On this permit thing here?
Q Do you recognize that signature as Frank Gillian's signature?
A I can make out "Frank" on there. That's probably Frank, but I've never seen his signature.
Q Do you know who Frank Gillian is?
A Yes.
Q He was a Fish and Wildlife conservation officer wasn't he?
A Yes.
MR. MACKENZIE: Yes. Well, My Lord, I submit that document as an exhibit.
MR. GRANT: Well --
THE WITNESS: I've never seen this permit before --
MR. MACKENZIE:
Q Yes.
A -- I was shown this.
Q You were aware that when you witnessed Elsie Sebastian's application she would apply for a permit to hunt the moose out of season weren't you?
A Yes, but I've never seen the permits.
Q I understand.
A Yes.
THE REGISTRAR: Which one is the exhibit, or is it all one exhibit?
THE COURT: I think it may be marked as an exhibit. I don't think it's going to go to any proof of much. It's part of the narrative of the trial. It follows in a reasonable order, and from the point of the view for an application, that is an exhibit. And I have noted, and the evidence is clear, that the witness doesn't know anything about it, and since she hasn't seen it before and she isn't sure about the signature, but she

recognizes Frank and she knows who this person is and there's enough connection to permit it to be marked, but I don't think proves anything.
MR. GRANT: That's fine, if it doesn't prove anything.
THE COURT: The permit itself will be 327 A.

(EXHIBIT 327 A: Permit)

MR. MACKENZIE:
Q Elsie Sebastian is in the House of Spookw?
A No.
Q No. Is that Elsie Sebastian the Elsie Sebastian that appears on page 6 of your genealogy, which is Exhibit 315, married to Bob Sebastian?
A No.
Q No. Thank you. And tab 1 B, turn over to tab 1 B, please, just turn over to the application. This is Joseph Michael -- sorry, Michael Joseph's application dated January 15, 1980. Can you identify your signature on that document?
A Yes.
MR. MACKENZIE: Yes. Next exhibit, My Lord.
THE COURT: Yes. 328.
THE REGISTRAR: 328, tab 1 B.
MR. GRANT: It's the application, My Lord.
THE COURT: Yes.

(EXHIBIT 328: Tab 1B, application form)

MR. MACKENZIE:
Q Yes. And turning over to tab 1 C, application for Nicholas R. Joseph dated January 22, 1980. Could I have you turn over to the application, please, and could you identify your signature at the bottom of that document, please?
A Yes.
MR. MACKENZIE: Exhibit, My Lord?
THE COURT: 329.
THE REGISTRAR: 329.
MR. GRANT: That's again the application.
THE COURT: Yes.
THE REGISTRAR: Tab 1 C.

(EXHIBIT 329: Tab 1 C, application form)

MR. MACKENZIE: Now, referring to tab 1 D., it's an application for Charles Austin dated January 22, 1981.

THE REGISTRAR: January 22.
MR. MACKENZIE:
Q Yes, January 22, 1981. Could you turn to the application, please, and identify your signature?
A Yes.
MR. MACKENZIE: Yes. Next exhibit, My Lord?
THE COURT: 330.
THE REGISTRAR: 330.

(EXHIBIT 330: Tab 1 D, application form)

MR. MACKENZIE: Now, Charles Austin --
MR. GRANT: That's the application.
THE COURT: Yes.
MR. MACKENZIE:
Q Charles Austin was your stepfather?
A Yes.
Q Yes. And you recognize his signature on that? Well, you were there when he signed it weren't you?
A Yes, as the signature witness.
Q Yes, thank you. By that time you had been at the band manager's office for two years; is that correct?
A Yes.
Q Tab 1 C, or I beg your pardon, 1 E, letter to Fish and Wildlife dated January 15, 1982 regarding Francis Pierre. Could you identify your signature at the bottom of that document, please?
A Yes.
MR. MACKENZIE: Next exhibit, My Lord.
THE COURT: 331.
THE REGISTRAR: 331.

(EXHIBIT 331: Tab 1E, letter dated January 15, 1982)

MR. MACKENZIE:
Q Now, turning to tab 1 F, it's a letter dated January 15, 1982, to the Fish and Wildlife with respect to Stanley George. Can you identify your signature on that document, please?
A Yes.
MR. MACKENZIE: Next exhibit, please, My Lord.
THE COURT: 332.

(EXHIBIT 332: Tab 1F, letter dated January 15, 1982)

MR. MACKENZIE:
Q Now, referring to tab 1 G in the document book, this

is an application for sustenance permit for James M. Joseph dated December 12, 1986, and that's your uncle is it Mrs. --
A Yes.
Q -- Wilson-Kenni? And you see Michael Joseph is indicated as a designated hunter. Is that his son?
A Yes.
Q And you can identify your uncle's signature?
A Yes.
Q And going over to the third page, the fourth -- correction, the fourth page, proof of social assistance, there's a signature there, a Victor Austin Senior. Is that a member of your family?
A Yes.
Q Yes. Is that your brother?
A Yes.
Q Stepbrother. Can you identify that signature?
A Yes, that's Victor's.
Q Could that whole tab be marked as an exhibit, My Lord?
A At that time he was --
Q Oh, I beg your pardon?
A He was told not to fill out any more of these or sign any of these. He was not aware that the band office was not going to be a party to any of these permits and he was spoken to quite severely about it because those other ones there, the only reason that I signed them is because the people persuaded me that if I didn't that they were in danger of losing their guns, that -- they told me that they would take their guns away if they didn't have a permit.

THE COURT: All right. Those three pages can be Exhibit 333.
THE REGISTRAR: 333.

(EXHIBIT 333: Application for sustenance permit)

MR. MACKENZIE:
Q So to your knowledge -- I'm sorry, I'll rephrase that question. Is it your testimony that members of the band now hunt in the winter without permits?
A Yes.
Q Yes. And they hunt outside the normal hunting season without permits?
A They hunt whenever they feel it's the right time to hunt.
Q Yes. And they will hunt after the close of the provincial hunting season without permits?
A It depends on when that's closed.

1 Q Yes. Are you aware that the provincial hunting season
2 closes in -- sometime in November usually each year?
3 A All right.
4 Q Yes?
5 A Yes.
6 Q And the band members, to your knowledge, hunt after
7 that closure?
8 A Sometimes.
9 Q Yes. And they hunt without permits?
10 A Yes.
11 Q Now, you'll agree with me that it's important to
12 conserve the wildlife in Spookw's territory?
13 A Pardon me?
14 Q I'm sorry. You'll agree with me that it's important
15 to conserve the wildlife in Spookw's territory?
16 A Yes, it is.
17 Q Yes?
18 A And if Wildlife was very concerned about it, they
19 would have been concerned when they saw those moose
20 dumped in the garbage dump.
21 Q Yes.
22 A At least Indian people make use of every bit of it,
23 not throw it in the garbage dump.
24 Q Yes. You don't know where that moose came from do
25 you?
26 A No, but I'm very sure it wasn't an Indian.
27 Q Yes. And there is increasing hunting pressure on the
28 wildlife resource in that area isn't there?
29 A What do you mean?
30 Q I mean there are a lot of white hunters coming into
31 the area now aren't there?
32 A Yes, there are.
33 Q So there is increasing pressure on the wildlife
34 resource, aren't there?
35 A I don't know.
36 Q And you agree with me that it's necessary to regulate
37 hunting to conserve the wildlife?
38 A Well, we always knew that.
39 Q And you're aware that the provincial game laws are
40 passed to protect the wildlife?
41 A Well, I should hope they are.
42 MR. MACKENZIE: Now, moving on to another subject, Mrs.
43 Wilson-Kenni, I'd like to speak a bit about the
44 genealogy, and that appears at tab 1 of the
45 plaintiffs' document book, it's Exhibit 315, and it
46 may be convenient for you to have that in front of
47 you. Thank you very much. I'll just move that out of

1 your way. Yes. You have that genealogy now.
2 THE COURT: May I clarify something Mr. Mackenzie?
3 MR. MACKENZIE: Yes, My Lord.
4 THE COURT: Does the genealogy include just the members of the
5 family of Spookw?
6 MR. GRANT: Well, My Lord, I think if, as this witness I think
7 said on direct and as other witnesses have said, if
8 you take, for example, I'll just give you an example,
9 on page 2 there you have Thomas Wilson, who's the son
10 of Josephine and Phillip, and then his spouse Mathilda
11 Samson.
12 THE COURT: Yes.
13 MR. GRANT: Now. Mathilda Samson -- and in that case, not
14 always, but in that case under Mathilda Samson's name
15 is "(Wii gyet)". Well, Mathilda Samson is the spouse
16 of Thomas Wilson who is not a member of the house.
17 THE COURT: Well, apart from spouses.
18 MR. GRANT: It would include members of the house apart from
19 spouses. So, for example, in a case where it's a
20 marriage of the -- of a son in the house to another
21 woman, those children aren't shown on the genealogy
22 because they're not a part of that house.
23 THE COURT: All right. So then it is a genealogy not of the
24 family of Spookw, but of the House of Spookw?
25 MR. GRANT: It is a genealogy of the House of Spookw including
26 spouses and of course deceased persons and all of the
27 children. The intent is that all of the children --
28 THE COURT: And the children are of the female member's house?
29 MR. GRANT: Which would be members of the house themselves.
30 THE COURT: All right. Thank you.
31 MR. GRANT: And the witness may confirm that if you wish.
32 MR. MACKENZIE:
33 Q Now, Mrs. Wilson-Kenni, you testified the other day
34 that -- and this morning, that aside from corrections
35 which you have made, this Exhibit 315 now accurately
36 sets out the members of Spookw; is that your
37 testimony? And perhaps I should add, it also includes
38 spouses of the Spookw members, would you agree with
39 that?
40 A Yes.
41 Q And during your testimony in chief you corrected
42 several errors on the Exhibit 315 didn't you?
43 A Yes.
44 Q Yes. For example, on page 6 of the genealogy you've
45 pointed out that -- was it your great-grandmother --
46 great-great-grandmother who died in childbirth?
47 A My great-grandmother.

1 Q Yes, that was Mary?
2 A Mary Yaga'lahl.
3 Q Mare Yaga'lahl, and that's on page 5 isn't it?
4 A Yes.
5 Q Yes. I beg your pardon. And -- but on page 6 and 7
6 you pointed out that your Uncle Willy Wilson was
7 married first to Alice Kangoot; correct?
8 A Yes.
9 MR. GRANT: Who is on the genealogy.
10 MR. MACKENZIE:
11 Q Yes. And you said "I don't know why Euphrasie is on
12 these." first, didn't you?
13 A Yes.
14 Q Now, on page 7 you also testified that Abraham has
15 been adopted into the House of Gisdaywa; correct?
16 A Yes.
17 Q So that entry on page 7 should be corrected to show
18 that Abraham is no longer in the House of Spookw?
19 A That's right.
20 Q So in accordance with the symbology for these
21 genealogies, a line should be drawn through that
22 triangle; is that right?
23 A Yes.
24 THE COURT: On page 7?
25 MR. MACKENZIE: Page 7 at the bottom, My Lord.
26 THE COURT: Oh, yes.
27 MR. MACKENZIE:
28 Q And you mentioned I think your Aunt Virginia Wilson
29 and her funeral feast. I haven't been able -- is she
30 on the genealogy? Is she your mother's sister,
31 Virginia Wilson?
32 A No, Virginia Wilson was my cousin.
33 Q Oh, yes?
34 A And she was Josephine's daughter.
35 Q Yes?
36 A She died when she was quite young.
37 Q Yes. And Josephine appears on page 2 of the
38 genealogy, doesn't she?
39 A Yes.
40 Q But Virginia is not shown on there, is she?
41 A Yes, she is.
42 Q Oh, I beg your pardon. I'm sorry.
43 A She's on page 3.
44 Q Oh, sorry.
45 A It's -- this line continues from --
46 Q Yes.
47 A -- page 2 over to 3.

1 MR. MACKENZIE: Thank you very much. You're right. So other
2 than those errors, as you say --
3 MR. GRANT: Well, that wasn't an error.
4 MR. MACKENZIE: I'm sorry, beg your pardon, that wasn't an
5 error, that was my error.
6 THE COURT: That's an error.
7 MR. MACKENZIE:
8 Q That's right. That's correct, My Lord, and so we're
9 all agreed on that.
10 Other than those errors, the genealogy is correct
11 as far as you're concerned; is that correct?
12 A So far as I know. Yes.
13 Q Okay. Well, I'll just --
14 A Hopefully there's another born right now.
15 Q That's right. It keeps changing, doesn't it?
16 A Yes.
17 Q And it also changes in the sense that as more research
18 is done more names are discovered; is that correct?
19 A Well, yes.
20 Q Yes. Research is ongoing, isn't it?
21 A Yes.
22 Q Yes. Now, referring to just a couple of items for
23 clarification on page 6. Do you have page 6 there?
24 A Yes.
25 Q Matthew Wilson, your uncle, appears there?
26 A Yes.
27 Q And he should be noted as having passed away; is that
28 correct?
29 A Yes.
30 MR. MACKENZIE: Yes. So --
31 MR. GRANT: He is I believe.
32 THE WITNESS: There is a dot on there.
33 MR. MACKENZIE: Yes, I haven't got that on mine. I'm sorry, I
34 didn't see that. I may have got an old -- or one
35 that's -- okay.
36 THE COURT: Who's the most ancient person on this genealogy? I
37 suppose we have to go to the middle for that do we?
38 THE WITNESS: Yes.
39 MR. GRANT: Page 6 and page 31 and 32, My Lord, would show the
40 three -- the oldest generation shown.
41 THE COURT: 31 --
42 MR. GRANT: 31 and 32 and page 6, if you just combine those
43 together, would be the three sisters, Margaret
44 Yaga'lahl, Azel Duncan, and Fanny Spookw.
45 THE COURT: Page 6. I see.
46 THE WITNESS: But there should be another line going up to
47 another Spookw from Fanny Spookw, but we're -- we're

1 still researching that area, but we do know there's
2 another Spookw and on and on it goes because there's
3 always a Spookw.
4 MR. MACKENZIE: Well, My Lord, I have to apologize. I'm using
5 the copy Mr. Grant gave me last week and it obviously
6 is not the same as the one that he's put in as an
7 exhibit and so that's the reason for my -- the errors.
8 I'm sorry.
9 MR. GRANT: Well, yes, I must say, My Lord, that yes, Mr.
10 Mackenzie has referred to in Mr. Plant's discussion
11 with me last week he attended to my office and I gave
12 it to him, I gave him a photocopy on that week -- that
13 off week, and I had not had an opportunity to review
14 that with the witness and --
15 MR. MACKENZIE: So --
16 MR. GRANT: -- the witness has corrected certain things with me.
17 THE COURT: All right.
18 MR. MACKENZIE: So I'm sorry about that. I'll move on a little
19 quickly then.
20 Now, I'm referring to tab 6 again in the book of
21 documents, in the plaintiffs' book of documents.
22 THE COURT: I'm sorry?
23 MR. MACKENZIE: Beg your pardon, the defendant's book of
24 documents, that's Mr. Robinson's interrogatories. If
25 you could keep the genealogy open, please, I'll just
26 get -- My Lord, while we're opening to tab 6, may I
27 have the interrogatory number 24 marked as an exhibit
28 with the affidavit, please?
29 MR. GRANT: Is that the one with the number 13 as well? I mean
30 it's all together in one?
31 MR. MACKENZIE: I'm just marking 24 at the present time, My
32 Lord.
33 THE COURT: That's all right. That will be exhibit --
34 MR. GRANT: With the affidavit?
35 MR. MACKENZIE: Yes, please.
36 THE REGISTRAR: Exhibit 334, My Lord.
37 THE COURT: All right.
38
39 (EXHIBIT 334: Interrogatory number 24 and affidavit)
40
41 MR. MACKENZIE: That's with the interrogatory 24. Thank you.
42 My friend has assisted me and indicated for
43 clarification the interrogatory number 24 appears on
44 pages 6, 7, 8 and 9 following the affidavit at tab 6.
45 THE COURT: Yes.
46 MR. MACKENZIE:
47 Q Well, Mrs. Wilson-Kenni, Mr. Robinson indicates that

1 he has set out in interrogatory 24 the members of the
2 House of Spookw who he recalls, and you will see there
3 he refers to "based on research gathered to date", and
4 you've already agreed with me that Exhibit 315 was
5 based on research haven't you?
6 A Yes.
7 Q Yes. And did Heather Harris prepare the genealogy
8 which is Exhibit 315?
9 A Partly.
10 Q She -- when you say "partly", she prepared a draft and
11 you reviewed it?
12 A Yes.
13 Q Yes. And can you tell me, please, when you first
14 reviewed the draft genealogy?
15 A When?
16 Q Yes.
17 A I think it was last April, last year April.
18 Q April 1987?
19 A Yes.
20 Q Okay. Well, referring to page 4 on the genealogy,
21 Exhibit 315, and page 7 in Mr. Robinson's
22 interrogatory, I see that Mr. Robinson lists several
23 people with the name "Soldie", S-o-l-d-i-e. Now, can
24 you see that on page 7 of the interrogatories about --
25 on the left-hand column?
26 A Oh, yes.
27 Q About a quarter of the way down?
28 A Yes.
29 Q Yes. And on your genealogy page 4 there are several
30 people with the name "Sholty", S-h-o-l-t-y. Now,
31 who's in error there?
32 A It's Sholty.
33 Q I see. So Mr. Robinson's list is incorrect there.
34 Now, further down on Mr. Robinson's list about
35 half-way down he refers to Justin Joseph born 1982?
36 A Yes.
37 Q And I see on the genealogy -- I haven't been able to
38 find him on the genealogy?
39 A He's -- Justin is on page 2.
40 Q Oh, yes.
41 A Under Virginia Duncan and Walter Joseph Junior.
42 Q Oh, yes. Yes. I don't have that on my copy. Now,
43 going down to the bottom I see that Mr. Robinson has
44 Ida Dennis. Now, that's your sister Ida, isn't it?
45 A Yes, that's Ida Austin.
46 Q Ida Austin. And her name is Austin?
47 A Yes.

1 Q This affidavit of Mr. Robinson's was sworn in February
2 and at that time Ida was still in the House of
3 Gisdaywa wasn't she, February 1987?
4 A February 1987? February, yes.
5 Q Yes. And so Mr. Robinson is incorrect to include her
6 as a member of the House of Spookw in February 1987
7 isn't he?
8 A Yes.
9 Q Now, just looking over quickly to page 20 of the
10 genealogy, and I see that on page 20 of the genealogy,
11 Exhibit 315, "Robert Erickson" is noted. Do you have
12 him there, Robert Erickson?
13 A Yes.
14 Q As being deceased?
15 A Yes.
16 Q Well, looking at Mr. Robinson's list, page 8, just
17 about three-quarters of the way down, "Robert
18 Erickson" is listed there. Is that the same Robert
19 Erickson?
20 A Yes, Robert died recently.
21 Q I see.
22 A Yes.
23 MR. MACKENZIE: Now, page 23 of the genealogy, Exhibit 315.
24 THE COURT: Where, I'm sorry?
25 MR. MACKENZIE:
26 Q Page 23 of the genealogy, My Lord, referring to Sophie
27 Isaac, her name on the genealogy -- do you have that?
28 Her name is now Sophie Ogen?
29 A Yes.
30 Q Well, Mr. Robinson's page 8, about four lines up from
31 the bottom, he has a "Sophie Dean". Do you know who
32 Sophie Dean is?
33 A That's Sophie Ogen. That's just a mistake on there.
34 That's Sophie Ogen.
35 Q I see. And then over on the next page, page 9,
36 "Michael Dean". Is that a mistake also?
37 A Yes.
38 Q I'm referring to Mr. Robinson's interrogatory number
39 24. And "Barry Dean", that's a mistake also?
40 A Yes.
41 Q Yes?
42 A Yes.
43 Q "Maureen Dean", that's a mistake?
44 A Yes.
45 Q Yes. And "Daniel Dean"?
46 A It's supposed to be Ogen.
47 Q That should all be Ogen?

1 A Yes.
2 Q There are no Deans on the genealogy at all, are there?
3 A No.
4 Q No. Now, the interrogatory at page 9 has -- about
5 half-way down has "Rita George" and "Brian George" as
6 being included in the house. Do you see that?
7 A Oh, yes.
8 Q That's wrong isn't it?
9 A Yes.
10 Q And the interrogatory at page 9 has "Roy Morris" also
11 as being included in the house, do you see that about
12 three-quarters of the way down?
13 A Right.
14 Q And that's -- that contradicts the genealogy too
15 doesn't it?
16 A Well, he's in the genealogy, but I think he's got a
17 line through them.
18 Q He appears on page 27 of the genealogy?
19 A Yes. He's got a line through his.
20 Q Yes, so that's --
21 A Rita and Brian also have a line through the page 25.
22 Q Yes, that's good. Now, just looking at page 30 of the
23 genealogy and starting with -- you have "Mary Tom" and
24 her family on page 30 of the genealogy?
25 A Yes.
26 Q Well, can you confirm that the names of those people
27 and the succeeding pages don't appear on the list in
28 the interrogatory? Those people are all deceased on
29 page 30 aren't they?
30 A Yes.
31 Q Well, moving over to page 31, I take it "Sarah
32 Charlie" would be -- at page 31 "Sarah Charlie" would
33 still be a member? She's deceased?
34 A Yes.
35 Q So that should be noted as being deceased there?
36 A Yes.
37 Q And "William Charlie" is deceased, that should be
38 noted as being deceased, still referring to page 31,
39 "William Charlie"? I'm sorry, page 31?
40 A I don't know if he's deceased.
41 Q I see. Okay. Would he be a member of the House of
42 Spookw?
43 A No, he's not connected to the line there.
44 Q No, that's right. How about "Madeline Charlie" on
45 page 32?
46 A Pardon me?
47 MR. MACKENZIE: Madeline Charlie on page 32?

MR. GRANT: What is the question?
MR. MACKENZIE:
Q I beg your pardon.
A As far as I know she's alive.
Q She's alive?
A Yes.
Q And her name is not included in the interrogatory is it?
A No.
THE COURT: Madeline Charlie?
MR. MACKENZIE:
Q Madeline Charlie on page 32. And "John Charlie" on page 32, is he deceased?
A Yes.
Q So that should be noted as being deceased, right?
A Oh, yes.
Q Yes. And "Alex Charlie" on page 32, is he still alive?
A I'm not too sure.
Q All right.
A My mother would know that.
Q Oh, yes. But his name does not appear on the interrogatory does it?
A No.
Q And moving over to page 33, "Walter Bob", is he still alive?
A Walter Bob, I don't know. I didn't ask my mother whether he was still alive or not.
Q His name doesn't appear on the interrogatory does it?
A No.
Q And "Mable Bob", do you know anything about Mable?
A No.
Q No. Her name doesn't appear in the interrogatory does it?
A I don't think any of these names on 33 or 34. It stops right there.
Q It stops at "Eileen Wilson" doesn't it?
A Yes.
Q Well, I take it that there'd been ongoing research and it turned up new names, is that the case, after Mr. Robinson made this list?
A Yes. Well, this is --
Q You're referring to the interrogatory?
A Yes, Steven's.
Q Yes, I'm sorry, I didn't mean to interrupt you.
A This interrogatory is Steven's. I haven't read it.
Q Oh, I understand that, yes, but we're just going

1 through the list there.
2 A Yes.
3 Q And it was attached to an affidavit sworn in February
4 1987, and my question to you is that I take it that
5 the research has been going on since then and has
6 turned up new names; is that a fair statement?
7 A Well, not just since then.
8 Q Oh, I'm sorry.
9 A It's been going on for a long time.
10 Q I understand that.
11 A We always want to know who our relatives are.
12 Q Yes. So as research continues, you find increasing
13 accuracy; is that correct?
14 A Uh-huh.
15 Q Yes. And you eliminate the errors as you do more
16 research?
17 A Yes.
18 Q So I take it from your comments that, as you say, your
19 mother knows about the genealogy, but you don't have
20 personal knowledge about the people over in the
21 farther pages?
22 A That's right, but she knows most of them.
23 Q Yes. Now, you've already told us, but let me just
24 confirm with you, that Steven Robinson, who's Spookw,
25 appears on page 1 of the genealogy, doesn't he?
26 A Yes.
27 Q And you testified today that I take it since this
28 Exhibit 315 was prepared that is it the case that
29 Steven Robinson has adopted people into the -- Steven
30 Robinson's children and grandchildren have been
31 adopted into the house?
32 A His grandchildren --
33 Q Yes.
34 A -- have been adopted into the house.
35 Q Okay. When were they adopted into the house?
36 A I don't know, but it was at a feast that I wasn't at.
37 Q Oh, yes. Do you know what year that might be?
38 A I have no idea.
39 Q Thank you. But Steven Robinson's father was Walter
40 Bob Robinson wasn't it?
41 A Yes.
42 Q And his mother was Molly Robinson; correct?
43 A Yes.
44 Q Yes. And she's not a member of the House of Spookw is
45 she?
46 A I don't think so.
47 Q Well, she doesn't appear on the genealogy does she?

A No.
Q And Bob Robinson doesn't appear on the genealogy does he?
A No.
Q No. And Steven Robinson's sister is Joyce Robinson, now Turner, isn't it?
A Yes.
Q And her chief's name is Yagosip?
A Yes.
Q Y-a-g-o-s-i-p?
A Yes.
Q She doesn't appear on the genealogy does she?
A No.
MR. MACKENZIE: No.
THE COURT: What was the name?
MR. GRANT: Chief's name was Yagosip, My Lord, Y-a-g-o-s-i-p.
THE COURT: But her other name?
MR. MACKENZIE:
Q Joyce Robinson, now Turner. Her married name is Turner; is that correct, Mrs. --
A Yes.
Q -- Wilson-Kenni? And on page 1 we also have "Edward Clark" don't we?
A Yes.
Q And his parents don't appear on the genealogy do they?
A No.
Q No. And you have "Frank Clark" also don't you?
A Yes.
Q His parents don't appear on the genealogy do they?
A No.
Q No. And so they are not related by blood to anyone now alive in the House of Spookw are they?
A I don't know about that. We're still trying to find out about -- about Edward and Frank Clark.
Q And other than the newly adopted grandchildren, Steven Robinson is not related by blood to any other present living member of the House of Spookw is he?
A I can't say that for sure, and that's why we have to do more research to see the connection here.
Q Yes?
A Because there has to be a connection.
THE COURT: Well, can you tell me how it is that he's in the House of Spookw if his mother wasn't in the house?
THE WITNESS: Because at the time that Johnson Alexander passed away, the one that was to take the name was not well, he was very ill and wasn't even able to attend the funeral, and at that time it was decided that Steve

1 would be taking care of that name until one of us was
2 ready for it.
3 THE COURT: I see. All right.
4 MR. MACKENZIE: Referring now, My Lord, to an interrogatory
5 which is not in the binder, but I will make a copy
6 available. Referring to interrogatory number 27,
7 which I have a copy for Mrs. Wilson-Kenni to read --
8 and I'll provide Your Lordship with a copy, I expected
9 it to be here by now, but perhaps after the break.
10 Interrogatory 27 --
11 MR. GRANT: Steve Robinson?
12 MR. MACKENZIE:
13 Q Yes, Steve Robinson. Steve Robinson says on
14 interrogatory 27, I will read that interrogatory,
15 it's:
16
17 "What do you understand the word 'house' to mean
18 as it is used to describe you in paragraph 1 of
19 the further amended statement of claim?"
20
21 And Steven Robinson says:
22
23 "House means Wilp, W-i-l-p, the kinship group into
24 which I was born. I belong to the Wilp because my
25 mother is a member of that house."
26
27 Well, that statement is incorrect, isn't it,
28 Mrs. --
29 A I don't know if it's incorrect.
30 Q I'm sorry?
31 A I can't be sure and say that it is because it may turn
32 out that, you know, through the years that have passed
33 with the different Spookws that there is a definite
34 link.
35 Q Yes, I understand what you're saying.
36 A So I can't say that that's not true.
37 MR. MACKENZIE: Can you agree with me that --
38 MR. GRANT: Well, just one moment, My Lord.
39 MR. MACKENZIE: Sorry.
40 THE COURT: Yes?
41 MR. GRANT: If Mr. Mackenzie wishes to put that to him, I think
42 Mr. Mackenzie should also put to the witness the
43 answer to paragraph -- to question 18 in which Mr.
44 Robinson describes who his mother is and where she is
45 from.
46 MR. MACKENZIE: Oh, yes, I'm pleased to do that. I thought we'd
47 established that, My Lord, but I'm pleased to do that.

1 MR. GRANT: That's the answer to question 18 of the
2 interrogatory, the third paragraph refers to the
3 mother.
4 THE COURT: Well, what you really want is interrogatory 27 is
5 it?
6 MR. MACKENZIE: That's correct, My Lord.
7 THE COURT: Now, you're going to put number 18.
8 MR. MACKENZIE: Well, My Lord in my submission they don't --
9 they're not related, but I don't have any objection to
10 reading it.
11 THE COURT: Well, it --
12 MR. GRANT: Well, he describes who his mother is and where she
13 came from.
14 THE COURT: But this is not discovery, this is
15 cross-examination, but Mr. Mackenzie's going to read
16 it anyway he says.
17 MR. MACKENZIE:
18 Q Mrs. Wilson-Kenni, let me ask you a question before
19 you start reading that, if I may? You've agreed with
20 me that Steven Robinson's mother was Molly Robinson;
21 correct?
22 A Yes.
23 Q Yes. And she was a member of the Lax gibuu clan?
24 A Yes.
25 Q Yes. You don't know her house?
26 A No.
27 Q No. And interrogatory number 18 doesn't indicate what
28 Molly Robinson's house is? You're reading
29 interrogatory 18?
30 A 18?
31 MR. MACKENZIE: Well, My Lord, I don't wish to put
32 interrogatory 18 to Mrs. Wilson-Kenni. I don't think
33 it's related and I think that Mrs. Wilson-Kenni has
34 agreed with the questions that relate to that
35 interrogatory anyway.
36 MR. GRANT: Well, what it does say, My Lord, interrogatory 18
37 gives the name, the Gitksan name of Mrs. Robinson,
38 which my friend has avoided putting to the witness,
39 and the witness said she hadn't had an opportunity to
40 review this interrogatory, and it was part of the
41 answer about who his mother was. That's the reason
42 why I said it was directly related to what he was
43 asking.
44 THE COURT: Well, I don't think -- the rule that things are
45 related, or connected as the word is used, in relation
46 to some other parts of this doesn't apply here. I
47 don't think Mr. Mackenzie has to put it to the

witness. It may be a matter for re-examination.
Shall we take the afternoon adjournment?
MR. MACKENZIE: Thank you, My Lord.
THE REGISTRAR: Order in court. Court will recess.

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

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

Tanita S. French
Official Reporter

1 (PROCEEDINGS RESUMED FOLLOWING SHORT RECESS)
2 DORA WILSON KENNI, Resumed:
3
4 CROSS-EXAMINATION BY MR. MACKENZIE: (Continued)
5
6 THE COURT: Mr. Mackenzie?
7 MR. MACKENZIE: Thank you, my lord.
8 Q So, I understand your evidence, Mrs. Wilson Kenni that
9 Steven Robinson is taking care of the name Spookw; is
10 that correct?
11 A Yes.
12 Q And he took the name when Tommy Muldoe died?
13 A When Johnson Alexander died.
14 Q Now, I have already -- sorry, I may have misunderstood
15 your answer now, but interrogatory 13, I think I read
16 this before, and I put it more formally now,
17 interrogatory 13, and I think it appears at tab 6, on
18 page 2 in the booklet of documents, and, "What are the
19 Gitksan names you have held since birth to the extent
20 that your recollection permits? State the time, when,
21 and the manner by which you acquired each of these
22 names." And then Steven Robinson mentions two earlier
23 names and in sub paragraph (c), he says, "Spookw,
24 Medigmgyet. I received these names on the death of
25 Tommy Muldoe."
26 So you are saying that that's not true, but he got
27 them some other time?
28 A Well, it's got both names in there, Medigmgyet that he
29 got.
30 THE COURT: But you say he got the name Spookw on the death of
31 Johnson Alexander, not on the death of Tommy Muldoe?
32 A No.
33 MR. MACKENZIE: Does your lordship wish to have that 13 marked
34 as another exhibit number or can we just take it now
35 that it's part of Exhibit 334?
36 THE COURT: No, I don't think -- it's in, you can put it in if
37 you want. You have that evidence. If you put it in
38 it's only for the, either convenience or for the
39 purpose of putting in as evidence the other parts of
40 the answer. It's up to you to put it in if you want.
41 MR. MACKENZIE: Thank you. I don't think there is any need to
42 put that in.
43 THE COURT: All right.
44 MR. MACKENZIE:
45 Q And you were out of the country when Johnson Alexander
46 died, was that in the '50s, 1950s?
47 A No, Johnson Alexander died in '72.

1 Q Oh, yes. So Steven Robinson, in your testimony, your
2 evidence is that he took the name Spookw in 1972; is
3 that correct?
4 A Yes.
5 Q And he has been taking care of the name since 1972,
6 correct?
7 A Yes.
8 Q And you say he is taking care of the name until one of
9 the other members is ready; is that right?
10 A Yes.
11 Q Now he has been taking care of the name for 16 years,
12 when do you anticipate that one of the other members
13 will be able to take the name?
14 A He will know when we are ready.
15 Q Now, continuing to refer to Steven Robinson's
16 interrogatories, while we have them available, I am
17 referring now to interrogatory 59 (c), which actually
18 appears on page 18, after tab 6 in the document book.
19 What appears on page 18 is the sub paragraph (c),
20 "What are the boundaries of your house's territory?"
21 "The approximate boundaries of Spookw's territory are
22 included in the map which is set out in Schedule "C",
23 except for my fishing sites. Yagosip has different
24 territories." And are you aware that Yagosip has
25 different territories?
26 A Yes.
27 Q I am going to go to the pocket at tab 6, and this is
28 the map that was delivered with this interrogatory,
29 Schedule "C", while you are opening the map, I am
30 going to take the genealogy out, because we are
31 finished with the genealogy.
32 MR. GRANT: From my recollection, my lord, just to be clear, and
33 my friend may correct me if I am wrong on this, is
34 that there were actually two maps attached to the
35 interrogatory and I think he has actually appended the
36 second map at the end of tab seven.
37 MR. MACKENZIE: Well, I am sorry, that's not correct, my lord.
38 Your lordship will note in interrogatory 59 (c) that,
39 we just read --
40 THE COURT: This is described as Schedule "C" to that
41 interrogatory.
42 MR. MACKENZIE: That's our notation.
43 MR. GRANT: That's their notation, it's not a notation from --
44 THE COURT: All right.
45 MR. MACKENZIE: My lord, I refer --
46 THE COURT: This doesn't include the village of Hagwilget?
47 MR. MACKENZIE: No, it doesn't, this is a territory which

appears to border the Skeena River, including Seeley Lake Park and also Carnaby. And --

MR. GRANT: It does not include Kitsegukla River.

MR. MACKENZIE: I don't know why my friend says that, because we will see later that it appears to encroach on the Gitksan Reserve. But the point I wish to get to now, that is interrogatory 59 (c) says, refers to the map, singular, which is set out in Schedule "C". And except for the fishing sites.

Now, my lord, I would submit this map as the next exhibit, based on that interrogatory and this is the map that was delivered to the province with the interrogatory 59 (c).

THE COURT: All right. This map will be exhibit --

THE REGISTRAR: 335.

(EXHIBIT 335: INTERROGATORY 59 (c) WITH ATTACHED MAP)

THE COURT: What do you say, Mr. Grant, that there was a second map delivered with the interrogatories?

MR. GRANT: I don't have my copy but I must advise the court that in order to expedite matters there were certain standardized answers put in and the use of the word singular in 59 (c) was used in circumstances in which there was more than one map in other cases. My recollection was that there were two maps with this. I will check my own file and I will advise the court because I kept a copy as well. I don't have it with me in the court to check that.

THE COURT: What are you saying, you believe there were two maps delivered with the interrogatories?

MR. GRANT: Yes. If my friend says, if my friend confirms to the court that this is one of those maps, I have no difficulty with that. I wish to confirm with my own file that I was under the impression that two maps actually were delivered with this interrogatory and if so, I would want that to be noted or dealt with.

THE COURT: Are you in a position to say whether there was one map or two maps Mr. Mackenzie?

MR. MACKENZIE: Yes, my lord, and I presume my friends acting for Canada will support me on this, what in fact happened is that we got, we received this map and only this map, speaking for the province, and as I understand it from my friend Mr. Macaulay, and his colleagues, they received a map similar to this, the same territory, different edition. And I have that at the next tab and I will refer to that because I think

it may be significant to see the changes between the two maps. But it's the same location. So that's my understanding of Canada's position, and that's certainly what happened with the province, my lord.

And, my lord, we would be most happy to receive another map, even at this late date, from my friend. He still owes us several maps for these interrogatories which were delivered in January and February, 1986, I think. But be that as it may, I am willing to have my friend check his files because I would be interested in the answer to that search as well.

THE COURT: Are you saying, Mr. Grant, there is another map showing the other territory which appears on Exhibit 5?

MR. GRANT: I am speaking from recollection. It's something I must check. But my understanding was that there was two maps delivered.

THE COURT: And one showed the other territory as in Exhibit 5?

MR. GRANT: Approximately, yes. These were drafts, as you can see this is a draft copy as was the other, and I am sure my friend will elucidate all the variations there are in the draft. But I wish to check that and it appears that from what my friend has indicated, this is the first time I was aware that a different map was sent to Canada than to British Columbia. And of course, that in itself is indicative that there was probably some inadvertent error on the part of my office. However, I am not sure.

THE COURT: Not necessarily. Your friend said it was a different edition of the same map. That may not have been in error at all. This will all emerge in due course.

MR. GRANT: I am sure it will emerge. I just want an opportunity to see if there was a second map.

THE REGISTRAR: Is interrogatory 59 (c), as well as the map, being marked or just the map?

THE COURT: Are you putting in the interrogatory, Mr. Mackenzie?

MR. MACKENZIE: Yes, my lord, it does refer to a map in the singular.

THE COURT: All right. So the interrogatory and the map are Exhibit 335.

All right. Go ahead, Mr. Mackenzie, now that we have got that all straightened out.

MR. MACKENZIE:

Q Mrs. Wilson Kenni, you have been to Seeley Lake Park, which is in the centre of that map, Exhibit 335?

A Yes.
Q And are you familiar with the names of the rivers, I am referring to the river just to the north of Seeley Lake, are you familiar with that name? It's spelled X-s-a-g-i-i, and then I am having difficulty with that --
THE COURT: Mine clearly shows an S.
MR. MACKENZIE: Do you have S? Is there anything else, my lord?
THE COURT: Just some crooked lines.
MR. GRANT: And a T, my lord.
THE COURT: Is there a T?
MR. GRANT: Yes, there is a T there.
THE COURT: A well-hidden T.
A I don't know these names.
MR. MACKENZIE:
Q Can you tell us what language they are in, please?
A Gitksan.
MR. GRANT: My lord, I may say, I am going to propose, it may assist my friend in this, that tomorrow given that there are Gitksan and Wet'suwet'en words given that Miss Stevens, who is the Gitksan word person, the parallel of Mr. Mitchell, may be available, if necessary.
THE COURT: Thank you.
MR. MACKENZIE:
Q Now I am referring to the map at tab 7, if we could just leave Exhibit 335 out.
THE COURT: What do you say this map is, Mr. Mackenzie?
MR. MACKENZIE: My lord, I am instructed that this is the map that Canada received with its interrogatory, its answer to interrogatory 59 (c) and just because I got a copy or at least I got the original of the map and interrogatory from Canada I made a copy of those and put it at tab 7. The wording of 59 (c) at page 18, following tab 7 is the same as that at tab 6. The only difference is the map which came to Canada. And the --
MR. GRANT: I can only advise the court that I must check this, my lord. But clearly there was an error because it was, the interrogatory was of the province, there was only one set of interrogatories and the intent was that the map would be the same. I am not sure which of these was the correct one to be delivered.
MR. MACKENZIE: I wonder if my friends would allow me to take a look at their map. I just happen to have -- I had a reduced version but this map, it came to Canada, has got Spookw handwritten on the lower right hand corner,

my lord, and there appear to be some handwritten comments in the centre lower portion of the map, and they appear to refer to changes in geographical locations on the map. And other differences between the map which Canada received, my lord, you will see if you look at the British Columbia map, Seeley Lake Park, you will see handwritten notations on the British Columbia map, on just, on the eastern shore of Seeley Lake, and on the Canada map, of course, you have actual printed, the printed words and of course on the Canada map you also have the district lot numbers shown which are not shown on the British Columbia map.

THE COURT: But the boundaries are the same, are they not?

MR. MACKENZIE: The boundaries are generally the same but the named have been changed to protect -- the names have been changed --

MR. GRANT: To protect those who are not here to defend themselves.

MR. MACKENZIE: Just for an example, my lord, if you could refer to that river name we were puzzling over northeast of Seeley Lake, you will see there is a different name on Canada's map than on the British Columbia map. So, my lord, having said that, I would submit the Canada map as the next exhibit.

MR. GRANT: Well, my lord, I would like to consider the position until tomorrow morning, if I could.

THE COURT: All right.

MR. GRANT: Because Mr. Robinson gave an interrogatory with a map of this territory. I am not sure which of the maps it was. Now the maps were attached and clearly for some reason, one map was attached at or two different maps or versions of the maps were attached. It may not be properly admissible in that context.

THE COURT: In cases of dispute about it, I think we will mark the map that Mr. Mackenzie says was delivered to Canada as 236 for identification.

THE REGISTRAR: 336, my lord.

THE COURT: 336. Sorry.

(EXHIBIT 336 FOR IDENTIFICATION: MAP FROM TAB 7)

MR. MACKENZIE: And I am going to hand this map back to my friends and ask Mrs. Wilson Kenni:

Q Mrs. Wilson Kenni, I presume you had no part in preparing these maps; is that correct?

A No, I didn't take part in that.

Q Are you aware that Marvin George prepared these maps?
A Yes.
Q Now, I just point out a couple of other things, while we still have the British Columbia map in front of us, it's Exhibit 335, and I would ask you to turn to tab 13 of the document book, Exhibit 335, the British Columbia map we are looking at, at tab 13 is an enlargement of Exhibit 5, which is Gitksan-Wet'suwet'en territories, and I just note, looking at the Seeley Lake territory shown on Exhibit 5, can you see that there is a little pocket in there claim by Wiigoobl, referring to Exhibit 5, the enlargement at tab 13, can you see that little pocket claimed by Wiigoobl?
A Yes.
MR. MACKENZIE: I would like a spelling for that, please? It's spelled on the map.
THE WITNESS: W-i-i-g-o-o-b-l.
MR. MACKENZIE:
Q And you know Wiigoobl is Jessie Sterritt?
A Yes.
Q And are you aware that Jessie Sterritt claims Seeley Lake for the House of Wiigoobl?
A No, I am not aware of that.
MR. MACKENZIE: My lord, that appears in Jessie Sterritt's commission, which is an exhibit in these proceedings, and what I plan to do is give your lordship the exhibit number and then give your lordship the page number tomorrow morning. I just don't have the page number handy with me. Just as a matter of convenience to bring that to the court's attention. Jessie Sterritt commission is already marked as an exhibit.
THE COURT: All right. Do you say that enclave with an arrow leading from the word Wiigoobl is Seeley Lake? Seeley Lake on Exhibit 235 is almost in the middle of or closer to the middle of the territory.
MR. MACKENZIE: Yes, that's correct.
THE COURT: This one is on the northern boundary.
MR. MACKENZIE: This -- the point is, my lord, and I will be able to give a specific reference in the commission evidence, Jessie Sterritt did mention that in her commission and we have that on Exhibit 5, that incursion, what appears to be in Spookw's territory. Moving over towards Seeley Lake on Exhibit 5, if not on Exhibit 5 all the way to enclose Seeley Lake.
And I point out also, my lord, and ask the witness to confirm, that on Exhibit 5, the neighbour to the

1 east of Spookw is Gyetmgaldoo, whereas the neighbour
2 to the east on Exhibit 335, appears to be Nikateen, to
3 the northeast and Gwis gyen to the southeast.
4 MR. GRANT: Well, with respect, my lord, on Exhibit 5 you can
5 see there is a little narrow long stretch, and there
6 is an arrow and Nikateen is referred to there on
7 Exhibit 5 as the neighbour. You can see it, Nikateen
8 is actually across the river but there is a little
9 arrow there and you can see that more clearly, of
10 course, on the exhibit proper itself, but Nikateen is
11 the neighbour.
12 THE COURT: All right referred to on Exhibit 5.
13 MR. MACKENZIE: I think the documents will speak for themselves,
14 as far as that goes.
15 THE COURT: Where is this little arrow you are talking about,
16 Mr. Grant?
17 MR. GRANT: Well, you see the word Nikateen, there is a straight
18 line there.
19 THE COURT: I do not see the word. Yes, I do.
20 MR. GRANT: A straight line there, and then there is a heavy
21 dark, this is on Exhibit 5, there is a heavy dark,
22 approximate rectangular area and that arrow on
23 Nikateen or that line Nikateen is pointing to that
24 territory.
25 MR. MACKENZIE: I agree with what my friend says.
26 MR. GRANT: The word Nikateen is in the territory marked
27 Luutkudziiwas, but in fact the arrow points over to
28 that small territory. There wasn't enough room to put
29 it in.
30 MR. MACKENZIE: I agree with my friend, there is a reference to
31 Nikateen on Exhibit 5.
32 THE COURT: But not placed in the same location as 236.
33 MR. MACKENZIE: 335, my lord.
34 THE COURT: Sorry, 335.
35 MR. MACKENZIE: And, my lord, I won't go into the other
36 differences between those documents. I have done that
37 on previous occasions and it goes on. But that point
38 can be made more expeditiously.
39 THE COURT: All right. Your point, Mr. Grant, is that little
40 Belgium in Exhibit 5 is what was intended to be
41 indentified.
42 MR. GRANT: That little Belgium there?
43 THE COURT: Yes.
44 MR. GRANT: If the Luxumbourg is Wiigoobl then the Belgium is
45 Nikateen, that's right.
46 A I am glad to hear we have expanded our territory.
47 MR. MACKENZIE: Jessie Sterritt's commission is marked as an

1 exhibit in these proceedings, my lord, at Exhibit 70 A
2 and 70 B from volumes one and two and I will give your
3 lordship the exact page reference, for your lordship's
4 convenience tomorrow morning.
5 THE COURT: All right.
6 MR. MACKENZIE:
7 Q Now, we finished look at Steven Robinson's maps --
8 A Where does this go?
9 Q Just return those to the binder.
10 Mrs. Wilson Kenni, we have talked about Steven
11 Robinson taking care of the name of Spookw after
12 Johnson Alexander died, are you aware that he paid a
13 substantial sum of money to obtain the name Spookw?
14 A Pardon me?
15 Q Are you aware that Steven Robinson paid a substantial
16 sum of money to obtain the name Spookw?
17 A All chiefs spend a lot of money at one time or
18 another.
19 Q You weren't present at the feast in which --
20 A No, I wasn't.
21 Q Yes. So you have no personal knowledge of the amount
22 of money that Steven Robinson paid?
23 A No, I don't.
24 Q Actual my question was, Steven Robinson would have
25 paid, and your answer is no, you don't?
26 A No, I don't know that.
27 Q Now, moving on to a new subject, my lord.
28 Now, Mrs. Wilson Kenni, you have testified that you
29 are the manager of the Hagwilget Band?
30 A Yes.
31 Q And you are also now a member of that band, are you
32 not?
33 A Yes.
34 Q And can you tell us what your duties are as band
35 manager, please?
36 A To administer the funds for the different programmes
37 that are taken over by the band from the Department of
38 Indian Affairs, from the district.
39 Q And you mentioned some of those programmes, could you
40 tell us what those are, please?
41 A Some of them are in the capital and education, social
42 development.
43 Q Did you say professional development?
44 A Social development.
45 Q I beg your pardon.
46 And in carrying out your duties, do you engage in
47 communications and correspondence with the Department

of Indian Affairs?
A Yes.
Q And you also, I take it, engage in correspondence with other Gitksan Indian Bands?
A Yes.
Q And as band manager you engage in correspondence with the Moricetown Band?
A Engage in what?
Q Engage in correspondence with the Moricetown Band?
A I may have, yes.
Q And, as part of your experience and your day-to-day duties, you have become aware of the band managers of the other Gitksan bands?
A Become aware of them?
Q You know the names of the managers of the other Gitksan Bands?
A Yes.
Q And can you tell us, please, the name of the band manager for the Gitanmaax band?
A Gitanmaax?
Q Yes.
MR. GRANT: When? Now?
MR. MACKENZIE: Yes, please. Thank you.
A Right now, I am not too sure. They might have someone as acting band manager there.
Q Who was the band manager previous to the present acting band manager, if there is one?
A I can't remember his name. He was there for a short time.
Q And can you tell us, please, tell his lordship, please, who the chief councillor is for the Gitanmaax Band?
A Chief councillor for the Gitanmaax is Neil Sterritt senior.
Q Can you tell us, please, who the band manager is for the Kispiox Band?
MR. GRANT: Well, my lord, I wonder if my friend could explain the relevance of who the band managers are for the different bands? I would object on the basis of irrelevance. A what does that have to do with the case?
THE COURT: That's a dangerous objection for you to be making, Mr. Grant. I will ask the question if you want me to.
MR. GRANT: It may not be an objection, it may be relevant. I just don't understand the relevance of it.
THE COURT: If you are not objecting, counsel you aren't entitled to cross-examine your learned friend.

MR. GRANT: I am taking a page out of my learned friend's, Mr. Macaulay's book.
THE COURT: Objections are sometimes framed in that way and if it's understood.
MR. MACAULAY: I hope I make myself clear when I rise, that I do object to the questions.
THE COURT: Yes. Well, are you objecting, Mr. Grant?
MR. MACAULAY: Am I objecting?
THE COURT: No, I am sorry, Mr. Grant are you objecting?
MR. GRANT: Well, my lord --
THE COURT: Because if everything is going to have to be justified for relevance, this trial will be much shorter than I think it's otherwise going to be.
MR. GRANT: The reason I am raising it my lord, this is a new area. There is lots of areas that I think at the end of the day that are marginally relevant that I have bided my tongue on, we now we are moving into a new area. I am not saying anything about the chief councillors or anything like that, but when my friend asks who the managers are of all the bands, I am not sure where we are going with that.
THE COURT: I think you are objecting, Mr. Grant, and I will ask your friend to indicate the basis for the relevancy on this matter, or this line of questioning.
MR. MACKENZIE: I understand my friend's objection relates strictly to the question about the band managers?
THE COURT: Yes, I think so.
MR. MACKENZIE: Well, my lord, if I may, I will put that question aside and continue asking about the chief councillors and come back to the band managers, if I may, and that, in answer to that objection.
THE COURT: All right.
MR. GRANT: I am not --
MR. MACKENZIE:
Q And can you tell us, please, who the chief councillor is from for the Kispiox Band?
A The chief councillor there is George Muldoe.
THE COURT: I am sorry?
A George Muldoe.
THE COURT: Thank you.
MR. MACKENZIE:
Q And for the Glen Vowell Band?
A Samson.
Q Mr. Samson?
A I know him so well. His first name just --
Q I think we should know him too.
MR. GRANT: I have no objection to my friend leading.

MR. MACKENZIE: But I can't suggest that to you right now. We will leave it as it is and go on to the Kitwangak Band.
A Kitwangak Band is Glen Williams.
Q And the Kitsegukla Band?
A Russell -- this is crazy, I know these people so well and I can't remember his first name. Ken Russell.
Q And the Moricetown Band used to be Dan Michell we know but who is the current --
A Stanley Nikol.
Q Now, speaking, you spoke about your duties involving the capital fund, can you tell us what, just in summary, what that means, what do you do in respect to that subject?
A Well, capital projects is things like housing and sewer projects, water projects. Any buildings.
Q And your evidence, I take it, is that the band council on some matters acts on the instructions of the hereditary chiefs; is that right?
A Yes.
Q And that's on matters affecting everyone on the reserve?
A Yes.
Q Such as some educational questions?
A Yes.
Q Now, you have said that are the Hagwilget Band has two reserves, and what is the present use of the reserve which is to the south on the Bulkley River?
A You mean the Bulkley Reserve?
Q Yes, the Bulkley Reserve.
A Right now just a sawmill sitting on it. There is no road access to it. You are able to put a makeshift road in there to put the sawmill in there and then the weather just wrecked the road.
Q That is a portable sawmill?
A Yes.
Q And was that -- can you say from your experience whether that was the sawmill with respect to which an application was made to the Ministry of Forests?
A Yes.
Q And there was an application for a Small Business Enterprise licence?
A Yes.
Q Now, you mentioned this also, hard times you had in the old days, but at the present time on the Hagwilget Reserve you now have electricity and new homes; is that correct?

A That's right.
Q And there is also of the Roman Catholic church on that reserve, isn't there?
A Yes.
Q And is it -- is it fair to say that following the passage of Bill C-31 that the population of the reserve has increased with the return of people regaining Indian status?
A Yes.
Q Can you tell us, tell his lordship what the increase in population has been following Bill C-31 to the present day?
A Well, from what I understand from the district, that our village had the largest increase, something like 60 percent of the -- all the villages in that district.
Q And are you building new homes for the people returning?
A Not as many as there are applications for.
Q Has the construction of those new homes that are being built part of the capital project programme?
A Yes, it is.
Q Now, just moving on to another subject in that area --
THE COURT: I take it that what you are saying, you have more applications than you have funds available for the building of new homes, do you?
A That's right. You see, we understood at one of the meetings that we had with people that came in from the regional office, there was a meeting that the Hagwilget Band office and at that time they indicated to us that there was special funds set aside in Ottawa for Bill C-31 programme, and at that time I remember asking our district manager, district Department of Indian Affairs district manager was at that meeting and I remember asking him to make it clear to me if it was separate funding than what was already in place for capital projects for the villages. And he said, yes, that there was special funds set aside in Ottawa for housing and education for C-31. And as it turns out, C-31 housing funds ran very short.
THE COURT: Thank you.
A As well as education.
MR. MACKENZIE:
Q Can you confirm that for these people returning to the reserve, that there is no income tax payable for income earned on the reserve?
A For income earned on the reserve, yes.

Q Can you confirm that there is no sales tax payable for sales transactions on the reserve?
A Sales on the reserve, yes? What was your question again?
Q Can you confirm that there is no provincial sales tax payable for sales transactions on the reserve?
A On the reserve, that's right.
Q Now does the band council sponsor sporting and cultural activities? I will give you an example, is there a hockey team from the band?
A There is a team that consists of the little boys that also have boys from other villages and there is the ladies softball team, and the men's ball team. And there is basketball.
Q Basketball. And are those all, are those leagues, reserve leagues with the other bands? Are they all Indian leagues, for example?
A I don't -- I have never heard it referred to as Indian league. I just know that they play and I see quite a few white people playing with them.
Q Now, speaking about activities on the reserve, is -- in your files as band manager, do you have, do you keep files of the band council resolutions?
A Yes.
Q Are there band council resolutions relating to trapline administration?
A I don't remember seeing one.
Q Are there band council resolutions relating to fishing by-laws?
MR. GRANT: You mean the by-law?
MR. MACKENZIE: The fishing by-law?
MR. GRANT: I want to clarify if there is something different than the by-law, or if he is asking if there is band council resolutions which are the bylaws?
MR. MACKENZIE: Well, my friend knows more about that subject than I.
Q Are there band council resolutions which constitute fishing bylaws on the Hagwilget Reserve?
A There was one that they were working on.
THE COURT: Was it ever passed?
A No.
THE COURT: Should we adjourn, Mr. Mackenzie?
MR. MACKENZIE: Thank you, my lord.
THE COURT: We will continue this subject in the morning. Thank you.

(Proceedings adjourned until 10 o'clock a. m., Wednesday, March 9, 1988)

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

Wilf Roy
Official Reporter