

1 Vancouver, B. C.
2 June 20, 1988.
3
4 THE REGISTRAR: Delgamuukw versus Her Majesty the Queen, at bar.
5 THE COURT: Mr. Rush?
6 MR. RUSH: Yes, my lord, I should advise you that regarding the
7 Stanley Williams video tapes, I have handed some
8 further video tapes of that commission evidence up to
9 madam registrar and she now has them. I believe there
10 is a full set.
11 THE REGISTRAR: Yes, I have the full set.
12 MR. RUSH: And the copies of the other commission evidence that
13 you viewed last week are -- were -- we have been in
14 touch with the camera person and we would get the
15 originals. I think it may be today or tomorrow.
16 THE COURT: All right. Thank you.
17 MR. PLANT: I should make a note that the balance of the tapes
18 of the Stanley Williams commission will be marked as
19 exhibits today?
20 MR. RUSH: Yes, I understand it's going to be done through the
21 registry.
22 THE COURT: Yes. Thank you.
23 MR. RUSH: Now, we have had prepared an additional list of
24 Gitksan names, which I understand was just handed up
25 to you and I am going to call the next witness for the
26 plaintiffs, Mr. Neil Sterritt.
27
28 NEIL STERRITT, a witness called on
29 behalf of the plaintiffs, after first
30 being duly sworn, testified as
31 follows:
32
33 THE WITNESS: My name is Neil Sterritt, S-T-E-R-R-I-T-T.
34
35 EXAMINATION IN CHIEF BY MR. RUSH:
36
37 MR. RUSH:
38 Q Mr. Sterritt, do you hold a Gitksan name?
39 A Yes, I do.
40 Q What is that?
41 A Mediig'm Gyamk.
42 Q Is that a chief's name?
43 A Yes, it is.
44 MR. RUSH: And Madiig'm Gyamk, my lord, is M-A-D-I-I-G-'M,
45 G-Y-A-M-K.
46 Q And what's the house?
47 A It's the House of Gitludahl.

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1 Q And the clan?
2 A Gisgaast or Fireweed.
3 Q Were you born into the house of Gitludahl?
4 A No, I was not.
5 Q Were you adopted into the house?
6 A Yes, I was.
7 Q And do you remember the year that you were adopted
8 into the house of Gitludahl?
9 A Yes, it was 1975.
10 Q And can you recall the circumstances around that
11 adoption?
12 A My aunt's husband, Gitludahl, Moses Morrison, had
13 indicated that he wanted to adopt me into the house,
14 he sent a message to my house that he was holding a
15 feast and that I should attend that feast and that he
16 would give me a name at that feast. And adopt me.
17 Q Did that feast happen?
18 A Yes, it did. I said 1975, it was 1974.
19 Q '74?
20 A Yes.
21 Q And you received a name at that feast?
22 A Yes, I did.
23 Q What was that name?
24 A Gotsim Gapiayk.
25 MR. RUSH: Your lordship has heard that before but I will spell
26 it, it's, G-O-T-S-I-M, new word, G-I-P-A-I-Y-K.
27 Q And does that mean "in slow motion"?
28 A Yes, it does.
29 Q At the feast where you got the name of got Gotsim
30 Gapiayk, did you pay for that name?
31 A Yes, I did.
32 Q And were there witnesses at that feast where you
33 received the name?
34 A Yes, there were. And they were the people that
35 received the money that I paid in return for
36 witnessing and calling out my name, calling it back.
37 Q Now, how long did you hold that name before you took
38 the name of Mediig'm Gyamk?
39 A For 11 years.
40 Q And did you take the name of Mediig'm Gyamk in 1985?
41 A Yes, I did.
42 Q At a feast?
43 A Yes.
44 Q And what feast was that?
45 A My uncle, Moses Morrison, the former Gitludahl, had
46 passed away, and on December 21st the funeral feast
47 was held and at that feast I received the name of

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1 Mediig'm Gyamk.
2 Q And did you make a contribution at that feast for the
3 receipt of the name?
4 A Yes, I did.
5 MR. RUSH: I have asked madam registrar, my lord, to obtain the
6 black volume copy of the document book for Gitludahl,
7 Pete Muldoe. I would like to have that document book
8 placed before the witness. And I am going to first
9 refer him to the Gitludahl feast book, which is
10 exhibit 471.
11 MR. GOLDIE: May I see that, please?
12 THE COURT: Mr. Sterritt, did you say September 21st or December
13 21st?
14 A December.
15 MR. RUSH:
16 Q Just showing you Exhibit 471, which is marked in these
17 proceedings as Gitludahl Feast Book, December 21,
18 1985. And if you turn to the fourth page in sequence,
19 I note under there names given, number two, Mediig'm
20 Gyamk, Neil J. Sterritt, does that refer to you?
21 A Yes, it does.
22 Q And I would like to refer you to the third page from
23 the cover page and I would ask you if you would look
24 under the heading family, and if you can identify your
25 name there?
26 A Yes, I can.
27 Q And there is the name of Neil John Sterritt, does that
28 refer to you?
29 A Yes, it's about six lines down.
30 Q And under goods it shows, seven, the figure 727, what
31 does that represent?
32 A That represents the food that I contributed to the
33 feast in the form of soup, cases of bread, cases of
34 apples and oranges and it also represents gifts that I
35 gave to people who had done things for me in the past.
36 I might have -- I might be in a situation where I
37 might have been stuck in the bush with my truck and
38 someone came out and pulled me out or did some kind
39 thing for me, as much as two or three years before and
40 I would repay them. So I had gifts for each of them.
41 People who had helped me out.
42 Q All right. In the next column can you make out what's
43 said there, including something --?
44 A "Including bear head dress." It's the Amhalayt that I
45 own. It's my ceremonial, part of my ceremonial
46 regalia and that's that item there.
47 Q All right. And then the cash column it indicates two

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1 figures it appears to be, is it 2,220 and 2100, do you
2 recall what you contributed in cash if that's what it
3 means?
4 A It was \$2,200 for a total of \$2,927.
5 Q And that represented your contributions at that feast;
6 is that right?
7 A Yes, it did.
8 Q Just going to keep that book in front of you, and I
9 want to refer you to another tab in that book.
10 And the name that Moses Morrison held of Gitludahl,
11 was that passed on to another hereditary chief during
12 that feast?
13 A Yes, it was.
14 Q And was it to Gitludahl, Pete Muldoe, to whom it was
15 passed?
16 A Yes, it was passed on to Pete Muldoe, who is now
17 Gitludahl.
18 Q Now, you have said that you were not born into a
19 Gitksan house. I take it from that that your mother
20 was not Gitksan; is that correct?
21 A That's correct.
22 Q Can you tell me what your mother's name was?
23 A Her name was Elma Jean Sterritt.
24 Q And her maiden name, if you know it?
25 A It was, her surname was Russell.
26 Q And do you know her native origin?
27 A Her parents were of English origin, her mother and her
28 father.
29 Q And to your knowledge, was your mother ever adopted
30 into a Gitksan house?
31 A Not to my knowledge.
32 Q Okay. I now want to refer you to the genealogy chart
33 of Gitludahl, which is found in the same document book
34 of Gitludahl and it is Exhibit 474. Just showing you
35 now the genealogy chart. Would you peruse that for a
36 moment, please? Now on this genealogy chart, Mr.
37 Sterritt, can you say what the dotted line represents?
38 A The dotted line represents an adoption line. This is
39 about a third of the way up the page and extends
40 throughout the genealogy.
41 Q Okay. And does your name appear on this genealogy?
42 A Yes, it does. It appears on the -- it's numbered one
43 but it's on the second page of the genealogy and it's
44 the second name in from the right-hand side of the
45 page. Neil John Sterritt. It's under the adoption
46 line.
47 Q To your knowledge, were the persons whose names are

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1 indicated on this genealogy adopted by, adopted into
2 the house of Gitludahl?
3 MR. GOLDIE: I don't think the witness can give evidence on
4 that, my lord.
5 MR. RUSH: I don't see why he can't, if he was present during
6 the time of the adoptions.
7 THE COURT: If he was present, I would think he could.
8 MR. RUSH:
9 Q You indicated yourself, Mr. Sterritt, that you were
10 adopted in 1974. Were there others who were adopted
11 with you at that time?
12 A The -- there have been others since and others before
13 that but to my knowledge, I was the only one adopted
14 in 1974.
15 Q All right. Since 1974, were you present when others
16 were adopted into the house?
17 A Yes, I was.
18 Q Can you just indicate who those other people were on
19 the adoption line?
20 A Fern Waiget, Brian Muldoe, through their mother, my
21 sister, Shirley Sterritt, Terry Muldoe and Charlie
22 Muldoe. They were given names since then.
23 Q All right. And these --
24 A There is another one, Mr. Grant, Dora Olson, it's on
25 the first page under Alvin Waiget and through her, her
26 children, Sonny Olson, and I believe there is -- well,
27 that's all at that point.
28 Q I ask you to turn to the second page, that's the third
29 page in line, there is a Shirley Sterritt indicated
30 there; is that Shirley Sterritt related to you?
31 A Yes, she is. She is my sister.
32 Q And to your knowledge, what was the reason for the --
33 your adoption and the adoptions that were made by
34 Gitludahl, Moses Morrison, after you became an adopted
35 member of of the house?
36 A Gitludahl, Moses Morrison, was considered to be the
37 last of the direct Gitludahl line and he was adopting
38 men and women to continue the Gitludahl house in the
39 Village of Kispiox. And he adopted a number of women
40 and a number of men.
41 Q Now, I would like to just set that document book aside
42 for the moment and ask you about your father's side.
43 Is your father Gitksan?
44 A Yes, he is.
45 Q What is his name?
46 A His Gitksan name is Wii Gaak.
47 Q That's W-I-I, my lord, G-A-A-K.

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- 1 A His English name is Neil Benjamin Sterritt.
2 Q And what village is the name of Wii Gaak from?
3 A It's from Kiskagas.
4 Q Is that name a name in the Wolf Clan?
5 A Yes, it is. It's one of the leading hereditary chiefs
6 in the Village of Kiskagas.
7 Q Now, do you know when your father took the name of Wii
8 Gaak?
9 A In 1982.
10 Q Was that in March of 1982?
11 A Yes, it was.
12 Q And at whose funeral feast was this?
13 A Ax moogasxw, Jack Wright.
14 Q Just pause there. Maybe we can have a spelling for Ax
15 moogasxw.
16 THE TRANSLATOR: A-X underlined, space, M-O-O-G-A-S-X-W.
17 MR. RUSH:
18 Q And Ax moogasxw at that time was Jack Wright?
19 A Yes, it was.
20 Q And where did this feast occur?
21 A It occurred in Kispiox.
22 Q And who was the previous holder of the name Wii Gaak?
23 A Kenny Campbell, Kenneth Campbell.
24 Q And when had that name previously been held by Kenneth
25 Campbell?
26 A In 1973 Kenneth Campbell had died. He had received
27 the name from Simon Wright, who was a former Wii Gaak,
28 and then Ken Campbell died in 1973.
29 Q And the name was then put on your father in March of
30 1982, at the Ax moogasxw feast; is that right?
31 A Yes, it was.
32 Q And to your knowledge, was your father in line to take
33 the name of Wii Gaak?
34 A Yes, he was. At a very young age --
35 MR. GOLDIE: Well, I wonder, my lord, if this is within the
36 witness's personal knowledge? When he starts an
37 answer out with at a very young age, seems to me he is
38 going to be giving evidence that could only be given
39 by the individual himself.
40 MR. RUSH:
41 Q Mr. Sterritt, did you receive some information from
42 your father about how it was that he took the name of
43 Wii Gaak?
44 A Yes, I did.
45 Q And your knowledge comes from your father, Neil
46 Benjamin Sterritt, is that right?
47 A Yes.

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1 MR. GOLDIE: And Mr. Sterritt is, of course, living.
2 MR. RUSH: Yes. I don't intend to pursue it.
3 Q Your father's mother, what was your father's mother's
4 name?
5 A Her name was Xsu wis.
6 THE TRANSLATOR: That's 1584.
7 MR. RUSH: That would be on the new list, my lord.
8 THE COURT: Thank you.
9 MR. RUSH:
10 Q And was -- what was your father's mother's English
11 name?
12 A Kate Sterritt, she was born Kate Morrison.
13 Q And she was in which house?
14 A She was in the house of Wii Gaak.
15 THE COURT: I am sorry, is that house of --
16 MR. RUSH: Wii Gaak.
17 Q The same as your father?
18 A Yes.
19 THE COURT: Thank you.
20 MR. RUSH:
21 Q Now, your father's grandmother, on your mother's
22 side -- I am sorry, his mother's side?
23 A My father's grandmother was Galuu'u.
24 THE TRANSLATOR: That's 1637.
25 MR. RUSH: Thank you.
26 A That was Jessie Morrison.
27 MR. RUSH:
28 Q And what was her house?
29 A She was from the house of Wii Gaak, the same as my
30 grandmother and my father.
31 MR. RUSH: My lord, I am going to pass up a document book.
32 Q Now, Mr. Sterritt, I am going to refer you first to
33 document number one in the document book which I have
34 just handed up to his lordship. And I am going to ask
35 you, if you will, please, turn to the genealogy of
36 Wilps Wii Gaak. Firstly, on the face page, Mr.
37 Sterritt, Wii Gaak is spelled W-I-I, K'-A-A-X, is that
38 a different spelling of the Wii Gaak which we have
39 given his lordship this morning?
40 A Yes, it is.
41 Q It's the same Wii Gaak. I would ask you first, if you
42 will, to turn to page 13. And if you will, can you
43 identify on this genealogy the name of your father?
44 A Yes, I can. It's on the third line up from the bottom
45 and about the -- almost the middle of the page on that
46 line. It's Neil Sterritt, Wii Gaak, born 1913.
47 Q And on the same line, there is a Walter Sterritt, and

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1 a Margaret Sterritt and an Agnes Sterritt, were they
2 related to your father?
3 A Yes, they are his sisters and his brother. Some of
4 them. Not all of them.
5 Q Well, Agnes?
6 A Agnes is a sister of my father, Walter is an older
7 brother and Margaret is a younger sister of my father.
8 Q It shows that Walter and Agnes have passed on, is that
9 accurate?
10 A Yes.
11 Q I just want to go to the next page, page 14, it shows
12 a Jack Sterritt and an Art Sterritt?
13 A Yes, they -- Jack is a brother and Art is a brother
14 who is still living.
15 Q Now, it shows that the relationship line runs to
16 Charlie Sterritt, Haaxw, and I would ask you if you
17 could just go back to page ten to where -- page ten, I
18 think you have gone back too far, it's just two
19 pages -- and it shows a Kate Morrison; is that the
20 Kate Morrison you referred to?
21 A Yes, and she is shown beside her first husband there,
22 and Haaxw, Charlie Sterritt, was her second husband.
23 Q All right. Now, the mother of your father's mother
24 appears here to be Jessie Morrison, Galuu'u?
25 A Galuu'u.
26 Q Is that correct, to your knowledge?
27 A Yes.
28 Q And it shows --
29 A There is actually Galuu'u and Laats, that should be
30 separated, L-A-A-T-S, that's two names there, not just
31 one.
32 Q This indicates that Galuu'u on one of her names and
33 Laats is another of her names?
34 A Yes.
35 Q And Joe Morrison?
36 MR. GOLDIE: Excuse me, I am going to object to any further
37 questioning on this. This document was seen by us the
38 first time this morning, despite the date on it. It
39 appears to be one of those which Heather Harris
40 completed but in respect to which was not produced to
41 us. I think we should be given an opportunity of
42 examining before the witness continues. If my friend
43 could go on to some other subject.
44 MR. RUSH: Well, firstly my records indicated that I sent the
45 document to my learned friends on March 10th.
46 MR. GOLDIE: That's not in accordance with our recollection but
47 we would be glad to check it.

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1 THE COURT: Can you go on to something else?
2 MR. RUSH: Well, my lord, Mr. Sterritt is not being called to
3 prove this document. He can only speak to his own
4 line and I would only -- this document, I am going to
5 be asking that it be submitted for identification only
6 and actually I had just about completed my examination
7 on it.
8 THE COURT: Go ahead.
9 MR. GOLDIE: I am pleased to let my friend go ahead.
10 THE COURT: All right.
11 MR. RUSH: Thank you.
12 Q In terms of the relationship of Jessie Morrison to
13 Luulak, Haaxw, is it your understanding that there is
14 a relationship between Jessie Morrison on page 13 and
15 lieu lacks, in the House of Haaxw?
16 A Yes.
17 MR. RUSH: My lord, as I indicated, I would ask, as I indicated,
18 I am not going to be asking this be marked as an
19 exhibit but I am going to be asking that it be given a
20 number for identification. All right. The next
21 exhibit number?
22 THE REGISTRAR: It will be 591, my lord.
23
24 (EXHIBIT 591 FOR IDENTIFICATION: GENEALOGY OF WILPS
25 WII GAAK)
26
27 MR. RUSH:
28 Q Your father's father, Mr. Sterritt, was that -- you
29 indicated was Charles Sterritt?
30 A Yes. From the House of Haaxw.
31 Q And who was your father's father's mother?
32 A Her name was Nox Tsimilax Madimtxw.
33 THE TRANSLATOR: 1582.
34 THE COURT: That's your father's mother?
35 A My father's father's mother.
36 THE COURT: Father's father's mother. Thank you.
37 MR. RUSH:
38 Q What was her English name?
39 A It was Lucy Simpson.
40 Q And her house?
41 A The House of Haaxw.
42 Q And your father's father's name, that is, Charlie
43 Sterritt's name?
44 A My father's father's name was Charles Sterritt, Haaxw,
45 my grandfather's father's name was Charles Sterritt.
46 Q All right. And was he a Gitksan person?
47 A No, he was not.

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1 Q Now, you have made reference to your father's, that's
2 Neil Benjamin's Sterritt's grandfather as being Joe
3 Morrison, and what house was he from?
4 A From the House of Mauus.
5 Q And the village?
6 A Kispiox.
7 Q And what was --
8 THE COURT: Yes, I would like to have it.
9 THE TRANSLATOR: 1583.
10 MR. RUSH:
11 Q And what was his name?
12 A I believe it was Mauus.
13 Q Now, you told us that you are a member of the House of
14 Gitludahl, where do you sit at feasts when you attend
15 feasts hosted by another clan?
16 A I sit at the table of Wiigyet.
17 Q And is that the same table as Waiget and Wii Seeks?
18 A Yes, Wiigyet in this case, his English name is Lloyd
19 Morrison.
20 MR. RUSH: That, my lord, is Wiigyet?
21 A And that table is a Kisgagas Wiigyet as opposed to
22 Kitsegukla.
23 Q And why is it that as a member of the House of
24 Gitludahl you sit at the table of Wiigyet?
25 A It's the way that the tables are set up in Kispiox.
26 The leading Kisgagas or Fireweed Chief in Kispiox is
27 Geel and beside him sits, on his right, sits Gitludahl
28 and on his left sits Gwiiyeehl, Gwiiyeehl being Chris
29 Skulch, and then there are other leading chiefs from
30 those houses who sit there and the chair, the seat
31 that I would have occupied was occupied by Wii yagaa
32 deets, Eli Turner, who had been in Kispiox for a long
33 time. So Moses Morrison, Gitludahl, asked me to sit
34 with the future Gitludahl, the prospective Gitludahl,
35 Pete Muldoe, and I sat at the table opposite Pete
36 Muldoe, who at that time was Wii Seeks, and one of the
37 reasons was that he wanted me to learn from Pete and
38 to be close to him.
39 Q So you sat at Wiigyet's table because formerly Wii
40 Seeks had sat there. Now, Pete Muldoe is now sitting
41 at the table of Geel; is that correct?
42 A Yes, he is.
43 Q But you continue to sit at the table of Wiigyet?
44 A Yes, I do.
45 Q Why is that?
46 A Because Pete Muldoe, Gitludahl, has a close
47 relationship between both houses, between the House of

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1 Gitludahl and the House of Wiigyet, he was born into
2 the house of Wiigyet, and he has asked me to continue
3 sitting there at this time.
4 Q All right. Gwiiyehl, my lord, I am sure you have been
5 referred to a number of times is number 19 on the
6 plaintiff's list and I believe you made reference to
7 the name of Eli Turner, Mr. Sterritt, and I will just
8 ask Miss Howard to spell that for us.
9 THE TRANSLATOR: W-I-I, Y-A-G, underlined A-A, space, D-E-E-T-S.
10 MR. RUSH:
11 Q Your name, Mediig'm Gyamk, the name you hold today,
12 what meaning does that have in English?
13 A The grizzly of the sun.
14 Q Does that come from an adaawk?
15 A Yes, it does, and Pete Muldoe referred to that adaawk,
16 Gitludahl, when he was on the stand.
17 Q You made mention of Amhalayt earlier in your
18 testimony, is that regalia of the House of Gitludahl?
19 A Yes, it is.
20 Q Now, if I may I would like to refer you to tab number
21 two of the document book, which is Exhibit 472, do you
22 recognize the blanket that is shown in this
23 photograph?
24 A Yes, I do.
25 THE COURT: Where are you, Mr. Rush?
26 MR. RUSH: I am sorry, my lord, I should have said the Gitludahl
27 document book.
28 THE COURT: Thank you.
29 MR. RUSH:
30 Q Do you recognize this blanket?
31 A Yes, I do.
32 Q And what is the there is a crest that is depicted on
33 that blanket?
34 A Yes.
35 MR. GOLDIE: My lord, I am going to object to this witness
36 giving any evidence which relates to the history,
37 crests or traditions of his house and I do that
38 because he disclaimed any knowledge or insufficient
39 knowledge, to answer questions about this on his
40 examination for discovery. And I don't see that it is
41 appropriate for one who disclaims knowledge on his
42 examination for discovery to be asked to give some
43 evidence here.
44 MR. RUSH: Well, I don't think that's a matter for objection. I
45 think that may be a matter for cross-examination.
46 MR. GOLDIE: Well, no. It goes to the question of whether he is
47 qualified. And I will give your lordship some --

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1 MR. RUSH: Perhaps I can save my friend some time, I don't
2 intend to ask him about the history. I intend to ask
3 him whether or not that is the crest of Mediig'm
4 Gyamk.
5 MR. GOLDIE: Why is it necessary? Hasn't it been identified
6 before?
7 MR. RUSH: Well, it may well have been identified before. This
8 witness happens to hold the name of Mediig'm Gyamk and
9 I think it's quite relevant as to whether or not the
10 holder of the name can identify the crest which
11 attaches to the name.
12 MR. GOLDIE: That may be so, but the witness on his examination
13 for discovery said that he was not very well versed in
14 the history or the matters of his house of Gitludahl
15 and I classify the crest as part of the history.
16 THE COURT: Well, if a witness said on discovery "I don't know
17 anything about the crest of my house", I don't think I
18 would allow the witness to be examined at trial on
19 this issue, even though, in a logical world, what Mr.
20 Rush argues may be valid. We don't live in a logical
21 world. But, if the witness says I am not very well
22 versed then it may well be that it should be admitted
23 at trial, going, as lawyers so often say, to the
24 question of weight.
25 MR. GOLDIE: Well, I think that your lordship is, if I may say
26 so, quite right in the majority of cases, but Mr.
27 Sterritt on his examination for discovery on February
28 26th, 1987, question 974 I put this question to him.
29
30 "Q Now, Mr. Sterritt, what is the history of the
31 house of Gitludahl that you said existed in
32 December, 1983?
33 A I referred to a history of Gitludahl and I
34 don't know it.
35 Q You don't know it?
36 A No.
37
38 In my view, with great respect --
39 THE COURT: When was that discovery?
40 MR. GOLDIE: That was in 1987, my lord. It is one thing to talk
41 about weight, when the -- from the witness's knowledge
42 or his means of knowledge, can be questioned. But
43 it's another thing to talk about the admission of
44 evidence by -- on the part of a witness who says he
45 doesn't know it. Now, unless the crest is not part of
46 the history, and of course, if it isn't, I have
47 misunderstood a good deal of the evidence in this

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1 case, then I don't think, with great respect, there
2 ought to be any questions put to him, even on the
3 question of recognition, because that must be hearsay.
4 MR. RUSH: Well, my friend picks and chooses his portions of the
5 examination for discovery. Question 976, 172.

6
7 Q You say that under oath, Mr. Sterritt, that you
8 don't know the history of the house of
9 Gitludahl?

10 A I don't know the detail of the history of
11 Gitludahl.

12 Q What did you mean when you stated in December
13 of 1983: 'Our house histories exist today; we know
14 what they are'?

15 A Our refers to the Gitksan and Wet'suwet'en
16 people.

17 Q If you want to tell me what those histories are
18 that you are referring to, proceed.

19 A I can't tell you. I know they exist, the
20 hereditary chiefs know them.

21 Q But you don't?

22 A I don't know the house history of Gitludahl.

23 Q Do you know the house history of any house?

24 A No. You mean the detail of it? I don't know. I
25 know very little. The hereditary chiefs are the
26 ones that must answer that.

27 Q But you have informed yourself when you drew
28 the outline of the boundaries on the map, you have
29 informed yourself of matters from the chiefs?

30 A Chiefs said where the boundaries are."

31
32 And then over on page 174, question 985:

33
34 "Q That is not my question.

35 A I am aware of some of the history, I am not
36 aware of the details."

37
38 Then he is asked to give some references and he speaks
39 of the village of Temleham. The point is, my lord, I
40 am not asking Mr. Sterritt whether or not he knows the
41 history of Mediig'm Gyamk, although I think I can. I
42 don't think there is anything that prevents me from
43 that examination, from asking the question of the
44 history of Mediig'm Gyamk. I am simply asking him to
45 identify from a photograph that's been identified by
46 Mr. Pete Muldoe, whether he recognizes the crest on
47 the blankets. And I think I am entitled to do that.

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1 MR. GOLDIE: Well, your lordship should be aware of the
2 background of this, the witness stated that he was
3 instructed not to answer these questions on the
4 instructions of the hereditary chiefs and when he was
5 pressed on that he said he didn't have the knowledge
6 to answer the question.

7 THE COURT: My reaction is with considerable hesitation to allow
8 the evidence to be given, subject to the objection,
9 simply because I think there is less risk of any
10 serious harm being done than by excluding it. I am
11 going to allow the question to be asked and I am going
12 to treat the objection as notice that as part of --
13 that there is a problem which I think may well go to
14 weight in this connection.

15 MR. RUSH: Well, I have one other point to make on that, my
16 lord. The assumption that's built in behind my
17 friend's objection that that is all knowledge stops in
18 Mr. Sterritt's mind after 1987 and that one doesn't
19 learn and I think that -- and that knowledge isn't
20 accumulative and that education doesn't have a
21 progressive component. And I simply reject any
22 assumption that is built there that knowledge is a
23 frozen concept.

24 THE COURT: I am assuming, Mr. Rush, that in cross-examination
25 your friend will develop his -- the basis for his
26 objection, which may or may not support a deduction on
27 the weight scales of this evidence. If nothing more
28 happens, then the evidence is in, because I am, with
29 some hesitation, I am allowing it in. If nothing else
30 happens then it stands for what it's put in for. If
31 the defendant develops it, it may come out later, it
32 may not. And the observations you have made may well
33 lead me to think that there should be no deduction on
34 account of weight. It may be that one shouldn't. I
35 am not making any determination in that area at this
36 moment.

37 MR. RUSH: Thank you, my lord.

38 Q Can you identify the crest that's displayed on the
39 blanket held by Mr. Pete Muldoe?

40 A Yes, I can, that's the Mediig'm Gyamk crest in the
41 centre, the Grizzly of the Sun, the centre figure
42 beside the figure on each either side.

43 Q Is the person holding that blanket Mr. Pete Muldoe?

44 A Yes, is, that's Gitludahl.

45 Q Had you seen that blanket prior to 1988?

46 A Yes, I have.

47 Q All right. Were you in court when Mr. Pete Muldoe

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1 gave testimony?
2 A Yes, I was.
3 Q Were you in court when you heard Mr. Pete Muldoe
4 describe the history of that crest?
5 A Yes, I did.
6 Q Mr. Sterritt, what is your date of birth?
7 A April 9th, 1941.
8 Q And today you are 47?
9 A Yes.
10 Q Where were you born?
11 A I was born at Gitanmaax.
12 Q And where have you spent most of your life?
13 A I have spent most of my life in the -- within the
14 Gitksan territories.
15 Q And was there a period of time when you were outside
16 of the Gitksan territories?
17 A Yes, there was.
18 Q Who raised you as young person?
19 A My mother and my father and my grandmother.
20 Q And which grandmother was that?
21 A That was Kate Sterritt.
22 Q Are your mother and father still living?
23 A My mother is deceased, my father is still alive.
24 Q And when did your mother pass on?
25 A In 1967.
26 Q And you are married?
27 A Yes, I am.
28 Q To Barbara Sterritt?
29 A Yes.
30 Q When did you marry?
31 A September the 21st, 1963.
32 Q And is Barbara Sterritt a Gitksan person by birth?
33 A No, she is not.
34 Q Does she hold a Gitksan name?
35 A Yes, her Gitksan name is Ts'astamlax'ix.
36 THE TRANSLATOR: 1586.
37 MR. RUSH:
38 Q Now, she was adopted, was she?
39 A Yes, she was.
40 Q Into which house?
41 A The house of Xsaxgyoo, she was adopted by my aunt,
42 Gertie Morrison.
43 Q Xsaxgyoo is X-S-A-X-G-Y-O-O.
44 THE REGISTRAR: Its 1585, my lord.
45 THE COURT: And your aunt's first name?
46 A Gertie.
47 THE COURT: Thank you.

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1 MR. RUSH:
2 Q What is the meaning of your wife's name?
3 A It describes the rough neck of the grouse.
4 Q And do you have children?
5 A Yes, I have two sons.
6 Q And their names are? Gitksan names, if they have
7 them?
8 A Gordon is Sigihl Madimtxw and Jamie is Si'ix
9 Ba'axhlxw.
10 MR. RUSH: 1587 and 1588, my lord.
11 Q And what does Gordon's name mean in English?
12 A It means intermittent snow.
13 Q And Jamie's name?
14 A Well, it's better to describe it, if you are walking
15 along just in the shallow water on the edge of a creek
16 or river, the rocks are quite slippery, you keep
17 slipping and falling on the edge of the water as you
18 walk along, that's what Si'ix Ba'axhlxw means.
19 Q Do your wife and children participate in the Gitksan
20 feast?
21 A Yes, they do.
22 Q And in what way do they participate?
23 A When feasts are held by the Lax Gibuu of Kispiox, by
24 my aunt or by people close to my aunt, my wife brings
25 food and materials and does her Hawal contribution,
26 Hawal being the money that she puts in. My sons do
27 the same thing, they help out. And when there are
28 other wolf feasts in the area she will attend and she
29 will contribute and my sons may attend as well.
30 The -- if there are feasts that are hosted or where
31 the Wolf Clan are being witnesses, my wife attends
32 those as well.
33 Q Hawal, is that spelled H-A-A-W-L; is that correct?
34 THE TRANSLATOR: H-A-W-A-L.
35 MR. RUSH: Thank you.
36 Q And at the present time, Mr. Sterritt, where do you
37 live?
38 A I live at Temlaham.
39 Q Where is that?
40 A It's on the -- she wants the word.
41 THE TRANSLATOR: It's 323 on the word list.
42 MR. RUSH: Thank you.
43 Q Go ahead.
44 A Temlaham is within about a mile and a half of the
45 village of Gitanmaax and Hazelton, it's on the west
46 side of the Skeena on a stream, there is a large
47 series of meadows that extend there. I live on the

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1 upper end of that large flat.
2 Q And do you know whose territory that -- your residence
3 is located?
4 A Yes, that's the territory of Luutkudziiwus, Ben
5 McKenzie. The House of Luutkudziiwus.
6 MR. RUSH: That's 44 on the plaintiff's list.
7 THE COURT: Thank you.
8 MR. RUSH:
9 Q And when did you first take up residence there?
10 A 1976.
11 Q And did you have the permission of Luutkudziiwus to
12 live on this territory?
13 A I talked to Luutkudziiwus, Ben McKenzie, and he was
14 quite happy about the fact that I had bought that
15 farm. One of the reasons was that his wife's brother
16 had at one time been an owner of that farm, that would
17 be Gyolugyet, Mary McKenzie, and they were happy about
18 that and also I know Ben McKenzie, Luutkudziiwus, very
19 well and if he had been displeased he would have said
20 so when I told him about this.
21 Q Now, as a young person, Mr. Sterritt, were you trained
22 in Gitksan culture and laws by your family and
23 grandparents?
24 A Yes, I was.
25 Q In what way did the -- did your early training occur?
26 A My grandmother, Xsu wis, Kate Sterritt, used to make a
27 point of having me come and stay with her. I spent a
28 lot of time with my grandmother. She, her and my
29 grandfather took me to the berry patch, took me
30 picking berries in the summer time, they took me
31 fishing, I lived with her out in the bush camps and
32 she taught me about the rules, some of the rules
33 around the fishing sites and some of the ownership
34 around the berry patches, and taught me about respect,
35 primarily about respect for animals and respect for
36 other people and how to conduct yourself at a young
37 age.
38 Q Did you hunt with your father or your family or your
39 grandparents?
40 A Yes, I did. My father and my grandfather took me and
41 my brother James with them when we were very, very
42 young and they showed us, my grandfather, I recall a
43 specific situation when my grandfather shot two moose,
44 and he took the time to show us the different internal
45 organs in the animal and how to clean the animal and
46 then how to cut it up. We were too small to pack
47 anything except the heart and the tongue and the

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1 liver, but we packed those out and they packed the
2 animal out, two animals out.
3 Q How old were you at that time, do you recall?
4 A I would say I was about five years old.
5 Q They also took me goat hunting with my brother, and
6 other people, and they taught us how to hunt goats,
7 how to hunt moose, how to hunt deer and they taught us
8 some of the things that are important about hunting
9 mountain goats and being in the bush. The survival
10 training, how to look after yourself, how to be
11 respectful of the animals, what to do when you do get
12 game and how to set up camps and they told us many of
13 the things that they had done when they were younger
14 while we were out in the bush.
15 Q You mentioned goat hunting, Mr. Sterritt, how old was
16 it that you recall, do you recall when you first went
17 out to hunt goat?
18 A My father made a point of telling me when we would be
19 ready to go because it was much harder to hunt
20 mountain goats than to hunt moose or deer, and I was
21 about ten or 11 when he took us on a goat hunting
22 trip.
23 Q And have you hunted goat with your family and
24 grandparents or by yourself since then?
25 A Yes, yes, goat hunting is an important part of our
26 particular family and of the Gitksan. It's something
27 that is an important activity for our family and we
28 continue to do that.
29 Q All right. Did you hunt goat in groups larger than
30 your family size?
31 A Yes, we did. We went with the owners of the territory
32 that we were on, the areas that we -- that my father
33 was working in, when we were through working we would
34 go to the mountains -- well, let me turn that around,
35 in particular, in the summer time when the mountain
36 goats were fat, when they were ready, then my father
37 would simply shut down the work we were doing and
38 everybody would go to the mountains, all the people
39 that worked for him and with him, all of us as younger
40 people, and we all went to the mountains. The logging
41 was shut down.
42 Q Who were some of the people you went goat hunting with
43 at that time that you recall?
44 A Djogo Gaak, that's Perry Samson.
45 THE TRANSLATOR: That's 1589.
46 MR. RUSH: Thank you.
47 A Leonard Sexsmith, Howard Sexsmith and I think Howard's

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1 name is Biihl Yeetxw, Guu sak toos --
2 MR. RUSH: Just a moment.
3 THE TRANSLATOR: B-I-I-H-L, space, Y-E-E-T-X-W.
4 MR. RUSH:
5 Q Yes?
6 A Guu sak toos, that's Freddie Jackson.
7 THE TRANSLATOR: G-U-U, S-A-K, T-O-O-S.
8 MR. RUSH: Thank you.
9 A Txaaxwok, James Morrison. He wasn't Txaaxwok at the
10 time but that's who it is now. He has given evidence
11 here.
12 Q Anyone else?
13 A O'yee, Joshua McLean.
14 MR. RUSH: That's 1590.
15 A Thomas Green, I think that's -- and my father, Wii
16 Gaak.
17 Q The name you mentioned, are these Gitksan people?
18 A Yes, they are.
19 Q Where did you go hunting?
20 A We went up a number of places. We went up Xsimatsi
21 Ho'ot.
22 THE TRANSLATOR: That's 1591.
23 MR. RUSH: Thank you.
24 A And that's on the map is Sadiesh Creek?
25 MR. RUSH: Is that spelled S-A-D-I-E-S-H?.
26 A Yes.
27 THE COURT: Thank you.
28 MR. RUSH: Thank you.
29 A And we hunted at a mountain area at the head of
30 Sadiesh, the creek I just mentioned called An Wowanxw.
31 Q Does that name, Gitksan name, have an English -- does
32 that refer to an English name on the government maps?
33 A No, it does not.
34 Q Do you recall any other mountain places where you
35 hunted then?
36 A Yes, we went up to the head of Xsaiis, which is
37 Sterritt Creek.
38 THE TRANSLATOR: X-S-A-I-I-S.
39 THE COURT: All one word?
40 THE TRANSLATOR: Yes.
41 THE COURT: Thank you.
42 MR. RUSH: I think, my lord, if I understood the spelling to be,
43 is it X-S-A-I-I-S?
44 THE TRANSLATOR: Yes.
45 MR. RUSH:
46 Q Now anywhere else that you recall, Mr. Sterritt,
47 hunting goat in those days when you were ten or 11?

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1 A Yes, we went up a mountain called Staax K'aay't,
2 Xsansi Mitsitxw, that's Pinenut Creek on the map.
3 MR. RUSH: My spelling for Pinenut Creek is X-S-A-N-S-I, new
4 word, M-I-T-S-I-T-X-W.
5 Q Did you say Staax K'aay't?
6 A Yes.
7 THE TRANSLATOR: I don't have it on here. I can't find it.
8 THE TRANSLATOR: I think it's 195.
9 MR. RUSH: 195 is S-T-A-K-H-A-Y-T, does that sound right, Mr.
10 Sterritt?
11 A That's good.
12 Q All right. Now, these are the places that you hunted
13 for goat at that time?
14 A Yes, they are.
15 Q When you were hunting there, to your knowledge, did
16 you have permission of the owners of the territory?
17 A Yes, we did. My father and my grandfather had been
18 taken into that area by the owners from the House of
19 Gutginuxw, Thomas and Joe Samson.
20 MR. RUSH: Gutginuxw is 14 on the plaintiffs' list.
21 Q Yes?
22 A And then when we were on these trips, Harry Samson was
23 from the house of Gutginuxw, is from the House of
24 Gutginuxw, and he always took us into those areas.
25 Q You referred to a place, Xsimatsi Ho'ot, I think I
26 have got that right, it's 1591, whereabouts is that
27 located with reference to the Village of Kispiox, for
28 example?
29 A It's on the east bank of the Skeena. And it comes
30 into Skeena approximately 13 or 14 miles above the
31 Village of Kispiox. It flows west into the Skeena
32 River.
33 Q And Gutginuxw, is that a name in the Fireweed Clan?
34 A Yes, it is. They are from Kispiox.
35 Q Were there other things as a young person that you
36 learned in relation to fishing?
37 A Yes. My grandmother taught me about the -- some of
38 the -- who the owners were of some of the fishing
39 sites. She taught me how to catch fish and how to
40 clean it and how to preserve it. She taught me how to
41 respect the fish, what you were supposed to do with
42 the remains of the fish and she also showed us how
43 even though she had fish she would distribute it to a
44 lot of other people. She was always looking after
45 other people and it was quite common -- is common
46 amongst the Gitksan to distribute what you own to
47 other people.

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1 Q Do you do that today?
2 A Yes.
3 Q During that time when you were taught by your
4 grandmother, your father and the other people that you
5 hunted with that you have indicated, were you told
6 Gitksan names for places or Gitksan names for things?
7 A Yes, my grandmother and my grandfather, my father and
8 many of the people who we were with were always joking
9 with me and my brothers and my cousins and telling us
10 the names of plants and trees, animals, and some of
11 the place names. They were constantly informing us
12 about this in a joking way. When I say joking, they
13 attached some humour to it as a way of trying help us
14 remember some of these things? But my grasp of
15 Gitksan at this time was limited but I think they were
16 having more fun with me because of that.
17 Q Did you learn some of the names, place names or some
18 of the names for things that you came across? when
19 you were being trained?
20 A Yes.
21 Q Now, Mr. Sterritt, have you relied upon this training
22 since the time of your early training by your
23 grandparents and father?
24 A Yes, I have.
25 Q And have you relied upon it in respect of your own
26 conduct today?
27 A Yes, I have, and I do.
28 Q Now, in respect to your children, have you taught your
29 own children about what you have learned?
30 A Yes, my two sons, Gordon and Jamie, as well as my
31 nephews by my sister, we have -- and my, I guess my
32 great nephews, the next generation down, my niece's
33 son, we have -- we spent a lot of time in the bush and
34 when we do I try to point out the things that my
35 grandmother and grandfather told me and what my father
36 told me and other people told me. I make a point of
37 telling them these things. I have specifically taught
38 my sons how to survive in the mountains. They are,
39 even at a young age, 12 or 13, they could look after
40 themselves very competently in our territories.
41 Making camp, if they were ever lost they would know
42 what to do, they would know how to look after
43 themselves, there would be no need to worry about
44 them, because they know, even without blankets, they
45 would know how to make a camp, they would know what to
46 eat to survive and they would know how to find their
47 way out of a difficult area to get back to wherever

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1 they -- to a safe place.
2 Q Have you taught them about hunting methods that you
3 learned as a child?
4 A Yes, I have.
5 Q Is this in relation to goat or moose?
6 A I have taught them about moose hunting, goat hunting,
7 deer hunting and bear hunting.
8 Q Have they been on hunting trips of the kinds you
9 described with you and other members of the family?
10 A Yes, they have they have been on many, many hunting
11 trips and they are quite capable hunters now.
12 Q When you were a child, did you also learn about the
13 Gitksan feast and Gitksan laws?
14 A I was aware that my grandmother participated and was
15 very active in the feast. She was attending feasts
16 all the time. They were very important to her and my
17 grandfather and I knew what was -- what they were
18 doing and learned a little bit about it. But my
19 grandmother was very strong in that regard, a person
20 who was underage was not allowed in a feast.
21 Q Just on that point, when you say underage, at that
22 time were you not of the age that would have allowed
23 you to attend feasts?
24 A No, I was much too young.
25 Q All right. And did you learn about the Gitksan, did
26 you learn anything about the Gitksan territories and
27 fishing sites?
28 A I was -- I went to fishing sites and to the
29 territories with my grandmother and my grandfather and
30 my father and those people who might -- who would
31 accompany them for different reasons and I learned a
32 certain amount from them at the time.
33 Q At that time, your grandmother was who, which
34 grandmother are we referring to?
35 A This is Xsu wis, Kate Sterritt.
36 Q And your grandfather?
37 A Charles Sterritt, Haaxw.
38 THE COURT: Should we take the morning break, Mr. Rush?
39 MR. RUSH: Yes, thank you.

40
41
42
43
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47

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

Wilf Roy

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

Official Reporter ¹

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COURT: Mr. Rush.

MR. RUSH: Thank you.

Q You talked about your Gitksan training, Mr. Sterritt. Did you also attend high school, or the public school and then high school?

A Yes, I did.

Q Where did you attend high school?

A I attended high school in Vancouver.

Q Did you attend grade school in Hazelton?

A Yes.

Q Okay. Perhaps just indicate to the court to what grade you went to in Hazelton, and then what happened?

A I went Grades 1 through 9 in Hazelton.

Q And after that?

A Then I went through to Grade 12 in Vancouver. I attended Gladstone Senior Secondary in Vancouver.

Q And after -- did you finish Grade 12?

A Yes, I did.

Q What did you do after that?

A I went to university for two years.

Q Was that UBC?

A Yes. University of British Columbia.

Q And you were in the arts program there?

A Yes.

Q Did you complete a degree at UBC?

A No, I did not.

Q Did you attend another post-secondary institution?

A Yes. I went to the British Columbia Institute of Technology in the mining technology program.

Q Okay. And what year was that, do you recall?

A 19 -- it was in the first year that BCIT opened, and that was the fall of 1964.

Q And did you complete a degree or a diploma from BCIT?

A Yes, I have a diploma of mining technology from BCIT. It was a two year program.

Q And what year did you finish?

A 1966.

Q And what -- what courses were included within that program?

A There was a variety of courses. The -- there was a technical writing course, and an English course, mathematics, algebra. I took, or part of the course study was surveying and mapping. Part of the course

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1 study was metallurgy and mining practices. There were
2 a couple of others. I think in each year there was
3 six courses. I'm not sure how many I've covered
4 there, but those are the main ones.
5 Q All right. After you completed your course and
6 obtained your diploma at BCIT did you take any
7 subsequent formal education?
8 A Yes. When I was in Winnipeg at the University of
9 Manitoba as a night school program I took a Chartered
10 Institute of Secretaries course which -- where there
11 were three courses; accounting, economics and law.
12 They were kind of overview courses.
13 Q Okay. And later did you do any formal training in an
14 institutional setting?
15 A I took the Gitanmaax School of Northwest Coast Indian
16 art course at Hazelton. It's a two year program, and
17 I took one year.
18 Q When was that?
19 A 19 -- the winter of 1976, '77.
20 Q And what did you learn in that?
21 A I learned basic design of Indian symbols, I learned
22 how to put together these symbols into the various
23 forms; animals, fish, insects to come up with a native
24 Indian art design. I learned to do silk screening,
25 and I learned some carving. That is given in the
26 first year. I learned to do plaques and small bowls,
27 small poles, and I think that's -- there may be a
28 little bit more than that.
29 Q Did you do any print making yourself?
30 A Yes, I did.
31 Q Did you produce prints?
32 A Yes, I produced several prints.
33 Q Okay. Was there any other formal education after your
34 completing the course, or at least completing one year
35 of the course of the Northwest Coast Indian art at
36 Ksan?
37 A I don't recall at this time. No, I don't believe
38 there was.
39 Q All right. I'd like you to tell the court something
40 of your work history. Can you talk about your early
41 work history, if you will, your work as a young man or
42 as an adolescent. Perhaps you can say when you first
43 started working and what kind of work you did.
44 A Well, it was quite common in the summertime to go and
45 be with -- I would be with my parents, or my father
46 and my grandparents in the bush, and what I learned
47 was at a very young age, and what I mean by that is

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1 nine, ten, 11, how to log. My grandfather, my father
2 and then my uncle had small logging camps.
3 Q What kind of logging were they involved in, and that
4 you recall doing?
5 A My grandfather and my father owned a cedar pole camp,
6 they each had their own, and my uncle also had a
7 lumber camp, and I was involved in all three of those.
8 At a very young age what I learned was there were no
9 power saws then so we were falling trees by hand with
10 a saw and an axe. We learned to peel the bark off the
11 pole. And at that time we were using horses to skid
12 the logs, the poles in, and so I learned how to skid
13 with the horses and how to handle the horses. And we
14 did that from time to time, and participated in --
15 learn some of the work.
16 Q What year can you identify as a year that you did this
17 type of work?
18 A 1952, '53. From then on. And we were always in the
19 pole camps before that, but getting into starting to
20 work in our own way at that time and contributing to
21 the cutting of poles, and so on.
22 Q Were these summer jobs?
23 A Yes. But we went out on long weekends, we went out on
24 the -- at Christmas. Whenever we had spare time we
25 were out -- we would go out to help.
26 Q And where was it that the cedar pole or pole skinning
27 operations were conducted by your father or your
28 grandfather?
29 A My grandfather had a cedar pole operation directly
30 west of Hazelton on the territory of Luutkudziiwus
31 from the House of Luutkudziiwus. If you're standing
32 in Hazelton and looking west it's directly west across
33 Hazelton, and there was a trail that went up to, and
34 skid road up to his logging camp.
35 Q Is there a name for that trail?
36 A I don't know. There was no particular name for that.
37 Q Okay. And that was your grandfather's operation?
38 A Yes.
39 Q What about your father?
40 A My father helped my grandparents there, and then he
41 had his own cedar pole operation out the Wii Sas Goo.
42 That's the Suskwa River at Hlgu Sas Goo. That's Nine
43 Mile Creek on the map.
44 Q I wonder if we could just get a spelling of Wii Sas
45 Goo. Wii Sas Goo, is that Nine Mile Creek?
46 A No, that's the Suskwa River.
47 Q I'm sorry.

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1 A And Hlgu Sas Goo is the Nine Mile Creek.
2 THE TRANSLATOR: Wii Sas Goo.
3 A Goo.
4 THE TRANSLATOR: W-I-I S-A-S G-O-K.
5 THE TRANSLATOR: And what was the other one?
6 A Hlgu Sas Goo.
7 THE TRANSLATOR: Oh.
8 A Hlgu Sas Goo
9 THE TRANSLATOR: Hlgu Sas Goo.
10 A Wii Sas Goo and Hlgu Sas Goo are two different places.
11 THE TRANSLATOR: The second one is H-L-G-U S-A-S G-O-K.
12 MR. RUSH: Thank you.
13 Q Now, Mr. Sterritt, how many years in all did you spend
14 working with your father and your grandfather in their
15 logging operations? Do you recall?
16 A Until I graduated from high school in 1960 I worked
17 every summer with my father and my grandfather, and
18 before that, or pardon me, after that I worked with my
19 father again all through the winter of 1964. So we'd
20 be looking at something like --
21 Q You said 1952 I think. Is that what, 12 years then.
22 Would that be right?
23 A Yes, that would be quite right.
24 Q Did -- you mention your uncle. Did you work with your
25 uncle in a logging operation of his?
26 A Yes.
27 Q Which uncle is that?
28 A That was my Uncle Walter Sterritt, Tam At'sap.
29 Q Tam At'sap. Is there an English name for Tam At'sap?
30 A Tam At'sap, something about closing the door. I'm not
31 quite sure about that.
32 Q Where is this located?
33 A Oh, I'm sorry. Tam At'sap was my uncle's name.
34 Q Oh, I'm sorry. Tam At'sap is Walter Sterritt's name?
35 A Walter Sterritt. The territory that he was on was --
36 the territory was -- or was that Sax Ge'en. That's
37 Tenas Mountain. That's on the east side of Tenas
38 Mountain.
39 MR. GOLDIE: Tenas?
40 MR. RUSH: T-E-N-A-S.
41 A And by then my grandfather also had a pole operation
42 right next to my uncle's lumber operation.
43 MR. RUSH: All right. And Sax Ge'en, I think we have had this
44 in Mr. Muldoe's testimony, S-A-X G-E-'-E-N. Now, the
45 name of Walter Sterritt, could you spell that for us,
46 please?
47 THE TRANSLATOR: T-A-M A-T-'-S-A-P.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 MR. RUSH: Thank you.
2 Q Now, Mr. Sterritt, you indicated that you went to high
3 school in Vancouver. Do I take it from your testimony
4 that you returned in the summertime to Hazelton and
5 worked with your family members during the summer
6 period?
7 A Yes, I did.
8 Q Okay. Now, did you work for a mining company by the
9 name of Amax Corporation at about this time in 1964?
10 A Yes. I first went to work with Amax in the summer of
11 1964.
12 Q Okay. And Amax Corporation is a mining company, is
13 it?
14 A It's a minerals exploration company.
15 Q Okay. And in the summer of '64 that was the first
16 time you went with them. What was it that you did?
17 A Well, I was -- I was logging with my father and they
18 shut the bush down due to the fire season, and I had
19 nothing to do at that time so Amax was in the area,
20 and had been working there for awhile prospecting, and
21 they needed someone to go out with some -- one of
22 their prospectors who didn't know the area, and he
23 liked to work by himself, and they were worried about
24 his safety, one of their prospectors. They asked me
25 if I would work for them, so I did. I went to work
26 for Amax and went out to Xsi Andap Matx, north of
27 Kiskagas, north of the Village of Kisagas to an area
28 that they were investigating at that time.
29 Q Okay. Now, just hold on, please.
30 A Xsi Andap Matx, that's Goat Head Creek on the
31 topographic map.
32 Q M'hm.
33 A And that's --
34 MR. RUSH: Just a moment, please. Xsi Andap Matx.
35 THE TRANSLATOR: X-S-I A-N-D-A-P M-A-T-X.
36 MR. RUSH:
37 Q And Goat Head Creek in relation to the Village of
38 Kispiox or Kiskagas, where would that Goat Head Creek
39 be?
40 A Goat Head Creek flows into Shedin Creek.
41 Q Is that S-H-E-D-I-N?
42 A Yes. And the head of Goat Head Creek is about ten
43 miles north of Kiskagas. Shedin Creek runs into the
44 Babine River, Xsi git Gwoimt, very close to the
45 Village of Kiskagas just downstream. There is two
46 names for Babine River and I gave you one of them.
47 THE TRANSLATOR: X-S-I G-I-T G-W-O-I-M-T.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 THE COURT: G-W-O-I --
2 THE TRANSLATOR: M.
3 THE COURT: M.
4 THE TRANSLATOR: T.
5 MR. RUSH:
6 Q Now, that was in the summer of '64?
7 A Yes. I also that summer worked another place called
8 Xsi Luu Skats'it. It's farther up Xsi git Gwoimt
9 about 12 miles, and then into the mountains south of
10 Xsi git Gwoimt, the Babine River.
11 Q Does that have an English name on the map, to your
12 knowledge?
13 A The Xsi Luu Skats'it?
14 Q Yes.
15 A It's in the neighbourhood of Tomlinson Mountain. It's
16 north of Tomlinson Mountain.
17 Q And is that a creek?
18 A No, it's not Tomlinson Creek. It's locally called
19 Clifford Creek. And Tomlinson Creek is Xsimatsi
20 Ho'ot, and so it's on the other side of the mountain.
21 It's part of the same area.
22 Q If we can just get the name of the creek that you
23 identified as to the second place that you went with
24 the prospector in that summer of '64, locally known as
25 Clifford Creek and Xsi Luu Skats'it?
26 A Xsi Luu Skats'it.
27 MR. RUSH: My spelling on that, my lord, X-S-I L-U-U
28 S-K-A-T-S-A-A-'-T. I think we have that. We're just
29 not able to find it at the moment.
30 Q Now, that was the summer of '64, Mr. Sterritt. Did
31 you work with Amax again in a subsequent year?
32 A I worked with Amax until 1973. I worked for them two
33 more summers as a part time employee.
34 Q That would be '65 and '66, is that right?
35 A Oh, 1965 part time, and then when I graduated from
36 BCIT they hired me full time, and I continued through
37 until 1973, the spring of 1973 with Amax.
38 Q Okay. All right. Now, when you were working with
39 Amax, perhaps you can explain if there are different
40 activities that you performed, but initially what sort
41 of work did you perform on behalf of Amax in the
42 summers of '64 and '65 and then later in '66?
43 A In -- well, I have to go back to 1960 and 61 and '62,
44 because I worked for a mining company after my
first
45 year of university, '61, and --
46 Q Which company?
47 A Kennecott or Kennco, K-E-N-N-C-O. That was a

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 subsidiary of Kennecott explore -- or Kennecott Mining.
2 Kennco Explorations I went to work as a summer student
3 in a place called Galore Creek up on the Stikine
4 River. There I was hired on simply as someone with a
5 strong back. We went in and did all kinds of work;
6 geophysical surveying, geochemical surveying, actual
7 chip sampling, which means that you take a sample of
8 rock off a whole cliff face or a rock outcropping.
9 And during that summer myself and another young fellow
10 learned a tremendous amount of identifying rocks and
11 minerals and so built up quite a fairly good
12 background in prospecting. And I worked again the
13 following year with Kennecott, not on the Galore Creek
14 property, but with a small surveying crew, geological
15 survey crew. There was four of us. Two of us had
16 qualified then as assistants, geological assistants.
17 We worked with two geologists. And what we did was
18 try and identify satellite properties all the way
19 around Galore Creek, because it was a tremendous
20 mineralized area and there was potential within
21 several hundred square miles to find more deposits.
22 We worked on that. And I increased my skills as an, I
23 guess you could say, prospector.
24 Q When you say -- excuse me, if I may. When you say you
25 increased your skills as a prospector what sort of
26 thing did that include?
27 A Well, one of the other duties in the summer when I
28 first worked for Amax was doing -- helping to do plane
29 table surveying.
30 Q Yes.
31 A That is a way of doing very detailed mapping right on
32 the ground and using a plane table. A plane table is
33 something a little bigger than this, about 24 inches
34 by 24 inches. You put a piece of paper on it and then
35 you have -- and you orient it north and south, and you
36 have a survey instrument that lays right on it with a
37 parallel line, and then the job of someone like myself
38 or someone else was to go around with a stadia rod so
39 you would get angles and distances, and you through
40 the machine that was on the plane table you could then
41 draw maps, and you would have a certain scale you
42 would be using so you could -- well, you could map an
43 area the size of this room quite easily, or twice as
44 big quite easily. And I learned to -- I learned what
45 the process was, and I assisted in doing that.
46 Q Okay. When you were doing that you said that this
47 occurred at Galore Creek?

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 A That occurred -- yes, we did that at Galore Creek the
2 first time I saw it.
3 Q Is this in an area -- how big would the area be that
4 it was that you were carrying on the type of activity
5 that you just described?
6 A Well, the Galore Creek mineralized area that was being
7 investigated would be in the neighbourhood of eight
8 miles long by four miles wide. It was quite a large
9 area. And the area that we would do the plane table
10 surveying on we would go to a rock feature and it
11 would be as big as this room, or maybe twice as big.
12 Q All right.
13 A But the area we worked doing all these other
14 activities was throughout the whole 32 square miles or
15 so.
16 Q Did you keep field books of your work?
17 A Not at that time.
18 Q Okay. Was that something that you did later with
19 Kennco or with Amax?
20 A In the following summer we had to keep field books.
21 Q Would this now be the summer of 1962?
22 A Yes.
23 Q Now you're talking about Kennco?
24 A Yes.
25 Q All right. And the field books that you were required
26 to keep did you make recordings in these of certain
27 things?
28 A Yes, I did. In the summer of 19 -- in the following
29 summer we had to keep -- keep track of the sample
30 locations where we were doing samples. We had to
31 identify rock features and mineralized areas, and we
32 had to -- we also carried both a map and an air photo,
33 and we identified on the air photo and on the map
34 where we were taking samples, or where we discovered
35 something that was anomalous in that area, something
36 that was of interest to the company. Then in the
37 evenings we would plot those sites on another map at a
38 different scale in our base camp.
39 Q This is still out at the Galore site?
40 A This is during the summer in the field.
41 Q Okay.
42 A The other thing we did, any samples we took were sent
43 out for analysis and when they got the results of
44 those analysis they came back to us in the field as
45 soon as they could, and if we saw an area of interest
46 we identified that and went back. I should tell you
47 what I mean by that. We took silt and water samples

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 from -- we surveyed an entire glacier system, and the
2 glacier was something 30 or 40 miles long, and we
3 would walk off the glacier, take a sample, enter all
4 this information into our book, and carry on. And it
5 took us some time to do that. Eventually the results
6 of that came and we identified some interesting areas.
7 We went back and worked on that. There was always a
8 correlation between the field work and the maps and
9 the information we were gathering.

10 Q In that process were there certain difficulties that
11 you experienced in the mapping or the surveying you
12 described?

13 A Yes. We were also prospecting, and you might -- where
14 there was outcropping you could get a firsthand sample
15 if you took a soil sample, and if you found two areas
16 of interest and took a soil sample in between it might
17 be anomalous. In other words, of higher value, or it
18 might be lower value indicating there might not be
19 something under there. What you wanted to do was
20 correlate the information from each area and try and
21 determine whether those features went under the soil
22 or the overburden. And the difficulty was in really
23 determining whether that was what was under there.
24 The only way you could really determine what kind of
25 rock was underneath, or what the mineralization was
26 was by diamond drilling or by scraping the soil away
27 with a bulldozer, which we didn't have. We were well
28 out in the bush.

29 Q All right. So that takes us to the end of the summer
30 of 1962, does it?

31 A I think we're off by one year. It was '62, '63.

32 Q All right.

33 A First '62 at Galore Creek, '63 in the area, '64 back
34 logging again, and then with Amax.

35 Q All right.

36 A That brings us up to that point.

37 Q Now, when you completed your diploma with BCIT you
38 then began working full time with Amax, is that right?

39 A Yes.

40 Q And where did you work with Amax after that? What was
41 the location of the work that you did?

42 A I worked at Wu Dzun Ben, Morice Lake, on the mountains
43 just south of there.

44 Q Okay. Was that where you started to work with --

45 A I started with Amax north of Hazelton. During the
46 summers I worked with Amax at Lucky Ship, which is
47 just south of Wu Dzun Ben, Morice Lake.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

- 1 Q Okay.
- 2 A And so I spent three years on that property as well as
- 3 doing a little bit of work in the surrounding area.
- 4 Q You're talking about in the area of Morice Lake, are
- 5 you?
- 6 A Yes.
- 7 Q All right. Now, you've indicated that you worked at a
- 8 place north of Hazelton --
- 9 A Yes.
- 10 Q -- For Amax?
- 11 A Yes.
- 12 Q And that's at a different time than the time that you
- 13 worked at Morice River or Morice Lake?
- 14 A Yes.
- 15 Q Where was that other place that you worked north of
- 16 Hazelton?
- 17 A Well, that was at Xsimatsi Ho'ot and Xsi Luu Skats'it.
- 18 Q That's the Tomlinson Mountain reference and Clifford
- 19 Creek, is that right?
- 20 A Yes.
- 21 Q Did you work anywhere else for Amax Corporation close
- 22 by to Terrace or Hazelton or Smithers?
- 23 A I was based at Xsi gwin K'aat, that's Fiddler Creek.
- 24 Actually at a tributary near the head of Xsi gwin
- 25 K'aat. That's in the territory of the Kitwanga
- 26 eagles, Sakum Higookw.
- 27 MR. RUSH: Now, Xsi gwin K'aat, could you give us the spelling
- 28 for that, please.
- 29 THE TRANSLATOR: X-S-I G-W-I-N K-'-A-A-T.
- 30 MR. RUSH:
- 31 Q Now, did you work anywhere else in the Hazelton or
- 32 Smithers area for Amax?
- 33 A Well, I spent a bit of time at Smithers one summer,
- 34 but that wasn't very long. At that time they were
- 35 really giving me a little -- they were trying to give
- 36 me a rest, because I had spent eight months working
- 37 seven days a week -- or not eight months -- not --
- 38 eight months working seven days a week in Manitoba,
- 39 and they transferred me back to Smithers for the
- 40 summer to have an easy summer of it, but ten days
- 41 later they sent me to the Yukon, and I put in three
- 42 months straight up there. So I worked on a number of
- 43 areas around Smithers. I went out kind of expediting
- 44 activities. I was getting more involved then in
- 45 administrating, in logistics, in setting up programs
- 46 and less in the technical end.
- 47 Q I see. Did you ever work at White Sail Lake?

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 A While I was at the Morice Lake area I took a field
2 trip. We were invited down there with some of the
3 people I worked with at Kennecott, and they invited us
4 down there for a day trip, and we flew down by
5 helicopter and did some work in that area and visited
6 and then came back.
7 Q You worked at a number of locations outside of Canada
8 for Amax after this period that you spent in Smithers,
9 is that right?
10 A I worked -- well, before I went out of the country I
11 worked in -- I worked in the Yukon. Out of British
12 Columbia I worked in the northern Yukon, I worked in
13 Manitoba near Thompson, Manitoba. I worked -- that
14 was a major program that they needed some -- a number
15 of people to go into and work on. Then I went to
16 northern Quebec. There was an accident, some people
17 were killed, and they needed someone to go and look
18 after that, set that project up and keep it running.
19 I was delegated to go do that.
20 Q Did you work in Ireland?
21 A Yes. I went -- from Winnipeg I was transferred to
22 Northern Ireland and --
23 Q About how long were you there?
24 A I spent almost a year, about ten months there setting
25 up an office in Northern and Southern Ireland, and
26 conducting the administration and logistics and
27 overseeing some field crews.
28 Q How long were you in Quebec?
29 A I was there about two to three months until they could
30 get another party chief on the project again.
31 Q I understand you worked with Amax in Arizona?
32 A Yes. When I left -- they were offering me another
33 plum when I left Ireland. That was a hard job, and
34 they offered me another one. My boss came along and
35 asked me if I wanted to go to Miami, and I went home
36 and told my wife we were going to go to Miami, but I
37 didn't know why, because I didn't know whether there
38 were any mines in Miami. It turned out it was Miami,
39 Arizona.
40 Q So you went to Miami, Arizona, did you?
41 A Yes.
42 Q And what year did you go there?
43 A 1972, about September of '72, and I left there in
44 1973.
45 Q Okay. And you left there for where?
46 A I went home. The choice was Australia or home and I
47 felt it was time to go home.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

- 1 Q Okay. And do you recall the month it was that you
2 returned to your home?
- 3 A It was in -- in June, or pardon me, I went to Hazelton
4 in May to look at the situation and I talked to my
5 employers from Amax and discussed it with them, and
6 they said that I could go up and have a look at it,
7 and also that I was welcome to continue on if I wanted
8 at any time, but I went home and looked at it in May
9 and went back and got my family in the end of June.
- 10 Q All right. Did you leave -- was there a job that you
11 went to in Hazelton after -- well, in June of 1973?
- 12 A Yes.
- 13 Q What was that job?
- 14 A I was employed as a project director for Ksan Indian
15 Village and Museum. It had been set up as a volunteer
16 organization, nonprofit society, and it was growing
17 and they felt that they needed a full time manager
18 director to cope with the growth that was going on at
19 the time.
- 20 Q Okay. Now, you said it was time for you to return
21 home. What did you mean by that?
- 22 A My children -- we were in Ireland and my one son was
23 four and he was in Grade 1. We went to Arizona and he
24 was five and he was in kindergarten, and the company
25 was advising me that we would be going to -- the next
26 move was probably to Australia and I knew that my son
27 would then be back on the Northern Ireland -- similar
28 parallel system to Northern Ireland which meant he was
29 moving in and out of educational systems. We felt
30 that would be a problem. And, secondly, I really
31 wanted my children to know something about their
32 Gitksan ancestry and the Gitksan territories.
- 33 Q The job that you took as project director at Ksan,
34 what is it that you were required to do with them?
35 Was that a full time or a part time job?
- 36 A That was a full time job.
- 37 Q Had it previously been a full time job?
- 38 A I was the -- there were employees. Yaghaahl, Dora
39 Kenni, was one of the senior employees there. And
40 there was a couple of others there, but they were
41 involved in sales and tours, and they felt they needed
42 someone to help to pull together the expanding sales
43 that were going on, that were developing throughout
44 Canada and the States and even Europe. They needed
45 someone to oversee that. And I had some of the skills
46 from my administrative experience with Amax that could
47 help out there.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

- 1 Q All right. Now, I just want to pause there. In the
2 12 years of the work that you performed with Amax can
3 you just summarize what were some of the skills that
4 you learned while you were employed with them over
5 that period?
- 6 A Well, some of my technical skills grew with the
7 different projects that I was involved in. I did -- I
8 still had to do technical work, and that would be --
9 that was in terms of diamond drilling techniques,
10 geochemical and geophysical techniques, mapping. I
11 did -- eventually I engaged directly in some plane
12 table surveying and mapping which I had participated
13 in as a helper earlier. Also surveying, some of which
14 skills I learned at BCIT, but what I moved into with
15 Amax was in the logistical and administrative end.
- 16 Q Just before you go to that, if I may interrupt you,
17 where you mentioned that in 1962 you were required to
18 keep field notes of things -- of data that you had
19 collected and observations that you made, after that
20 year and while you worked with Amax did you also keep
21 field books and field records of what you did while
22 you were doing the technical work that you described?
- 23 A Yes, I did.
- 24 Q And can you just say what -- what skills it was that
25 you developed there, if any?
- 26 A Well, it was -- it followed along the same line as
27 earlier when I was doing prospecting. It involved
28 relating field information to air photos and maps,
29 correlating the information on maps, coming up with
30 schematic representations of geological features and
31 geological areas, trying to determine what the nature
32 of the geology was of a given area, and if you were --
33 when we were doing diamond drilling doing both
34 vertical sections and trying to typify them on a map
35 or on a piece of paper as well as the horizontal
36 projections. And I also got involved in three
37 dimensional representations of ore bodies during that
38 period as well.
- 39 Q Okay. Now, you mentioned logistics. By this do you
40 mean administrative?
- 41 A Well, yes, logistics.
- 42 Q What skill, if you can summarize the skill, that you
43 developed there?
- 44 A Well, the logistical end there were -- I ended up, I
45 guess, becoming a specialist in remote access,
46 helicopter supported diamond drill jobs. The
47 difficult access jobs that -- the ones that were

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 conducted for example in the northern Yukon was a very
2 difficult job. We had to use airplanes and
3 helicopters over great distances, large amounts of men
4 and large amounts of supplies. So the logistics were
5 scheduling, getting men in and out, getting the food,
6 getting the diamond drilling done, and we encountered
7 some major problems there with permafrost, which
8 people hadn't encountered in that area before. The
9 administrative end was that I had to keep track of
10 accounts. I had to -- we had a running cheque book
11 and I had to keep track of books and payroll to the
12 extent that I submitted time sheets to Vancouver, and
13 they came back, monthly reports, financial and field
14 reports. And that -- that grew from being smaller
15 jobs to ending up on bigger jobs. That's why I ended
16 up in Manitoba. They needed their -- from freeze
17 up -- from freeze up to thaw in the spring we were
18 spending in the neighbourhood of two or three or four
19 million dollars in a number of months and they needed
20 someone to go and set up accounting and administration
21 of that. Geologists had previously been doing that,
22 but I was kind of filling a niche that geologists
23 weren't doing, and that's what happened.

24 Q In your logistics and your technical and your
25 administrative tasks throughout each one of these were
26 you required to work with maps?

27 A Yes. All of -- all geologic prospecting, geology is
28 very, very much map oriented. You become familiar
29 with working with maps to different scales, to map
30 different features, to not just -- not just
31 topographic maps, but geological maps. As I mentioned
32 already, sections and plane views, or horizontal
33 views, and sectional and isometric as well as angles.

34 Q Now, when you took the job of the project director at
35 Ksan in June of '73 what were the tasks that you were
36 expected to fulfill when you took up that role?

37 A There were several levels. I helped to -- I helped
38 Dora Kenni, and I worked to set up a cost control
39 system, set up the books. And the books were already
40 there, but we expanded it to have a cost control
41 system and to keep track of revenue and expense in
42 addition to the cost control system, so there was the
43 bookkeeping accounting end.

44 Q Was there an administrative end?

45 A In the administrative end it was supervising the
46 employees and the clerks, pardon me, the tour guides.
47 And the girls were already quite familiar with looking

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 after the day-to-day sales, and things like that.
2 They did that, but I was involved in getting into
3 expanding the sales, examining markets, finding
4 buyers, and also obtaining contracts and negotiating
5 the contracts for the carvers, and getting the
6 materials in and then supervising the carrying out of
7 those contracts, major contracts. Like the Royal Bank
8 here in Vancouver has a major mural. It's about 40
9 feet long and 80 feet high. There is some totem poles
10 out in Surrey. That's one of the contracts. Those
11 types of things.
12 Q At this time, Mr. Sterritt, did you -- was there an
13 organization known as the Gitksan-Carrier Tribal
14 Council?
15 A Yes, there was.
16 Q Operating at that time?
17 A Yes, there was.
18 Q And did you -- what was the relationship, if any,
19 between your job at the Ksan association and the
20 tribal council? Firstly, was there a relationship of
21 any kind?
22 A No, there was no relationship at that time.
23 Q Okay. Now, was -- did you yourself attend any tribal
24 council meetings or do anything in 1973, or yes, in
25 1973 in relation to the tribal council?
26 A The tribal council was holding a meeting and some of
27 the members of the tribal council asked me to attend.
28 Q Do you remember just about when that was?
29 A It was, I think, in the latter part of the year.
30 Q Of 1973?
31 A Of 1973. October perhaps, or sometime August to
32 October. Somewhere in that period.
33 Q All right. And you were asked to attend a meeting.
34 And do you recall who it was that asked you to attend?
35 A Alvin Weget, Dinii.
36 Q Is that D-I-N-I-I?
37 A Yes.
38 Q And Weget is W-E-G-E-T?
39 A Yes. He and others. And Howard Wale. His name is
40 Dee.
41 Q Is that D-E-E?
42 A Yes. Well, that's what I recall now, those two.
43 Q All right. The tribal council, at that time did it
44 have a president?
45 A Yes. Yes, it did.
46 Q And do you remember who that was?
47 A It was Wadii. I won't spell it. Wadii. Ray Jones.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 THE TRANSLATOR: That's 1593.
2 THE COURT: 1593. Thank you.
3 MR. RUSH:
4 Q And directors, were there directors or executive
5 members?
6 A Yes.
7 Q Do you know who they were?
8 A Dinii, Alvin Weget, hereditary chief.
9 Q Yes.
10 A Dee, Howard Wale.
11 Q What house is Howard Wale in?
12 A The House of Gyoimt.
13 Q And what clan is that?
14 A That's wolf clan, Lax Gibuu from Kisgagas. Anlagasim
15 deek.
16 MR. RUSH: Okay.
17 THE TRANSLATOR: A-N-L-A-G-A-S-I-M D-E-E-K. Underline.
18 THE COURT: Thank you.
19 MR. RUSH:
20 Q Some of the other people that were on the -- well,
21 maybe I should ask you. I'm assuming it was an
22 executive and board of directors. Was there an
23 executive?
24 A Yes.
25 Q Was that different from the board of directors?
26 A Yes.
27 Q Okay.
28 A It was Wadii, Ray Jones, who I've already mentioned.
29 Q Yes.
30 A And Misloos, Victor Jim.
31 MR. RUSH: That's M-I-S-A-L-O-O-S. I'm sorry, it's
32 M-I-S-L-O-O-S, my lord.
33 A I don't recall who the treasurer or secretary might
34 have been at the time.
35 Q And there was a board of directors then?
36 A Yes.
37 Q Do you remember the names of some of the people who
38 were on the board of directors at that time in 1973?
39 A Gawa ganii, Edgar Good.
40 THE TRANSLATOR: G-A-W-A G-A-N-I-I.
41 MR. RUSH:
42 Q And do you know Gawa ganii's house?
43 A The house of Xamlaxyeltxw from Kitwancool.
44 THE TRANSLATOR: Xamlaxyeltxw is 85.
45 THE COURT: I'm sorry.
46 MR. RUSH: 85, my lord.
47 THE TRANSLATOR: On the plaintiff's list.

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1 MR. RUSH: On the plaintiff's list.
2 Q Do you recall anyone else who was on the board of
3 directors at that time, Mr. Sterritt?
4 A Yes, from the House of Guksan, Hlgu Tsetsawit, Richard
5 Morgan.
6 MR. RUSH: Perhaps you should -- I'm not sure that we have that
7 name. Perhaps you could just spell it for us, please.
8 A Hlgu Tsetsawit.
9 THE TRANSLATOR: I don't know how to spell it. H-L-G-U.
10 THE COURT: H-L-G-U.
11 THE TRANSLATOR: Space, T-S-E-T-S-A-W-I-T.
12 MR. RUSH:
13 Q Was Johnny Mack another person that was on the board
14 of directors at that time?
15 A Yes. Klo um khum, Johnny Mack, from the Wet'suwet'en.
16 MR. RUSH: 36 on the plaintiff's list.
17 A And Richard Benson from the House of Gyolugyet.
18 Q Okay.
19 A 'Kla'ee yuu was his name.
20 THE TRANSLATOR: '-K-l-a--e-e y-u-u. Can you say it again?
21 A 'Kla'ee yuu.
22 THE COURT: Okay.
23 A And I believe Gisdaywa, Alfred Joseph. I'm not
24 positive about that.
25 MR. RUSH:
26 Q Okay. So you attended -- well, is that all? I'm
27 sorry, Mr. Sterritt. Were there any others that you
28 recall as having been on the board of directors of
29 the --
30 A Ken Russell, but I don't know his Indian name, his
31 Gitksan name. He's from Kitsegukla, but he's from a
32 house -- a wolf house in Kitwancool.
33 Q Do you recall whether or not at that time the tribal
34 council was an incorporated or an unincorporated
35 association?
36 A It was not incorporated.
37 Q So you were asked to go to that meeting in 19 --
38 THE COURT: Mr. Rush, I think if you're going into the meeting I
39 would rather adjourn and look after it -- start afresh
40 with the meeting at two o'clock, please. Thank you.
41 MR. RUSH: Thank you.
42 THE REGISTRAR: Order in court. We'll adjourn until two.
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N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

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(PROCEEDINGS ADJOURNED)

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

Peri McHale, Official Reporter
UNITED REPORTING SERVICE LTD.

1
2 1 (Proceedings resumed at 2:00 o'clock p.m.)
3
4 THE REGISTRAR: Calling Delgamuukw versus Her Majesty the Queen.
5 MR. GOLDIE: My lord, before my friend resumes, I said I would
6 chase down the questions of Wii Gaak's genealogy and
7 indeed it was delivered to us on March 10th, in
8 connection with Mr. James Morrison's evidence, and we
9 had not brought it forward for this man.
10 THE COURT: Thank you.
11 MR. GRANT: Before Mr. Rush and Mr. Sterritt recommences his
12 evidence, I have delivered this afternoon to both
13 defendants a binder of Gitksan sworn territorial
14 affidavits. You may recall you made an order, and as
15 a matter of convenience, this totals 27 affidavits,
16 but 23 of them have not yet been exhibited, although
17 the 23rd one, Richard Benson's affidavit, was
18 exhibited in his commission evidence. That commission
19 evidence I don't believe is yet exhibited. I have not
20 seen it on the record. So I would ask that these
21 affidavits, and I have a copy for the -- the original
22 affidavit for the exhibit and a copy for your lordship
23 as a bench copy, that these be marked, starting with
24 the Steve Robinson affidavit, with the next exhibit
25 number, and sequentially right up to number 23. And
26 then in the index, I have referred to 24, 25, 26 and
27 27, all of which are now exhibits in the trial. But I
28 have duplicated them here, just as a matter of
29 convenience for the court. This includes all the
30 Gitksan territorial affidavits.
31 THE COURT: All right. What is your position, Mr. Goldie, have
32 you just received this?
33 MR. GOLDIE: Yes, I got it a few minutes ago, my lord. We will
34 have to go through these and determine which of these
35 we wish to examine on.
36 THE COURT: Well, do you -- do you have any objection to them
37 being marked as exhibits now?
38 MR. GOLDIE: No, if we do decide to cross-examine on them, they
39 will be exhibits anyway. So I raise no objection at
40 this point.
41 THE COURT: All right.
42 MR. MACAULAY: Your lordship has already made an order that
43 these -- affidavits be accepted as evidence, prima
44 facie evidence, and we have a right to cross-examine
45 on them.
46 THE COURT: It's just that if there was anything that was
47 particularly offensive or beyond the scope of --
48 MR. MACAULAY: Well, we -- I just got them a minute ago.

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1 THE COURT: Yes. All right. Well then they can be the next
2 exhibits in the sequence that Mr. Grant described.
3 They will be --
4 MR. GRANT: What is the exact exhibit number?
5 THE REGISTRAR: 592.
6 MR. GRANT: I propose that the Steve Robinson affidavit be --
7 that the exhibit number, the 592 would be the
8 affidavit of Steve Robinson, and 593 would be the
9 affidavit of Mary Moore, and so on, right through the,
10 and I am referring to the index, so on right to
11 exhibit number 22, or 23,
12 THE COURT: 593 plus 23 more? Or is it 25 more?
13 MR. GRANT: It would be 592, Steve Robinson, 592 plus 22 more.
14 MR. GOLDIE: Well, that brings it to Mr. Benson?
15 MR. GRANT: Yes, including Mr. Benson.
16 MR. GOLDIE: My suggestion is that you not include Mr. Benson
17 because his will be filed with his commission
18 evidence.
19 MR. GRANT: That's fine.
20 MR. GOLDIE: And I would also suggest that you perhaps not mark
21 Mr. -- is 22 the witness's affidavit?
22 MR. GRANT: Yes, we will deal with that. Yes, yes.
23 MR. GOLDIE: Well, we will deal with that when we come to it in
24 the course of this examination.
25 MR. GRANT: It will be marked as an exhibit now or then. I was
26 just trying to keep them in order.
27 THE COURT: Mr. Grant's index would be wrong then.
28 MR. GOLDIE: I stem my tears. I will have a submission, my
29 lord, to make with respect to Mr. Sterritt's
30 affidavit, since he is in the stand and I will have a
31 submission to make.
32 MR. GRANT: Perhaps his can be marked as for identification
33 then.
34 THE COURT: It's 592 plus--
35 MR. GRANT: Plus 21.
36 THE COURT: Plus 21.
37 MR. GRANT: That would be right to the end on the index to Neil
38 Sterritt. And I would just propose that with respect
39 to number 17, the Sadie Howard translation affidavit,
40 that be marked not as a -- as the A letter after
41 Ernest Hyzims' affidavit.
42 THE REGISTRAR: You are making this very difficult for me, I
43 tell you.
44 MR. GRANT: Maybe I could just go through the record.
45 THE COURT: We are going to be starting at 592, Mr. Robinson.
46 THE REGISTRAR: And then 613.
47 THE COURT: Then sequentially to 613, of which -- one is being

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1 deleted now, which one is that?
2 MR. GRANT: It would be marked A under Ernest Hyzims.
3 THE REGISTRAR: So his will be whatever number plus A?
4 MR. GRANT: Yes. And I can advise the court that the
5 translation affidavit of Alice Sampson, under Phillip
6 Turner, I will be delivering that tomorrow morning,
7 that will be marked as Exhibit "A" under Phillip
8 Turner.
9 THE COURT: These are Gitksan affidavits, are they?
10 MR. GRANT: These are.
11 MR. MACAULAY: Are we marking Mr. Sterritt as 613 or are we not?
12 THE COURT: Yes, for identification.
13
14 (EXHIBIT 592: AFFIDAVIT OF STEVE ROBINSON DATED JUNE 15, 1988)
15
16 (EXHIBIT 593: AFFIDAVIT OF MARY MOORE DATED MAY 10, 1988)
17
18 (EXHIBIT 594: AFFIDAVIT OF ART RISPALG DATED MAY 10, 1988)
19
20 (EXHIBIT 595: AFFIDAVIT OF DAVID GREEN DATED MAY 10, 1988)
21
22 (EXHIBIT 596: AFFIDAVIT OF THOMAS JACK DATED MAY 17, 1988)
23
24 (EXHIBIT 597: AFFIDAVIT OF SOLOMON JACK DATED MAY 13, 1988)
25
26 (EXHIBIT 598: AFFIDAVIT OF ROBERT JACKSON DATED MAY 25, 1988)
27
28 (EXHIBIT 599: AFFIDAVIT OF SAM MORRISON DATED MAY 10, 1988)
29
30 (EXHIBIT 600: AFFIDAVIT OF ABEL SAMPSON DATED MAY 13, 1988)
31
32 (EXHIBIT 601: AFFIDAVIT OF NEIL B. STERRITT DATED MAY 10, 1988)
33
34 (EXHIBIT 602: AFFIDAVIT OF WALTER WILSON DATED MAY 13, 1988)
35
36 (EXHIBIT 603: AFFIDAVIT OF JOSHUA MCLEAN DATED MAY 10, 1988)
37
38 (EXHIBIT 604: AFFIDAVIT OF GERALD GUNANOOT DATED MAY 11, 1988)
39
40 (EXHIBIT 605: AFFIDAVIT OF WALTER BLACKWATER DATED MAY 13, 1988)
41
42 (EXHIBIT 606: AFFIDAVIT OF KEN MULDOE DATED JUNE 9, 1988)
43
44 (EXHIBIT 607: AFFIDAVIT OF NERBERT WESLEY DATED JUNE 9, 1988)
45
46 (EXHIBIT 608: AFFIDAVIT OF ERNEST HYZIMS DATED JUNE 8, 1988)
47

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1 (EXHIBIT 608-A: AFFIDAVIT OF SADIE HOWARD DATED JUNE 8, 1988)
2
3 (EXHIBIT 609: AFFIDAVIT OF ABEL BROWN DATED JUNE 9, 1988)
4
5 (EXHIBIT 610: AFFIDAVIT OF JEFFERY HARRIS DATED JUNE 14, 1988)
6
7 (EXHIBIT 611: AFFIDAVIT OF FRED WALE DATED JUNE 20, 1988)
8
9 (EXHIBIT 612: AFFIDAVIT OF PHILLIP TURNER DATED JUNE 15, 1988)
10
11 (EXHIBIT 612-A: AFFIDAVIT OF ALICE SAMPSON DATED JUNE 15, 1988)
12
13 (EXHIBIT 613: AFFIDAVIT OF NEIL STERRIT DATED JUNE 17, 1988)
14
15 EXAMINATION IN CHIEF BY MR. RUSH: (continued).
16
17 MR. RUSH:
18 Q Now, Mr. Sterritt, I take you back to 1973, and you
19 indicated that you were asked to be an advisor of the
20 Tribal Council at that time.
21 A Yes. That's correct. Myself and two other persons.
22 Q I think you mentioned those other persons were Fred
23 Wale?
24 A Yes, and Don Ryan.
25 Q Now, you attended a meeting of the Tribal Council
26 sometime in 1973, at which you were asked to do some
27 things; is that right?
28 A Yes.
29 Q What happened then?
30 A The first thing was they simply asked me to sit in on
31 a hiring committee and help to hire someone, but the
32 main point that the chiefs and the Tribal Council
33 asked the three of us to do was to prepare a
34 submission to further the land claim of the Gitksan-
35 Carrier, as it was called then, the Gitksan-
36 Wet'suwet'en, and to help out in putting together a
37 submission.
38 Q And what was this submission intended to -- who was it
39 intended to be directed?
40 A It was intended to be submitted to the federal
41 government.
42 Q Now, I am just going to ask you to, if you can tell me
43 if you became further involved after that meeting in
44 land claim work?
45 A Yes, I did.
46 Q What, in what capacity?
47 A Well, the one hereditary chief from Kispiox, Chris

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1 Harris, Luus.
2 Q That was his chief's name, Luus?
3 A Yes.
4 Q That's from the House of Luus, right?
5 A Yes.
6 Q He asked me to come and visit him, and to -- he wanted
7 to show me some of the work that he had been doing, he
8 had been working with other hereditary chiefs, other
9 hereditary chiefs from the area had talked to me about
10 their interests and their concerns about aboriginal
11 title and rights, Fred Good was one person, Wallace
12 Morgan from Kitsegukla, and I sat down with Chris
13 Harris and he basically talked to me about his
14 concerns.
15 Q Were there, apart from Fred Good and -- did you say
16 Wallace Morgan?
17 A Yes.
18 Q Were there other people that expressed to you their
19 concern about land claims?
20 A Yes, there were. Nii Kyap, David Gunanoot, he had
21 talked to me, Txaaxwok, James Morrison, he had made a
22 point of coming to where I was working and talking to
23 me about land claims and about what should be done.
24 The other persons, my uncle, Percy Sterritt, from the
25 House of Xsax gyoo, had talked to me, and my father.
26 Q What was Percy's Gitksan chief's name, if he had one?
27 A His name was, or is, Wii Bawax.
28 MR. RUSH: That's 1595, my lord.
29 THE COURT: I didn't get his house.
30 MR. RUSH: Xsax gyoo.
31 THE TRANSLATOR: That's 1585.
32 MR. RUSH: Thank you.
33 Q Were there any other persons whom you now recall
34 were -- had approached you concerning the land claim
35 at that time?
36 A Steve Robinson, Spookw, from the house of Spookw, had
37 talked to me. There were others, I don't recall their
38 names at this time.
39 Q Now, were you aware of -- were you aware of any events
40 which had occurred within the Gitksan and Wet'suwet'en
41 community which led the people that you have mentioned
42 to come to talk with you?
43 A Well, in 1973 and '74, there was a major focus on the
44 northwest and, in particular, the territories of the
45 Gitksan and Wet'suwet'en, of economic development, of
46 increased logging, of hydro development, and -- but in
47 particular the logging, the hereditary chiefs were

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

- 1 concerned about the increased logging activity in the
2 area at that time.
- 3 Q Now were there any events which had occurred outside
4 of the Gitksan and Wet'suwet'en community at that time
5 which led to the hereditary chiefs approaching you
6 concerning the land claim?
- 7 A Yes, in 1973, the Calder case, the Calder decision had
8 come down, and the federal government had initiated a
9 policy to negotiate land claims with tribal groups in
10 Canada, and the Nisga'a were proceeding to negotiation
11 and the Gitksan and Wet'suwet'en hereditary chiefs now
12 had a vehicle, had a way to proceed with negotiations
13 and wanted to further their aboriginal title and
14 rights, they wanted to further their land claim.
15 Prior to that there had been no avenue and while the
16 hereditary chiefs had been expressing their concern
17 for sometime, they wanted to do more and, as I
18 mentioned, Chris Harris had been meeting with
19 different people in the community, he had informed me
20 of this and whenever they met, they wanted to advance
21 their land claims. But now there was this vehicle
22 through the Office Of Native Claims policy and the
23 setting up of the Office Of Native Claims in Ottawa.
- 24 Q This office of native claims in Ottawa, was that an
25 office established by the Government of Canada?
- 26 A Yes, it was set up by the federal government.
- 27 Q Is this the office through which the negotiations
28 between the federal government and Indian groups in
29 Canada was to occur?
- 30 A Yes, it was.
- 31 Q Now, in your meeting with Chris Harris, did you,
32 following that meeting, begin to do some work of your
33 own on the land claims?
- 34 A Yes, I did. I began to gather information, talked to
35 hereditary chiefs to learn more about the boundaries
36 of the Gitksan and Wet'suwet'en, the Gitksan in
37 particular at that time, and to become more familiar
38 with it.
- 39 Q Did Chris Harris show a map to you?
- 40 A Yes, he did.
- 41 Q And, in general terms, I will be coming to this a
42 little later, but in general terms what was this map
43 of?
- 44 A It was a, as I remember, it was a -- it's a map that
45 shows the territories of the hereditary chiefs for
46 the villages, in particular, of Kisgagas, Kuldo and
47 some of the territories of Kisgagas.

N. J. Sterritt (For Plaintiffs)
In Chief by Mr. Rush

1 THE COURT: I am sorry, the village of, I thought you said
2 Kisgagas and Kuldo?
3 A And Kispiox.
4 THE COURT: And Kispiox. Thank you.
5 MR. RUSH:
6 Q Now, what was the period that -- of time that you met
7 with Chris Harris? I suppose I should ask you if you
8 met with him more than once?
9 A Yes, I did. I had met with him several times when he
10 just talked to me casually and then another time when
11 he showed me this map, which was later in 1974.
12 Q And now, in 1974, did you -- were you given any
13 direction concerning preparation of a map regarding
14 the Gitksan hereditary chiefs' territories?
15 A Yes, the hereditary chiefs wanted a map done showing
16 their external boundaries, and in preparation for
17 submission to the federal government.
18 Q And can you recall now some of the hereditary chiefs
19 who were involved instructing you?
20 A Yes. Steve Morrison, Wii elaast, of the House of Wii
21 elaast.
22 MR. RUSH: I think we have the spelling W-I-I, E-L-A-A-S-T.
23 A Spookw, Steve Robinson, who I have already mentioned,
24 the -- Peter Wilson, Haimadam from the House of
25 Niikyap.
26 Q Yes?
27 A Jessie Sterritt, Wii goob'l.
28 THE COURT: I am sorry. That is a Gitksan name. Thank you.
29 A Jessie Sterritt.
30 THE TRANSLATOR: Haimadam 1602.
31 MR. RUSH: 1602?
32 THE TRANSLATOR: Yes.
33 MR. RUSH: Thank you.
34 Q Other persons?
35 A Sophia Mowat, I don't recall her name. Henry Wright
36 from the House of Wii gaak, Joshua McLean from the
37 House of Nii kyap, Sammy Gunanoot, the brother of
38 David Gunanoot, David Gunanoot -- I already mentioned
39 him. David Milton, Ts'aa'uulst is his name.
40 THE TRANSLATOR: T-S' A-A'U-U-L-S-T.
41 A Gwagl'lo, Ernie Hyzims from the House of Gwagl'lo.
42 MR. RUSH:
43 Q Yes, any others that you recall at that time?
44 A Ben McKenzie.
45 Q I think you told us he is Luutkudziwus?
46 A Yes. Mary McKenzie, Gyolugyet. The Morgans from
47 Kitwanga from the house of Axtii hix, Wallace and

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1 Jeffery.
2 Q Was Jeffery Morgan Axtii hix?
3 A I believe his brother died and then he took it in that
4 period,
5 Q Now following that, those instructions from the
6 hereditary chiefs, were there meetings that you had in
7 1974 or 75 regarding what they had asked you to do
8 regarding the land claim?
9 A Yes, there was a meeting in January of 1975, it was a
10 major meeting, and it was fully attended by
hereditary
11 chiefs from all of the villages and I believe with the
12 Wet'suwet'en as well, and this was in Kitwanga, and at
13 that meeting the hereditary chiefs instructed three
14 persons to put together a map and to go to work on
15 lands claims, and when I say go to work, I mean, it
16 was part-time, it wasn't -- there was no pay for it,
17 basically they were delegating members of the
18 community to get to work, however they could to put
19 together a map. And --
20 Q Who were those other people?
21 A Well, it was Allan Mason, a young fellow who married
22 one of the girls from Kitsegukla, he was from Bella
23 Bella, and the other person was Gary Patsy from the
24 house of Dawamuxw.
25 Q Dawamuxw?
26 A Yes, and myself.
27 Q What were you instructed to do?
28 A We were instructed to, as I say, to do a map showing
29 the external boundaries of the territories and to do
30 any other work that was necessary to advance the land
31 claim of the Gitksan and Wet'suwet'en hereditary
32 chiefs.
33 Q Were there hereditary chiefs present at this meeting
34 at Kitwanga?
35 A The meeting was -- there was at least 100 hereditary
36 chiefs there and I would say that 99 percent of them
37 were hereditary chiefs. It was a major meeting with
38 hereditary chiefs who were very concerned and wanted
39 something to be done.
40 Q The names that you have mentioned earlier as to people
41 who had come to you and talked to you about the land
42 claims, were those people some of the people who were
43 present at this meeting?
44 A Yes, most if not all of them attended as well as many,
45 many more.
46 Q And were you still employed at this time with the Ksan
47 as a project director of the Ksan Village?

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- 1 A Yes, I was. Anything that I did in this, on the,
2 under the instructions of the hereditary chiefs was
3 done in evenings or on weekends, it was done in my
4 spare time.
- 5 Q All right. And following the meeting in January of
6 1975, where Al Mason and Gary Patsy and yourself were
7 requested to put on a map, what did you do,
8 what did the three of you do?
- 9 A We went and met with groups of hereditary chiefs, and
10 asked them to -- to tell us what the external
11 boundaries were around the Gitksan and Wet'suwet'en
12 territories. We, in other words, we would meet
13 with -- in Kispiox, sit down and they would describe
14 an area that they were familiar with, we would meet in
15 Kitwanga and do a similar exercise, we would do the
16 same in Kitsegukla and proceeded to develop the
17 external limits of the Gitksan territories.
- 18 Q And at those meetings, who were present?
- 19 A The hereditary chiefs were the persons who were
20 present as well as persons that they felt they might
21 need from their house to assist them.
- 22 Q All right. And following that, the period that you
23 are talking about is in 1975, is it?
- 24 A Yes.
- 25 Q And were there any other larger meetings of the kinds
26 that occurred in Kitwanga in 1975 that you recall, in
27 which you were given direction, that is to say that
28 you and Gary mason and Gary -- excuse me, Al Mason
29 and Gary Patsy were given direction?
- 30 A In 1975, a meeting was held at which hereditary chiefs
31 gave direction to proceed or formalized their, the
32 direction to advance the territories of the Gitksan.
33 The Gitksan, hereditary chiefs. At that meeting, the
34 hereditary chiefs framed a resolution directing the
35 Tribal Council to work on the land claim.
- 36 Q All right. And did you begin that process?
- 37 A Yes.
- 38 Q And what happened after the July, 1975 meeting, what
39 did you do?
- 40 A I, along with Gary Patsy and Al, we began to review
41 the trapline maps in the Department of Indian Affairs
42 and we talked to hereditary chiefs to define the
43 external boundaries.
- 44 Q Did you have any further contact with Chris Harris,
45 Luus?
- 46 A Chris Harris died in January of 1975.
- 47 Q Did you have his map available to you and did you use

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- 1 it, was it of any value to you?
- 2 A Before Chris Harris died, he knew the work that I was
- 3 doing and he handed it over to me and I did a tracing
- 4 of that map, and so after he died, I had that copy.
- 5 The tracing that I did I showed to him while he was in
- 6 the hospital, just a few days before he passed away.
- 7 Q Now, at this time were you still the project director
- 8 at Ksan?
- 9 A Yes, I was.
- 10 Q And in terms of the direction that you were given to
- 11 develop a map in the period of 1975 through to 1977, I
- 12 picked 1977 arbitrarily for the moment, can you tell
- 13 us what you did in that period?
- 14 A The main task, the main job was to try to develop a
- 15 map that reflected the external boundaries of the
- 16 Gitksan and Wet'suwet'en territories, I talked to
- 17 individual hereditary chiefs, I talked to small groups
- 18 of hereditary chiefs, I reviewed some of the written
- 19 material, in particular the maps at the Department of
- 20 Indian affairs, which showed the -- which were
- 21 trapline maps. I basically started to develop the
- 22 external boundaries, tried to determine the external
- 23 boundary and I reviewed that with hereditary chiefs.
- 24 Q And in the period '75 to '77, was this a full-time or
- 25 a part-time activity on your part?
- 26 A It was a, very much a part-time activity. I was doing
- 27 other things. Sometime during that period I resigned
- 28 from Ksan, I don't recall the exact date but I
- 29 resigned and worked on my house and then took the
- 30 carving course. So even during that period I was
- 31 doing this work during my spare time.
- 32 Q Did your position change in 1977 in relation to land
- 33 claims, and the land claims work that you were doing
- 34 on a part-time basis?
- 35 A Yes, it did. In June of 1977, I was hired to become
- 36 the director of land claims for the Tribal Council.
- 37 Q And what was the -- what were your instructions as you
- 38 understood them at that time?
- 39 A The hereditary chiefs had said that they wanted a map
- 40 and a declaration presented to the Office Of Native
- 41 Claims, to the federal government, to begin the
- 42 process of resolving of negotiating their aboriginal
- 43 title and aboriginal rights. The first thing that was
- 44 done in that by me was to prepare a brief that was
- 45 submitted to Ottawa in July of 1977, and then to
- 46 organize a meeting with the minister of Indian
- 47 Affairs, to present a map showing the external limits

N. J. Sterritt (For Plaintiffs)
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1 of the Gitksan and Wet'suwet'en territories, and a
2 declaration and the brief, as I say, was submitted in
3 July, the minister of Indian affairs wanted to simply
4 have us send him the map and declaration, the
5 hereditary chiefs refused. The hereditary chiefs said
6 the minister had to come to our communities to receive
7 the map and the declaration from the hereditary chiefs
8 (themselves.
9 Q And did in presentation of the map and declaration
10 occur on November 7th, 1977?
11 A Yes, it did.
12 THE COURT: I am sorry, November --
13 MR. RUSH: 7th, 1977.
14 Q Just before we go to that, I just want to ask you some
15 questions about about your position as land claims
16 director for the Tribal Council?
17 A Yes.
18 Q I think you said that you took this, took up this
19 position in June of 1977?
20 A Yes, I did.
21 Q Can you -- was this the first time that this position
22 had been filled, was there a position such as the
23 director of land claims prior to June of 1977?
24 A No, there was not.
25 Q Now, was it in the nature of the Gitksan and
26 Wet'suwet'en society, in the nature of the Gitksan and
27 Wet'suwet'en hereditary chiefs, to work through a body
28 such as a land claims office?
29 A No, it wasn't. The hereditary chiefs worked in a --
30 MR. GOLDIE: I am going to object to that, my lord. As I said,
31 this witness has stated he was under instructions on
32 his examination for discovery that he did not know the
33 history of the Gitksan.
34 THE COURT: It depends, I suppose, the objection depends on the
35 definition of history, I suppose, does it?
36 MR. GOLDIE: Well, I suppose so. But it just simply isn't the
37 best evidence. He is simply saying what other people
38 have either told him or what he has learned second
39 hand, that's my understanding of the position that he
40 took on his examination for discovery. And if that's
41 the case, I think with all respect, we shouldn't be
42 hearing it second hand.
43 MR. RUSH: Well, with all respect, that is a very exaggerated
44 overstatement of the position of this witness at the
45 examination for discovery. The point that my friend
46 referred to earlier was a question of the history of
47 houses, the history of adaawk and he said he didn't

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1 know them in detail. Here what I am asking the
2 witness is from his knowledge of the Gitksan and
3 Wet'suwet'en society, was it in the nature of such a
4 society to have a land claims office. The -- it's
5 clear that Mr. Sterritt is a part of the Gitksan and
6 Wet'suwet'en society as we are members of, presumably,
7 the -- a mixed society of non-Indian people, I suppose
8 it's pretty difficult to define our own society, but
9 we can certainly define elements of the society and we
10 can make comments on all aspects of it from a range
11 from its governmental structures to its laws. And I
12 see nothing problematic, either in terms of what my
13 friend comments on or in terms of this witness's
14 knowledge to be able to give, for this witness to give
15 evidence about this question. And I see no -- nothing
16 to prevent him from giving evidence on the subject.
17 THE COURT: Well, I see no difficulty in the witness describing
18 the state of affairs with which he had personal
19 involvement. To go beyond that does call into
20 question, does it not, the admissibility of what other
21 people told him what happened before he became
22 involved?
23 MR. RUSH: If the evidence --
24 THE COURT: At the moment, I am perhaps not doing justice to the
25 objection, but it seems to me that apart from the
26 question of the discovery, and consequences flowing
27 from it, which I am not sure that I can pay any
28 attention to unless I have the actual discovery before
29 me, and I examine the words that were used. So, apart
30 from the discovery, though, is the ordinary hearsay
31 rule not the governing authority?
32 MR. RUSH: If this is a hearsay objection, if my friend or your
33 lordship raises a hearsay objection, then I say that
34 Mr. Sterritt lives within a society and has a basis
35 for understanding the society because of his being
36 there. I suppose at worst we can say that he returned
37 from a 12-year, yes, a 12-year absence from this
38 society in 1973 and this is something that's happening
39 in 1974. So that his knowledge, most immediately, was
40 conditioned by three years of direct contact with his
41 community. But, in my submission, my lord, it's not a
42 question of his gathering knowledge directly from
43 other sources and therefore his information is second
44 hand or third hand, it's a function of his being and
45 living and experiencing a society about which he can
46 make comment.
47 THE COURT: Well, seems to me, Mr. Rush, that that is extending

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1 the test of admissibility substantially. I don't want
2 to get into the discovery, but for that reason, I am
3 looking at hearsay. How can he tell me what people
4 told him was the situation relating to the
5 organization of land claims prior to the time when he
6 got involved in it? He can say, when I arrived there
7 was this structure or there wasn't any structure or
8 various people were doing various things. Can he go
9 beyond that?

10 MR. RUSH: Well, he can say, surely, that he participated in the
11 structure, in the society, in the system, and that
12 the -- in this case, the land claims office was
13 established.

14 THE COURT: Yes, he can certainly say all of those things.

15 MR. RUSH: Then he can say, now what is that, the establishment
16 of that office, what is that in relationship to the
17 society that you know? I see nothing problematic
18 about that.

19 THE COURT: The society that he knows, you are talking about the
20 larger Gitksan community?

21 MR. RUSH: Yes.

22 THE COURT: I get the sense that the burden of his evidence is
23 going to be that this was a new position, there hadn't
24 been such a person previously. He can certainly say
25 that "When I arrived I was the first director of land
26 claims" and I think that's what he said. Can he go
27 back and say, "but before my time, when I wasn't even
28 living around here", various people were, "told me
29 they were doing various things"?

30 MR. RUSH: It's not that question that I am asking, my lord. I
31 am not asking what was the situation before you,
32 although I was intending to go into that, now I think
33 I have some guidelines on the subject. The question I
34 was asking him was from your knowledge of the Gitksan
35 and Wet'suwet'en society, is a position like the one
36 that was established one that was in the nature of the
37 system that you knew? And surely this witness, even
38 if he has a limitation of three years of experience,
39 and I say he has the experience from 1973 to the
40 present, and I, in fact I argue that the experience of
41 his entire life, to be able to comment on that.

42 THE COURT: I see, at the moment, no objection, subject to what
43 Mr. Goldie says in the witness saying from the time of
44 my involvement with this matter, and at the time, or
45 more particularly at the time when I became director
46 of land claims, I, if such is the case, I saw no
47 evidence of any structure such as was being set up

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1 when I became director of land claims. Surely he can
2 say that and I doubt if your friend would object to
3 that. But I think we do run into the hearsay rule if
4 he starts telling us that other people told him about
5 various things, either we didn't have this before or
6 we had it and it didn't work or we had an
7 unsatisfactory former director, if that was the case,
8 seems to me that that would be hearsay and under the
9 limits, we don't allow that. You don't disagree with
10 what I have said. Mr. Goldie?

11 MR. GOLDIE: No, anything, if he wants speak to anything factual
12 from 1975 on, I have no objection.

13 THE COURT: The only point that seems to be dividing counsel is
14 whether the witness can go beyond that and say what
15 the position was during the 12 years he wasn't
16 manager.

17 MR. GOLDIE: If we were to get into that then I would go back to
18 the discovery because I was stopped on the discovery,
19 questioning the witness about ownership and
20 jurisdiction and the rights of the hereditary chiefs
21 and it seems to me that once we go beyond 1973 we are
22 into that area that on the examination for discovery,
23 it was -- objection was taken and the witness declined
24 to answer those questions.

25 THE COURT: Let's see how we get along on that basis, Mr. Rush.

26 MR. RUSH:

27 Q Mr. Sterritt, I think you said that the land claims
28 office of the Tribal Council was first established in
29 June of 1977?

30 A Yes.

31 Q Is that right?

32 A That's right.

33 Q And you were its first director; is that right?

34 A Yes.

35 Q And at that time the Tribal Council, was it an
36 incorporated or unincorporated body?

37 A It was an unincorporated body at that time.

38 Q And in terms of what you were to do, as the director
39 of land claims, can you tell his lordship what the
40 object was of your being a director?

41 A My first task I have already described, which was to
42 do the brief, do the map, and along with the
43 hereditary chiefs to do a declaration, which would be
44 presented to the minister. Assuming that that phase
45 was successful, which the brief, the purpose of the
46 brief was to demonstrate to the federal government
47 that the Gitksan and Wet'suwet'en hereditary chiefs

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1 had a valid, comprehensive claim. Assuming that that
2 could be demonstrated, that would set the Gitksan and
3 Wet'suwet'en hereditary chiefs on to the next phase,
4 which would be research leading to negotiations of the
5 aboriginal title and rights of the Gitksan and
6 Wet'suwet'en hereditary chiefs. And, so once we did
7 have that presentation, in November 7th, 1977, the
8 claim subsequently was acknowledged as being,
9 acknowledged as being a valid comprehensive claim by
10 the federal government and that qualified us to move
11 to the next stage.

12 Q You are just a little bit ahead of me now. I am still
13 dealing with the beginning of the land claims office
14 in June of 1977. Was there an office in fact?

15 A There was -- I was told by Billie Blackwater,
16 Baskyelaxha, from Kispiox that I could set up an
17 office in the Kispiox Band Council office in Kispiox.

18 Q Were you the sole person of this office?

19 A Yes, I was.

20 Q Were there administrative tasks that you were involved
21 in?

22 A Yes. I -- the hereditary chiefs encountered a dilemma
23 that summer, which involved the office and then there
24 were the administrative matters of setting up
25 acquiring files, beginning to acquire files, that is,
26 doing research, to develop the brief and in meeting
27 with hereditary chiefs to do the map.

28 Q For whom did you do these things that you have just
29 mentioned?

30 A It was for the -- these were done on behalf of the
31 hereditary chiefs.

32 Q And you said you encountered a dilemma in that summer,
33 what was that?

34 A The department of Fisheries and Oceans had launched a
35 major what they themselves classified as "the
36 round-up", and the round-up was a -- resulted in
37 charges to 23 of our people on the fishery, for
38 various alleged offenses, infractions of the
39 regulations as they saw it, and these people were
40 charged and they, the hereditary chiefs instructed
41 myself to help to defend these people, to do something
42 about the charges that had been laid and that was what
43 we did.

44 Q Okay. Now, just before we leave this subject, was the
45 establishment of the land claims office, was that in
46 any way connected with an outside requirement, that is
47 a requirement from outside the Gitksan and

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- 1 Wet'suwet'en community?
- 2 A Yes, it was. The office of native claims required
3 that an authorized body submit -- the terms of
4 reference to qualify as having a valid comprehensive
5 claim and the authorized body in this case was the
6 Tribal Council but they required that it be
7 incorporated, that it could not receive funds unless
8 it was incorporated. So, the hereditary chiefs and
9 the band councils formed this, formed the incorporated
10 society for the Tribal Council and the reason for that
11 was that they would, if you qualified as having a
12 valid comprehensive claim, then you also could qualify
13 for loan funding in order to do the research.
- 14 Q I am going to be coming to that. I just want to ask
15 you now some questions about the Tribal Council, and
16 the Tribal Council as you knew it from, I guess, about
17 19, late 1973, to 1977, you, I think you told us who
18 the president and the executive and the board of
19 directors was, when you first encountered the Tribal
20 Council in 1973. In 1977 do you recall who the
21 president was, if it had one at that time?
- 22 A The president at that time was Ray Jones.
- 23 Q And I think you have told us that the body was, the
24 Tribal Council at that time was not incorporated?
- 25 A That's correct. I think there was a turning point,
26 later, Billie Blackwater became the a president of the
27 Tribal Council.
- 28 Q In 1977?
- 29 A I believe so, yes.
- 30 Q And are you able to say, let us say in 1977, what you,
31 what the duties of the Tribal Council were?
- 32 A The Tribal Council, the hereditary chiefs were
33 concerned about the Tribal Council, they wanted a body
34 that would act on their behalf. The duties of the
35 Tribal Council to that point were largely service
36 oriented, programme oriented, carrying out service
37 oriented activities in the villages, in the
38 communities, and dealing with Department of Indian
39 Affairs budgets, reacting to some of the initiatives
40 of the provincial government and the federal
41 government. And when I say initiatives I mean in
42 terms of programmes and at the larger level on a
43 political level in terms of some of the economic
44 activities that were designed for the northwest or
45 enforcement by Department of Fisheries and Oceans or
46 by B. C. Fish and Wildlife, and the Tribal Council had
47 been speaking out on that. But the functions that

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- 1 they carried out primarily were in service-oriented
2 areas.
- 3 Q Now, in 1977, at some point in '77, did the role of
4 the Tribal Council change?
- 5 A Yes. The hereditary chiefs saw the Tribal Council as
6 being their organization, they wanted the Tribal
7 Council to coordinate the land claim, provide
8 political voice on their behalf -- they saw it as --
9 they felt a need for that organization to function on
10 their behalf in furthering the aboriginal title and
11 rights of the Gitksan and Wet'suwet'en hereditary
12 chiefs.
- 13 Q When did the change occur?
- 14 A It -- the change occurred in the, I guess officially,
15 or publicly, on November 7th, '77 but it was evolving
16 up to that point and became a -- it continued after
17 that point as well, to a certain extent.
- 18 Q November '77 is the date of the presentation to the
19 minister of Indian affairs, was it at that time that a
20 decision was made to alter the structure of the Tribal
21 Council?
- 22 A Just subsequent to, in terms of the actual structure
23 of the organization, it was subsequent to that when
24 the -- as a result of the requirement of the federal
25 government to incorporate and the alteration was in
26 terms of the defined membership within the Societies
27 Act.
- 28 Q All right. Is it the case that the Tribal Council
29 became an incorporated association?
- 30 A Yes.
- 31 Q Did that happen early in 1978?
- 32 A Yes, it did.
- 33 MR. RUSH: I wonder if I can show Mr. Sterritt, please, Exhibit
34 344.
- 35 Q I am showing you, Mr. Sterritt, a document which is
36 Exhibit 344 and entitled Certified Copy of Documents
37 File with Registrar of Companies for the Gitksan -
38 Wet'suwet'en Tribal Council Association. Now,
39 contained within this package of material is a
40 document, I think about four pages in, my lord, the
41 document is numbered on the lower right hand corner by
42 page. This is the constitution, form two, under the
43 Societies Act. And you will notice on the 7th page
44 there is a place where your name appears; is that
45 right?
- 46 A Yes.
- 47 Q All right. Now, I am sorry, let me direct you to page

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1 six of this document, dated January 24th, 1978, and
2 again your name appears on page six here; is that
3 right?
4 A Yes, as a witness.
5 Q Is this what you remember the constitution of the
6 Gitksan-Carrier Tribal Council Association to be at
7 that time?
8 A Yes, it is.
9 Q And does this represent the incorporation of the
10 Gitksan-Carrier Tribal Council Association as a
11 society?
12 A Yes.
13 Q Now, on page one of that document, but page four of
14 the exhibit, the purposes are set out and I just ask
15 you to review those first and ask if those purposes
16 are those which you know to be the purposes of the
17 association?
18 THE COURT: Could he do that during the adjournment?
19 MR. RUSH: Yes, he could.

20
21
22 (PROCEEDINGS ADJOURNED FOR SHORT RECESS)
23
24
25
26

27 I hereby certify the foregoing to be
28 a true and accurate transcript of the
29 proceedings herein to the best of my
30 skill and ability.
31
32
33
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35

36 Wilf Roy
37 Official Reporter
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47 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

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1
2 THE COURT: Mr. Rush.
3 MR. RUSH:
4 Q Mr. Sterritt, you've had an opportunity of examining
5 Exhibit 344?
6 A Yes, I have.
7 Q And I was directing in particular your attention to
8 the constitution, and that was dated January 24th,
9 1978, and to the purposes of the association.
10 A Yes.
11 Q You recognize those to be the purposes of the
12 association at that time?
13 A Yes, I do.
14 Q And what led to these purposes being placed in the
15 constitution?
16 A The directions of the Gitksan Wet'suwet'en hereditary
17 chiefs that the tribal council on their behalf take a
18 major role in achieving resolution of the Gitksan
19 Wet'suwet'en land claim, and that is particularly
20 identified in purpose C, to achieve just resolution of
21 the land claims and aboriginal land issues of the
22 Gitksan and Carrier people, Carrier being
23 Wet'suwet'en.
24 Q If you'll turn to page three of the constitution of
25 January 24th, '78, which is page six of the document,
26 applicants for incorporation are listed there, and the
27 first is William Blackwater Sr.. Was William
28 Blackwater Sr. a hereditary chief?
29 A Yes.
30 Q Is William Blackwater Sr. still living?
31 A Yes, he is.
32 Q And who is he? I should say what is his hereditary
33 chief's name?
34 A His name is Baskyelaxha from the House of Baskyelaxha.
35 Q And the second person's name named there is Perry
36 Sampson. I think you've mentioned Perry Sampson in
37 your testimony. Is he a hereditary chief?
38 A Yes. His name is Djogo Gaak from the House of
39 Gutginuxw of Kispiox.
40 THE REGISTRAR: That's 1589.
41 MR. RUSH: Perry Sampson is 1589. Thank you.
42 THE REGISTRAR: And Baskyelaxha is number two on the plaintiffs.
43 MR. RUSH: Thank you.
44 Q Alfred Joseph?
45 A Alfred is Gisdaywa. He's a wolf chief from the
46 Wet'suwet'en.
47 THE REGISTRAR: 1610.

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1 MR. RUSH:
2 Q I note Garry Patsey's name there. Gary Patsey, did he
3 have, or does he have a Gitksan name?
4 A Yes, he does. His name is Galisk'alan from the House
5 of Delgamuukw, which is a fireweed house in Kispiox.
6 Q Can you give us the name again? Gali --
7 A Galisk'alan.
8 THE TRANSLATOR: It's G-A-L-I-S-K-'-A-L-A-N.
9 MR. RUSH:
10 Q And your -- your name is there -- is located next. I
11 want to turn now, Mr. Sterritt, if you will, to -- Mr.
12 Sterritt, do you have a page -- I'm asking you to
13 direct your attention to the lower right hand corner
14 of page 153, and turn --
15 A Yes.
16 Q And on that page is there a list of first directors of
17 the Gitksan-Carrier Tribal Council?
18 A Yes, there is.
19 Q And that's dated January 24th, 1978.
20 A Yes.
21 Q And do you recognize the names of the list of first
22 directors that are shown on this page?
23 A Yes, I do.
24 Q William Blackwater you've referred us to. James Angus
25 Jr.. Does James Angus Jr. hold a Gitksan name?
26 A Yes, he is a chief. His name is Wii elaast.
27 THE TRANSLATOR: That's 72.
28 A He's from Kispiox.
29 MR. RUSH:
30 Q And Alice Jefferies?
31 A Alice Jefferies is Miluulak from the House of Miluulak
32 from Kispiox.
33 Q And Richard Morgan?
34 A He's the name I gave earlier this morning, Hlgu
35 Tsetsawit from the House of Guksan in Kitsegukla.
36 Q And Barney Morgan?
37 A Yes, I'm not familiar with his name, Gitksan name.
38 Q And Walter Joseph, do you know Walter Joseph?
39 A Yes, I do. I don't know his Gitksan name. Both of
40 those -- both of them are chiefs though.
41 Q And Daniel Michell?
42 A Yes. Daniel is Wigetimstochol from Moricetown, and
43 the Wet'suwet'en.
44 MR. RUSH: 71, my lord.
45 Q And Doris Michell?
46 A I don't know her Wet'suwet'en name.
47 Q Kenneth Russell?

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1 A He is wolf from Kitwancool. I don't know his name
2 either.
3 Q And what about Raymond Jones?
4 A Raymond Jones is Wadii. He's a chief from Kitsegukla.
5 Q Elijah Turner?
6 A Elijah Turner is Wii Yagaa deets, and he is a chief in
7 the House of Hax bagwootxw.
8 MR. RUSH: Hax bagwootxw is 34.
9 THE TRANSLATOR: Which did you want?
10 MR. RUSH: Just the name of Elijah Turner. I think you gave it
11 to us this morning.
12 THE TRANSLATOR: W-I-I Y-A-G-A-A D-E-E-T-S.
13 MR. RUSH:
14 Q Now, I think you've -- well, just before I go to that,
15 Andrew George?
16 A He is -- his current name is Tsibasaa. I don't know
17 what his name was then. I don't recall it. From the
18 House of Smogelgem, Wet'suwet'en house.
19 Q And I think you mentioned that James Morrison, Perry
20 Sampson and Alfred Joseph have given their Gitksan
21 names and Wet'suwet'en name in the case of Alfred
22 Joseph?
23 A Yes, I have.
24 Q Ardith Wilson, is Ardith a person holding a Gitksan
25 hereditary chief's name?
26 A I don't know what her name is.
27 Q Okay. Now, Mr. Sterritt, I wonder if you would just
28 turn to page 144 on the bottom right hand corner.
29 THE COURT: 140?
30 MR. RUSH: 144.
31 Q Now, this is the filing of the annual report of the
32 Gitksan-Carrier Tribal Council listing its directors
33 in 1981. It was received January the 26th, 1981. I
34 just ask you to scan your eye over that list, and if
35 you can tell me whether or not the names in here, many
36 of the names are the same as the one as are contained
37 on the earlier list of 1978, can you confirm whether
38 or not these are hereditary chiefs?
39 A Yes, they are. A number of them are the same. Those
40 that are additional are Martha Brown, Ax yawaasxw,
41 from the House of Gyetm galdoo.
42 Q That -- there is a Martha Brown who's Kliiyemlaxhaa.
43 Is that a different Martha Brown?
44 A This is a different Martha Brown. Martha --
45 Kliiyemlaxhaa is wolf, and this Martha is Lax See'l,
46 or frog.
47 Q All right. Any other names?

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- 1 A Guy Morgan is, I believe, from the House of Luuxoon
2 from Kitwancool. Kenneth Russell once again we've
3 already mentioned. Clifford Sampere is from the House
4 of Nii kyap. I'm not familiar with the name or the
5 house of Leonard Austin. Richard Benson wasn't on the
6 other page, but we have mentioned him. He is wolf.
7 He's a chief, 'Kla'ee yuu, and the rest are on the
8 other page.
- 9 MR. RUSH: Okay. I'm going to ask you now to turn, if you will,
10 to the filing. I believe, my lord, that the list that
11 is appended to the filing received on January 26th,
12 1981 which is on page 144 contains the directors in
13 part as a result of the annual general meeting in
14 1978, and I did not make that clear in my initial
15 question.
- 16 Q On the front page -- of that filing, Mr. Sterritt, on
17 page 143 there are other directors named there, and I
18 think you mentioned two of them, Bill Blackwater and
19 Alice Jefferies, already. There is an addition, Mel
20 Bevin and Geraldine MacDougall, on that page. Are
21 they Gitksan people?
- 22 A Geraldine MacDougall is from the House of Spookw in
23 Gitanmaax. She is Gitksan. Mel Bevin is Kitselaas.
24 He's from the Tsimshian nation. He's from the village
25 near Terrace.
- 26 Q And I want to refer you now to the filing of 1979,
27 which is to be found at page 132.
- 28 A Yes.
- 29 Q And I would ask you if you would just review that
30 filing both on page 132 and 133 and confirm if the
31 names that are listed there are Gitksan or
32 Wet'suwet'en hereditary chiefs?
- 33 A All of those persons on page 133 are Gitksan or
34 Wet'suwet'en hereditary chiefs. Garry Patsey was
35 mentioned before. Wallace Danes is from the house of
36 Luutkudziiwus. Larry Moore is 'Niitsxw. That's a
37 Giis gaast (phonetic) house from Kitsegukla, and
38 fireweed house from Kitsegukla.
- 39 MR. RUSH: I just want a spelling for that 'Niitsxw.
- 40 A 'Niitsxw.
- 41 THE TRANSLATOR: '-N-I-I-T-S-X-W.
- 42 A Glen Williams wasn't on there before. He is -- at
43 that time his name was Ts'ixs Alalgyax, and he is from
44 Kitwancool. His name is Ax gwin Desxw now.
- 45 THE TRANSLATOR: Ts'ixs Alalgyax is 1569.
- 46 A Gordon Sebastian has a name Anuhlim Ben. That's a
47 Gitksan name. He lives in Hagwilget. It's from the

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1 House of Luutkudziiwus.
2 THE TRANSLATOR: Anuhlim Ban is A-N-U-H-L-I-M --.
3 THE COURT: L-I?
4 THE TRANSLATOR: You got it?
5 THE COURT: No. I haven't. Sorry.
6 THE TRANSLATOR: A-N-U-H-L-I-M B-A-N.
7 THE COURT: Thank you.
8 A Another new name on there is Nekt, George Muldoe.
9 He's from the House of Delgamuukw in Kispiox.
10 THE TRANSLATOR: What was his name?
11 THE COURT: Nekt.
12 THE TRANSLATOR: N-E-E-K-W.
13 MR. RUSH:
14 Q And Tommy Tait, is that a new name?
15 A Yes, and I'm not familiar with his Wet'suwet'en name,
16 but he is Wet'suwet'en.
17 Q And on the front page of the 1979 filing there are the
18 names of Bill Blackwater, Dora Kenni, Mel Bevin.
19 You've mentioned those. Is Audrey Morrison a new
20 name?
21 A Yes. Audrey is from the House of Skiik'm lax ha, and
22 her name is Naagan.
23 THE TRANSLATOR: N-A-A-G-A-N.
24 THE COURT: N-A-A-G-A-N. Thank you.
25 MR. RUSH:
26 Q All right. I'm just going to ask you now to set that
27 exhibit aside, Mr. Sterritt.
28 Under the constitution that is Exhibit 344 what
29 was the nature of the representation of the board of
30 directors?
31 A The -- by and large the representation was hereditary
32 chiefs.
33 Q Okay. And where were the hereditary -- were there
34 hereditary chiefs by village orientation, or how were
35 they represented to the tribal council --
36 A Yes.
37 Q -- Board of directors?
38 A It was based on village orientation.
39 Q Okay. All right. Now, I want to ask you, Mr.
40 Sterritt, when the tribal council was formed as an
41 incorporated body who became the president in 1978?
42 A William Blackwater, Baskyelaxha.
43 Q All right. And at that time the -- can you comment on
44 what the duties and objectives of the tribal council
45 were?
46 A The main objective was to achieve just resolution of
47 the land claim of the Gitksan and Wet'suwet'en people.

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1 Other objectives were to assert the authority of the
2 hereditary chiefs, to educate and --
3 MR. GOLDIE: Excuse me, my lord. Are these the -- is the
4 witness referring to the objects clauses of the
5 constitution?
6 THE COURT: I don't think so.
7 MR. GOLDIE: I thought I detected something familiar in one of
8 the things he said. If so I was going to suggest the
9 document could speak for itself.
10 MR. RUSH:
11 Q I don't see the document open in front of you, Mr.
12 Sterritt. Were you referring to the duties or objects
13 of the constitution that are set out in the
14 constitution? What --
15 A Well, they're similar, but the hereditary chiefs
16 gave -- were giving specific direction to the
17 executive and directors of the tribal council. The
18 hereditary chiefs were very concerned about the way
19 logging was being conducted and they wanted to -- they
20 wanted something done about that. They wanted -- they
21 wanted the logging practices to change. Where damage
22 was being done in a negative way they wanted it
23 stopped, but in particular they wanted the logging
24 practices to change. The hereditary chiefs --
25 MR. GOLDIE: Well, excuse me, perhaps I can be a little more
26 specific. If these are the duties of the president
27 presumably they are manifested in some way, but to
28 give evidence of what the hereditary chiefs wanted
29 leaves us in a limbo as far as the source of
30 information is concerned. If there is something
31 specific that the tribal council was instructed to do
32 and is embodied in a resolution or a letter or
33 document then let's have it. We've had the
34 constitution which sets out the duties. This now
35 is -- there appears to be no particular source of
36 information other than what the witness understands
37 the hereditary chiefs to want.
38 THE COURT: Well, that seems to me what the witness is telling
39 me, is it not, Mr. Rush?
40 MR. RUSH: Yes, I think it is. I asked what the duties were,
41 and I was asking what in fact the tribal council did.
42 I think he can comment on that.
43 THE COURT: Well --
44 MR. GOLDIE: That's precisely my point, I don't think he can
45 comment on that.
46 THE COURT: What the witness has done is identified certain
47 documents which set out the legal requirements as

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1 opposed to now saying what he understands the
2 directions of the tribal -- of the hereditary chiefs
3 were to the tribal council in an operational sense.
4 He hasn't identified the source except just to quote
5 the hereditary chiefs. Have I stated it correctly,
6 Mr. Rush?
7 MR. RUSH: I think that's right, my lord. Yes, so far that's
8 right. I intend to get into more specifics.
9 MR. GOLDIE: Well, the -- just so we're clear on this, Mr.
10 Sterritt is not a director. As far as I understand it
11 he was at this time an employee. Now he's giving
12 evidence of what the directions given by, including a
13 number of living witnesses, gave to a third party, and
14 in my submission he's not competent to do that.
15 MR. RUSH: Maybe I'll just change some of my questions to assist
16 Mr. Goldie.
17 THE COURT: Well, it will certainly assist me if you can.
18 MR. RUSH: Well, I'm more interested in assisting the court than
19 Mr. Goldie.
20 MR. GOLDIE: It all comes together sooner or later.
21 MR. RUSH: This is true.
22 Q Now, Mr. Sterritt, you were -- were you involved in
23 certain meetings of the hereditary chiefs after 1978?
24 A Yes, I was.
25 Q And you mentioned in particular the involvement that
26 you had as a director of land claims in regard to
27 fishing?
28 A Yes.
29 Q And were there meetings of the hereditary chiefs at
30 which you were present in respect of the enforcement
31 of Fisheries' regulations on the Skeena and Bulkley
32 Rivers?
33 A Yes.
34 Q And as a result of those meetings did you do certain
35 things at the direction of the hereditary chiefs?
36 A Yes, I did.
37 Q What did you do?
38 A The -- when the land claims office was set up the
39 hereditary chiefs set up an advisory committee to that
40 office, and the hereditary chiefs directed -- there
41 were recommendations made to the board of directors of
42 the tribal council, and the the board of directors
43 much of what they wanted implemented the only office
44 that was available was the office -- the land claims
45 office and so I was involved in carrying out the
46 direction of the -- of the executive as a -- as an
47 actual duty on behalf of the executive and the board

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- 1 of directors, or pardon me, the hereditary chiefs.
2 With regard to the fishing issue the hereditary
3 chiefs -- the advisory committee were very concerned
4 and they asked me to help with the defence of the
5 individuals, and I contacted lawyers, I contacted the
6 individuals, we met and we discussed the defence of
7 the individuals. The other specific activities that
8 we carried out were the hereditary chiefs had us
9 directly involved in developing a blanket trapline,
10 and the reason for that was to combine their ownership
11 and jurisdiction under one entity, and the first step
12 to that was the blanket trapline proposal.
- 13 Q Were you specifically involved in organizing meetings
14 and undertaking correspondence on behalf of the
15 hereditary chiefs in respect to the blanket trapline?
- 16 A Yes, I was.
- 17 Q You mentioned logging. Were you specifically involved
18 in doing anything in respect of that at this time in
19 1978?
- 20 A Yes. The, both collectively and individually,
21 hereditary chiefs were coming to me and to the
22 executive. They also wrote me letters and asked me
23 to, or pointed out their concerns about the logging on
24 their territories and asked what could be done, and --
- 25 Q Now, just in terms of -- in terms of what you did, if
26 you could focus your evidence in respect of what you
27 did as a result of certain things that were asked of
28 you by hereditary chiefs.
- 29 A I wrote letters on behalf of hereditary chiefs to the
30 Provincial Government.
- 31 Q Is this in respect of the logging?
- 32 A Yes. In respect of the logging. I -- I met with
33 government agencies and did presentations explaining
34 the Gitksan and Wet'suwet'en land claim, advising them
35 that the Gitksan Wet'suwet'en hereditary chiefs owned
36 the territory, and about the logging and the concerns
37 about the hereditary chiefs about the way logging was
38 being conducted. I wrote during that period, or
39 following that period I wrote letters to specific
40 logging companies on behalf of the hereditary chiefs,
41 and that was part of the activity in terms of logging
42 concerns and the traplines.
- 43 Q All right. Were there meetings in 1978 and following
44 of the hereditary chiefs dealing with the types of
45 issues which you then carried out certain directions?
- 46 A Yes.
- 47 Q All right. In that period were there feasts which you

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1 attended?
2 A Yes.
3 Q And were these feasts in which hereditary chiefs were
4 in attendance?
5 A Yes.
6 Q And at the feasts that you attended were decisions
7 made at those feasts?
8 A Hereditary chiefs made decisions and passed those on
9 along to the tribal council, to the board of
10 directors, and the executive.
11 Q Now, in terms of your role as a director of the land
12 claims office of the tribal council were there
13 meetings that were specifically -- that you
14 specifically held in relation to the advancement of
15 the map and declaration that you spoke of as a result
16 of the June 1977 meeting of the hereditary chiefs?
17 A Yes, there were.
18 Q And as a result of these meetings what -- what did you
19 do?
20 A I met with -- I met with smaller groups of hereditary
21 chiefs to do further work on the boundary. In 1978 we
22 set up the research program to --
23 Q Just before you get -- you're a little bit ahead of my
24 question, or perhaps my question is a little bit
25 behind your evidence. I wanted to direct your
26 attention back to the summer of 1977 and following the
27 meeting I think you said that occurred in June of
28 1977, and you mentioned that there had been, I think,
29 a brief prepared?
30 A Yes.
31 Q And a declaration prepared and a map prepared?
32 A Yes.
33 Q Is that right? And I first like to direct your
34 attention to the brief that you spoke of as having
35 been prepared at that time. Were there any meetings
36 that related -- of the hereditary chiefs that related
37 to the preparation of this brief?
38 A Yes, there were.
39 Q Okay. And were you able to -- you -- are you able to
40 say when those occurred?
41 A Well, those meetings were prior to July of 1977. That
42 was when the brief was forwarded to Ottawa. The brief
43 was reviewed and it was sent on, and then there
44 were -- after that there were meetings to deal with
45 the map and the declaration.
46 Q All right. Now, the hereditary chiefs were involved
47 in the meetings with respect to the brief. Are you

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1 able to recall who were the chiefs that were involved
2 in that?
3 THE COURT: I'm sorry, Mr. Rush, did your question relate to the
4 brief?
5 MR. RUSH: Yes.
6 THE COURT: Yes.
7 MR. RUSH:
8 Q I just would like now to focus your attention to the
9 brief that was prepared. There was a brief prepared
10 in July of 1977, is that right?
11 A It was prepared prior to that, and sent off in July of
12 '77.
13 Q Yes.
14 A Got a lot of names. Some of the hereditary chiefs
15 would be, I believe, Wigetimestochol, Dan Michell,
16 Richard Morgan, Ken Russell, Willis Morgan, I don't
17 know his name, Jeffery Morgan, Steve Robinson, Martha
18 Brown. That's the Lax Gibuu, Kliiyemlaxhaa.
19 MR. RUSH: That's 35, my lord, on the plaintiff's list.
20 A Jesse Sterritt, Perry Sampson, Tommy Tait, Elijah
21 Turner, David Milton, Alvin Weget. I don't recall the
22 rest.
23 MR. RUSH:
24 Q Okay. Are you able to give a number of the hereditary
25 chiefs that were involved after you became the
26 director of the land claims office and before the
27 brief was submitted?
28 A I think it would be in the neighbourhood of 35 or 40.
29 MR. RUSH: Okay. Now, I want to direct Mr. Sterritt's
30 attention, my lord, to Exhibit number 384, which is
31 contained at tab 9 of the document book.
32 THE REGISTRAR: Exhibit 384?
33 MR. RUSH: Yes. It's in the black document book.
34 THE COURT: This black book document here?
35 MR. RUSH: Yes, the document book I've introduced for Mr.
36 Sterritt.
37 THE COURT: Yes.
38 MR. RUSH:
39 Q Showing you document entitled, "Gitksan-Carrier Tribal
40 Council Request for Funding for Research to the Office
41 of Native Indian Claims Ottawa, Ontario", and it's
42 dated July of '77. Is this the document that I have
43 termed the brief, and which was the brief that you
44 submitted to the office of native claims at that time?
45 A Yes, it is.
46 Q And this is the document that the hereditary chiefs
47 that you've just spoken of met about?

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1 A Yes.
2 Q All right. Now, I'll just turn -- I'd ask you to turn
3 to page three of the document. It's the fifth page, I
4 believe, in line. It's difficult to read the numbers.
5 Yes. Four is the bottom right hand corner. Under
6 heading number three basis for claim the information
7 that's contained here, Mr. Sterritt, what was the
8 source of this information?
9 A On item number three the source of that information
10 was from the hereditary chiefs.
11 Q And does this -- does this set out your understanding
12 of the chiefs' directions to you with regard to the
13 brief to the office of native claims at that time?
14 A Yes.
15 MR. GOLDIE: I -- what his understanding is -- the only question
16 that can be put to him is does that accurately state
17 the information given to him, because his previous
18 answer was that he was simply acting as a means of
19 putting down the chiefs' information. His
20 understanding is irrelevant.
21 MR. RUSH:
22 Q Now, Mr. Sterritt, did you -- were you the person who
23 authored this report?
24 A Yes.
25 Q Or brief?
26 A Yes, on behalf of the hereditary chiefs.
27 Q In terms of what is written on page -- well, what is
28 shown on page four on the right hand side under
29 heading three, does that set out what you were told by
30 the hereditary chiefs?
31 A Yes, it is.
32 Q All right. Now, I'd like to refer you, if you will,
33 now to page one of the document under summary. Now,
34 it indicates at the top of the page that the
35 Gitksan-Carrier Tribal Council represents eight Indian
36 bands in northwestern British Columbia, and it
37 indicates Kitwancool, Kitsegukla -- sorry.
38 Kitwancool, Kitwanga, Kitsegukla, Gitanmaax, Sikadoak,
39 Kispiox, Hagwilget and Moricetown, and it says, "This
40 submission and request for financial assistance is on
41 behalf of five of those bands", and then it's named,
42 "Kitwanga, Kitsegukla, Gitanmaax, Sikadoak and Kispiox
43 to obtain necessary personnel to research and develop
44 their land claims negotiating position."
45 Now, is that -- is that an accurate statement,
46 Mr. --
47 A The -- the first paragraph was to meet the

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1 requirements of the federal government, that an
2 authorized body was the only body that could receive
3 financial assistance or loan -- loan funding from the
4 office of native claims, and yes, that is -- that's
5 correct.

6 Q What did you mean by an authorized body?

7 A The federal government did not recognize the
8 hereditary chiefs as being an authorized or an
9 official body that could receive funding to research
10 and develop a land claim.

11 Q The next paragraph says, and I'm quoting, "The Gitksan
12 will undertake to prepare a map precisely defining the
13 limits of their ancestral territories, develop a land
14 claims policy, research further the basis for the
15 Gitksan claim, and establish a negotiating position in
16 consultation with the Gitksan and selected
17 professional advisors."

18 Here the -- you -- the document makes reference to
19 the Gitksan. Now, were the Carrier or the
20 Wet'suwet'en included within this brief?

21 A No, they weren't. The Gitksan refers to the Gitksan
22 hereditary chiefs as opposed to the Indian bands up
23 above, and it referred only to the Gitksan. The
24 Wet'suwet'en were reviewing, amongst themselves,
25 whether to come in with the Gitksan at this point or
26 whether to do their land claim differently. The
27 Wet'suwet'en hereditary chiefs were reviewing that.

28 THE COURT: What do you think, Mr. Rush, should we adjourn?

29 MR. RUSH: All right.

30 THE COURT: Before we go can I be reminded about Sikadoak?

31 MR. GOLDIE: Glen Vowell.

32 THE COURT: Glen Vowell?

33 MR. RUSH: Glen Vowell is the name of the reserve, but Sika doak
34 is the name of the village. In this document it's
35 S-I-K-A-D-O-A-K.

36 THE COURT: I asked that once before. All right. We'll adjourn
37 then until ten o'clock. All right. Thank you.

38 THE REGISTRAR: Order in court. Court will adjourn until 10:00
39 a.m. tomorrow.

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47 (PROCEEDINGS ADJOURNED TO JUNE 21, 1988 AT 10:00 a.m.)

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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
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