

In the Supreme Court of British Columbia

No 0843
Smithers Registry

December 8, 1988
Smithers, B. C.

BETWEEN:

DELGAMUUKW, also know as KEN MULDOE,
suing on his own behalf and on behalf
of all other members of the HOUSE OF
DELGAMUUKW, and others,

Plaintiffs;

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA and
THE ATTORNEY-GENERAL FOR CANADA,

Defendants.

CROSS-EXAMINATION ON AFFIDAVIT
OF

WARNER WILLIAM

Ms. L. MANDELL

appearing for the Plaintiffs

Ms. T.A. SIGURDSON

appearing for Her Majesty the
Queen in right of the Province
of British Columbia

M.W.W. FREY, Esq.

appearing for the Attorney-
General of Canada



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WARNER WILLIAM

cross-exam by Mr. Frey
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NO EXHIBITS ENTERED

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

SMITHERS, B.C.
DECEMBER 8, 1988

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

MS. MANDELL: I should just advise that this witness isn't going
to be translated although his first language is
Wet'suwet'en, and I think he speaks fluently enough in
English, but I wish to advise that English is not his
first language.

CROSS-EXAMINATION BY MR. FREY:

- Q All right. Well, Mr. William, you tell me if we run
across a problem there?
- A Yes.
- Q Mr. William, how old are you?
- A Forty-five.
- Q And where do you live?
- A Moricetown.
- Q Where do you work?
- A Moricetown.
- Q And what sort of job?
- A Involved in logging for Moricetown Sawmill.
- Q And do you actually work in the mill or are you --
- A No, I'm a logging supervisor.
- Q And that's for the mill that's run by the band?
- A Yeah.
- Q All right. And before you had that job, where did you
work?
- A I worked around Terrace.
- Q And doing what sort of work?
- A In logging.
- Q And were you an employer or were you a contractor?
- A I was a -- I was employer in Terrace, and then I went
to Burns Lake, then I was a contractor.
- Q And as a contractor you went out and cut trees?
- A Yeah.
- Q I wanted to make sure I had the right kind of
contractor. When did you live in Terrace?
- A Terrace, I worked in camp up the Nass Valley.
- Q Oh.
- A I work from there but we are in camp.
- Q You never moved to Terrace?
- A No.
- Q And did you ever move down to Burns Lake?

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 A For one year I did, but I worked there about three
2 years, four years, somewhere like that, and down here
3 the same thing, I was trailer in the bush.
4 Q But except for that one year you've lived at
5 Moricetown?
6 A No. I lived in Moricetown all my life.
7 Q Do you have any children?
8 A Five.
9 Q Five. And can you tell me what their ages are?
10 A Youngest one will be two.
11 Q Um-hmm?
12 A December, this month, and the oldest -- older girl is
13 four and the older boy is ten and the next one is 13
14 and the oldest one is 16.
15 Q And do they all live in Moricetown?
16 A Yes.
17 Q Now your father was Sylvester William?
18 A Yeah.
19 Q Is that right? And he held the name Hagwilnegh?
20 And Ben Holland, was he your uncle?
21 A Yeah.
22 Q And he held -- you hold the name Noostel?
23 A Yeah.
24 Q And he held the name Noostel before you?
25 A Yeah.
26 Q Now, did Mr. Holland -- he worked at Bulkley Valley
27 Forest Industries?
28 A Ben did.
29 Q Sorry, yeah, Ben Holland?
30 A Yeah.
31 Q He worked at Bulkley Valley Forest Industries? Yes?
32 A Yup.
33 Q And do you know how long he worked there for?
34 A I don't know how many years. Quite awhile.
35 Q Quite awhile. And before he worked there, did he do
36 logging contracting like yourself?
37 A No.
38 Q He was just at the plant?
39 A Yep.
40 Q Now, I understand that you received the name Noostel
41 in 1972; is that correct?
42 A Yup.
43 Q And was there a feast at that time?
44 A (WITNESS NODS HEAD IN RESPONSE)
45 Q If you could answer yes instead of nodding, it will
46 help the reporter.
47 A Yes.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

- 1 Q And at the feast where you became Noostel, can you
2 recall how much of a contribution you made for the
3 name?
4 A I don't know how much it was.
5 Q You don't have any recollection?
6 A No.
7 Q All right. Was it part cash and part goods or was it
8 all cash?
9 A No. Cash and goods.
10 Q Can you remember what the goods were?
11 A Well, material, blankets and stuff like that.
12 Q All right. And was there a feast book kept for that
13 feast?
14 A What's that?
15 Q Was there a -- did anyone write down all the
16 contributions?
17 A No.
18 Q Nothing like that was recorded?
19 A No.
20 Q There was no record kept of the -- neither the
21 contributions that were made nor the distribution
22 after?
23 A Not at that time.
24 Q Okay. Now, can you tell me the -- well, Knedebeas is
25 the head chief of your house?
26 A Yeah.
27 Q And can you tell me the names of the other chiefs in
28 Knedebeas' house?
29 A Weeliih.
30 Q And who holds that name today?
31 A My eldest sister.
32 Q All right. Mr. Mitchell, for the reporter, perhaps we
33 should get a spelling for that name.

34 THE TRANSLATOR: W-E-E-L-I-I-H.

35 MR. FREY:

- 36 Q And sorry, did you give me the name of the person that
37 holds that title today?
38 A Catherine Michell.
39 Q All right. And now are there any other chiefs in the
40 house?
41 A Yeah. Knedebeas is our head. Lt'at'en, my sister,
42 Doris.
43 Q Can I get the spelling for that, Mr. Mitchell.

44 THE TRANSLATOR: L, underline, T-'-A-T-'-E-N.

45 MR. FREY:

- 46 Q And what's your sister's name?
47 A Doris Michell.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

- 1 Q And are there any others that you can recall?
2 A Yeah. My younger sister, I forgot her name. Helen
3 Mitchell.
4 Q She has a chief's name but you can't recall the name
5 today. So the names in your house you can recall
6 today are Knedebeas, Noostel, Weeliih and then the
7 name that Doris has which I'm -- can you pronounce
8 that one again?
9 A Lt'at'en.
10 Q All right. And then there is another name that Helen
11 has?
12 A Yeah.
13 Q And that's the one you can't recall today?
14 A Yeah.
15 Q All right.
16 A Just comes right here, just can't come out.
17 Q All right. Now, I understand that you were elected a
18 member of the Moricetown Band Council in 1985; is that
19 right?
20 A Yes.
21 Q And are you still a member?
22 A I was out and I got back in again.
23 Q Okay.
24 A Just last from -- I forgot what month. About six
25 months ago.
26 Q So at present you are a member, though?
27 A Yeah.

28 MS. MANDELL: Excuse me. I might also excuse myself now for
29 interrupting at this late stage. I should have
30 identified it earlier that Mr. William has a hearing
31 problem.

32 MR. FREY:

- 33 Q Oh. I'll see what I can do about that.
34 Sarah Layton holds the name Knedebeas today?
35 A Yeah.
36 Q And who held that name before her?
37 A My grandmother did, Christine Holland.
38 Q And do you know who held the name before Christine
39 Holland?
40 A I just heard my grandmother mention, but the name was
41 Tommy C'oo, that's all I know.
42 Q Okay.
43 A That's grandmother's uncle. I don't know, that's
44 before my time.

45 MR. FREY: Mr. Mitchell?

46 THE TRANSLATOR: Tommy, T-O-M-M-Y. C-'-O-O.

47 MR. FREY:

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q Now, you are a chief in the Gilseyhu clan?

2 A Gilseyhu.

3 Q All right. Now, the three head chiefs in the Gilseyhu
4 clan are Knedebeas, Gooхлаht and Samooh; is that
5 right?

6 A (WITNESS NODS HEAD IN RESPONSE)

7 Q Now, is there any precedence among those chiefs, in
8 that is anyone more important than the other? Well,
9 make it easier, this will make it easier --

10 A They have different house like Samooh -- I mean
11 Caspit. Like on our side it's Sarah, me and
12 Catherine, three of us, that's Oonis to d'en, that's
13 our house.

14 MR. FREY: Okay. Can you give that name to the reporter, Mr.
15 Mitchell.

16 THE TRANSLATOR: O-O-N-I-S, T-O, D--E-N.

17 MR. FREY:

18 Q And Oonis to d'en is the name for the house of which
19 Knedebeas is the head chief?

20 A Right.

21 Q And the three chiefs on that side are Sarah Layton,
22 yourself and Catherine Michell?

23 A Yup.

24 Q And you mentioned Caspit. Which house is he in or
25 does he have his own house.

26 A He has his own house.

27 Q And who is Caspit today?

28 A Stanley Morris.

29 Q Stanley Moore?

30 A Morris.

31 Q Morris. Now, of these -- I guess it's four chiefs of
32 Knedebeas, Gooхлаht, Samooh and Caspit, is anyone more
33 important than any other chief?

34 A Well, if you are in a feast, like, depend. Like if
35 his house have problem they are their leader, that
36 party. So if there is problem in my family then we
37 are the head of the party, and then they are in --
38 they are all in the table but they are all helping
39 out. So I don't know how you work that.

40 Q Let me just put it this way: Have you ever heard that
41 Knedebeas is the most important chief in the Gilseyhu
42 clan?

43 A In our territory grandma is, she is the head.

44 Q And grandma is Christine Holland?

45 A (WITNESS NODS HEAD IN RESPONSE)

46 Q Is Christine Holland still alive?

47 A No. That's Sarah got her name now.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q Right, that's what I thought. Now, within the clan,
2 within the Gilseyhu clan, is Knedebeas the most
3 important chief or are all of the four chiefs we've
4 been talking about of equal importance?

5 A About equal.

6 Q Now, the name Weeliih, Catherine Michell's name, do
7 you know what that name means?

8 A (WITNESS SHAKES HEAD IN RESPONSE)

9 Q Do you know of any story that's associated with that
10 name?

11 A Nope.

12 Q There is a name that I've read as in Goohlaht's house
13 and I have a spelling for it that I'm sure is not the
14 current spelling, but what I have a spelling for is
15 N-E-'-K, Ne'k. Have you ever heard of that name? You
16 hadn't heard of that name?

17 A No.

18 Q Now, the affidavit that you swore was regarding
19 territory out at Gosnell Creek. For the reporter
20 you'll have to answer yes or no.

21 A Yes.

22 Q And I understand that you've recently built a trapping
23 cabin up there; is that correct?

24 A Yes.

25 Q And did you receive assistance from the federal
26 government to do that?

27 A No.

28 Q All right.

29 A I stole it off the white people.

30 MS. MANDELL: Don't put that on the record.

31 MR. FREY: I am afraid it's on the record now.

32 MS. MANDELL: Then record that he laughed.

33 MR. FREY:

34 Q Did you make an application for assistance to the
35 federal government to build that cabin?

36 A Yeah.

37 Q And they didn't help you at all?

38 A Not yet.

39 Q Not yet?

40 A No.

41 Q Do you expect to get some help?

42 A I don't know.

43 Q You are not aware whether you are going to receive any
44 financial assistance for that cabin or not?

45 A No.

46 Q All right. You don't know whether the application
47 that you made to the government, you don't know

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 whether it was approved or not?

2 A I never heard from them so -- it takes a few years if
3 you apply.

4 Q All right. You've never heard that your application
5 was approved?

6 A No, not for the cabin.

7 Q And -- now, you were born in '42, 1942?

8 A Forty-three.

9 Q Forty-three. Well, you would be quite young, but do
10 you remember when your uncle became Noostel, when Ben
11 Holland became Noostel?

12 A But I remember my auntie, I just barely remember she
13 died, she had Ben's name. I don't remember when Ben
14 got the name. My Auntie Mary Seymour had it. I
15 remember just little bit of that, but when Ben got the
16 name I wasn't aware.

17 Q Mary Seymour had it before Ben Holland?

18 A Yeah. That's Ben's older sister.

19 Q Now, I'm going to ask you about a name that I
20 understand is a name in the House of Goohlaht and I'll
21 try and pronounce it; Gitam Giye'ks. Now, have you
22 ever heard of a name like that? I'll spell it,
23 G-I-T -- I'll write it out for you. G-I-T-A-M,
24 G-I-Y-E-'-K-S. And this is -- I understand that this
25 is a chief's name in Goohlaht's house. I'm wondering
26 if you've ever heard of that name?

27 A Maybe potlatch I might have heard it. I'm not sure.

28 Q Today you don't recognize it?

29 A No.

30 Q Now, do you know any of the crests in Goohlaht's
31 house?

32 A I think a lot of the crests got frog, big frog.

33 Q Big frog. Can you remember any others?

34 A In her house?

35 Q In Goohlaht's house?

36 A (WITNESS SHAKES HEAD IN RESPONSE)

37 Q No?

38 A No.

39 Q Well, can you tell me what the crests are in
40 Knedebeas' house?

41 A That's a frog again and then mine is Wolverine.

42 Q That's Noostel's crest?

43 A Yes, Noostel.

44 Q And can you remember any more in the House of
45 Knedebeas?

46 A If I seen the blanket here I can tell you.

47 Q All right. But today you can recall frog and

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Wolverine?

2 A Yeah.

3 Q All right. Now, the name of the territory in your
4 affidavit is Talbiits Kwe?

5 A Yes.

6 Q Can you pronounce it for me?

7 A Talbiits Kwe.

8 Q Talbiits Kwe. Have you ever heard that that territory
9 was originally Tsayu territory?

10 A No.

11 Q You never heard that story? Have you ever heard a
12 story that it was exchanged for a fishing site on the
13 Bulkley?

14 A No.

15 Q Now, do you know where Goohlaht's territories are?

16 A Yup.

17 Q Have you ever heard that Goohlaht had a territory
18 called Dizkle, D-I-Z-K-L-E?

19 A No.

20 Q Have you ever heard that the east side of the Bulkley,
21 north of Moricetown and going, you know, for 10 or 15
22 miles up, have you ever heard that that was Goohlaht's
23 territory?

24 A (WITNESS SHAKES HEAD IN RESPONSE)

25 Q Have you ever heard that Hagwilget Canyon was in
26 Goohlaht's territory?

27 A No.

28 Q Now, do you know where Owen Lake is?

29 A Yup.

30 Q And do you know where Nadina Mountain is?

31 A Yup.

32 Q Have you ever heard that that's in Goohlaht's
33 territories?

34 A No.

35 Q Now, have you ever heard that Felix George held the
36 name Goohlaht?

37 A (WITNESS SHAKES HEAD IN RESPONSE)

38 Q Can you say no?

39 A No.

40 Q Lucy Namox holds that name today; is that correct?

41 A Right.

42 Q And do you know when she got the name?

43 A I don't know what year it is but it's a little ways
44 back she got that name.

45 Q Was it around 1976?

46 A Somewhere in there.

47 Q All right. And do you know who held the name before

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 her?

2 A No.

3 Q My understanding is that there was quite a few years
4 when -- before Lucy received the name, that there was
5 quite a few years when no one held that name; is that
6 correct?

7 A Can't recall on that.

8 Q Were you at the feast when Lucy Namox became Goohlaht?

9 A Yes.

10 Q And can you recall how much of a contribution she made
11 to get that name?

12 A No.

13 Q Do you have any idea?

14 A (WITNESS SHAKES HEAD IN RESPONSE)

15 Q That's no?

16 A No. See, like, I think maybe now they record, but
17 them days, like all the other clan, they witness it,
18 and that's what they base it on.

19 Q All right. When -- from your recollection, when did
20 they start writing these things down and I mean the
21 feast contributions and the distribution of the feast?

22 A I don't know.

23 Q Well, can you remember the first time that you were at
24 a feast when you saw somebody writing all of that
25 down?

26 A Oh, maybe five years back.

27 Q Now, does Noostel have any territory down by Pack
28 Lake?

29 A I don't know how that works, but ever since I was a
30 kid, we went both area, we went to Pack Lake, Poplar
31 Lake, and then Talbiits Kwe.

32 Q All right. Well as Noostel, are you -- are you in
33 charge of looking after the territories at Talbiits
34 Kwe?

35 A Yeah.

36 Q And are you in charge of the territories at Pack Lake?

37 A It's registered, it's on Catherine, my oldest sister.

38 Q Catherine Michell?

39 A Yeah.

40 Q And it's registered in her name?

41 A (WITNESS NODS HEAD IN RESPONSE)

42 Q Yes?

43 A Yes.

44 Q But in the House of Knedebeas, you are in charge of
45 Talbiits Kwe?

46 A Yes.

47 Q But you are not in charge of Pack Lake?

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

- 1 A I don't know. Nobody told me that I had -- I had
2 nothing to do -- like, we go both areas.
3 Q Nobody ever told you that you were in charge of Pack
4 Lake?
5 A No.
6 Q But you've been told you are in charge of Talbiits
7 Kwe?
8 A Yup.
9 Q Now, Catherine Michell is the chief who holds the name
10 Weeliih?
11 A (WITNESS NODS HEAD IN RESPONSE)
12 Q And it's your understanding that she is in charge of
13 Pack Lake, that's her territory?
14 A I guess so.
15 Q Now --
16 A But if she wants to go to Talbiits Kwe, she -- it's
17 open to her, and if I want to go Poplar Lake, it's
18 still our territories.
19 Q Well, you don't have to ask her permission to go to
20 Pack Lake?
21 A No.
22 Q And she doesn't have to ask your permission to go to
23 Talbiits Kwe?
24 A No.
25 Q Now, when did Sarah Layton get the name Knedebeas?
26 A I think Grama died '80. It took place when Grama was
27 still alive, so probably '79. I don't know. I don't
28 know exact what year it was.
29 Q Around there?
30 A Grama was still alive. She handed the name over to
31 Sarah.
32 Q And do you recall -- and there was a feast when she
33 became Knedebeas?
34 A Yeah.
35 Q And do you recall how much of a contribution Sarah
36 Layton made for the name?
37 A Mm-mmm.
38 Q No?
39 A No.
40 Q And why did Sarah Layton become Knedebeas? I don't --
41 that's too vague a question, I'm sorry. Why did Sarah
42 Layton become Knedebeas as opposed to, for example,
43 Catherine Michell or yourself?
44 A She is the oldest in our family.
45 Q If -- in 1979, if you had been older than Sarah
46 Layton, would you have become Knedebeas?
47 A It's up to Grama.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q Up to Christine Holland?

2 A Yeah.

3 Q And she selected Sarah Layton?

4 A Yeah.

5 Q As the successor?

6 A Right. I might be bad actor so I wasn't picked.

7 Q Now, do you know where Shae Lake is?

8 MS. MANDELL: Does it have a Wet'suwet'en name?

9 MR. FREY: Yes, it does. The name that I have from the
10 affidavit is Tal^udzee Wayeez Ben. Maybe Mr. Mitchell
11 can --

12 MS. MANDELL: Where are you?

13 MR. FREY:

14 Q -- do better than my pronunciation. It's in paragraph
15 5 and in the boundary description it's the eighth line
16 down.

17 Do you know of the lake I'm talking about?

18 A If I'm out there I'll probably know which lake this
19 is.

20 Q Well, just to make sure, you have your affidavit in
21 front of you?

22 A Yeah.

23 Q And I'm -- the name I'm wondering about is in
24 paragraph 5 of the affidavit and it's at the beginning
25 of the eighth line and it's spelled T-A-L, underlined,
26 D-Z-E-E, new word, W-E-Y-E-E-Z, B-E-N. And then the
27 affidavit shows that afterwards as being Shae Lake.

28 Now, do you know -- having referred you to that
29 place in the affidavit, do you know the lake that I'm
30 talking about?

31 THE TRANSLATOR: Tal^udzee Weyeez Ben.

32 MR. FREY: Mr. Mitchell is helping us, he is pronouncing the
33 name. Can you say that again.

34 THE TRANSLATOR: Tal^udzee Weyee Ben.

35 A That would be Florence Hall trapline site.

36 MR. FREY:

37 Q All right.

38 A Tsayu, Laksamshu, that area.

39 Q So you know the lake that I'm talking about?

40 A Yeah.

41 Q You recognize the name?

42 A Yeah.

43 Q All right. And then that's Tsayu territory?

44 A Yeah. Tsayu and Laksamshu.

45 Q All right. And if someone said that that was Gil^useyhu
46 territory, they would be wrong?

47 A The lake, yeah, it's -- no, that's outside our

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 territory.

2 Q And there is a creek flowing out of that lake -- well,
3 actually, I should ask you. Do you read maps?

4 A No.

5 Q All right. There is a creek flowing northeast out of
6 that lake, and I'm going to give you a spelling that I
7 got off of an interrogatory map, which I'll write it
8 on the back of the affidavit here for you. And the
9 spelling is T-E-H-W-U-L, new word, D-U-L.

10 Now, my understanding is that's a creek that
11 flows out of Shae Lake. Have you ever heard that name
12 before?

13 A The name of the creek?

14 Q Yeah. I'm naming the creek that flows northeast out
15 of Shae Lake.

16 A Flows towards our trapline?

17 Q It flows alongside it. It flows alongside it. Maybe
18 what I'll do is get Mr. Mitchell to try this one.

19 THE TRANSLATOR: Tehwul Dul.

20 MR. FREY: Does that ring a bell?

21 MS. MANDELL: There is no proper Wet'suwet'en spelling that you
22 have of it, eh?

23 MR. FREY: Well, that's from an interrogatory map. I believe
24 it's from the Sarah Layton interrogatory map. I
25 didn't make it up.

26 MS. MANDELL: I'm not suggesting you did. I am just saying it's
27 not coming through as sounding like a Wet'suwet'en
28 word to anyone.

29 MR. FREY: Well, Mr. Mitchell has promised to give it one more
30 try. Mr. Mitchell?

31 THE TRANSLATOR: Tehwul Dul.

32 MR. FREY:

33 Q You still don't recognize that?

34 A No.

35 MS. MANDELL: Does the creek have an English name?

36 MR. FREY:

37 Q I'm sure it does but not on my map. I'm afraid I
38 don't know the English name for it.

39 All right. Now, I understand that the informants
40 upon which your affidavit is based are Sam Seymour and
41 your Uncle Ben Holland?

42 A Right.

43 Q Now, is Sam Seymour, was he in the House of Knedebeas?

44 A Yes.

45 Q And did he hold a name?

46 A He had a name and I forgotten what.

47 Q Was it a chief's name?

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

- 1 A Yeah, it was, but I've forgot.
2 Q So Sam Seymour had a chief's name but you just can't
3 remember the particular name?
4 A Right, no.
5 Q All right. And when did Sam Seymour die?
6 A 1964.
7 Q Now, your father, Sylvester William, he trapped on
8 this territory, is that -- or Sylvester William, he
9 trapped on this territory; is that right?
10 A Right, yes.
11 Q And did he build a cabin on the territory?
12 A He had a little shack built beside the one I built.
13 Q And is that on Gosnell Creek?
14 A Right on the edge of Morice River.
15 Q Now, as Noostel, do you own the territory at Talbiits
16 Kwe or are you just the caretaker?
17 A Own that territory.
18 Q You own that territory?
19 A With the family.
20 Q So, if someone said that you were merely a caretaker
21 of the territory that wouldn't be correct?
22 A No.
23 Q Now, have you ever had difficulty with trespassers on
24 your territory up by Morris Lake?
25 A Yeah. Once I had a call from the game warden that
26 told me I should check out my trapline, and then at
27 the same time he was talking to me that if I caught
28 somebody, I have to lay charges. Before I went he
29 asked me if I was going to back out if I caught
30 somebody, and then I told him that, you know, he is
31 the one that first informed me, so I went out there.
32 Q And after he called you did you go out and have a look
33 around?
34 A Yeah,
35 Q Did you find anyone?
36 A We came a little too early. He just had his traps
37 spread all over the trail and when we got there he --
38 his -- he didn't go back to that camp, his tent was
39 knocked down with snow and that's where it sat for
40 that winter. And the guy that was camping out there,
41 that's Charlie Skinner, he is the one that's got a
42 trapline past mine. And Alfred Mitchell was with me
43 and he told him, "Old days if you trespass on
44 somebody's trapline they shoot you." And he said they
45 weren't, they were just making trails through there.
46 But winter before that, my dad told me about what was
47 happening, there was somebody with a trail by Morice

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 River and they had a trail going out on my traplines.
2 Q Your Dad told you about that?
3 A Yeah. That was a year before, and that following
4 winter, game warden phoned me.
5 Q All right. And what year was it when the game warden
6 called you?
7 A Say, about three years ago.
8 Q So the first problem you heard about was the one your
9 father told you about?
10 A Yeah. Dad had his cabin by the river, he was just
11 around the river and out a ways, and these guys had a
12 trail going out.
13 Q And did they have traps going out that trail?
14 A Well, when we went there, it wasn't set yet, but there
15 was -- along the trail he had ones here and there but
16 none were set.
17 Q All right. And just so that I'm getting this
18 straight, was the place where your dad thought there
19 was trespassers, the same place that you went to the
20 year after and found those tracks -- traps?
21 A Yeah.
22 Q It's the same place?
23 A Yeah. Same direction where that trail was going.
24 Q And you were out there with Alfred Mitchell?
25 A Yeah, me and Alfred went out there.
26 Q And Mr. Skinner -- did you think they were his traps?
27 A Yeah, it was his.
28 Q It was his?
29 A But when we went there, he wasn't there, he was in
30 Rupert, but his partner was out there.
31 Q And who was his partner, do you know?
32 A Stan Newgardt.
33 Q And when you -- it was Mr. Mitchell who spoke to Mr.
34 Newgardt?
35 A Yeah.
36 Q And when you found Mr. Newgardt, was it on your
37 trapline or over on his trapline?
38 A Yeah. He was -- I would say about not quite half ways
39 on Gosnell River.
40 Q So that's in your area?
41 A Yeah.
42 Q All right. And did you -- did you ever tell the game
43 warden about Mr. Skinner or Mr. Newgardt?
44 A I didn't tell him anything because there was no traps
45 set, and then when we went back second time they
46 weren't even around anymore.
47 Q Now, the first time that you went to Talbiits Kwe was

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 in 1960?

2 A Yeah, somewhere in there, about. I went few times
3 with Sam and Ben. Like '61 was the time we went, we
4 spent over a month out there.

5 Q '61?

6 A Yeah. But before we went before too, but we didn't
7 went as far as we did in '61. '61 we went just about
8 right to the back end.

9 Q All right. And up to the time when Sam Seymour passed
10 away in 1964, how many times had you been out to the
11 line?

12 A Like we been around the river area but then we never
13 really went back to the back end where I went with
14 them.

15 Q That's what I mean?

16 A Yeah.

17 Q When you say "out to the back end" do you mean going
18 up Gosnell River or Gosnell Creek?

19 A Yeah.

20 Q Is that what you mean?

21 A Yeah. Well, about three years I went maybe better
22 than half ways, me and Alfred Mitchell.

23 Q Half-way up Gosnell Creek?

24 A Yeah.

25 Q Okay. And between 1961 and three years ago, did you
26 ever go up the creek to the back of the territory?

27 A I haven't, but Dad always did. Dad and my
28 brother-in-law, they went out.

29 Q Who is your brother-in-law?

30 A Kenney Mitchell. And then my nephew, Roger Mitchell,
31 he went with them too.

32 Q Okay. Now in terms of a -- the lower part of the
33 territory -- and when you talk about the lower part of
34 the territory are you talking about where the Morice
35 River and the Gosnell Creek flow together?

36 A Yeah.

37 Q That's what you mean when you talk about the lower
38 part of the territory?

39 A Yeah.

40 Q And how many times have you been to the lower part of
41 the territory?

42 A You mean just lately?

43 Q Well, since 1961, if you can give me an idea?

44 A I never went that often. But lately I've been going
45 back out. But all this time, Dad was always, he -- he
46 is the one that always trapped.

47 Q So would it be fair to say that during the '60s and

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 the '70s you didn't go very much at all, but in the
2 '80s you have been going more often?

3 A Yes.

4 Q And did your father used to go every winter?

5 A Till about a year before he died, he quit going. I
6 guess he knew he had a health problem then.

7 Q And your father was Laksilyu clan?

8 A Laksilyu.

9 Q And what was -- how did he have a right to go on the
10 Talbiits Kwe territory?

11 A That was under Grama's permission. He was the
12 son-in-law and ever since '43 he has been out in that
13 area with my Uncle Ben, Jim Holland and Joe Holland,
14 that's another uncle. Jim was grandfather and Joe was
15 uncle before Ben.

16 Q Sylvester was married to one of Christine Holland's
17 daughters?

18 A Yeah.

19 Q And who was that?

20 A Elizabeth.

21 Q Now, do you remember that before you swore your
22 affidavit, that you met with Marvin George and Alfred
23 Mitchell to discuss the territory?

24 A I met with -- me and Alfred were -- we met with Louise
25 and I told them where the -- where the boundary line
26 is of the clan. And after -- after that statement I
27 gave them, Marvin came back.

28 Q Now, the first time was Marvin there, Marvin George?

29 A When I went through this, Louise was the first one I
30 made my statement.

31 Q Just so we know we are talking about the right thing:
32 I'm talking not about the time when you actually
33 signed the affidavit.

34 MS. MANDELL: Nor is he.

35 MR. FREY:

36 Q I just want to make sure. I'm talking about when you
37 met with them before they drew up the affidavit. Did
38 you understand that that's what I was talking about?

39 A Yeah.

40 Q All right. And I just wanted to confirm that the
41 first -- you had two meetings -- your recollection is
42 you had two meetings and Alfred Mitchell and Miss
43 Mandell were at the first meeting and Marvin George
44 and Alfred Mitchell were at the second meeting. Have
45 I got it right?

46 A Yup.

47 Q Now, I have a copy of notes that Mr. George made at

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 the second meeting, and these are just Mr. George's
2 notes so that isn't word for word what was said. Do
3 you understand that?

4 A Yeah.

5 Q All right. Now, one of the things that Mr. George
6 says in his notes, and I'll -- I'm reading from the
7 third -- top of the third page, and what he says is:

8 "Actual boundary between Knedebeas and Gyologyet
9 starts at Teekwilyil --"

10 Which, Madam Reporter, is T-E-E-K-W-I-L-Y-I-L. Or
11 excuse me, that could be L underlined. Is it T-E-E-K
12 or T-E-E-L underlined?

13 MR. GEORGE: Teekwilyil.

14 MR. FREY:

15 Q Teekwilyil, thank you. And continuing with the quote:

16 "-- then runs west along hillside to Teezdlii
17 Dzel. Agrees to leave boundary at confluence of
18 Talbiits Kwe and Wedzin Kwe."

19 Now, Talbiits Kwe is Gosnell Creek and Wedzin Kwe is
20 Morice River?

21 A Right.

22 Q And what Mr. George notes is that you agreed to leave
23 the boundary at the confluence of Gosnell Creek and
24 Morice River. Now, were you of the view that the
25 boundary should be somewhere else?

26 A No.

27 Q All right. Were you uncertain -- and I'm just going
28 from Mr. George's notes that apparently you agreed to
29 leave the boundary there. Were you uncertain where
30 the boundary was?

31 A Nope. See, like if -- like all the time when I went
32 out there with my uncle, like it's --

33 Q Ben? Uncle Ben?

34 A Talbiits Kwe, it's a valley, eh, and all the
35 surrounding area, the other trapline was all -- we
36 have -- we was surrounded, we was right in the middle.
37 Just like a valley, Talbiits Kwe, sort of the back
38 end.

39 Q Well, can you recall -- and again I'm looking at this
40 "Agrees to leave boundary at the confluence of
41 Talbiits Kwe and Wedzin Kwe." Can you remember what
42 you were discussing with Mr. George? Were you
43 discussing whether the boundary should be there or
44
45
46
47

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 not, do you have any recollection of that?

2 A Well, I guess if I gave Marvin the information then he
3 looked it up after. Like there would be a hill there,
4 eh, that's where -- like, if you are right there you
5 point out where your line is supposed to be. So for
6 me, to put it on the map, it's just a hill, let's say,
7 right that way.

8 Q All right.

9 A And we go by the hill.

10 Q All right. But his note is that you agreed to leave
11 the boundary there, and so I'm saying, do you recall
12 any discussion --

13 MS. MANDELL: Well, just a minute.

14 MR. FREY: -- at your meeting with --

15 MS. MANDELL: If I can correct it. There is three people
16 present, Alfred Mitchell, Warner William and Marvin
17 George, and the note is, "Agrees to leave," and there
18 is no indication that it's Mr. William or anybody else
19 in particular who might be said to have agreed. So
20 maybe if the question could be more accurately attuned
21 to the notes.

22 MR. FREY:

23 Q Well, Mr. Mitchell and you were there to tell Mr.
24 George about the boundaries?

25 A Yeah.

26 Q So Mr. George wasn't there to tell you about the
27 boundaries, was he?

28 A No.

29 Q All right. So if there was a question of someone
30 agreeing to leave the boundary there, it was either
31 you or Mr. Mitchell?

32 A Yeah.

33 Q All right.

34 A See, when we are making the boundary, like there is
35 lots of little creeks, we don't know the name, eh.
36 Like my dad used to know all the names and I never had
37 a chance to be out there with him. Like a lot of
38 creeks -- like if we were at home he will mention a
39 creek. Like some creek runs from the other territory,
40 and then things like that, and lot of creeks, little
41 lakes, you know. If I'm out there, like, I can ask
42 the elders. Like I know most of the area but I can't
43 name all the creeks.

44 Q You had a chance to learn the main features?

45 A Yeah.

46 Q Not the small details?

47 A No.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q Now, can you remember -- and again, I'm going back to
2 the meeting and your recollection of the meeting. Can
3 you remember that either Mr. Mitchell or yourself was
4 of the view that that boundary should be someplace
5 else?

6 A No.

7 Q Can you recall that Mr. -- either Mr. Mitchell or
8 yourself were under any uncertainty as to where that
9 boundary should be?

10 A No.

11 Q So you don't -- you can't explain to me why that note
12 is the way it is?

13 A No.

14 Q You can't remember?

15 A No.

16 Q All right. Now, at the bottom of page 2 of those
17 notes there is and I'm reading now from the notes, it
18 says:

19 "Names that Alfred Mitchell was unsure of:"

20
21
22 And number one, Taniits Tsezel, and there is a
23 reference to the boundary between Knedebeas and
24 Gisdaywa. Did you tell Mr. George that?

25 MS. MANDELL: Did he tell Mr. George what?

26 MR. FREY:

27 Q Did you tell Mr. George that the name Taniits Tsezel
28 was the boundary between Knedebeas and Gisdaywa?

29 A Is this the name of a lake?

30 Q Well, maybe I'm -- maybe I'm jumping ahead. Were you
31 aware that the name for the boundary between Knedebeas
32 and Gisdaywa had that name, Taniits Tsezel, and I'm
33 going to ask Mr. Mitchell to pronounce that.

34 THE TRANSLATOR: Taniits Tsezel.

35 MR. FREY:

36 Q Have you ever heard that name?

37 A I might have and then again --

38 Q All right. So --

39 A See like --

40 Q I take it that you weren't the one that told Mr.
41 George that that was the boundary between Knedebeas
42 and Gisdaywa?

43 A Maybe I and Alfred together, kicking it around,
44 because --

45 MS. MANDELL: Well, if it is the boundary, this is just Marvin's
46 notes. We presume that it says -- there is a
47 Wet'suwet'en name and then dash, "Boundary between

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Knedebeas and Gisdaywa," and you are asking him
2 whether or not -- are you asking him whether or not it
3 is the boundary or does he know if it's the boundary?

4 MR. FREY: I'm asking -- well, I'm asking whether you told
5 Marvin George on that day that that was the boundary.
6 Perhaps we should take an adjournment now.
7 (BRIEF ADJOURNMENT TAKEN)

8 MR. FREY: Now, Mr. William, we were working away on this
9 troublesome name.

10 MS. MANDELL: Do you want my second page, the one that's in more
11 clear writing?

12 MR. FREY: Thank you.

13 MS. MANDELL: And we'll take yours.

14 MR. FREY:

15 Q Okay. Miss Mandell has just given me the original of
16 Mr. George's notes and I'm asking about the Taniits
17 Tsez~~e~~l name. Now, were you aware that that was the
18 Wet'suwet'en name for the boundary between Knedebeas
19 and Gisdaywa?

20 A Well, at that time me and Alfred, like we know lots of
21 little lake and creek and we know roughly -- we
22 pointed out where it was. But the creek and lake,
23 little lakes, we wouldn't -- like, we didn't know the
24 name.

25 Q I see. So you knew where the features were?

26 A Yeah.

27 Q You knew that there was a lake here?

28 A Yeah.

29 Q And that there was a river here and that that was the
30 boundary?

31 A Yeah.

32 Q But you didn't know the names?

33 A No.

34 Q The Wet'suwet'en names?

35 A No.

36 Q All right. And again, this particular name I've been
37 asking you about, you didn't know that that was the
38 name for the boundary between Knedebeas and Gisdaywa?

39 A When we came to a deal like that, I told Marvin that
40 if he is going to be going through other people's map
41 too, you know, and see what they say. Some places
42 might be a little tight.

43 Q Um-hmm?

44 A So -- but it's -- like in our area, like you go by the
45 hills and creeks, lakes, and then I don't think
46 whatever decision I make, me and Alfred made, we -- I
47 don't think we have any problem with it, otherwise

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 other clan would have been after us if we claim their
2 area. So we must be right in area.

3 Q All right. But that -- I'm just asking about that
4 name there. And that's not a name that you are
5 familiar with?

6 A Which one?

7 Q Sorry. Taniits Tsezel. Maybe Mr. Mitchell can say it
8 again.

9 THE TRANSLATOR: Taniits Tsezel.

10 A Yeah, that sounds familiar. Like even my mom used to
11 tell story about some of the names, eh, when we were
12 younger. Yeah, that's a name of an area.

13 MR. FREY:

14 Q All right. And did you know -- were you the one that
15 told Marvin George that that name was the boundary
16 between Knedebeas and Gisdaywa?

17 A Yeah. Me and Alfred, we didn't know the name.

18 Q All right, all right. Now, there is a name right
19 under that in Wet'suwet'en, it's T-'-E-E-S-T-E --,
20 sorry new word, T-E-E-L underlined, Y-E-E. And Mr.
21 Mitchell, can you help me out by pronouncing that
22 word.

23 THE TRANSLATOR: T'ees teelyee.

24 MR. FREY:

25 Q Can you tell me what that's a name for?

26 A No, I couldn't recall.

27 Q All right. And there is another name C-E-S, new word,
28 D-E-L underlined K-E-S. Again, Mr. Mitchell, if you
29 can pronounce that for me.

30 THE TRANSLATOR: Ces Delkes.

31 A Ces Delkes.

32 MR. FREY:

33 Q Do you know what that's the name for?

34 A Probably one of the hills. I don't know which one but
35 it's a name of a hill.

36 Q But you can't remember which hill?

37 A No.

38 Q Okay. And then one more here, L underlined A-A, I
39 believe it's C-E-N, and then new word T-A-A-T-L
40 underlined. And again, Mr. Mitchell, if you can do
41 the honours.

42 THE TRANSLATOR: Laa Xen TaatL.

43 MR. FREY:

44 Q It's the one at the very bottom of the page, Mr.
45 William?

46 A How you pronounce it, Ron?

47 THE TRANSLATOR: Laa Xen TaatL.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 A Laa Xen Taatl.

2 MR. FREY:

3 Q You don't recognize that one either?

4 A No.

5 Q All right. At this meeting, I take it that what you
6 are saying, that you and Alfred Mitchell would discuss
7 a name and between the two of you, you would figure
8 out what it was the name for? I'm talking about the
9 names that ended up in the affidavit?

10 A Yeah.

11 Q And some of the names you knew and some of the names
12 he knew?

13 A Yeah.

14 Q All right. And if I've got the process right, the
15 first meeting you just described the boundaries
16 generally?

17 A Yeah.

18 Q You just said, "It's out by Gosnell Creek and then it
19 goes up that hill," that sort of description?

20 A Yeah.

21 Q All right. And then there was a second meeting with
22 Marvin George, and did he have a list of these names?

23 A When we first met it was me and Alfred.

24 Q Um-hmm?

25 A That -- like Alfred knew quite a bit of those because
26 he has been out there for quite a few years too and he
27 travelled with Dad and Uncle Ben, and lot of those
28 creek names he'll know. Me, I don't know all the
29 names.

30 Q Well, for the names, for example, if we look at pages
31 3 and 4 of the affidavit, and at page 4 as well there
32 is a bunch of names on page 4. I take it that a lot
33 of those names you learned -- you learned the
34 particular name from Mr. Mitchell?

35 A My uncle too, and Dad and them.

36 Q Well, you had a meeting with Alfred Mitchell this
37 year?

38 A (WITNESS NODS HEAD IN RESPONSE)

39 Q And you mentioned that you knew some of the names but
40 he knew more of the names of the smaller creeks and
41 the smaller hills; is that right?

42 A Yeah.

43 Q And he told you those names?

44 A Well, between him and Dad. Like, some he doesn't
45 know.

46 Q Right.

47 A Some of it Dad knew and then in the end even Dad

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 forgot some of the creeks because there is so many of
2 them.

3 Q All right. And -- but I take it that some of the
4 names that are listed in the affidavit are names that
5 you learned from Mr. Mitchell?

6 A Yes.

7 Q And some of the names are names that you learned from
8 Sylvester William?

9 A Yes.

10 Q And your father couldn't remember all of the names?

11 A No.

12 Q And Mr. Mitchell couldn't remember all of the names?

13 A Well, I don't know how you put that. But between the
14 two of them, like when I went down Gosnell River,
15 me and Alfred we came right to Dad's house and then
16 that's when they were -- the creeks here and there
17 like, and then -- then the two of them, they were
18 talking and I was sitting there with them, like that's
19 where they figure out those names.

20 Q All right. And again, you are talking about -- when
21 you say "that's where they figured out those names",
22 you are talking about your father and Alfred Mitchell?

23 A Yeah.

24 Q All right. And when -- in terms of the meeting that
25 you had with Alfred Mitchell and Marvin George just to
26 swear -- to give Mr. George this affidavit, to swear
27 this affidavit, some of the names that are in your
28 affidavit are names that you learned from Mr.
29 Mitchell?

30 A Yeah.

31 Q And he learned them because he went out and met with
32 your father?

33 A Yeah.

34 Q All right. And when you had the second meeting with
35 Mr. George and with Mr. Mitchell, did -- was there a
36 map there?

37 A There might have been because that's -- that's from
38 certain point on the map would have figured out the
39 creeks, eh, that's where these names come in. Like we
40 know Talbiits Kwe and few main creek in that stream,
41 and then there is bunch of other little ones around.
42 But when I was out there with my uncle and cousins and
43 Sam, like every creek we crossed, like, in the area
44 from our main camp, we will be going different
45 direction every other day, and then other creeks we
46 cross, and they always had name for it but never
47 stayed in there. Them days they didn't have

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 computers.

2 Q You're right.

3 A So it came out.

4 Q All right. Now, do you remember at your meeting with
5 Mr. George, did he have a map and you would be looking
6 at it with Mr. Mitchell and Mr. George, and then Mr.
7 George would point to a creek and he would say, "Do
8 you know what the name of that creek is," is that how
9 it went?

10 A Yeah.

11 Q All right. And he would point out a creek and you and
12 Mr. Mitchell would discuss it between yourselves?

13 A (WITNESS NODS HEAD IN RESPONSE)

14 Q And then sometimes he would know the name and
15 sometimes you would know the name and sometimes you
16 had to discuss it and then you would come up with a
17 name?

18 A Yeah.

19 Q And that's how the process worked?

20 A Yeah.

21 Q All right. Now, sometimes did Mr. George have a name
22 that he would say, "Is this the right name," or, "Is
23 this spelt right?"

24 A When this was taking place, like we would have that
25 Indian name in there, Marvin, he was trying to spell
26 it close as he could, and then he would have professor
27 like Ronnie to correct it for him.

28 Q Referring to Mr. Mitchell. So in other words, he
29 would have a map?

30 A Yeah.

31 Q He would be pointing at the map?

32 A Yeah.

33 Q You would have a discussion with Mr. Mitchell?

34 A (WITNESS NODS HEAD IN RESPONSE)

35 Q And one of the two of you or both of you would come up
36 with a name?

37 A Yup.

38 Q Is that correct?

39 A Yeah.

40 Q And then after you came up with the name, Mr. George
41 would write it down and they would ask you to
42 pronounce it and make sure he had the spelling
43 correctly?

44 A Well when -- when the creek on the map, like -- he was
45 trying to spell it best way he know how, and then
46 maybe Ronnie and then they might have went over it,
47 trying to correct it, but he was just rough sketching

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 it when he was spelling it.

2 Q All right. Now, did he have Wet'suwet'en names on the
3 map, do you remember?

4 MS. MANDELL: Well, just I'm confused about what point in time
5 and what map?

6 MR. FREY:

7 Q All of these questions are meant to refer to your
8 meeting with Marvin George and Alfred Mitchell, that's
9 what all these questions are about, and you said --

10 A When we were sitting there.

11 Q There was a meeting -- sorry, there was a map at that
12 meeting and you were looking at it, and what I'm
13 asking is were there any Wet'suwet'en names on that
14 map?

15 MS. MANDELL: When? Before the meeting happened, during, after?

16 MR. FREY:

17 Q At the beginning of the meeting?

18 A It was -- it was me and Alfred that was pointing out
19 those traplines in this area, the whole surrounding
20 area.

21 Q Um-hmm?

22 A Like which clan owned it. We -- we were the ones that
23 were saying that, "Past this mountain that's their
24 trapline, trapping area," and all that. We told area.

25 Q All right. And you told him that pointing at the map?

26 A Yup.

27 Q All right. And I think you may have answered this
28 question, but apart from names that Mr. George may
29 have written on the map during the meeting, were there
30 any Wet'suwet'en names on the map?

31 A That's what he was putting on.

32 Q But there weren't any before he started writing the
33 names on the map at the meeting with you?

34 A No.

35 Q All right. Now, in his notes, I'm just reading from
36 the first page of the notes, and I'll spell -- I'm
37 reading where -- just the number one, Ms. Mandell.
38 It's the page which is headed "Monday March 1st,
39 1988."

40 MS. MANDELL: Yes.

41 MR. FREY:

42 Q And next to number one it says:

43
44 "1) Dek'aay Ts'en'aal, moved to a small lake east
45 of Wo'betl'eet."
46

47 Now, do you remember that when you had your meeting

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 with Mr. George, that the locations of any place names
2 were moved or corrected?

3 A What's this one here, I can't pronounce it.

4 Q Well, then, I think we'll try it again with Mr.
5 Mitchell. If you could read that, Mr. Mitchell, just
6 that one line?

7 THE TRANSLATOR: "Dek'aay Ts'en'aal, moved to a small lake east
8 of Wo'betl'eet."

9 A Yes, I remember that.

10 MR. FREY:

11 Q Do you remember talking about those two places?

12 A Yes.

13 Q And do you remember that the location at Dek'aay
14 Ts'en'aal was moved in some way or corrected?

15 A No.

16 Q You don't remember that?

17 A Maybe it was the meadow that was moved, not the lake.
18 It was right there.

19 Q The meadow was moved?

20 A Yeah.

21 Q All right. And when you say it was moved, what do you
22 mean? Did Mr. George have an idea that it was one
23 place and you said, "No, it's not there, it's over
24 here"?

25 A No. First time we went around it --

26 Q Um-hmm?

27 A -- we pointed to the wrong place for him, and then
28 when he came back and then we looked at the way the
29 creek -- where the creek turns and then we kind of get
30 mixed up ourself.

31 Q And again, when you say "we" you mean you and Mr.
32 Mitchell?

33 A Yeah.

34 Q All right.

35 A And then he made a rough sketch and came back and we
36 said, "It's over here," and we pointed wrong place
37 first time.

38 Q Oh. Did you ever drive out to the end of the road by
39 Gosnell Creek and point out to Mr. George the various
40 features? Do you understand my question?

41 A Yup, yup. No.

42 Q No, you didn't. Oh. Well then I'm not understanding.
43 When you say, "We got it wrong the first time," or,
44 "We had it in the wrong place the first time," are you
45 referring to when you and Mr. Mitchell drove out and
46 took a look at the features?

47 A Yeah. We -- like when we went out there, like that's

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 when we forgot some of the name, creeks, that when
2 we -- we came back we went to Dad's place and we
3 discussed it, "Are the creeks here and here?"
4 Q And when you went out there with Mr. Mitchell, when
5 was that?
6 A '84, '85, somewhere in there.
7 Q And was there anyone else with you there at that time?
8 A No, just the two of us.
9 Q All right. And where did you go that time? Did you
10 just go out to the end of the road?
11 A No. We went to Wedzen Kwe. That's that lake, that
12 little lake you were talking about below Herd Dome.
13 Q Oh, I see. So that time you went up -- you went up
14 Gosnell Creek a little bit?
15 A Yeah.
16 Q All right. And after you came back after that drive
17 out there with Mr. Mitchell, you -- you told Mr.
18 George what the boundaries were?
19 A Yup.
20 Q And you gave him some place names?
21 A Yeah.
22 Q And was that back in '84 or '85 as well?
23 A I don't know when that would be.
24 Q All right. But at some point between when you drove
25 out there with Mr. Mitchell and when you met with Mr.
26 George in 1988, either you or Mr. Mitchell told Mr.
27 George about the features out there and about the
28 place names?
29 A Yeah.
30 Q And was that both you and Mr. Mitchell or was it you
31 or was it Mr. Mitchell that told Mr. George?
32 A I think once I even was down there by myself, and then
33 all other times was with Alfred.
34 Q All right. Now, there is a note on the third page
35 that reads as follows, and it's about half-way down
36 and it says:

37
38 "About a week before Sylvester died --"

39
40 MS. MANDELL: Just a minute I don't have it.

41 MR. FREY: Sorry. Page 3 under the heading "General
42 Information".

43 MS. MANDELL: I've got it.

44 MR. FREY:

45 Q Number 12 at the top. And it says, just over half-way
46 down:
47

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 "About a week before Sylvester died, he and Alfred
2 Mitchell went out to the territory, they parked on
3 the road, south of Wedzen Kwe, the highest point.
4 From there they could see all the hills and
5 mountains, he told Alfred the boundary names and
6 hill names but Alfred can't remember them."
7

8 Now, you weren't with your father and Mr. Mitchell
9 that time?

10 A No.

11 Q Do you know when that was? Can you tell me
12 approximately what date that was?

13 A That was during the summer. I don't know what day. I
14 know they went, Alfred drove for Dad.

15 Q Summer of 1988 or summer of 1987?

16 A Probably '87.

17 Q Summer of '87. And did they talk to you about that
18 trip when they came back?

19 A Yeah. Like Alfred told me about it, that they -- Dad
20 wanted to go out there. Like, they went out and
21 they -- in one area there you can just about see the
22 whole area, the mountain, like you can see Herd Dome
23 from right in that area.

24 Q Um-hmm.

25 A Even Florence Hall territory, you can see the
26 mountain, you know, from one area on the road.

27 Q And did Alfred tell you that, "Your father told me
28 these place names but I can't remember them all"?

29 A Yeah. That's -- I know Alfred told me about one
30 weekend they went for a drive out there.

31 Q Now, before we took a break, you mentioned that
32 although you had only been out to the upper Gosnell
33 Creek twice, that you went to the lower part of the
34 territory several times, and you've been to the lower
35 part of the territory several times in the 1980's; is
36 that correct?

37 A (WITNESS NODS HEAD IN RESPONSE)

38 Q And when you say that you are going to the lower part
39 of the territory, are you just talking about going out
40 to the end of the road and then going across the
41 river?

42 A From the end of the road we used to skidoo across
43 to -- on the map there, Tsee Wedii'ahl, below that
44 there is a new steel bridge put in by Houston Forest
45 Products and I was just there Sunday. There is a new
46 road going out from Morice River about 11 kilometre,
47 logging road, that's going in now.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q So when you went out there in the '70's and '80s, you
2 would drive out and then you would take a skidoo
3 across the river?

4 A Yeah.

5 Q And how far away from the end of the road is the -- I
6 take it you would go to the cabin?

7 A Yeah.

8 Q And how far away from the end of the road is the
9 cabin?

0 A The cabin is right on the end of the road.

1 Q It's right on the end of the road?

2 A Yeah. From there you skidoo out there

3 Q I see. And when you went there -- and I'm not talking
4 about the two times that you went to upper Gosnell
5 Creek -- but when you went there on these other
6 occasions, how long did you stay there for?

7 A Just the weekend.

8 Q Just the weekend. And what would you do when you were
9 up there?

0 A Checking out for beaver tracks, going beaver trapping
1 in the spring time, check the area where there is
2 beaver. And then Alfred knows that area, and then
3 when we were skidooing up there, like we went upstream
4 on river once when it was cold winter, so we took the
5 chance but we went on river with skidoo.

6 Q Okay. But when you go up there and you say you
7 checked for beaver traps were you actually setting
8 traps at that time?

9 A No.

0 Q All right.

1 A You want to go there springtime. You check it out
2 where you see beaver have been cutting, like, along
3 the river.

4 Q All right. So you would go out on the skidoo with
5 Alfred to see where the tracks were, and then later
6 Alfred would come back and set the traps?

7 A Springtime.

8 Q Springtime?

9 A Beaver season.

0 Q Now, do you know -- or did you know Houston Tommy?

1 A I remember back, Grama's uncle was -- I don't think it
2 was Houston Tommy, but it was Tommy C'oo.

3 Q Okay.

4 A There was a Houston Tommy but it was before my time.

5 Q All right.

6 A But I didn't know him, but I remember Grama talking
7 about Grama's uncle was Tommy C'oo. No Houston in

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 front.

2 Q All right. Well, I'm asking about Houston Tommy, and
3 he was before your time?

4 A Yeah.

5 Q And do you happen to know what clan Houston Tommy was
6 in?

7 A No.

8 Q All right. Now, did you know that Houston Tommy had a
9 trapline registered at the eastern part of your
10 territory around Chisolm Lake? I will use the
11 Wet'suwet'en term which is spelt
12 N-E-T-S-O-O-W-I-L-D-Z-E-S, new word, B-E-N, which I
13 believe is Netsoowildzes Ben. Did you know that that
14 was also called Chisolm Lake? That's a lake just
15 north of the Morice River towards the eastern end of
16 your territory; is that right? Do you want me to have
17 Mr. Mitchell pronounce that for you?

18 A Okay.

19 THE TRANSLATOR: Netsoowildzes Ben.

20 A That's the area Mat Michell was on, that's Houston
21 Tommy, that's Mary Michell's dad.

22 MR. FREY:

23 Q Do you recognize the name --

24 A Yeah.

25 Q -- that Mr. Mitchell pronounced for you?

26 A Yeah, yeah.

27 Q And that's a lake just north of the Morice River at
28 the eastern part of your territory?

29 A Yeah.

30 Q And did you know that Houston Tommy had a trapline
31 registered there?

32 A Yeah.

33 Q And do you know what right he had to register a
34 trapline there?

35 A After he died it was Mat Michell, he was Neg'edeld'es.

36 Q Yeah. I have a name, I assume we are talking about --
37 I have Mathias Michell?

38 A Yeah.

39 Q And he was Houston Tommy's son?

40 A Son-in-law.

41 Q Son-in-law. Oh, and he was married to Sarah Michell
42 which was Houston Tommy's daughter?

43 A Yeah.

44 Q All right.

45 A And he was in different clan.

46 Q That's right. Mathias was in the House of Madeek; is
47 that correct?

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

- 1 A Yes.
2 Q That's wolf clan, Gitdumden?
3 A But now it's put back on Gilseyhu again.
4 Q All right.
5 A His -- Mat's grandson is Gilseyhu, now it's back on
6 him again, so it went back where it came from.
7 Q And who is Mat's grandson?
8 A Helen Mitchell, my younger sister.
9 Q All right. Kenney Michell, that's Mathias Michell's
10 son?
11 A Yeah.
12 Q All right. And Kenney Michell had that trapline for
13 awhile, didn't he?
14 A Yup.
15 Q And what -- do you know what clan Kenney Michell is
16 in?
17 A Laksilyu, little frog.
18 Q And do you know what house he was in?
19 A No.
20 Q Now, you mentioned that this was Neg'edeld'es?
21 A Yeah.
22 Q Can you explain how that worked on this territory?
23 Who was the Gilseyhu person that was the parent that
24 gave the right to these other people to register the
25 trapline there?
26 A Tommy. See, like, my dad was in the same position
27 across Moricetown. He was Neg'edeld'es till before he
28 died. He willed it back to Caspit and that's how
29 these guys did it too.
30 Q All right. Now, do you know -- when you say "Tommy",
31 do you mean Houston Tommy or are you talking about
32 Tommy C'oo who you mentioned before?
33 A Houston Tommy.
34 Q Houston Tommy, all right. And that was Houston
35 Tommy's traditional territory?
36 A (WITNESS NODS HEAD IN RESPONSE)
37 Q And was -- do you know if Houston Tommy was Gilseyhu?
38 A I have to look it up in Indian dictionary, I guess.
39 Q All right. You can't recall what Houston Tommy's
40 clan -- or you can't recall that Houston Tommy was
41 Gilseyhu?
42 A No.
43 Q You can't recall that?
44 A No.
45 Q All right. Do you know if Houston Tommy had a chief's
46 name?
47 A Oh yeah, he probably did.

W. William (for Plaintiffs)
Cross-exam by Mr. Frey

1 Q Can you remember that name?

2 A If he didn't, he wouldn't have trapline.

3 Q That makes sense. You can't remember his chief's
4 name.

5 A No.

6 Q All right. And had you heard that -- now, had you
7 heard that the line went from Houston Tommy to Sarah,
8 his daughter Sarah under a will?

9 A I don't know.

10 Q You never heard of that?

11 A No.

12 Q All right. And had you heard that the line went from
13 Mat Michell to Kenney Michell under a will?

14 A I don't know how that went.

15 Q You never heard of that?

16 A No.

17 Q All right. And is it Kenney Michell or Kenney
18 Mitchell?

19 A Michell or Mitchell?

20 MS. MANDELL: You can't ask them.

21 MR. FREY:

22 Q Well, I'll keep saying Michell and we'll know who we
23 are talking about. Now, is Kenney Michell still alive
24 today?

25 A (WITNESS NODS HEAD IN RESPONSE)

26 Q All right. And his son -- or rather, his daughter,
27 Helen, is Gilseyhu; is that right?

28 A Wife.

29 Q Oh, his wife is Gilseyhu. All right. And do you know
30 if his wife is registered on the line?

31 A I don't know.

32 Q All right. Now, with Neg'edeld'es, to take the
33 example where it's Gilseyhu territory, the father is a
34 Gilseyhu and his son is in another clan?

35 A Yup.

36 Q And under Neg'edeld'es, the son acquires the right to
37 hold the territory for a certain period of time; is
38 that right?

39 A Yeah.

40 Q When does the son's right to hold the territory end?
41 When his father dies?

42 A Yeah.

43 Q Now, when -- when Mat Michell died, do you know why
44 the trapline was not transferred back to Gilseyhu at
45 that point?

46 A I don't know.

47 Q All right. Now, the last questions I have to ask you,

W. William (for Plaintiffs)
 Cross-exam by Mr. Frey
 Re-exam by Ms. Mandell

1 I just have some names here, and I'm wondering if you
 2 know any of these people or can tell me what clan they
 3 are in. And these are people I understand are
 4 registered on this trapline. Do you know David Moses
 5 or did you know David Moses?

6 A Moses David.

7 Q Moses David. And what house was he in?

8 A He was Gilseyhu.

9 Q Do you remember which house he was in?

10 A No.

11 Q All right. And Patrick Isaac, do you know him?

12 A Yup.

13 Q And what clan is he?

14 A He was Gilseyhu.

15 Q And you've told me that Mathias -- or I believe you
 16 agreed that Mathias Michell was Madeek -- was in the
 17 House of Madeek, excuse me?

18 A Yeah, yup.

19 Q And his wife, Sarah, was Gilseyhu?

20 A Laksilyu, little frog.

21 Q I'm sorry. And Kenney was Laksilyu?

22 A Yup.

23 Q And have you ever heard of a person called Maria
 24 Michell or Marion Michell?

25 A No, I don't.

26 MR. FREY: Don't recognize that one.

27 All right. Well, those are my questions. Thank
 28 you very much.

29 MS. SIGURDSON: I have no questions.

30 MS. MANDELL: I have a few questions for you.

31
 32 RE-EXAMINATION BY MS. MANDELL:

33 Q You were asked by -- you were asked at the beginning
 34 of the day whether you remembered how much you
 35 contributed to the feast. Is it -- is it you,
 36 personally, who contributed to the feast, or did your
 37 family contribute on your behalf?

38 A My family, my whole family.

39 Q And is it normal to calculate the personal
 40 contribution of yourself, or is it more common to
 41 calculate the contribution of your family together?

42 A What usually happens, if I'm getting a name, my family
 43 spend the most of the whole party.

44 Q And are you getting the name because your family
 45 spends the most?

46 A No. Like our Grama, as we are growing up, she keeps
 47 track of us, like she keeps talking to us, telling us

W. William (for Plaintiffs)
Re-exam by Ms. Mandell

1 down the road what we are going to be faced with. And
2 she is concerned about our trapline, our territory,
3 you know, if we get a name we have to, like, be
4 caretaker.

5 Q Okay. You were asked whether or not when you got the
6 name Noostel, whether or not you became -- whether you
7 owned the territory which was the subject of your
8 affidavit, and you were also asked whether you care-
9 take -- you were the caretaker of the territory. Can
10 you explain what is your relationship to the Gosnell
11 Creek territory? Are you a caretaker for your family
12 or are you the owner of the territory?

13 MR. FREY: Well, I object. I think you can ask him, "What your
14 relationship is to the territory," but I did very
15 specifically put the question to him, "Are you the
16 owner or the caretaker," and that question was very
17 specifically answered.

18 MS. MANDELL: Well, he said -- well my -- I don't mind putting
19 the question more precisely, but the answer that I
20 have is that he owns the territory with the family,
21 and I would like to get that explained.

22 MR. FREY: Well, then ask that question.

23 MS. MANDELL:

24 Q All right. You explained that you owned this
25 territory at Gosnell Creek with your family. What do
26 you mean by that?

27 A Well, Oonis to d'en family, there is Tiljoe, Laytons,
28 Joseph, they are granddaughters. They have a big
29 family, that's why I said it belongs to all of us.

30 Q Okay. And do you, as Noostel, take care of the
31 Gosnell Creek territory?

32 A When we meet with Sarah, she said I lived right in the
33 area, I can be in charge of both area. And also Sarah
34 comes visit us, like if she is not here.

35 Q Okay. And do you tell Sarah Layton news about what's
36 happening on the Gosnell Creek territory?

37 A Yeah.

38 Q And did your father, Sylvester William, when he was
39 trapping on that territory, report to you regarding
40 that territory?

41 A Yeah, he shows me how much he catch.

42 Q And do you have the right to allow people or forbid
43 people from trapping on the Gosnell Creek territory?

44 A What is that?

45 Q Do you have the right to give permission to somebody
46 to trap on the Gosnell Creek territory?

47 A Yeah.

W. William (for Plaintiffs)
Re-exam by Ms. Mandell

- 1 Q Do you also have the right to give permission to
2 somebody to trap on the Pack Lake territory?
- 3 A Well, you know, something like that should come up, I
4 have to talk it over with my older sister and Sarah,
5 everybody agrees to it and then it's no problem.
- 6 Q Okay. Do you remember, since you were asked this
7 question, what the chief's name is of your younger
8 sister, Helen? Still don't? Okay.
- 9 Is your house called "The dark house"?
- 10 A Muskii boo, Muskii boo. That's Helen.
- 11 Q We've got it.
- 12 Is your house called "The dark house"?
- 13 A Yes.
- 14 Q You were asked whether or not various chiefs -- you
15 were asked whether or not various head chiefs,
16 Goohlaht, Samooh or Knedebeas were -- whether one was
17 more important than the other, and you said that they
18 were equal. If one of those three chiefs -- for
19 example, when your grandmother was Knedebeas, she
20 becomes very knowledgeable, does she become more
21 important because she is knowledgeable?
- 22 A In our house she is.
- 23 Q Okay. And would the other chiefs, when your
24 grandmother was alive, would -- do you know whether or
25 not Goohlaht or Samooh would turn to her because of
26 her knowledge?
- 27 A She -- like, big feast, if they going to make a
28 speech, they always kick things around, what they
29 going to say, they tell each other.
- 30 Q Um-hmm?
- 31 A And they agree to it then.
- 32 Q Okay. And you are in a different house from Goohlaht,
33 right?
- 34 A Yeah.
- 35 Q You were asked about a trip which you took into the
36 territory with Alfred Mitchell back in 19 -- back in
37 the early 1980's, and you were asked whether or not
38 you drove in with Mr. Mitchell. Did you transport
39 your two selves by vehicle at that time?
- 40 A Part ways from the pickup and then skidoo rest of the
41 way.
- 42 Q Right. And what were you two doing on the territory
43 at that time?
- 44 A Like, we never been in the back end for quite awhile
45 at Talbiits Kwe, so we had a trail part ways and that
46 was up -- say it's about five, six mile from Talbiits
47 Kwe head cabin, Morice River. From there on we took

W. William (for Plaintiffs)
Re-exam by Ms. Mandell

1 the river for skidoo trail.

2 Q Did either you or Mr. Mitchell trap on that trip?

3 A No. We just checking out the spring trapping.

4 Q And did -- oh, I see.

5 A It was later in the year. So we can get around on
6 snow, that's why we did it. It was marten season was
7 over, we just made that trip.

8 Q Had you blazed -- have you blazed any trails -- did
9 you blaze any trails at that time?

10 A No.

11 MS. SIGURDSON: I don't think that arose on cross-examination.

12 MS. MANDELL: Well, it doesn't pertain to anything you asked
13 either.

14 MS. SIGURDSON: No. I'm concerned about the time and I will put
15 an objection on the record in any event, but you can
16 certainly carry on.

17 MR. FREY: Well, I never asked about blazing trails. I never
18 asked about trails.

19 MS. MANDELL: Well, you were asking about the trip in 1980 or
20 '81 with Mr. Mitchell, and I was asking on that trip
21 whether they blazed any trails.

22 MR. FREY: Well, I was told about a 1984 trip, so if you are
23 talking about that trip.

24 MS. MANDELL:

25 Q Well, either trip, either trip that you asked about
26 with Mr. Mitchell, my question was whether or not
27 there was any trail blazing?

28 A There is -- there is a trail but with our skidoo we
29 didn't take that trail, we only went part ways and
30 then we took the river, because --

31 Q Now, you were asked about Neg'edeld'es, and the
32 question which was put to you was whether or not the
33 child of a parent who has a right to the territory,
34 the question was asked, does he have a right to hold
35 that territory until his parents' death? Is that the
36 right that a child has, to use his parents' territory,
37 the right to hold the territory?

38 A Neg'edeld'es, they can use that area as long as their
39 parents are all alive, and then after -- and then even
40 if their parents did pass away, no big hassle. He
41 will still use it for a little while until such time
42 that name is taken up.

43 MS. MANDELL: Those are my questions. Thank you.

44
45 (PROCEEDINGS CONCLUDED)
46
47

