Vancouver, B.C.
May 30, 1988

THE REGISTRAR: Order in court. On Delgamuukw versus Her Majesty the Queen at bar.
THE COURT: Mr. Mackenzie.
MR. MACKENZIE: My Lord, there are two matters which Your Lordship requested be dealt with today, I think, prior to the commencement of Mr. Williams' evidence, and I'm rising now to mention those and ask Your Lordship whether Your Lordship wishes to continue with those two matters. And the first is completing the review of the document binders used in Mr. Muldoe's cross-examination, second is giving preliminary responses on the itinerary contained in Mr. Rush's letter relating to the view.
THE COURT: Well it seems to me that the removal of the missing or the extra pages is a mechanical matter that doesn't have to be -- doesn't have to take up trial time, does it?
MR. MACKENZIE: No, My Lord, I don't think it has to take up trial time, and we are in Your Lordship's hands on that.
THE COURT: Well, I'll leave that to counsel.
MR. RUSH: Well, my only concern about that, My Lord, is that sometimes as it was indicated last Thursday, I think that we -- Your Lordship, my friend and I and the Registrar don't necessarily all have the same understanding about what's an exhibit.
THE COURT: Well then if you find that there is some disagreement, sure, those are the matters.
MR. RUSH: We'll bring those matters back to you.
THE COURT: Yes, you are certainly welcome to bring it back. What about the view, Mr. Mackenzie?
MR. MACKENZIE: We have reviewed the itinerary and in our submission, My Lord, an itinerary should be prepared in the form of instructions to the pilot, there should be reference to geographical points. There is no requirement, in our submission, for subtle advocacy in the description of the itinerary, and all the place names, in our submission, should be in English and identifiable on a map of the area. Having said that, My Lord, I have some more detailed points on the itinerary, day one and day two.
THE COURT: Well, have you told your friend about them?
MR. MACKENZIE: My Lord, we would be pleased to -- Your Lordship requested this response today.

1 THE COURT: Well, I expected you and your friend to talk about
2 these things. Don't you talk to each other?
3 MR. MACKENZIE: I would be pleased to discuss this with Mr.
4 Rush, My Lord --
5 THE COURT: Well, have you done so?
6 MR. MACKENZIE: -- and get back to Your Lordship.
7 MR. RUSH: No.
8 MR. MACKENZIE: No, My Lord.
9 THE COURT: Well, I don't think I want to talk to either of you
10 until you do. That is the traditional way in which
11 these matters are resolved, and lawyers are supposed
12 to oil the wheels not to do the opposite. I just
13 don't understand the difficulty. I must say I am
14 disturbed that these things would have to be
15 approached this way. I think you and your friends had
16 better have a talk and see what you can agree on at
17 least, then let me -- let me decide the things you
18 can't agree on without having to worry about the
19 things that you should be able to agree on. And I
20 just -- I must say, I am disturbed by this that we
21 have all this trouble, we are going to go to all this
22 difficulty and there hasn't been any dialogue.
23 MR. MACKENZIE: My Lord, we would be pleased to send our
24 response to the counsel --
25 THE COURT: Don't send him a response, talk to him. I am going
26 to adjourn until you have a talk about this.
27 THE REGISTRAR: Order in court. This court stands adjourned.
28
29 (PROCEEDINGS ADJOURNED AT 10:10 a.m.)
30 (PROCEEDINGS RECONVENED AT 10:35 a.m.)
31
32 THE REGISTRAR: Order in court.
33 THE COURT: Mr. Rush.
34 MR. RUSH: Perhaps I can speak to this. My learned friend and I
35 have had discussion about his proposal, and apart from
36 the specific points that were made at the beginning,
37 my friend has made a suggestion for an alteration in
38 the itinerary on both days, and he suggests that not
39 by way of a substitution for anything that's on the
40 plaintiffs' proposal, but rather as an addition. And
41 on that basis, we don't have any disagreement with
42 attempting to work in and agreeing to work in the
43 suggestions that have been raised by my friend. I
44 think that there are some implications that flow from
45 what he suggests, however, and these -- these will be
46 the fact that there are different logistics involved
47 since we are going to be travelling farther west and

there will be considerably more time involved in the actual time that it takes to get from the point of departure, from our itinerary, to the point of return that may require further fuel stops and probably a longer day on the first day.

THE COURT: Yes.

MR. RUSH: But I think that the proposal that my friend makes can be worked in and accommodated with the suggested itinerary the plaintiffs have advanced. I think that it is a matter of working out with the pilot just how we could made the various stops, and to look at what priorities we can make in the best and most efficient fuel time.

I should point out here, just by way of a caveat, something I haven't mentioned before to Your Lordship, but I'm sure which is obvious, and that is that weather can be variable in the area and it usually affects the starting time and it could well be that there may be some fog at the early part of the morning and we may not be able to get away at nine. So I think Your Lordship should be alive to the problem of the starting time.

THE COURT: Yes, all right.

MR. RUSH: In terms of an itinerary to the pilot, I think we can work that out. I hope that we can put together a map for the pilot and for Your Lordship which will contain English names as well as Gitksan names,

THE COURT: Well, the only one that I'm really not -- I'm not really that clear on is Bas Choo.

MR. RUSH: Bas Choo, that is a part -- a peak on the Connelly Range above Bear Lake, and we'll give Your Lordship an aerial perspective of the valley. And that's the point of the stop there, so Your Lordship can in fact see much more than what you would see if you were sitting on the ground.

THE COURT: All right. And the other one I think we heard in evidence is Slamgeesh.

MR. RUSH: Slamgeesh, yes. It's the Blackwater area and Your Lordship will fly north, I think it's about 30 miles off the -- the downward flow of the Skeena River --

THE COURT: All right.

MR. RUSH: -- as you are proceeding west. So it would be in a north-westerly direction.

THE COURT: North of the Gitangasx?

MR. RUSH: Yes, north-westerly of Gitangasx.

THE COURT: All right. And what is the suggestion that the Province has made?

MR. RUSH: The Province is suggesting that after leaving Slamgeesh, that the itinerary fly west to Skuyhil Mountain and further west to the height of land on the western side of the Gitksan territory, and to then fly south along -- I'm sorry, to Bowser Lake, and then to fly south from Bowser Lake along the western boundary of the Gitksan territory. And we haven't discussed in detail just how far along that boundary it's wished to go, but I didn't have the impression from my friend that he wanted to fly all the way down to Sand Lake.
THE COURT: Yes.
MR. RUSH: But the idea was that we would return to Kisgagas after having flown a distance down that. We'll have to chart out the exact miles as we go along that boundary as it cuts back on a south-easterly diagonal.
THE COURT: Well, that would be -- that would be between Slamgeesh --
MR. RUSH: And Kuldoe.
THE COURT: -- and Old Kuldoe?
MR. RUSH: Yes. We would in fact fly south-easterly along that boundary and then back to Old Kuldoe and then pick up on the itinerary.
THE COURT: All right.
MR. RUSH: And my friends have said that it doesn't look as though it's necessary to spend an hour on the ground in Kispiox, and that may well be so. We are not committed to an hour at Kispiox, notwithstanding the fact that it's quite a beautiful village.
THE COURT: Well, if it's of any assistance to counsel, I thought that I would drive to Kispiox and up that highway I've heard about -- highway may be a euphemism -- on Sunday evening, or spend some time around there. So if that's of any assistance in your planning, assume that.
MR. RUSH: All right. That may well obviate the necessity of spending a longer period of time at Kispiox Village.
THE COURT: Yes, all right.
MR. RUSH: Now in terms of the second day, my friends have proposed a slight alteration in the itinerary which basically takes -- takes us over to Round Lake.
THE COURT: Well, you've got Round Lake as the first stop.
MR. RUSH: Yes.
THE COURT: Or the first destination.
MR. RUSH: But I think that we had seen flying along the Bulkley River to the junction with the Bulkley and the Morice.
THE COURT: Yeah.
MR. RUSH: And my friend wanted to fly to Round Lake and over to

Broman Lake, if I understand your suggestion, and then to cut down to Goosley Lake which would have the effect -- they would fly to -- east to Topley Landing Road, Holmes Creek, and then to Tatchuk Mountain. I haven't really charted that through, but I don't see a problem with that. It would be inserted between the route to the junction of the Morice and the Bulkley River, and the route down to Goosley Lake and the Namox cabin site.

THE COURT: Yes.

MR. RUSH: And that, I think, would probably add something in the order of 15 to 20 minutes in the flying time.

THE COURT: Yes, all right. Is that the extent of the suggested additions or alterations?

MR. RUSH: It seems to be from my learned friends for the Province, and I don't think my friends for Canada had --

MR. FREY: We have no additions on the itinerary.

THE COURT: Yes, all right.

MR. MACKENZIE: The other point, My Lord, was that it's not intended that the Province have representatives other than one counsel.

MR. RUSH: And that --

THE COURT: All right.

MR. RUSH: I was about to come to that, and I thank my friend for raising it, of course. I do want to address the question of the court reporter. I addressed Your Lordship on this on Thursday and I make the point again today that I think that this view, in my submission, is not the kind of view where evidence is going to be given.

THE COURT: Yes.

MR. RUSH: This is a view in which Your Lordship's understanding of what you've heard in evidence will be enhanced by seeing what is on the ground. And in my submission, there is really not a necessity to have a court reporter in these circumstances and I think it would, as I said before, alter the whole context of what the view is to be. If we were to go to a court reporter -- and I think that counsel -- I agree that counsel should be in the lead helicopter with Your Lordship.

THE COURT: Yes.

MR. RUSH: And I think given that, it is not necessary for a court reporter where counsel, I think, have some sense of the purpose and understanding of the context of the view. My friend used the term "subtle advocacy". My

Lord, I don't think we are going to be advocating out on the ground, but I -- on the other hand, I see nothing problematic with pointing out what you've heard about in the evidence, and I don't think that constitutes subtle advocacy or anything of the kind. And I think Your Lordship is probably not going to be influenced in the slightest by what you might hear on the ground in terms of the evidence that's brought before you.

THE COURT: Well if it's still damp, as I'm sure it will be, I don't think I'll be easily influenced. I do remember taking a view with Mr. Justice Hinkson in a railway case at Tanzilla Crossing. I remember Mr. Charles McLean saying to Mr. Justice Hinkson, "Well, it's a nice piece of country but I sure wouldn't want to have to drive a railroad through here." Not very subtle at that.

MR. RUSH: We will try to be a little subtler than that, My Lord.

THE COURT: All right. Anything else on the view?

MR. RUSH: Oh, just one other final point, My Lord, and that is that given the fact that we are going to be covering greater territory, and the fact that there will be empty seats in that second chopper, we were going to propose that one or two other chiefs who would have peculiar knowledge of those areas would be -- would be in that second helicopter. It looks as though neither Canada nor the Province intends to have an instructing representative present, and given that fact, it's my proposal that we don't want a helicopter there with empty seats. And it's my suggestion that Your Lordship give consideration to having an additional plaintiff or -- because of the fact that we are going to be covering two separate areas, we would be proposing that there be two additional plaintiffs present in that second helicopter.

THE COURT: Well, let me ask you what is proposed for the second helicopter if counsel can be accommodated in the first one along with myself, who would you propose in the second helicopter, Mr. Rush?

MR. RUSH: Well in the case of -- in terms of people, we would propose that one person be Mr. Sterrit and one person be Mr. Blackwater and -- Mr. David Blackwater. And given now the extension of over to the western side of the territory, we would also propose Mr. Pete Muldoe. Now, there is a radio link between the two helicopters and it's our view that there should be in attendance

in that helicopter, people who are familiar with the ground, and that seems to be the whole point, in my submission, of the view. So it's our proposal that those additional people occupy the seats of the second helicopter.

THE COURT: Does the Province or Canada have anything to say about that?

MR. RUSH: They haven't to me.

MR. MACKENZIE: My Lord, we haven't discussed that as yet.

THE COURT: Yes, all right. I'll leave that open. My first reaction is that if the defendants don't want any space other than for one counsel, then there is no reason not to fill up the other helicopter with as many plaintiffs as we want. On the other hand, if Canada wanted or the Province wanted one of those seats each, I think they would be entitled to them, as much as they are going to be contributing to a third of the cost. But I'll leave that to counsel to work out. My view is that the seats should not be left empty, I agree with Mr. Rush, and I think each side has a fair -- has a right to a fair share of the capacity that -- any unused capacity should be used -- should be filled up. So I'll leave counsel to talk about that. All right, thank you.

MR. RUSH: Just one final matter, My Lord. We have been in touch with Okanagan and have reserved the two helicopters and we have also been in touch with the travel lodge, Hudsons Bay Lodge and reserved space at the Hudsons Bay Lodge for Your Lordship, but we are advised that your office should directly contact --

THE COURT: I think they've done that.

MR. RUSH: I see. Very well.

THE COURT: All right, thank you.

MR. RUSH: Thank you.

MR. FREY: My Lord, perhaps I could just say on the issue of the court reporter, given that counsel are now going to be in the lead helicopter, I believe there is a lot of ways -- though what Mr. Rush says, counsel are good note-takers, however, I would like to discuss that with Mr. Macaulay on the issue of whether a reporter should be present.

THE COURT: All right. Mr. Grant.

MR. GRANT: My Lord, I would like to call the next witness to the stand which is Mr. Glen Williams

THE REGISTRAR: Stand and take the Bible in your right hand, please.

GLENFORD WILLIAMS, a witness called on behalf of the Plaintiffs herein, having been duly sworn, testifies as follows:

THE REGISTRAR: Would you state your name for the record, please, and spell your last name?
THE WITNESS: Glenford Williams, W-i-l-l-i-a-m-s.
THE REGISTRAR: Thank you. You may be seated.
THE COURT: Sorry, how did you spell your first name?
THE WITNESS: G-l-e-n-f-o-r-d.

EXAMINATION IN CHIEF BY MR. GRANT:
Q Mr. Williams, you are a chief in the House of Malii?
A That's right.
Q And what is your chief's name?
A Ax Gwin Desxw.
MR. GRANT: And do you have that?
THE TRANSLATOR: It's 1564.
THE COURT: Sorry?
THE TRANSLATOR: 1564.
MR. GRANT: 1564.
THE COURT: And the house is?
MR. GRANT: Malii, M-a-l-i-i.
THE COURT: Thank you.
MR. GRANT:
Q And what does that name mean?
A Means "cannot be touched".
Q And how long have you held that name?
A For about two years.
Q And you are 32 years of age?
A That's right.
Q And you were born on December 25th, 1955?
A That's right.
Q In Gitwangak?
A In Hazelton.
Q In Hazelton. And Malii's house is a house -- Malii is a chief of Kitwancool?
A That's right.
Q Your mother is Esther?
THE COURT: I'm sorry, Malii is a Kitwancool house?
THE WITNESS: That's right.
MR. GRANT:
Q And which clan?
A The Lax Gibuu or wolf.
Q And just to put it in context, your place in the hierarchy of Malii's house when there is a feast at

which Malii sits, where do you sit in relation to Malii in relation to the feast hall table?
A I sit about the fourth seat down from Malii.
Q On which side of him?
A On the right-hand side.
Q And who sits between you and Malii?
A Gallii and Niislaganoos.
MR. GRANT: Do you have those?
THE TRANSLATOR: It's 1565 and 1566.
THE COURT: Thank you. There is a person of this house called Chief Malii, is there?
THE WITNESS: Yeah.
THE COURT: Yes, thank you.
MR. GRANT:
Q And who is Chief Malii today?
A Gordon Johnson.
Q And Ronnie Johnson is Gallii?
A That's right.
Q And Vernon Williams is Niislaganoos?
A That's right.
Q And are those both chiefs' names in Malii's house?
A That's right.
THE COURT: The second one again, Mr. Grant. Ronnie Johnson is the first.
MR. GRANT: Is Gallii and Vernon Williams is Niislaganoos.
THE COURT: Thank you.
MR. GRANT:
Q And before Gordon Johnson became Malii, who was the previous holder of that name?
A Douglas Marsden.
Q And before Douglas Marsden?
A Amos Williams.
Q And where have you lived for your life or most of your life?
A Most of my life I lived on the reserve in Gitwangak.
Q And in the course of your evidence, Gitwangak is also referred to as Kitwanga?
A That's right.
Q And it's the same place?
A That's the same place.
Q And did you leave Gitwangak during your high school years to -- for high school?
A Yes. I left the community for about 5 years and attended high school in Surrey for grades 8 to 12.
Q I'll return to that. Your mother is Esther Williams?
A That's right.
Q And does she hold a name in Malii's house?

A She -- yes.
Q What is that name?
A Xsim Haidax.
THE TRANSLATOR: That's 1565 -- seven.
MR. GRANT:
Q And what does that name mean?
A It means "woman of the Haida".
Q Your father was George Williams?
A That's right.
Q And was he related to Stanley Williams, the present holder of the name Gwis gyen?
A That's right.
Q And how was he related?
A He was Stanley's step-brother.
Q And your -- and your father was of the Gisgaast?
A That's right.
Q Or fireweed clan?
A (WITNESS NODS HEAD IN RESPONSE)
Q And he died on March 21st, 1983?
A That's right.
Q Before you held the name Ax Gwin Desxw, did you have another name?
A Yes.
Q And what was that name?
A Ts' ixs Alalgyax.
MR. GRANT: Do you have that number?
THE TRANSLATOR: 1569.
MR. GRANT:
Q And what does that name mean?
A It means "standing behind the chiefs when they are speaking".
Q And when did you receive that name?
A I received that name when my grandmother died, I believe it was around July, '83.
Q Okay.
THE COURT: '83?
THE WITNESS: '83, yeah.
MR. GRANT: Just bear with me a moment. My Lord, I have a document book.
THE COURT: Thank you.
MR. GRANT: And I've marked one as an exhibit copy because the photographs -- I only have one copy of the original, and I have another copy for Your Lordship, and I can advise the court and my friends that -- that these documents include documents which have not yet been listed, but the word processing of the listing, I anticipate having a complete list for them by --

before the end of today which will include all of these documents as well as others that have been referred to with earlier witnesses that weren't listed yet.

And I would ask if the exhibit copy could be put in front of Mr. Williams, please.

Q I would like you to refer to tab 3. This document has been disclosed to my friends, I believe, and copies have been given to them already. This document is entitled "The Feast Book Re Maggie Johnson" of July, 1983. Can you just take a quick look at that and ask -- advise me if you recognize that document?

A Yes, I do.

Q And is that title correct, that it is the feast book of Maggie Johnson?

A That's right.

Q And who prepared this feast book at her feast?

A Sylvia Johnson.

Q And how is she related to Malii's house?

A She is the spouse of Ronnie Johnson.

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

THE REGISTRAR: Be Exhibit 559, tab 3.

THE COURT: 559?

THE REGISTRAR: Yes, My Lord.

THE COURT: Thank you.

(EXHIBIT 559 - Tab 3 of Glen Williams' Book of Documents)

MR. GRANT:

Q Now, I just like to ask you to open that and can you explain how you are related to Maggie Johnson?

A Maggie Johnson was my grandmother and she is of the same house as me.

Q When you say your grandmother, do you mean that she was -- would it be correct to say that she was the mother of your mother?

A That's right.

Q And she was the wife of Fred Johnson?

A That's correct.

Q Who holds the name Lelt?

A That's correct.

Q And he has given evidence by way of commission in this court case?

A Yes.

Q I just ask you to refer after the title page, that is

where it refers to -- says "Spiral Notebook," and the first page has "Expense: Re: Maggie Johnson. Lent me money (Blanket) July 5, 1983." Can you just explain what that is with reference to and what it's called in Gitksan?

A The term they use here is Sugwilatxw which means your wilksiwitxw lent you money, and that's -- and this page is people who have lent Ronnie Johnson money at that time.

Q And can you explain what their relationship is to Ronnie Johnson, why they would be the ones to contribute?

A They are Ronnie's father's side, and they are Ronnie's wilksiwitxw.

MR. GRANT: Did you have a spelling -- a number or reference for both of those words? There was -- wilksiwitxw I think is listed, My Lord.

THE TRANSLATOR: Wilksiwitxw was 377.

THE COURT: 377?

THE TRANSLATOR: For wilksiwitxw.

MR. GRANT:

Q And what was the other term that you say that this is called?

A Sugwilatxw.

THE COURT: Is that what the book is called or just this page of the book?

THE WITNESS: Just this page.

MR. GRANT:

Q It's -- the actual contributions is called that?

A Yeah, Sugwilatxw, yes.

MR. GRANT: Are you --

THE COURT: Just a minute, Mr. Grant.

MR. GRANT: I'm sorry.

THE TRANSLATOR: S-u-g-w-i-l-a-t-x-w.

MR. FREY: Sorry, My Lord, I couldn't hear that.

THE COURT: S-u-g space w-i-l-a-t space x-w.

THE TRANSLATOR: No space.

MR. GRANT: No space.

THE COURT: No spaces? All one word?

MR. GRANT: Yes.

THE COURT: All right. Thank you.

MR. GRANT:

Q Do you yourself, Mr. Williams, have obligations of Sugwilatxw?

A Yes, I do.

Q And who do you have those obligations to?

A I have obligations to Fred Good's sons and daughters

and --
THE COURT: Sorry, you said something before sons and daughters?
MR. GRANT: Fred Good's.
THE WITNESS: Fred Good's sons and daughters, and I can't really remember offhand right now, but there is other people.
MR. GRANT:
Q Okay. Now Fred Good is deceased; is that correct?
A That's right.
Q But he was the former holder of the name Niislaganoos?
A That's right.
Q Which is a chief's name in your house?
A That's right.
Q This page of Exhibit 559 refers to Sugwilatxw for Ronnie Johnson?
A That's correct.
Q Did anybody provide Sugwilatxw for you at the time that you took this name, this first name?
A Yes, they did.
Q Who was -- who provided you with Sugwilatxw?
A Stanley Williams, Nora Campbell.
Q That's Gwis gyen, eh?
A Yeah.
Q Yes.
MR. PLANT: Nora Campbell?
THE WITNESS: Nora Campbell, Clarence Johnson, Roger Johnson, Dorothy Brackenberry. Mainly the ones from Gwis gyen's house.
MR. GRANT:
Q And this is the house of your father?
A That's right.
Q And do you recall how much Stanley, Gwis gyen, for example, contributed to you?
A Fifty dollars.
Q Do you -- is there a time when you have -- or when you will repay Stanley and those other people for the Sugwilatxw that they gave you?
A There will be other feasts held and -- that I -- that I will repay them then, or between when they lent me and the next feast that we have I will pay them back.
Q So you would pay them at a feast hosted by Malii?
A That's right.
Q Now I just like you to turn to pages -- two more pages over in tab 3. Well, first of all, it may be -- maybe the next page, it says something, "Wednesday July the 6th, 1983," and, "Messengers' Gifts". Can you just explain what that is?
A This is when you -- when you go out and just before

1 you have the funeral feast you go out and to the
2 different villages and you go to the different chiefs'
3 doors and invite them, and at that time what they do
4 is they give you -- give you $2 or a dollar and that's
5 what this one is, this page is about.
6 Q Now, are those people like Evelyn Johnson, did she
7 give that to the messengers or did they give it to
8 her?
9 A They gave it to the messengers.
10 Q I see. And are they repaid?
11 A Yes, they are repaid.
12 Q These people who --
13 A You'll see a dollar on the other side there.
14 Q Yes?
15 A That's what the repayment is, you give the $2 plus
16 another dollar.
17 Q And that's like an interest?
18 A That's right.
19 Q And talking of interest, you said you will repay, for
20 example, Gwis gyen. Will you just pay him the $50 or
21 do you pay him interest?
22 A I pay him interest as well.
23 Q I just like to ask you to turn over the page which --
24 they are not numbered but it's titled at the top
25 "Maggie Johnson - Memorial", and then it has, "Maggie
26 Johnson - Nee-Zeah-Mha - Kitwancool Lax Gibuu - House
27 of Malii." Do you have that page?
28 A Yes, I do.
29 Q There is a reference there in the second paragraph --
30 first of all, there is circumstances describing the
31 time of her death and -- is that correct, are those
32 circumstances correct?
33 A That's right.
34 Q And how old, approximately, was your grandmother when
35 she died?
36 A I believe she was in her 80's.
37 Q And then there is a reference to a brief meeting of
38 house members at Fred Johnson's house. Were you
39 present at that meeting?
40 A Yes, I was.
41 Q And is this the normal practice, to have such a
42 meeting after the death of a chief or of a person in
43 the house?
44 A Yes, it is.
45 Q Okay. And what was the purpose of the meeting and
46 what was decided there?
47 A Mainly just to plan out how we are going to -- how we

are going to plan out the -- who is going to buy the casket and who is going to get the clothing, who is going to pick it up, the casket in Smithers, or the funeral home. Plan out who's going to take the name, plan out when the smoke party will be, plan out when we are going to have the funeral and make some plans for the funeral feast.

Q Now at the bottom of that page there is a reference under the "Pick up Casket" to Bud Williams, Haluus, and then there is a reference -- a note which says:

> "This was a unique case simply to fulfil the wishes of the deceased. However, Haluus was the rightful person to undertake this task and Leslie Hobenshield is a Lax Gibuu from the House of Malii."

Can you explain why Haluus was the rightful person to undertake the task?

A Haluus was the wilksiwitxw of my grandmother, that's -- he was the one that's going to be in charge.

Q And in fact, did Haluus -- was he the one that actually did it, did he pick up the casket?

A I can't really remember. I can't really remember.

Q Now --

THE COURT: Well it says right on that note that -- no, it only says they used Leslie Hobenshield's truck, isn't it.

MR. GRANT:

Q That's right, they used her truck, but it describes how Haluus was the rightful person to do this task.

Now I'll -- I'll just refer you two pages over to the page that starts "8. Blanket at K'san", and then there is a reference to "Pall Bearers at Funeral Home (Smithers)". And in that list is Buddy Williams and that was Haluus, eh?

A That's correct.

Q And yourself as well as a pallbearer --

A Yes.

Q -- at the funeral home? And do you recall this occurred at the time of the picking up of the casket?

A That's right.

MR. GRANT: Now, just to -- I'll just ask you a couple of examples. There is a reference to -- on the second page -- or the next page over, I'm sorry, it's number three. It's the -- My Lord, I'm referring to the second page of the meeting actually, it starts: "3. Wik'esxw - Grave Digging." If you have the page

with "Maggie Johnson Memorial", it will be right after that.
THE COURT: Yes. What page? Next page, 7, is it?
MR. GRANT:
Q Yes, it is page 7.
Why was Ivan Good and Art Mathews Sr., why were they the ones selected for the grave digging?
A They are from the frogs and the frogs were in charge of this -- of the -- they are the ones that are commissioned to undertake certain tasks with respect to the whole funeral.
Q And were they -- was that partly because of their relationship to your grandmother?
A That's right.
THE COURT: Well your grandmother was --
MR. GRANT: She was a wolf.
THE COURT: She was a wolf.
MR. GRANT: From the House of Malii.
THE COURT: All right.
MR. GRANT:
Q But her -- her father was a frog?
A Yeah.
Q And her husband, Lelt, Fred Johnson is a frog?
A That's right.
Q Now, have you reviewed the rest of the notes of the meeting which are the next few pages? You've had an opportunity to look at those?
A Um-hmm.
Q And the selection of those people and the tasks that they were performing was -- is that correct, is that what actually occurred?
A Yes, that's what happened.
Q Okay. I would ask you to turn to the page starting "Hawaal - Family Expense", and at the top of that page is Gordon Johnson. Is this a record of what occurred at the feast or outside of the feast or some combination of both?
A It was a record of the feast itself.
Q And Gordon Johnson was the first to contribute in the cash at the feast?
A That's right.
Q And is this because he was the head chief of your grandmother's house at that time?
A That's right.
Q And then if you go down, the seventh name down, that's yourself and you contributed $500 in cash and $69 in goods?

A That's right.
Q And at this time you -- this was at the time that you had received your first name at this feast; is that right?
A That's right.
Q Now, was that first name a chief's name?
A No, it wasn't.
THE COURT: I'm sorry, you say you already had your first name or you received it at this funeral feast?
THE WITNESS: I received it at this feast here.
THE COURT: Okay.
MR. GRANT:
Q I would just like to -- and I will refer to them by the amounts. The third person down, Esther Williams, that's your mother?
A That's right.
Q Who you've indicated she was a chief at that time in the house?
A Um-hmm.
Q And then if you go down underneath you -- or above you is Ronnie Johnson, and he held the name Gallii at the time?
A That's right.
Q And was a chief in a house even then. Underneath you is -- two below is Gary Williams, and did he hold a chief's name in the house at that time, or did he hold a name in the house?
A Yes, he held it, but I don't think it was a chief name.
Q Much further down you have Allan Johnson. Can you explain the relationship of Allan Johnson to your grandmother?
A Allan Johnson was adopted at a very early age by my grandmother and she looked after him.
Q And what clan and house is he from?
A He is from the eagles and he is from the House of T'ewelasxw.
Q And that -- is that the same or a different house in Sakxum Higookxw?
A Probably a different house. I'm not really too sure.
Q And underneath Allan was Jim Fowler. And what's his relationship, or what position does he hold in your house?
A Jim Fowler is from the House of Haits'imsxw, which is Stoo Wilp of the House of Malii.
MR. GRANT: Just one moment. Can you give those?
THE TRANSLATOR: Haits'imsxw is 31 on the plaintiff.

THE COURT: Sorry?
MR. GRANT: Thirty-one on the plaintiffs' list is Haits'imsxw.
THE TRANSLATOR: 1173.
MR. GRANT: That's Stoo Wilp.
THE COURT: 1133?
MR. GRANT:
Q 11173.
And at the bottom there is -- the third up from the bottom of that page is Bob Bright. What name did Bob Bright hold at that time?
A He was Niislaganoos.
Q And he has since died?
A That's right.
MR. GRANT: I would like you to just turn the page over one.
THE COURT: Sorry, I didn't get his name.
MR. GRANT: Oh, Niislaganoos.
THE TRANSLATOR: It's 1566.
THE COURT: Okay:
MR. GRANT:
Q It's on the additions that you just received.
Turning the next page of the feast book, the reference there is to a total of $19,440. And assuming that the additions were correct, is that the amount that was contributed in the feast hall for your grandmother?
A That's the amount that's been contributed from mainly from our house, our house itself, the House of Malii.
Q Okay. And was further funds contributed?
A Yes. There was further funds on the next page.
Q Okay. And I refer you to the next two pages.
THE COURT: I'm going to have to take the adjournment now, Mr. Grant, please, if I may.
MR. GRANT: Yes.
THE REGISTRAR: Order in court. Court will recess.

(PROCEEDINGS ADJOURNED AT 11:20 a.m.)

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

Toni Kerekes,
O.R., R.P.R.
United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COURT: Thank you.
THE REGISTRAR: Ready to proceed, my lord.
THE COURT: We seem to be missing Mr. Grant. Do you wish to carry on, Ms. Mandell?
MR. PLANT: I'd be happy to.
THE COURT: Mr. Grant.
MR. GRANT: My lord, did Mr. Plant offer to take over the direct for me in my absence?
THE COURT: Yes, he did. As a matter of fact, he closed your case.
MR. GRANT: Well, we could reschedule the week then, my lord.
Q I was referring you to the page entitled "Hawaal". That comes after the page where the total of 19,440 is referred to. And can you just explain what is the difference between the contributions in those next two pages and the ones you've just been talking about where the 19,000 was contributed?
A The 19,000 is mainly our own house group. The other two pages are other wolf members from -- other members from Kitwancool, other members from Gitwangak wolves, other members from -- wolf members from Hazelton, Kispiox, Gitanmaax area.
Q Can you refer to just give an example with maybe a couple of the names on the first page or the second page as to what house those people are from?
A If you look on the first page there is -- there is Kathleen Mathews. She is from Gitwangak from Tenimgyet's house.
Q She is the mother of Tenimgyet, is that right?
A That's correct. If you go down to Jasper Daniels he's wolf from Kitwancool from the House of Gwashlam.
MR. GRANT: Do you have that spelling Gwashlam, my lord?
THE TRANSLATOR: It's 18 on the plaintiff list.
THE COURT: 18. Thank you.
A And if you go to the next page there's Steve Robinson from Hazelton. He's from the House of Spookw.
THE TRANSLATOR: 61.
A And other ones are Gordon Robinson, he's from Kitwancool. He's from the House of Wilitsxw.
THE TRANSLATOR: That's 80.
THE COURT: 80. Thank you.
A Go down to Wilmer Johnson. He's from Anlaagyaasim deex from the Gisgagas area. And the second to last one is Peter Alfred, a Wet'suwet'en from Moricetown.
Q Okay. Do you have that spelling of that Anlaagyaasim

deex.
A Near Gisgagas.
Q That is a place that you are referring to?
A That's correct.
Q Anlaagyaasim deex? And Wilmer Johnson is from the House of Tsabux?
A That's correct.
THE TRANSLATOR: 640.
THE COURT: Thank you.
MR. GRANT: And Tsabux, could you give the plaintiffs' number for Tsabux?
THE TRANSLATOR: 65.
MR. GRANT:
Q And Peter Alfred is now deceased?
A That's correct.
Q But he was the holder of the name Ganoots (phonetic) among the Wet'suwet'en?
A I'm not too sure. I don't know that.
Q But he was a wolf --
A Yes.
Q -- From the Wet'suwet'en?
A Yes.
Q I ask you, and there's a reference there, there's $2,600 referred to there and then the total there is $24,080, and that is the total of the wolves' contributions of both your own house and the other houses' contributions at your grandmother's funeral feast?
A That's right.
MR. GRANT: And then if you turn to the next page there's a reference to Antim hanak. And maybe you could give a number for Antim hanak. The spelling there is different, I think, than on the record. That is the spelling in the feast book itself. Number 65 on one of the lists, but I'm not sure.
THE TRANSLATOR: 65.
THE COURT: Thank you.
MR. GRANT:
Q And can you explain the relationship of these people starting with, and I'm not asking individually, of course, but on the list starting with Dora Johnson and going all the way through to Ray Jones. What is their relationship to your grandmother, or to Malii?
A All these people here are spouses of the House of Malii.
Q And the fourth name down is Liz Williams. That is your wife?

A That's right.
Q And Dora Johnson, the first name, is that the wife of Malii himself, Gordon Johnson?
A That's right.
Q And if you turn to the next page, the haircut, is there a Gitksan word for this contribution?
A That's right.
Q And what is that? What is the Gitksan for that contribution?
A K'otsgesxw.
THE TRANSLATOR: That's 64.
THE COURT: I'm sorry. What is 64?
THE TRANSLATOR: K'otsgesxw.
MR. GRANT:
Q K'otsgesxw, and that is the contribution made. That is also referred to as haircut?
A That's right.
THE COURT: I'm not sure that I'm relating this to what I see in front of me. I've got a page and I think I'm on the right page called Un-dim?
MR. GRANT: You're one page ahead. That was on the Antim hanak, which we just referred to, my lord. It started with Dora Johnson. And on that page -- the next page referred to -- the heading of it is haircut.
THE COURT: Just a moment. I have a question I have to note down.
MR. GRANT: And the witness had just explained the Antim hanak page and I'm moving to the next page.
THE COURT: Antim hanak, is that N-U-T or N-U-K, are the spouses of the household?
THE TRANSLATOR: N-A-K.
MR. GRANT: Yes, my lord, the number for that word, for the record, is number 65. This is, of course, a handwritten feast book. It's phonetically spelled. The spelling is different than it would be on the record, but the word as explained by the witness is the same Antim hanak. I think it would be N-U-K is what it would be in the exhibit book itself, or in Exhibit 555.
THE COURT: Where do I find word 65? There was an earlier list, but I didn't think it ever went below a hundred, did it?
THE TRANSLATOR: The one --
THE COURT: Oh, yes, there is. Yes, I've got it. Thanks. All right. Thank you.
MR. GRANT: And the witness explained that Antim hanak was the contribution of the spouses.

THE COURT: Yes, I got that.
MR. GRANT:
Q I'm turning now to the next page haircut, and you've described that as -- how is that word again?
A K'otsgesxw.
MR. GRANT: That's number 64 on the word list.
Q What is the relationship of those people to Malii and to your grandmother who put in haircut at her feast?
A Mainly they're the grandchildren of -- that are from the House of Malii. Grandchildren and nephews.
Q Would they be members of other houses themselves?
A Yes, they will be. They will be members of other houses.
Q Okay. And other clans?
A That's right.
Q Turn to the next page. It is a reference to the payments made at the feast, and I just want to focus on a few. One is Bud Williams pick up the casket $200. Would this indicate that this was the person who actually picked up the casket?
A Yes.
Q And that Bud Williams is Haalus?
A Yes.
Q Now, can you just explain to the court what these -- what this record is, this next series of pages starting paid at the feast, and when the -- when this would have occurred?
A After the money is all brought in at the feast, this happens at the funeral feast, when -- after all the money is -- has been collected, the 24,000, it's up to us, the main house group, Malii's house group will get together and we have to pay these people for performing certain tasks during the funeral. And that's what you see on that first page is the casket 2,074. That has been repaid. Clothing $124 there. That was paid back to Hazel Frew. Plus she was given money on top for the work she has done. You'll see the $200 beside it. And Sandra Johnson was another one that helped with the clothing. She got another additional $150. Buddy Williams, he was the one who picked up the casket. He got $200. The people who dug the grave, Ivan Good and Art Mathews Sr., they were paid a hundred dollars. And people that covered the grave they all got paid. That's Godfrey Good, Barney Good, Guy Morgan. Those people all got $10. And Buddy Williams was given $200. And what he does is he's -- he's been commissioned to erect the fence

1 over top of the grave.
2 Q That would be something he would do after the feast?
3 A After the feast.
4 Q Yes.
5 A And Vern Hobenshield was clearing the area of the
6 grave site, he was paid. And people that watched
7 the -- the casket at night they were all paid. And
8 you see Monday Roy Harris $50, Tuesday those people,
9 and if you go up the next page there is still people
10 that watch at night. They're all paid. Wednesday,
11 Thursday. And cleaning up the graveyard, the
12 community hall, the church. You see the soccer club
13 $50, the Luckies $50, and moving the casket around
14 after memorial $25. Graham Morgan another $25.
15 Sylvia Johnson was paid for doing these records $50.
16 Q And that was the records that we're actually looking
17 at, the feast book?
18 A That's right.
19 Q M'hm.
20 A And preacher is a hundred dollars. And different
21 rents $300. Village hall a hundred dollars.
22 Q Going to the bottom of that page, the Indian song of
23 Solomon Marsden.
24 A He sang our limx oo'y.
25 Q And where -- where or when did he do that?
26 A That usually happens just before the official business
27 gets done at the funeral feast, and whatever balance
28 of the monies is left over after all these expenses
29 have been paid and given out to the -- to the guests
30 in the -- at the funeral feast. The high chiefs get
31 more money. It goes down the rank. And it's usually
32 our house group that -- that goes around and gives
33 people money.
34 Q And there's a reference in the page following, the
35 pallbearers. And were they paid before the rest of
36 the money was distributed? Would they be paid
37 separately?
38 A No, they will be paid out of that pot.
39 Q Okay. But would that be before -- you described how
40 after the payments are made then the rest of the money
41 is distributed to the guests. Would the pallbearers
42 be paid before the distribution of the money to all of
43 the guests?
44 A Before.
45 Q Then you go two pages over and it's entitled "Smoke
46 Party for Terry Johnson". Was this a different feast
47 or a different event than the funeral feast for

Maggie?
A Yes, it's totally different event.
Q And Terry Johnson was a person -- a member of your house?
A That's right.
Q And he lived in Kispiox, and was killed in 1984?
A That's right.
Q Okay. Now, I just go over -- I won't refer you to that at this time except to ask you this; would a similar process take place with respect to a funeral feast for Terry Johnson as took place for your grandmother in terms of a feast was held at the time of his death?
A Yes, a similar process happens.
Q But he was not a high chief in the house?
A No, he wasn't.
Q I ask you to turn to the page at the very top -- it's five pages from the end, my lord. It's entitled -- well, it just has a reference to 1,119.25 and there appears to be payments and a record of payments. Do you know what this record was with reference to?
A This was a feast that we had. We have to put up a feast when the fence is finished. This is a record of a feast that we had in Kitwancool. And if you see --
THE COURT: This is a fence for Maggie Johnson?
A That's right. And if you see Bud for the fence there $500.
MR. GRANT:
Q That would be Bud Williams?
A That's right.
Q Haalus?
A Yeah.
Q Then Fanny.
A Then Fanny washed stone. We erected a grave stone for my grandmother as well, and what she does after they erect the stone is they get a wet cloth and they just clean it.
Q And what was Fanny's relation to you? Is that Fanny Williams?
A That's right, Fanny Williams. She is from the House of Haalus.
Q And she's the mother of Bud Williams, the former Haalus?
A That's right. And the others who just helped Buddy to erect the fence like Chester Williams, Billy Morrison $50, Charlie Morrison. Those were some of the other expenses.

Q And Billy Morrison is the present name of Haalus?
A That's right.
Q Why was it Haalus who was responsible for raising the fence for the people in his -- and the people of his house?
A Because that's my grandmother's Wilksiwitxw.
Q I just refer you to the last two pages. Did you make the notations on those last two pages? One is starting with man and also a page is starting with ladies. Do you know whose notations those are?
A Those were mine.
Q And what -- where did you -- why did you make those notes, and when did it happen?
A It happened at the time when my grandmother died and I went out on a Tiits to Kitwancool. Went out inviting different chiefs in Kitwancool. And we got invited into one house and they fed us there, and while I was sitting there Lotti Robinson was telling some of the different philosophies of our people, and I just made a note of them.
Q And can you describe who Lotti Robinson is, or who she was?
A Lotti Robinson, I guess, was from the House of Gisgaast Guxsan, and the spouse of Gordon Robinson from the House of Wilitsxw.
Q Was she an elder?
A Yes, she was.
Q And she has recently passed away?
A That's right.
Q And are those notations on both pages notations of things that she talked to you about?
A Yes.
Q Can you explain why this contribution of the children is referred to as K'otsgesxw while the translation is as haircut? What is that reference to haircut for?
A Well, it's mainly publicly showing the feast of -- publicly showing where your grandparents are from, and it's usually from your -- your father's side.
Q Was there a time when those persons would actually have cut their hair?
A That's what I've heard, yes.
Q I'd like to just clarify your relationships with other houses. You've explained actually through this description of this feast and your introduction that you're a member of the House of Malii. Who is your Wilxsileks?
A Gwis gyen.

Q And do you have any rights or privileges to use any of Gwis gyen's territory?
A If I ask him I'll have some rights to it.
Q And Gwis gyen, that is Stanley Williams that you're referring to?
A M'hm.
Q Has Gwis gyen been involved in training or teaching you in any way?
A Yes, he has.
Q Do you have a relationship to Xamlaxyeltxw, Solomon Marsden's house?
A Yes, I do.
Q And what's that relationship?
A They're my Wilxsileks.
MR. GRANT: Do you have a spelling for that?
THE TRANSLATOR: It's 602.
MR. GRANT: Thank you. 602.
Q And can you explain what you mean by your Wilxsileks? Why are they your Wilxsileks?
A Their father was Fred Good who was a member of our house. And we have blood ties to Solomon, and if he has a feast I will help him with some of his expenses. He doesn't have to ask me. That's my responsibility just to give them money to help cover some of his costs. Our house will -- when he passes on will be responsible and be in charge of the funeral, buying the casket, clothing. We'll be asked to perform those tasks.
Q Do you have any rights under the Gitksan law to -- access to Xamlaxyeltxw's territory because of this relationship?
A If I ask him probably -- probably I'll have some rights to it.
Q You've referred to your wife, and that's Elizabeth Williams, is that right?
A Yes.
Q And does she belong to a Gitksan house?
A She belongs to the House of Haalus.
Q And do you have any rights of access to Haalus' house because she is a member of it?
A Yes.
Q Can you explain that? Explain why.
A Because it's part of their territories. The fishing hole that's theirs and she has some rights to it. And I have a responsibility to be with her. And if we use the fishing hole it's under her direction. And I also want to encourage my children to learn it, and try and

teach them some of the -- what I know in the way of our Gitksan laws. And before Haalus passed on he asked -- he made sure we had a fishing hole.
Q And your children are members of Haalus' house?
A That's right.
Q Which house is your wife's Wilksiwitxw, or father's side?
A Guxsan.
Q And that's -- that's a fireweed house of Gitsegukla?
A That's right.
Q And which house is your own mother's Wilksiwitxw, or father's side?
A Lelt's house. Ganada from Gitwangak.
Q Was Lelt involved at all in your training as you were growing up?
A Yes, he was.
Q I'd like to move into that area and ask you about who taught -- who has taught you as you've been growing up, and what kinds of things without giving, of course, all of the detail of everything that was taught, but what kinds of things they were teaching you. And can you start by talking about Lelt, and what did Lelt -- what types of things did Lelt teach you about and when did that start, how old were you?
A That started at a very early age. I probably was around four or five, in that area, where we used to hear stories, kind of children's stories, bed time stories. And we used to help them out within the smokehouse. Went fishing with them. We always used to help them. And they always told us how to help the elders and the people that are in need. That was at the very early age.
Q Have you been taught about the Ayuks or the crests of Gitksan houses?
A Yes.
Q And about the Adaawk?
A Yes.
Q And who taught you those things?
A Mainly my grandfather taught me a lot about it. And to some extent Stanley Williams.
Q When you refer to your grandfather you're referring to Fred Johnson, Lelt?
A That's right.
Q And where -- there are a number of poles standing in Gitwangak, totem poles, is that right?
A Yes.
Q Where did your grandfather live, or does he live in

relation to those poles?
A He just lives right opposite the totem poles, just opposite the road.
Q Did he teach you about those poles?
A Yes.
Q Possibly you could refer to tab 1 of the document book, and there are two photographs there, and I'd ask you if you can recognize those photographs and what they are of?
A Yes, I recognize those.
Q Are these the poles -- the first photograph, the horizontal one, is that the pole of or is that a photograph of the poles at Gitwangak?
A That's right.
Q And your grandfather's house would be just off that photograph to the left?
A Yes. Yes.
Q And the second one is a picture of certain of those poles, is that right?
A Yes.
MR. GRANT: Possibly -- sorry, your lordship. I did not have an opportunity to make copies.
THE COURT: That's all right. I can make it out from here.
MR. GRANT: Okay.
THE COURT: It's a fairly good copy.
MR. GRANT: Before I proceed maybe I'll ask that these be marked as the next exhibit.
THE COURT: All right. The first picture of the poles at Gitwangak will be 560.
THE REGISTRAR: 560. The horizontal one?
MR. GRANT: Yes.
THE COURT: Yes. The next one is 561.
THE REGISTRAR: And 561.
THE COURT: And what is 561?
THE REGISTRAR: Three totem poles.
MR. GRANT: Yes. That's the photo of three totem poles, my lord.
THE COURT: Oh, yes.

(EXHIBIT 560: Photograph)

(EXHIBIT 561: Photograph)

MR. GRANT:
Q Now, I just -- did your grandfather teach you as to whose poles these were at Gitwangak?
A Yes, he did.

Q And can you indicate to the court referring to Exhibit 560, the horizontal picture of all of the poles, those are all of the poles in that location, is that right?
A Yes.
Q That includes all of the poles at that place?
A Yes.
Q Going from the foreground, or from the right-hand side, can you explain whose poles those are?
A The first five there is all the frog poles.
Q So the first five from the right-hand side are all frog's?
A Yes.
Q Yes.
A And I think the next three are the wolf poles. That's Axtii hiikw and Tenimgyet. That's their poles. And the following poles after that is all the eagle poles.
Q In the background there is a pole which appears to have a bird at the top of it in the sky long. Is that a wolf or eagle pole?
A That's an eagle pole.
THE COURT: The one at the very end?
A Yes.
MR. GRANT:
Q I would like to just show the second picture which are three poles. Which clan do those belong to?
A The first two are frog poles. The third pole is the pole of Tenimgyet and Axtii hiikw.
Q Now, did your grandfather tell you about why these poles had different crests on them?
A Yes, he did.
Q And can you take one of the poles as an example and just refer to why it has a crest in either photograph?
A On Exhibit 560 the third pole over is a story about -- about the frogs and how with the -- and has connections to Battle Hill. And that's basically a story about how the two brothers and their sister went up the Nass, Nass River, during the oolichan fishery and they met up with some Haidas there who wanted to -- to marry their sister. Their sister tried to get consent from the two brothers and they disagreed, but the Haida chief was in love with this girl and she wanted to -- he wanted to take her -- take her back home to the Haidas. And eventually the Haida chief killed the two brothers and kidnapped the woman and took her across to the Queen Charlotte Islands. There she lived for a few years and wanted -- she wanted to escape from the Queen Charlotte Island, and she

1 planned out how she was going to do that, and her plan
2 with the assistance of an elderly woman in that
3 community was to behead the Haida chief one evening.
4 The canoe was readied, and that's what she did. And
5 everytime that the woman had a male --
6 Q Child?
7 A A male child the Haida chief would kill it. And that
8 happened twice. The third time she had a baby again
9 and it was a male and as the male was growing up the
10 mother was scared because eventually the male child
11 will be killed again because -- because what they were
12 afraid of was the revenge that would happen in that
13 community, and the boy would grow up to be very fierce
14 and revenge against that community. As the boy was
15 growing old the mother was scared, and what she did
16 was to hide that he was a boy. She took a long strand
17 from her hair and tied the little boy's penis right
18 around the back so he looked like a girl, and that
19 night they fled. They used the canoe and they fled
20 across to -- fled across towards Prince Rupert, the
21 mouth of the Skeena. And that pole -- in that
22 particular pole you'll see a canoe there with three
23 heads. The one is the mother way at the bottom. The
24 second head is the -- is the chief's head that was
25 beheaded, and the other head is the boy. And if you
26 look closer on it the tongues are connecting between
27 those two heads. And what that represents is the
28 mother was escaping, the Haidas were in chase, and she
29 was going across the ocean. The baby was crying and
30 crying and the mother was paddling, and she used the
31 tongue as a soother, baby soother. And that's --
32 you'll see those two tongues connecting, and that's
33 the canoe. As she was getting near the mouth of the
34 Skeena if you see right at the bottom there is --
35 there's a bear there and the bear came right on the
36 canoe. And they were lost and the bear was there
37 to -- and he sang a song there and told them which way
38 to go. That was part of the story on it. They
39 eventually missed the Skeena because of all the mist,
40 the fog along the mouth of the Skeena and they went
41 right up to the Nass River. They stayed at
42 Kincolthas. They moved up. They stayed at the
43 different villages and eventually ended up at New
44 Aiyansh. And as the boy was growing up they told a
45 history of what had happened to them, and all these
46 other younger boys were making fun of him because he
47 had sucked his father's tongue, his dead father's

tongue. And he grew up to be really fierce. He was very angry and he would start killing people. Well, eventually they found their way back down to the Village of Gitwangak and that's when he started having wars at that time with the -- the Haisla people. And they eventually were expecting a retaliation from the Haidas and that's where they began to develop the Battle Hill about five miles from Gitwangak. And that's where they built this fort, and they had a palisade around it, and they had five houses on top. And they rolled big logs up there and sharpened the branches so it will be -- and as the attack came they just cut off all these -- the rope and let the logs roll down and killed all the Haidas. And they -- the chief's name -- the boy as he grew up his name was 'Neekt, which means tongue licked.

MR. GRANT: Just a moment. Can you just give a spelling of that.

THE TRANSLATOR: N-E-E-K-T.

MR. GRANT:

Q Go ahead.

A Then the -- they made another pole, the man crushing pole from that. And that pole was -- still some pieces of it are still in the community today. It's all these different -- it's a pole that has all these different Haidas in different locations all flat on that pole. And that's basically what the story is of that pole.

Q And which house -- first of all you refer to this as a story. There has been evidence to the court about two types of stories. One is, I believe, is an Ant'i mahlasxw and the other is Adaawk. Would you describe either of those stories in either of those ways?

A Yes. It's Adaawk.

Q Who taught you this Adaawk?

A My grandmother.

Q And which house -- whose pole is that?

A That is Wii hlengwax's pole. Wii hlengwax.

MR. GRANT: Do you have a number for that?

THE TRANSLATOR: 76.

MR. GRANT: 76 on the plaintiffs' list.

Q And is your grandfather, Lelt, related at all to Wii hlengwax?

A Yes.

Q Can you explain that relationship?

A Both Wii hlengwax and Lelt are the two leading chiefs of the frogs in Gitwangak.

Q And does your grandfather, Lelt, still teach you today?
A Yes, he do.
Q He's been very ill over the last month or so. Except for when he is ill he still teaches you Adaawk and other aspects of Gitksan life?
A That's right.
Q Does he teach you about the laws?
A Yes.
Q And about the crests or the Ayuks?
A Yes.
Q What about -- what about other persons who have taught you? You've described your father, for example, George Williams. He was from the House of Gwis gyen. Did he teach you anything relating to the Gitksan?
A Yes. He taught me some of the things about just growing up and how to live, and how not to sleep in. And we went out fishing along the Skeena, how to try and get lucky when you go hunting.
Q Did you hunt with him?
A No, I didn't. I don't think so.
Q And Stanley Williams, Gwis gyen, was your uncle?
A Yes.
Q And your dad's brother. Did he teach you any Adaawk or any of the laws of Gitksan?
A He would speak about his own Adaawk, about T'amlaxamit. That story, the Adaawk there, he'd speak about the Adaawk, about the starvation, and how they first acquired their territory in the Gitsegukla area. About the laws. You know, about the feasts. Teach me who the different other chiefs are, how to run a feast. The laws about using the fishing holes, laws about the territory, what I should do, and if I want to go hunting on some of these territory I ask permission, and if I do get something there I have to give part of it to the chief of the house. All those different laws. There's lot of them.
Q And what about Gordon Johnson, Malii, has he taught you?
A Yes, he's taught me about our own territory up in -- up in our own territory in the Kitwancool territories. He took me up there about four or five times and explained to me where our land is. We have looked at our own totem poles, the different crests that we have. A bit about our own Adaawk from the House of Malii. And, again, knowing the people, the different chiefs he's taught me who they are and what clan

they're from and how to be -- how to react to the feast, how to sit, how to seat different chiefs. Those were some of the ones.

Q Okay. We'll come back to Malii's territory, but I just like you to refer for a moment, just so his lordship has some idea of it, refer to Exhibit 5 here. And can you just -- just give a general indication to the court from Exhibit 5 as to where Malii's territory would be in relation to the Kitwancool or the Gitksan Wet'suwet'en territory, the subject of the court action?

A It starts about 50 miles from Gitwangak. There's a creek right here. It's Xsu win luu Ts'alda. Goes along here, goes up here, goes up the Nangeese up in here, and it comes along Swan Lake and it borders all these other chiefs here. And it goes right beside Delgamuukw's past the Bony Lake right up to Mount Madley. And then there's a line that comes down right along here, and there's Brown Bear Lake in here. And it comes right back down to Derrick Lake. And the frogs own the other side of Cranberry. That's ours there.

Q So it's a territory that goes along the side of the territory that is the subject of this court action?

A That's right.

Q And when you say that there is frogs on the other side can you refer to which chief or chiefs you're talking about?

A Near the Nass. It's the Xamlaxyeltxw.

Q M'hm.

A And the others are Delgamuukw to the -- to the east.

Q Okay. But that's -- Delgamuukw is within the boundary claim while you were pointing out in the court action?

A Yes.

Q But it's on the western -- roughly on the western side of Malii is the Delgamuukw --

A Yes.

THE COURT: Does your territory include the Nangeese Valley?

A Yes.

MR. GRANT:

Q That is the valley, there's that notch on the map, Exhibit 5?

A Yes.

Q Have you -- have you travelled on your territory, Malii's territory?

A Yes.

Q And who have you travelled there with?

A I went up there with Gordon. I went up with Gordon about five times. I go up there with Ronnie Johnson. We go with Melvin Morgan, some of the members of our house, and sometimes I bring along friends and just go out and go hunting, and just sometimes just go riding and go fishing.
Q You know Solomon Marsden, Xamlaxyeltxw?
A Yes.
Q Has Solomon Marsden been involved in your training or teaching?
A Yes. To some extent, yes.
Q And what types of things has he assisted in teaching you?
A Some of the laws about feasts, and what needs to be followed when you raise a totem pole, how to act as a chief of your house. Those are some of them.
Q Can you explain to the court where and in what circumstances this training has taken place? You've described, for example, when you were young that you were at your grandfather's house. Does this training still take place today, and in what circumstances if it does?
A Oh, yeah, it's an ongoing thing. It happens at a feast where I go and visit the different chiefs. It's kind of a private thing between myself and the chiefs and some of the elders. I attend -- try to attend a lot of meetings and listen very carefully what they're saying. And it makes more sense when you understand the language that you can really appreciate what has been said to you. And it happens just practically everyday. My Uncle Stanley comes to visit me at least twice a week. And I go in the community where I live in Gitwangak. I talk to different elders and different chiefs, and just on social functions they will just tell you what -- what our laws are all about, and how our social system is like, and always referring back to the land and who people are. And there's a wide range of different training. It's not -- not isolated to -- to like university or public school. It happens practically every day.
Q And in which language is most of these discussions taking place with these people?
A In our own language, the Gitksan language.
Q And when did -- what is your first language?
A The Gitxsanimx. Gitksan language.
Q And since you've taken on this name that you now hold, Ax gwin desxw, has there been a change in the

1 training, in the teaching?
2 A Yeah. The training has changed to being more
3 specific. I have to learn how to -- to -- I have to
4 learn how to -- to be more respectable in the
5 community. I can't go out and do as many things that
6 some of the other younger people do. I have to be
7 very careful and listen to people, particularly in the
8 feast situation. It gets more specific in our own
9 system.
10 Q Are you, and I'll return to this, but just to touch it
11 briefly, are you now responsible yourself for certain
12 functions within the feast when that feast is held by
13 Malii?
14 A Yes, I am.
15 Q What kinds of things do you have to ensure are done at
16 the feast?
17 A We have to make sure we do our planning, make sure
18 that -- that we involve the people in our group, make
19 sure we get out to the different wolf houses, make
20 sure they know what we are going to be doing. We
21 discuss the business that we are going to cover at the
22 feast and make sure that things are all arranged.
23 Make sure the invitations have gone out, make sure
24 that the food is prepared, make sure that people are
25 seated properly in the feast hall, make sure that
26 the -- that names are given out properly, and make
27 sure you don't miss out anything.
28 Q Have you -- does part of your training actually occur
29 at the feast that you attend as a guest?
30 A There is some training that happens there. Education
31 that happens, you know. I sit very closely with a lot
32 of the high chiefs. If I'm -- if I don't know what's
33 happening I'll ask or else they will tell me what's
34 happening. I monitor what is happening in the feast
35 hall and make sure that I agree with it. That's what
36 I've been taught. Make sure if it's not working out
37 that way then I'll question it. And I'll make sure
38 that I understand it. And make sure I know how the
39 people are seated in the feast hall, the different
40 chiefs and their ranks. And just make note of what
41 the business has been that is being discussed by the
42 hosts. Make sure I know how much money they put out,
43 how much gifts they have, and listen very carefully
44 right at the very end to the different chiefs that
45 come out. And it's really a formal procedure of how
46 they acknowledge the business and what has happened in
47 the feast. An order of who rises depending which

1 community we're at. And listen very carefully to them
2 as to how they -- how they acknowledge and agree with
3 how the laws are followed for that particular feast,
4 how the names are given out, we agree with that, and
5 also begin myself to be one of those speakers some
6 day.
7 MR. GRANT: I'm going to move into a slightly different area.
8 It may be time to break.
9 THE COURT: All right. We'll be back at two o'clock, please.
10 THE REGISTRAR: Order in court. Court will adjourn until two.
11
12 (PROCEEDINGS ADJOURNED)
13
14 I hereby certify the foregoing to be
15 a true and accurate transcript of the
16 proceedings herein to the best of my
17 skill and ability.
18
19 _____
20 Peri McHale, Official Reporter.
21 UNITED REPORTING SERVICE LTD.
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

THE REGISTRAR: Order in court. On Delgamuukw versus Her Majesty the Queen at bar, My Lord.
THE COURT: Mr. Grant.
MR. GRANT:
Q My Lord.
Just before leaving the area of your training, your Gitksan training, I would like to just ask you a bit about the language, that is the Gitksan language, and maybe you could take a word such as Ayuks or crest -- which I understand means crest. Does your grandfather refer to Ayuks by any other term and can you explain what he -- what they are?
A There is Aniilitxw, that means the foundation of a -- of a house. It's -- the word itself describes kind of a platform or a stage for that house.
THE TRANSLATOR: It's 1580.
THE COURT: Thank you.
THE WITNESS: The other term is the Gan daxgyet.
THE TRANSLATOR: It's 1577.
THE WITNESS: And that means where the power comes from for that particular house, the source of the power for that house
MR. GRANT:
Q In your training in Gitksan language, is this usual to have more descriptive terms for these concepts such as crests? When I say "concepts such as crests", I mean concepts which are important to the Gitksan?
A Yes, there is, yeah.
Q Would you agree that -- or would it be fair to say that the -- there is a value system which the Gitksan have?
A Yes, there is.
Q And have you been trained about that value system?
A Yes, I am.
Q Can you explain what you mean -- what you -- how -- what that value system is?
A The value system is our social organization, how the chiefs are organized in houses, how they are -- the chiefs are the supreme chiefs in the house, the head chief, then you have subchiefs, then you have all the others that are in the house, that's the social organization, and the same with all the other houses. And there is always in the community there is a higher rank of a house in the community, and one house will be the main spokesman of the community, that's the

1 community. For instance, in Gitwangak they have the
2 eagle which is just a major leading group in that
3 community, and then you have the wolves that are
4 associated with the eagles, then you have the frogs
5 that are of a lower rank than the eagles. But the
6 eagles are the major spokesman of that community, they
7 are the leading group. Then you have the Gisgaast
8 that are a little bit lower than the frogs. Also
9 there is the -- and that description itself depicts
10 the political -- the traditional political system that
11 we have in our society.
12 Also, there is the whole economic system of our --
13 of our traditions where we utilize fishing holes, make
14 sure that we have a lot of salmon that's half smoked,
15 that's fully dried, that's -- and the different
16 products that you get from the salmon. There is --
17 that's part of the economic system. And part of the
18 economic system is the hunting that happens on the
19 territory, the use of different resources from the
20 territory for tools, whatever.
21 And there is the whole health care system where
22 we -- there is the using of the different plants and
23 parts of the animals that are used for healing. Like
24 the devil's club, for instance, is one -- one area
25 that -- oolichan grease is a very -- part of the
26 health care system.
27 And there is things like the marriage system where
28 you -- there is pre-marital laws that come into play,
29 where you can't marry into the same clan. That's the
30 marrying system.
31 And the education system of how you are trained,
32 the different -- well, what I just described earlier,
33 how the different -- the informal training takes
34 place, and that's the education system that we have.
35 And those are some of the value systems, and --
36 there is the whole legal system itself is all the laws
37 that come into play and how we operate the feast
38 system and how you own the land and the different
39 legal procedures you have to follow for erecting
40 totem-poles, the name giving, and those whole -- the
41 whole legal system comes into play as well.
42 Q And when you talk about the legal system, is that a
43 system that is uniform for all of the Gitksan?
44 A Yes, it is.
45 Q Including the Kitwancool?
46 A Yes, it is.
47 Q Just one point I wanted to ask you about. In your

1 description you described this hierarchy in a sense of
2 the eagles in Gitwangak as an example. Are the
3 Gisgaast, is that a clan that is traditionally from
4 Gitwangak or is that a clan that is from other
5 villages?
6 A My understanding is that from other villages.
7 Q For example, Gwis gyen, Stanley Williams, lives in
8 Gitwangak?
9 A Yes.
10 Q But which village would he -- his clan be from?
11 A Kitsegukla.
12 Q Now in talking about that ordering, can you comment on
13 the ranking of the clans in Kitsegukla, which would be
14 the -- I think you said the main spokesman or
15 spokesperson clan in Kitsegukla?
16 A There is two basic clans in the Kitsegukla. There is
17 the fireweed, I am sure that Wiigyet is the major
18 spokesman in that community, there is Guxsan, another
19 one, there is Gwis gyen, and there is -- there is
20 Hanamuxw, and the other clan is the frog clan, and
21 Haak asxw I think is the leading chief of that
22 community.
23 THE COURT: Sorry, Haalus?
24 A Haak asxw.
25 MR. GRANT: Haal asxw. That's number -- it's on the plaintiffs'
26 list I believe.
27 THE TRANSLATOR: Twenty-six.
28 THE COURT: Okay.
29 THE WITNESS: And there is Gwagl'lo, another frog that was in
30 Kitsegukla.
31 THE COURT: I haven't got that one.
32 THE TRANSLATOR: Seventeen.
33 MR. GRANT: Gwagl'lo, 17.
34 THE WITNESS: And that's all I can remember right now. For
35 Kitsegukla and Kitwancool it's the wolves that are --
36 that are the predominant group there with Gwashlam
37 right at the top, he is the major spokesman for that
38 community, then you have Malii.
39 THE COURT: Gwashlam?
40 MR. GRANT: Gwashlam is number --
41 THE TRANSLATOR: Eighteen.
42 MR. GRANT: And do you have Malii?
43 THE TRANSLATOR: Forty-seven.
44 MR. GRANT: Forty-seven.
45 THE COURT: Yes.
46 THE WITNESS: And there is other houses in the wolf that go down
47 in rank. I believe there is about six houses in

Kitwancool that are wolf and they just go down in rank. And there is about seven frog houses in Kitwancool with Xamlaxyeltxw and Sindihl, the major leading house in that group. But the wolves are the major clan in Kitwancool.

MR. GRANT: Do you have Sindihl?

THE TRANSLATOR: It's 1172.

MR. GRANT:

Q And were the persons who you've described as being involved in your training, were they involved in training you about this value system as well? And when I say the "value system", the systems that you've described, the political and the economic and social and legal systems?

A Yes.

Q And are you still being -- are you still in the process of being trained of them?

A Oh yeah, yeah.

Q Okay. Now, I just like to ask you now about -- very briefly about your formal schooling. You mentioned that you left the community of Gitwangak for 5 years to go to boarding school. Did you go to school in Gitwangak before that?

A Yes, I did.

Q And when did you start formal school? I say formal, I mean the --

A I started, from what I can remember, as grade beginner they called it, and I went to grade seven and the school was called the Gitwangak Indian Day School at that time.

Q And would that have been around 1961 you started school?

A That's correct.

Q And were you allowed to use your own language, Gitxsanimx in the school?

A No, we weren't.

Q Now, what happened? Can you explain why you left the community to go to higher -- to go on from grade seven?

A It wasn't really my choice, it was mainly my parents that made that decision, I was just subject to their decision. And there was a programme that the Department of Indian Affairs had at that time that was sending a lot of the kids from grade 8 to 12 to residential schools, and I was on a different programme, they called it the boarding home programme, and I ended up in Surrey for 5 years for grade 8 to

grade 12.
Q In those 5 years, did you return to Gitwangak in the summer?
A Yes, I returned in the summer and Christmas time.
Q And what about your peers, did they all -- did any of them go to school from grade 8 to 12 in Hazelton or did they all either go to residential school or boarding school as well?
A I think the majority of them went to Edmonton where they had -- where they had a residential school there, and some of them went to Port Alberni, and there was another residential school there as well.
Q In terms of your training as a Gitksan person, as a person who has since acquired a chief's name, did your absence from the community in these 5 years, did it have any impact on that training?
A Yes, it did. I missed Fred Good which was our well-respected hereditary chief of Kitwancool, and I missed him because I was away, I didn't get to know him as much as I would have liked to have. And also Fred Good was another -- not Fred Good but Rufus Good was another well-respected elder and very knowledgeable about the land, the histories, the laws, and I missed those two people.
Q Was your -- are you familiar with the book, it's Exhibit 448, entitled The Histories, Territories and Laws of the Kitwancool?
A Yes, I am.
Q And was Fred Good involved in assisting with providing information for that book?
A Yes, he was.
Q What did you do when you returned home in the summer times when you were going to school in Surrey?
A I went fishing with my father, commercial fishing down in Prince Rupert, the initial years, then I had a summer job in the community, then I worked at the sawmill for about two summers.
Q And that was the sawmill located at Gitwangak?
A That's right.
Q And it's the same mill that's now owned by Westar?
A That's right.
Q And what did you do after you finished grade 12?
A I didn't fully graduate from my high school down here so I finished off my high school in Hazelton. And I went till January and then I graduated there and I got a job, full-time job at the sawmill, and I stayed there till about November of 1977, then I worked for

the band as a band social worker after that.
Q That was for the Gitwangak band?
A That's right.
Q And how long did you work for --
THE COURT: Sorry, you said that was at Kitwancool?
THE WITNESS: No. Gitwangak.
MR. GRANT:
Q And how long did you work as a band social worker at that time?
A I worked for about two years, I believe.
Q And then what did you do after that?
A I got hurt and then -- I got into an accident and I got hurt and I was off work, and then I went back -- well, they called me back to the sawmill to work there and I didn't stay there very long, not even a month. Then I -- my leg wasn't very good at that time, and then the Gitwangak Native Co-op asked me to work for them, so I went to work for them for about a year, I believe.
Q And what was the Gitwangak Native Co-op?
A It was an association mainly to try and develop a shopping centre in the community of Gitwangak.
Q And did it develop a shopping centre?
A No, it didn't.
Q And what did you do after -- well, let me just interject on your work history. What time in this period did you get married?
A I got married in '77, I believe.
Q And --
MR. PLANT: Could I just interrupt, I missed one part of the answer. The shopping centre, was that to be in Gitwangak?
THE WITNESS: That's right.
MR. PLANT: Thank you.
MR. GRANT:
Q And you were working as a band social worker at the time you got married?
A Yes, I was.
Q And you've already described your wife, she's Elizabeth Morgan?
A That was her maiden name, yes.
Q That was her maiden name. And she is a member of the House of Haalus?
A That's correct.
Q Was she born into that house or adopted into that house?
A She was adopted into that house.

Q When was she adopted into Haalus' house?
A I believe it was around February, 1981, I think.
Q And who was the Haalus at the time she was adopted?
A Buddy Williams.
Q And you have three children now?
A Yes.
Q Scott, Crystal and Melissa?
A Yeah.
Q And are -- your children, have they been adopted into Haluus' house?
A Yes, they have.
Q And do they have Gitksan names?
A Yes, they do.
Q Now, firstly, could we start with your wife. She now has a Gitksan name?
A Yes.
Q And what is that name?
A Haamalik.
MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 1570.
MR. GRANT:
Q And what does that name mean?
A I really don't know.
Q Okay. And is it -- well, let me ask you this: is it a Gitksan word, do you know, or is it a Tsimshian word?
A I believe it's a Gitksan word, yeah.
Q And what about your son Scott, that's your oldest son; is that right?
A Yes.
Q And does he hold a name?
A Yes.
Q And what is that name?
A Gwa' gayee.
THE TRANSLATOR: It's 1572.
MR. GRANT:
Q And what -- what does that name mean?
A It means "little fast one".
Q Would that be considered a child's name?
A I'm not too sure. I think it's maybe -- it's -- when I asked Buddy about it, it meant -- it was kind of a little higher ranking name than a child's name.
Q How old is Scott?
A He is eight.
Q Okay. And you have your middle child, Crystal, that's a daughter. Does she have a name?
A Yes. Her name is Taxduuts.

THE TRANSLATOR: 1573.
MR. GRANT:
Q And what does that name mean?
A It means "all black".
Q And your youngest daughter, Melissa, does she have a name?
A Noxs Haalus.
THE TRANSLATOR: 1574.
MR. GRANT:
Q Just for reference, My Lord, the reference in the word list it says Crystal Morgan and Melissa Morgan, that should really be Crystal Williams and Melissa Williams in the English side.
Where was your mother-in-law, that is your wife's mother, originally from?
A She was originally from the west coast of Vancouver Island, Ahousaht.
Q So would it be correct to say that your wife was not born as Gitksan but was by birth a Nuchatlaht person?
A I think that would be correct, yes.
Q And who was your wife's father?
A Clifford Morgan.
Q And he is a -- which house?
A Guxsan.
Q And he is a Gitksan?
A Yes.
Q Who raised your wife?
A Her grandmother, Martha Morgan.
Q And did Martha Morgan hold a name in Guxsan's house?
A Yes. Her name was Mehlasxw.
THE TRANSLATOR: That's 1568.
MR. GRANT:
Q And that was -- Martha was Clifford's mother?
A Yes.
Q Was there any reason why Martha Morgan could not have adopted Liz, your wife, into her house under Gitksan law?
A She probably could have, but Liz's mother was originally adopted into the -- to the frogs, so her grandmother encouraged her to -- to stay there amongst the frogs of Gitwangak.
Q Do you know why Haalus decided to adopt her in 1981 or '82, why she was adopted -- Haalus decided to adopt her into their house?
A Haalus was my close relation and there wasn't too many of those Gitwangak frogs around, the real Gitwangak frogs around, so he wanted to make his house a bit

stronger, and I was related to him by blood-wise, and that was probably the reason why he adopted them. Plus we had children, we had especially girls who would be future bearers of Gitwangak frogs. And if you see one of the names, Noxs Haalus, that means -- they've always talked to us about how the little one, Melissa, would be the future bearer of chiefs, and that's what we discussed with him.

Q And Noxs Haalus, how would you translate that?

A "The mother of Haalus".

Q Okay. And is there a Gitksan term for the adoption of your wife and your children into Haalus' house? What would you call it in Gitksan?

A Tslimdoogit, it means "bringing them in".

THE TRANSLATOR: That's 1575.

MR. PLANT: Excuse me?

MR. GRANT:

Q 1575.

And your wife is present here at court?

A Yes, she is.

Q As is your youngest daughter?

A Yes.

Q Okay. Now, after you worked at the Co-op, that's where I left off your work history, where did you go to work after that?

A I can't remember. Either it was back with -- no, I went to the tribal council I think. Yeah, to the tribal council.

Q And that's the Gitksan-Carrier -- what was known as the Gitksan-Carrier Tribal Council you were referring to?

A That's right.

Q And what did you do -- and what time -- when did you join -- start working for them?

A I believe it was January -- January of 1983.

Q And can you just describe for the court what your work entailed with the tribal council?

A Basically what my job there was mainly to try and pull together this map of the whole Gitksan-Wet'suwet'en territory, and to work closely with Neil Sterrit who had done a lot of that work, and it was mainly just trying to help him in doing the piecing together and talking to -- confirming some of the boundaries and some of the names with different elders and different hereditary chiefs.

The other part of that was to -- to document all the fishing holes from the Upper Skeena, the Upper

Kispiox, the Bulkley River, right down to Lagat Creek. All of those was helping another staff member, documenting those fishing holes, and that. We had a series of meetings with -- with the different chiefs and different villages to confirm that the information was correct. It was mainly assisting in those two processes.

THE COURT: Should I take some different meaning from your description of a fishing hole from what I have been hearing about which have been called fishing sites, or are they the same thing?

THE WITNESS: They are the same thing.

THE COURT: Thank you.

MR. GRANT:

Q When you had these meetings with the chiefs about fishing holes or fishing sites, were those meetings conducted in both English and Gitksan or in primarily Gitksan or primarily English?

A Primarily all the meetings took place in Gitksan.

Q And was that part of your function, to be working with the chiefs in their own language in this research?

A That's correct.

Q And was that the same -- what language were the discussions held relating to the territories?

A They are all -- mostly all of them were in Gitksan, our own language.

Q Do you recall an initiative of a number of the chiefs which has been referred to, I think, as the Petition of Right, and it was referred to as an application to the Provincial Government for a fiat to sue them for a profit a prendre to the fishery. Do you remember anything about that while you were working?

A Yes, I do.

Q And were you involved in -- at all in the research that led up to that?

A I helped another staff member with the research and making sure that the fishing sites were all -- all documented.

Q Now, when you did research on fishing sites in 1983, were you focusing on fishing sites -- only on fishing sites on reserve or all fishing sites of the Gitksan and Wet'suwet'en?

A All the fishing sites.

Q And I added a context in there. You did describe that you were referring to Bulkley River fishing sites, were you involved in research with respect to Wet'suwet'en fishing sites or only Gitksan?

A Yes, I was involved in the -- in the area of Moricetown Canyon.
Q Okay. Did you travel in the field with chiefs to determine the location of fishing sites?
A I travelled with one of the staff members. There may be -- may have been some occasions where we had taken chiefs out but I can't remember specifically.
Q And you did describe that you also did trips relating to -- or I'm sorry, that you did research relating to the territories in preparing the maps of the territory of the Gitksan. And did you do any field trips relating to that research?
A Yes. We took -- we went to -- on a chopper for two days with Neil Sterrit, we went up to the eastern boundary right around -- around the Kisgagas area, the most easterly boundary, and we went right up to Bear Lake, up the Sustate River and up the Tutade, Tutade Lake, the headwater of the Skeena, came back down the Skeena and went towards Hazelton, right back down to Hazelton. We had Robert Jackson, we had David Gunanoot, we had David Green and James Morrison and Neil and myself. And the next day we went up -- straight up the Skeena, documented all the different creeks, the different boundaries, went right up to Blackwater, Blackwater Lake, then we headed up towards the headwater of the Nass River, then we came back down the Nass River and then over to the Gwinageese River there. We went and came down there and then headed right back to Hazelton, up the upper part of the Kispiox River then back to Hazelton.

On another trip that I went with -- in a helicopter was with -- on the Kitwancool territory, I went out with Godfrey Good, Barney Good, Gordon Robinson. We started off in the Kitwancool Village, we headed to approximately eight miles between Gitwangak and Kitwancool, that's the boundary line between Gitwangak and Kitwancool, then we headed west to the headwater of the Stenstram River, then down the Stenstram straight down the Giteen River.

THE COURT: Giteen?
THE WITNESS: Giteen River. And near the -- we went across to -- across -- near the Nass River, we went to -- around the Kinskuch River. We looked at -- tried to locate the place called Gits Xsi Duutswit, that's the boundary line between the Nisga'a and the Kitwancool. We then headed straight up the Kinskuch River right up to the lake that's located right at the headwater of

the Kinskuch. We went to the headwater of White River and we headed straight to the headwater of Cottonwood Creek. We went through the glaciers and then to the headwater of the Cottonwood Creek, that's between Bowser Lake and Meziadin, the boundary line between Kitwancool and the other chiefs of the Gitksan. Then we came down the Bell-Irving, down to the Nass, then we -- at Mount Madley there is a boundary line between the Kispiox-Gitksan and the Kitwancool-Gitksan, and then we headed straight down to Kitwancool.

And on other occasions we went on a helicopter flight on the Gitsegukla territories with Neil Sterrit, David Milton, and Ernest Hyzims. We also went on different field trips to -- with different elders and just using the car up in the Gitsegukla Valley and then up around Kitsumkalum Lake with Arthur Mathews Sr. and I believe George Turner. Those -- those are some of the ones I can remember.

MR. GRANT:

Q And just to refer back, the Kitsumkalum Lake, that would have been up to the territory of which chiefs?

A That's the territory of Tenimgyet. We went around and tried to locate the territory around Sand Lake, around Lava Lake and Sand Lake and then looked up at the Cedar River area.

Q And then the -- you referred to one trip in the Gitsegukla area with Ernest Hyzims and David Milton. Is Ernest Hyzims, is he a high chief who is a plaintiff in this action?

A Yes, he is.

Q And what chief is he?

A Gwagl'lo.

MR. GRANT: What is that number?

THE TRANSLATOR: Seventeen.

MR. GRANT:

Q Seventeen.

And that trip that you described from Kitwancool, the description that you gave of where you went, does that coincide with any particular boundaries? In other words, did you follow a boundary in --

A Oh yeah, we followed the Kitwancool boundary, that was the boundary line that we were wanting to have a look at.

Q Okay. And I just will refer you briefly to Exhibit 5 again, and maybe you could just indicate with your hand where you went in -- along the boundary in relation to -- that is the boundary of the Gitksan

chiefs on that trip, the Kitwancool trip?
A Oh, on the Kitwancool trip?
Q Um-hmm.
A Kitwancool is right down here. We headed south on the Highway 37 to about eight miles above -- between Gitwangak and Kitwancool. We headed straight towards the Stenstram, we went along -- there is mountain ranges along here, and then we went down to Stenstram which is one of these creeks here. We went straight down the Giteen River, and there is a little hill here that is where the boundary line is, and tried to locate the boundary line right at -- what people call Gits Xsi Duutswit, and then went right up the Kinskuch right up to the lake, there is a lake up here, went to the headwater of the White River, which is probably this one. Then we went over -- over the glaciers and went to Cottonwood Creek. There is Cottonwood Creek which is the boundary line with the other Gitksan chiefs, and it comes down here and we came down the Bell-Irving, and we came over the Mount Madley, came right along here, right over Brown Bear and then straight down to Kitwancool.
Q And can you, without describing the traverse, can you just describe approximately where you went on that two-day trip? You went with Bob Jackson -- Robert Jackson and David Green and David Gunanoot and James Morrison. What area did you go to?
A We left Hazelton and we went up the Sustate -- not the Sustate, the Suskwa, Suskwa River, and then we went and stopped at one of the mountains along -- along near the -- it's right -- one of the mountains on the Suskwa. Then we landed right at -- it's called Mount Horesky.
Q That's this small red-marked territory in Exhibit 5.
A We landed there and then we -- Neil was looking at and talking to the chiefs and documenting some of the land, the names of the mountains, trying to locate the boundary. Then we went and we then landed up at Driftwood Range which is somewhere in this area. This is Driftwood Range, and from there we went to Bear Lake, and we camped -- we landed above Bear Lake, and from there we went up the -- up the Sustate -- where is the Sustate?
Q Here, this is up the Sustate River?
A Yeah. We went up the Sustate River to Mosque Valley and then -- and then up to Tutade Lake, and then from there we came down the Skeena.

Q Tutade up here?
A We came up here, went across and came down, and we landed somewhere in the Upper Skeena, and then we went straight across and right down to the Kisgagas Village and then back to Hazelton.
On the next day we went -- followed right up the Skeena River, went right up to the Skeena River and located the old village of Gitangasx, and went up to Blackwater Lake and then towards the Nass River to the headwater, and we came back down, and we came back down here and then we came right along this boundary.
Q That being the boundary that you've already described as between Malii --
A Yeah.
Q -- and the other Gitksan chiefs?
A Yeah. And then we went to -- back to Hazelton.
Q And where did you go on your trip with Ernest Hyzims, Gwagl'lo, and David Milton, what area did you cover?
A We were mainly trying to cover the Copper River area around -- I think there is Kitsegukla. We went up the Kitsegukla Valley, then we went to Kitsegukla Lake, and then from Kitsegukla Lake we went down to the Copper River, and then down the Copper River and to the boundary line between the Gitwangak chiefs and the Kitsegukla chiefs, that's around this area here.
Q And did you go as far as the boundary line with the southern group? I gather that is the external boundary of that territory down below there?
A Yeah, right along here. We went here.
Q Okay. And who is on the other side of that boundary, which -- which group?
MR. PLANT: What was the question?
MR. GRANT: Which group is on the other side of that boundary?
MR. PLANT: What do you mean by "is"?
MR. GRANT:
Q Well, whose territory is it on the other side of that boundary?
A The Haisla and there is the Wet'suwet'en.
Q How long did you continue to work -- how long did you work for the tribal council?
A I worked for about nine months.
Q And what did you do after that?
A I went to work for the band, back to the Gitwangak band again.
Q And what was your position there when you returned to work for the band?
A I was the planner.

1 Q And why did you -- why did you take that job on?
2 A I didn't really like commuting 70 miles a day to
3 Hazelton, and the band had asked me if I wanted to
4 work with them, so I went to work with them.
5 Q Now, in -- and did you continue to work with them
6 until May of 1985, with the band?
7 A I worked with them until April of 1988.
8 Q And were you elected chief counsellor of the band at
9 some point?
10 A I was elected -- first elected in May of 1985 for a
11 period of two years, then I was elected -- re-elected
12 again in May of 1987.
13 Q Are you still the chief counsellor?
14 A No, I am not.
15 Q And when did you stop being the chief counsellor?
16 A I stopped being the chief counsellor on May 9th, 1988.
17 Q And did you resign?
18 A Yes, I did.
19 THE COURT: When did you become chief counsellor, please?
20 THE WITNESS: May of 1985.
21 THE COURT: When you were first elected?
22 THE WITNESS: Yes.
23 THE COURT: You were elected to the council and then chief
24 counsellor at the same time?
25 THE WITNESS: I was just a chief counsellor.
26 THE COURT: The chief counsellor is elected by the band members,
27 is he?
28 THE WITNESS: That's correct.
29 THE COURT: Not by the other members of the council?
30 THE WITNESS: He is elected by the general membership of the
31 band.
32 THE COURT: Okay.
33 MR. GRANT: I would like to return -- I will return to what
34 you've done -- what you did in that three-year period
35 when you were chief counsellor, but I would like to
36 move into another area and ask you about Ayuks, about
37 the crests, and ask you to explain to the court the
38 significance of Ayuks or crests to the Gitksan.
39 THE COURT: Can I have a spelling for Ayuks, please. We've had
40 it before, but --
41 MR. GRANT: Yes.
42 THE TRANSLATOR: It's A-y-u-k-s.
43 THE COURT: Thank you.
44 MR. GRANT:
45 Q Can you explain what the significance of the Ayuks
46 are?
47 A The Ayuks is a -- is a very important symbol to us as

Gitksan people. It was -- Ayuks were attained with the initial taking of the land and they are very well protected. Nobody just goes up and uses somebody's Ayuks. There is really strict laws that -- that are associated to those Ayuks, because if you try and take somebody's Ayuks you are going to try and take their land away, and the Ayuks clearly identifies who you are, which house group you belong to. It clearly defines how much land you have, how much power do you have, and it defines that you have ownership -- you own a particular piece of land, and that you have authority over that piece of land. And, for instance, like people like Tenimgyet in Gitwangak, they have the bear cubs, that's theirs. Ours -- our house is the grizzly bear with the two baby bear cubs on the ears. That identifies who I am, and I know who Tenimgyet is because I know what his Ayuks are. And those Ayuks are demonstrated on their particular totem-poles, that's showing the people that they have the power and the authority, and that clearly identifies who they are and that they have land, they have fishing holes.

Q Is Malii's Ayuks standing anywhere today?

A Yes, it is.

Q And where is that?

A It's in Kitwancool.

THE COURT: That's on a pole, is it?

THE WITNESS: It's on a pole and there is one with a tombstone.

MR. GRANT:

Q And can you explain how these Ayuks -- I think you have already alluded to it in your evidence, but how these Ayuks are connected or related to the territory of the chief? If you wish, you can take your own as an example.

A The -- a lot of the Ayuks ties into how house groups have attained land initially, how they found land and how they either killed different animals and that who inhabit that particular piece of land, and they -- what they do is they just take it. And that Ayuks ties right into that -- back to that land, that piece of territory that the house group has, that's what the connection is.

If you look at Malii with our grizzly bear and the two baby bear cubs right on the ears, that happened at Gitangwelkxw, that story occurred there, and that tells people that that land belongs to us. And if you look at Tenimgyet of how they -- the bear captured the woman, that happened where Tenimgyet's territory is

today. That's how it ties right back into the land.
Q Can you describe where Gitangwelkxw is in relation to the map, for example?
A Gitangwelkxw is approximately 5 miles upstream from where the Kispiox -- where the Sweet in River flows into the Kispiox River.
Q And it's within what's recognized as Malii's territory today?
A That's correct.
Q And is it outside the -- is it out -- inside or outside the territory claimed in the court action?
A It's outside.
THE COURT: The Sweet in River, how is it spelt, please?
THE WITNESS: Sweet in?
THE COURT: Yes. S-w-e-e-t i-n?
THE WITNESS: Yeah
MR. GRANT:
Q I would like to ask you about adaawk, and this morning you described an adaawk about the Meziadin. Can you explain to the court what you understand and what you have been taught that adaawks are and the significance of an adaawk?
A The adaawk is history, information pertaining to a particular house group, and it clearly sets out the information of how that house group owns land. It's how -- it describes how people own the land, how the house group -- a particular house group owns the land that they have today, and it's information that is, that individual house group members must really know that information. It talks about the land, it talks about the crests, it talks about the names, any fishing stations, fishing holes that are connected to that house, and how they first attain -- how they first attain land and the territory that belongs to that house.
Q And have you been taught the adaawk of your house?
A Yes, I have.
Q By whom?
A I've heard it from Malii, Gordon Johnson, I've heard it from my grandfather and my grandmother, and I've listened to tape recordings of Fred Good, and I've also read things like the History, Laws and Territories of Kitwancool, and Barbeau's book of the upper totem-poles of the Upper Skeena, I believe.
MR. GRANT: This may be a convenient time to break now.
THE COURT: All right. Thank you.
THE REGISTRAR: Order in court. Court stands adjourned for a

recess.

(PROCEEDINGS ADJOURNED AT 3:00 p.m.)

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

_____
Toni Kerekes,
O.R., R.P.R.
United Reporting Service Ltd.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COURT: Mr. Grant.
MR. GRANT: Thank you.
Q Mr. Williams, I don't -- I'm not going to ask you to describe the entire Adaawk of Malii, but I just wanted to ask you if there is any relationship between Malii and Spookw?
A Yes, there is. Our house, the House of Malii, came from -- came from the House of Spookw which was in Gitanmaax, and we still have a relationship with Spookw today that he's our -- he's our grandfather.
Q And Spookw is a plaintiff in this action?
A That's right.
Q And he has a territory in the Gitanmaax area?
A I believe so, yeah.
THE COURT: Are you saying that -- that Spookw is your biological grandfather or your historical grandfather?
A Both.
THE COURT: He is your natural grandfather, is he?
A Yes.
MR. GRANT:
Q Just so the court is clear, from your perspective you refer to Spookw as your grandfather?
A Yes.
Q But he's not the -- he's not the father of either your mother or your father?
A That's correct.
THE COURT: Well, I've been given two answers then, Mr. Grant. They can't both be right.
MR. GRANT: Yes. I think the witness -- from the witness' perspective he's his grandfather. When you refer to him as his biological grandfather I understood that it was his mother's or father's father.
THE COURT: He said yes.
MR. GRANT: That's why I asked him. He said he was biological so that's why I asked him in more detail, because I don't think he is.
MR. PLANT: It may have been the witness' intention to suggest he was a biological antecedent.
MR. GRANT: Rather than us theorizing I'll ask the witness.
THE COURT: All right. Thank you.
MR. GRANT:
Q Okay. Can you just clarify what you mean when you refer to Spookw as your grandfather?
A That's where -- that's where our house stemmed from. And we still have blood ties. That's part of our

1 blood comes from Spookw.
2 Q So he is one of -- through your ancestors you are
3 related to him?
4 A Yes.
5 Q Can you -- and Spookw is still a house in Gitanmaax
6 and Malii is a house in Kitwancool?
7 A Yes.
8 Q Can you explain in summary form what happened, how
9 Malii ended up in Kitwancool?
10 A There was a dispute in the house of Spookw and they
11 had separated, and Malii left and headed towards
12 the -- towards the Kispiox River and there -- that's
13 where they stayed. And they stayed at a place called
14 Gitangwalkxw. That's where they had a village. And
15 on the other side -- just on the other side of the
16 hill of that location there was the Kitwancool, and on
17 the opposite side, and they had met and they had lived
18 with Gwashlam at -- at a place we know as Gitpaiyskit.
19 It's a village along the grease (phonetic) trail. And
20 later on Chief Gwashlam invited Malii to come and live
21 in Kitwancool, and that's where we are today.
22 Q And you referred to your Ayuks or crest, that is a
23 crest of Malii, as a grizzly with two cubs behind his
24 ears. Is that history of how that Ayuks or crest came
25 about described in the Adaawk?
26 A Yes. It is described that occurred at Gitangwalkxw
27 how the bear, the grizzly bear, was trying to cross
28 the river, and he had two baby bear cubs right on his
29 ears -- her ears and as she was trying to swim across
30 the river one of the cubs fell off and drowned and she
31 started crying, and meanwhile two of the house members
32 of Malii were watching and as she came off to the
33 shore they killed her. They killed the grizzly bear.
34 And that's when they made the song, the lament song
35 and adopted the grizzly bear with the two baby bear
36 cubs as our crest.
37 Q And do these events of Malii leaving Spookw's house
38 and going to Gitangwalkxw, do they precede the arrival
39 or first contact with the non-Indian or white people
40 in the Gitksan area?
41 A Yes.
42 Q And earlier you described an Adaawk of Wii hlengwax
43 relating to Battle Hill, and in that case did that
44 precede the first contact with the white people?
45 A Yes.
46 Q Mr. Williams, I'd like to move to another area of
47 evidence and ask you in some more detail about taking

on the chief's name Ax gwin desxw. And can you just tell us again when it was that you acquired that name?
A I believe that happened when Bob Bright died. If I remember correctly it was around April of 1986.
Q I'd ask you just to flip over the exhibit book, or your document book to tab 4 and look at the feast book that's referred to there, and it just refers to a memorial for Robert Bright for April 10th, 1986, feast April 15th, 1986. Do you recognize that book?
A Yes, I do.
THE COURT: Where do you see that, Mr. Grant?
MR. GRANT: That's on the inside there is a typed page and the inside cover, the photocopied cover.
THE COURT: Of tab 4?
MR. GRANT: Tab 4, the feast book of --
THE COURT: I'm sorry.
MR. GRANT: Re Robert Bright.
THE COURT: Yes. I'm sorry. I'm looking at the wrong document. Thank you.
MR. GRANT:
Q And have you reviewed this feast book and looked at it before today?
A Yes, I have.
Q And who prepared this document?
A Sylvia Johnson.
Q And was this -- was that again part of her role as the wife of Gallii, Ronnie Johnson?
A Yes.
Q And does it accurately reflect the payments made in at the feast, and the payments out?
A Yes, it does.
MR. GRANT: I'd ask that that be marked as the next exhibit.
THE REGISTRAR: 562, tab 4.

(EXHIBIT 562: Feast Book re R. Bright)

MR. GRANT:
Q Now, I'm not going to ask you to go through this document in the detail that you did with your grandmother's feast book, but can you explain to the court the circumstances surrounding you taking on the name Ax gwin desxw, and who held the name before you, and what happened?
A The name was originally held by Roddy Good. He held the name ever since Rufus Good died.
Q Approximately when was that, or can you recall?
A I can't remember right offhand.

Q M'hm.
A But he had this name that I have now. That was a high ranking name. And we had feasts since he took the name that -- and then he never -- he would never show up for our feasts, or when he did he contributed very little money for that particular name. And the other chiefs from Kitwancool were disappointed that -- that the name was being abused. It wasn't being heard. When it was heard it was very little money that was associated to it. And they had a number of discussions with -- with my -- the chief of our house and other members of our house, and also the frogs from Kitwancool were disappointed as well. They expressed their views to Malii. And when Robert Bright died we had a meeting.
Q When you say we had a meeting who are you referring to?
A The wolves in our house and other wolves from Kitwancool came. We had a meeting and we had to plan out how we -- how we would carry out the funeral and getting ready for the feast. We planned out to give out names to different people in our house. And this name that I have was discussed extensively at this meeting and I was asked to take it. And I was reluctant to accept it at first, but I was -- I was convinced that I should take it. And I did accept it. And they were quite concerned about the lack of presence of Roddy Good, and the abuse that was happening to the name. And it was a bit embarrassing not just to our house, but to the wolves and to the frogs of Kitwancool it was a bit embarrassing that such a high ranking name that it wasn't -- he wasn't visible enough and he didn't participate in it. So at that settlement feast for Robert Good I took the name.
Q Robert Bright?
A Robert Bright. And what they did to Roddy Good was -- the terminology that the chiefs used and its meaning is blowing them out of the feast hall. And they have an Indian word for that, Suuwiis'wen.
MR. GRANT: Do you have a number for that?
THE TRANSLATOR: 1579.
A And what it means is blowing them out of the feast hall.
MR. GRANT:
Q You've referred to both wolf chiefs and frog chiefs who discussed this with Malii. Who were some of those people that would have been involved in discussions

before this feast about -- both for the feast and even before the meeting about their concerns about your name?
A The head chief of the wolves, Gwashlam.
Q Is that Abel Campbell?
A Yes.
Q Yes.
A And Gordon Robinson, and Jim Fowler, Ronnie Johnson.
Q That's Gallii?
A Yeah. My mother. And those were some of the wolves. The frogs were Solomon Marsden, Godfrey Good.
Q That's Xamlaxyeltxw?
A Yes.
Q Godfrey Good is Gunuu?
A That's right.
Q Bob Good who's Sindihl?
A Those are the ones I could remember right offhand.
Q Is this concept of Suuwiis'wen, is that recognized within the Gitksan legal system that the chief can do this?
A Yes. And that did happen. That was explained at that feast, and properly explained to everybody at that particular feast what was happening. And I took the name. They christened me. And after that feast the first order of chiefs to respond was the -- was the Kitwancool frogs and they fully agreed with it. And the other chiefs agreed -- agreed with it as well from the other villages.
Q And you're familiar with the concept of 'Niidil?
A That's right.
Q And who was the 'Niidil from your house, from your House of Malii?
A The Kitwancool frogs.
Q And would that be Xamlatyeltxw?
A Yes.
THE COURT: Is that 19, Chris Skulsh?
MR. GRANT: Oh, the 'Niidil?
THE COURT: Yes.
MR. GRANT: No, it's --
THE TRANSLATOR: 353.
MR. GRANT: 353 is the term 'Niidil, but what is Xamlatyeltxw, what number is that?
THE TRANSLATOR: 85.
MR. GRANT:
Q And can you explain for me what you mean by 'Niidil?
A 'Niidil is referring to the tongue, and what it means is the other official spokesman of the community.

1 Q So it would be like the opposite side --
2 A That's right.
3 Q -- Of the wolves in Kitwancool?
4 A That's right.
5 THE COURT: Other official spokesman for who?
6 A The community.
7 MR. GRANT:
8 Q Now, did Gwis gyen, Stanley Williams, do anything to
9 assist you at the time you took on this name?
10 A Yes, he did. He gave me I believe it was $50. And
11 other members from his house gave me money for just to
12 help me, because I'm their -- I'm closely related to
13 them.
14 Q And did they call out your name at this feast to
15 recognize it?
16 A Yes, the ones that christened me.
17 Q When you were approached about taking on this name,
18 which you've explained is a chief's name in the House
19 of Malii, did you have any thoughts about the impact
20 or the effect on you and on your life of taking on a
21 chief's name?
22 A Yes, I did.
23 Q Can you explain to the court what -- what the effects
24 have been -- effects have been on you and your family
25 of you taking a chief's name on?
26 A Well, the first one is I -- I have to do my -- my own
27 planning. I have to make sure that I always have
28 money just in case I have to contribute to feasts.
29 It's not just a few dollars, it's usually a thousand
30 dollars depending on the rank of the chief that passes
31 on to my house. And if there's other feasts that
32 happen with the wolves I can't just contribute $20,
33 it's got to be a little bit more than $20 to show my
34 rank. I also have to not -- I have to be careful how
35 I appear in the community. I cannot be seen as
36 drinking and be drunk on the street, or partying all
37 the time. I have to be a bit more careful. I have to
38 try and attend as many feasts as I can. And I have to
39 be conscious of how I am seated in the feast. I also
40 have to be responsible for making sure that a lot of
41 planning takes place if -- if we're gonna have a feast
42 for our particular house. Ensure that things are well
43 thought out and well planned and be responsible for
44 for some of our -- my nephews and my nieces and my
45 brothers and my cousins in our house, make sure that
46 they have names. And we also have to think about the
47 land itself, the land that we have seeing who's --

who's using it, who's logging on there, planning out some things that we want to do on the land. Those are some of the responsibilities that I have inherited. I've also been appointed the spokesman for our house that -- that I speak for them and after consulting with members in my house and my chief and other chiefs in our house to make sure that I'm saying the right thing.

Q I'd just like to refer you before going back to a third document in the document book, and that is tab 5. It's the feast book of re Terry Johnson. And Terry Johnson was a member of your house?

A That's right.

Q And he lived in Kispiox?

A That's right.

Q And he was killed in a car accident in February of 1984?

A That's right.

Q And have you reviewed this next document, this feast book?

A Yes, I have.

Q And does it reflect the expenditures and the payments in at that feast?

A Yes, it does.

Q And the first two pages right after the cover page refers to names in Kitwancool and appendix. These were loose pages in the feast book that were separate from it, is that right?

A Yes.

Q And did you get -- where did you get those lists from?

A This first page was -- was Fred Good's own typing, and he wanted us to make sure that we -- we knew these names and that these were the names of the House of Malii. And he passed it on to Gordon and then Gordon all gave us a copy. And that was mainly from Fred Good. The next page is from the History, Laws and Territories of Kitwancool publication that was made. And those are some of my own hand notes to it, who has those names, and right beside it like Gordon Johnson, Malii, Bob Bright, and so on down the line.

Q And that third name, Ax gwin desxw, has Roddy Good beside it. That is the name you now hold, is that right?

A That's right.

Q And it refers at the top list of names of the House of Chief Niislaganoos is the same as the House of Malii, is that right?

A That's right.
MR. GRANT: I would ask that this document be marked as the next exhibit, my lord.
THE REGISTRAR: 563, tab 5.

(EXHIBIT 563: Feast Book of Terry Johnson)

MR. GRANT:
Q Now, you have explained in your grandmother's funeral feast the amount of money that was paid in, $24,000. You've agreed with Robert Bright's feast book which says $14,000 has been paid in, and you described as part of your own obligations now that you're a chief it's not just a question of putting in $20, but you have to be prepared to put in a thousand dollars I gather on short notice if a chief dies. Can you explain to the court, Mr. Williams, why today it is important for chiefs to put in so much money in the feast hall, and why do they do it?
A It's -- it really boils down to the rank of the individual. There's variations of how much money you put in -- put in at the feast. For instance, Malii will, and the other two chiefs before me always put more money than me. And that's higher rank. And I respect that that's the way we have been taught. You cannot contribute more money than them because it just doesn't look right. And that's the way we've been taught. And -- and to put huge amounts of money in the feast is demonstrating to the guests and the other houses that are the host at that feast is demonstrating publicly to the people in that -- in that feast hall that you do own land, that you own territory, that you own fishing holes, that you own names in those houses, and this is who we are. And that also interprets your wealth and the stature you have in the community, in the feast hall, and that stature represents the power and the authority that you have.
Q Does your house have any plans to raise a pole?
A Yes, we do.
Q And why is it that your house is planning to raise a pole, and what are the intentions regarding it?
A Well, our chief, it's part of his duties as being the chief, one of his duties before he passes on to -- to erect a totem pole. And because he's always thinking about us, other members in our house, that he wants to ensure that -- that we still own this land, that we

still have the authority and the jurisdiction over that land, and over the names, over the fishing holes, and he wants to publicly demonstrate that in the feast hall that this is who we are, this is the land that we own, this is the crest that we have, this is the names we have, this is how wealthy we are, this is the stature we have, and this is the power we have, and we own it and nobody is ever going to dispute that.

Q Have you been present at pole raisings given by other chiefs?

A Yes, I have.

Q Have you participated in pole raisings of any other chiefs of other houses?

A Yes, I have.

Q Can you give an example of whose chief's pole raising you participated?

A I participated in Solomon Marsden erecting a totem pole. I participated with Godfrey Good with raising a totem pole.

Q That's Gunuu?

A Gunuu, that's right. And to some extent with Guxsan, Herbert Wesley. And also with the late Magnus Turner.

Q And what was your role in participating with Solomon Marsden and their pole raisings in those raisings?

A Solomon is, from what I explained earlier, that it's our house's responsibility that anything that he does that he gets his Wilksiwitxw to perform certain tasks for him. And that's just the way the law works is that it's us, the House of Malii, that performs all those different tasks like setting out the foundation for the totem pole, making sure that the -- that the -- the totem pole raising goes well. Make sure -- making sure that the pole goes up well. And the same thing with Godfrey, it was mainly my brother that performed those tasks and we just simply helped him. In respect to Magnus Turner and Herbert Wesley I was just witnessing what they were doing.

Q I'd like to refer you to tab 6 of your -- of the document book. And this is from a notebook of yourself relating to a feast of Buddy William's house. You can take that out if you wish. Now, these are your notes of that feast?

A That's right.

Q And the form of the book was actually a date book, but the actual date of the event was February 26, 1983?

A That's right.

Q And did you take notes of, for example, on the second

column of the first page is a reference to Solomon Marsden. Are the notes under there the notes of what he said there at that feast?

A Yes. After the -- all the business was done the people ate, and the official business was done at that feast. There's a procedure of how the chiefs get up and make sure -- make statements that says that yes, Haalus, you followed the laws of our grandfathers. You performed the feast right. Your business was done right according to our law. Yes, we acknowledge it and we agree with what you've done.

Q Okay. Your notations here are in English. Did Solomon speak in English or Gitxsanimx at the feast?

A He spoke in our language.

Q But your translations -- you translated to yourself what he said?

A Yes.

Q Was there any particular reason why you took notes at this feast? Was there any particular event that was important for your family?

A I think it was the time my wife and son got names. And I just like taking notes just to look back on what the different chiefs have said, how much money has been raised, and how much individuals contribute.

Q Well, I refer you to --

THE COURT: What does it say, he has followed the work of his forefathers?

A Yeah. Yeah.

THE COURT: The law was what?

MR. GRANT: The law --

A The work of his forefathers. The law was completed.

THE COURT: Thank you.

MR. GRANT:

Q I just refer you to the next page.

MR. PLANT: I'm sorry. What was the witness' interpretation of those words, the law was completed?

THE COURT: Yeah, completed.

MR. GRANT:

Q It's hardly visible in the copy that is there, but it states that under Solomon the work of Haalus is now sealed and something his territory and fishing holes. Do you know what that is? Do you recall what he said there? If you can't that's all right.

I'll try to refer to the original, my lord, because it appears it's not legible.

A No, I can't really read it.

Q On the next page the name is Geoff Morgan. Is that

the former Axtii Hiikw?
A That's right.
Q And is that -- it states under there, "There is our law that must be followed, that is why the elders are here today." Is that one of the things that he said at the feast at the end?
A Yes, that's right.
Q And then there is Arthur Mathews. Is that Arthur Mathews Sr. or Arthur Mathews Jr., do you recall?
A It may have been Sr..
Q Okay.
A I'm pretty sure it's Sr..
Q And what house does Art Mathews Sr. belong to?
A He's from the house of Luuxoon. A frog from Xsim Ku (phonetic).
Q This statement is, "Haalus has reaffirmed his ownership, his status and has showed his ownership." Is that the statement he made at the feast?
A Yes.
Q And on the next page Peter Martin. And what house is Peter Martin from?
A He's either from -- I'm pretty sure from the House of Wiigyet, the fireweed family from Kitwancool.
Q Underneath that there is the statement "We must be knowledgeable of our forefathers roads and laws. We have witnessed your work tonight. Haalus you have set an example for all others." Is that one of the things -- is that what he said at the feast?
A Yes.
Q Now, after that on the next page there are notations relating to a funeral feast settlement March 26, 1983 for George Williams in Kitwanga. Those notations following that, are they notations you made at your father's own funeral feast?
A That's right.
Q And on the following page after listing certain contributions there's a reference to the total raised is $15,566. Was that raised at your father's feast?
A Yes.
THE COURT: How much did you say? Oh, yes, I see it.
MR. GRANT: On the top right-hand column under the date July 7th.
Q And I just like you to look at the last page. There's some references there to names; Sylvia Johnson and Earl Campbell, Marlene Bright and Barbara Jackson. Were these names that were given out at a feast?
A Yes, they were given out at this particular feast.

Q That's the March 26, '83 feast?
A Yes.
MR. GRANT: I'd ask that be marked as the next exhibit, my lord.
MR. PLANT: Perhaps the witness could identify the date on which the notes were made.
A They were made March.
MR. GRANT:
Q Well, just look --
A March 26th, 1983.
Q Okay. That's when the notes were made with respect to your father's feast?
A Yes.
Q What about the notes of Buddy Williams, were they --
A No, that was February 26, 1983.
Q So that was made right at the feast?
A Yes.
Q As those events occurred?
A Yes.
MR. GRANT: I ask that be marked as the next exhibit, my lord, tab 6.
THE REGISTRAR: Exhibit number 564.

(EXHIBIT 564: Handwritten notes of G. Williams)

THE COURT: All right. Do you want to start something else, Mr. Grant, or is this a convenient time to adjourn?
MR. GRANT: This probably is a convenient time to adjourn.
THE COURT: All right. Thank you. Ten o'clock tomorrow morning, please.
THE REGISTRAR: Order in court. Court will adjourn until 10:00 a.m.

(PROCEEDINGS ADJOURNED TO MAY 31, 1988 AT 10:00 a.m.)

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

_____
Peri McHale, Official Reporter
UNITED REPORTING SERVICE LTD.