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

UNITED REPORTING

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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?

A For one year I did, but I worked there about three years, four years, somewhere like that, and down here the same thing, I was trailer in the bush.
Q But except for that one year you've lived at Moricetown?
A No. I lived in Moricetown all my life.
Q Do you have any children?
A Five.
Q Five. And can you tell he what their ages are?
A Youngest one will be two.
Q Um-hmm?
A December, this month, and the oldest -- older girl is four and the older boy is ten and the next one is 13 and the oldest one is 16.
Q And do they all live in Moricetown?
A Yes.
Q Now your father was Sylvester William?
A Yeah.
Q Is that right? And he held the name Hagwilneghl? And Ben Holland, was he your uncle?
A Yeah.
Q And he held -- you hold the name Noostel?
A Yeah.
Q And he held the name Noostel before you?
A Yeah.
Q Now, did Mr. Holland -- he worked at Bulkley Valley Forest Industries?
A Ben did.
Q Sorry, yeah, Ben Holland?
A Yeah.
Q He worked at Bulkley Valley Forest Industries? Yes?
A Yup.
Q And do you know how long he worked there for?
A I don't know how many years. Quite awhile.
Q Quite awhile. And before he worked there, did he do logging contracting like yourself?
A No.
Q He was just at the plant?
A Yep.
Q Now, I understand that you received the name Noostel in 1972; is that correct?
A Yup.
Q And was there a feast at that time?
A (WITNESS NODS HEAD IN RESPONSE)
Q If you could answer yes instead of nodding, it will help the reporter.
A Yes.

Q And at the feast where you became Noostel, can you recall how much of a contribution you made for the name?
A I don't know how much it was.
Q You don't have any recollection?
A No.
Q All right. Was it part cash and part goods or was it all cash?
A No. Cash and goods.
Q Can you remember what the goods were?
A Well, material, blankets and stuff like that.
Q All right. And was there a feast book kept for that feast?
A What's that?
Q Was there a -- did anyone write down all the contributions?
A No.
Q Nothing like that was recorded?
A No.
Q There was no record kept of the -- neither the contributions that were made nor the distribution after?
A Not at that time.
Q Okay. Now, can you tell me the -- well, Knedebeas is the head chief of your house?
A Yeah.
Q And can you tell me the names of the other chiefs in Knedebeas' house?
A Weeliih.
Q And who holds that name today?
A My eldest sister.
Q All right. Mr. Mitchell, for the reporter, perhaps we should get a spelling for that name.

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

MR. FREY:

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

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

MR. FREY:

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

Q And are there any others that you can recall?
A Yeah. My younger sister, I forgot her name. Helen Mitchell.
Q She has a chief's name but you can't recall the name today. So the names in your house you can recall today are Knedebeas, Noostel, Weeliih and then the name that Doris has which I'm -- can you pronounce that one again?
A Lt'at'en.
Q All right. And then there is another name that Helen has?
A Yeah.
Q And that's the one you can't recall today?
A Yeah.
Q All right.
A Just comes right here, just can't come out.
Q All right. Now, I understand that you were elected a member of the Moricetown Band Council in 1985; is that right?
A Yes.
Q And are you still a member?
A I was out and I got back in again.
Q Okay.
A Just last from -- I forgot what month. About six months ago.
Q So at present you are a member, though?
A Yeah.

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

MR. FREY:

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

MR. FREY: Mr. Mitchell?
THE TRANSLATOR: Tommy, T-O-M-M-Y. C-'-O-O.
MR. FREY:

Q Now, you are a chief in the Gilseyhu clan?
A Gilseyhu.
Q All right. Now, the three head chiefs in the Gilseyhu clan are Knedebeas, Goohlaht and Samooh; is that right?
A (WITNESS NODS HEAD IN RESPONSE)
Q Now, is there any precedence among those chiefs, in that is anyone more important than the other? Well, make it easier, this will make it easier --
A They have different house like Samooh -- I mean Caspit. Like on our side it's Sarah, me and Catherine, three of us, that's Oonis to d'en, that's our house.
MR. FREY: Okay. Can you give that name to the reporter, Mr. Mitchell.
THE TRANSLATOR: O-O-N-I-S, T-O, D-'-E-N.
MR. FREY:
Q And Oonis to d'en is the name for the house of which Knedebeas is the head chief?
A Right.
Q And the three chiefs on that side are Sarah Layton, yourself and Catherine Michell?
A Yup.
Q And you mentioned Caspit. Which house is he in or does he have his own house.
A He has his own house.
Q And who is Caspit today?
A Stanley Morris.
Q Stanley Moore?
A Morris.
Q Morris. Now, of these -- I guess it's four chiefs of Knedebeas, Goohlaht, Samooh and Caspit, is anyone more important than any other chief?
A Well, if you are in a feast, like, depend. Like if his house have problem they are their leader, that party. So if there is problem in my family then we are the head of the party, and then they are in -- they are all in the table but they are all helping out. So I don't know how you work that.
Q Let me just put it this way: Have you ever heard that Knedebeas is the most important chief in the Gilseyhu clan?
A In our territory grandma is, she is the head.
Q And grandma is Christine Holland?
A (WITNESS NODS HEAD IN RESPONSE)
Q Is Christine Holland still alive?
A No. That's Sarah got her name now.

Q Right, that's what I thought. Now, within the clan, within the Gilseyhu clan, is Knedebeas the most important chief or are all of the four chiefs we've been talking about of equal importance?
A About equal.
Q Now, the name Weeliih, Catherine Michell's name, do you know what that name means?
A (WITNESS SHAKES HEAD IN RESPONSE)
Q Do you know of any story that's associated with that name?
A Nope.
Q There is a name that I've read as in Goohlaht's house and I have a spelling for it that I'm sure is not the current spelling, but what I have a spelling for is N-E-'-K, Ne'k. Have you ever heard of that name? You hadn't heard of that name?
A No.
Q Now, the affidavit that you swore was regarding territory out at Gosnell Creek. For the reporter you'll have to answer yes or no.
A Yes.
Q And I understand that you've recently built a trapping cabin up there; is that correct?
A Yes.
Q And did you receive assistance from the federal government to do that?
A No.
Q All right.
A I stole it off the white people.
MS. MANDELL: Don't put that on the record.
MR. FREY: I am afraid it's on the record now.
MS. MANDELL: Then record that he laughed.
MR. FREY:
Q Did you make an application for assistance to the federal government to build that cabin?
A Yeah.
Q And they didn't help you at all?
A Not yet.
Q Not yet?
A No.
Q Do you expect to get some help?
A I don't know.
Q You are not aware whether you are going to receive any financial assistance for that cabin or not?
A No.
Q All right. You don't know whether the application that you made to the government, you don't know

whether it was approved or not?
A I never heard from them so -- it takes a few years if you apply.
Q All right. You've never heard that your application was approved?
A No, not for the cabin.
Q And -- now, you were born in '42, 1942?
A Forty-three.
Q Forty-three. Well, you would be quite young, but do you remember when your uncle became Noostel, when Ben Holland became Noostel?
A But I remember my auntie, I just barely remember she died, she had Ben's name. I don't remember when Ben got the name. My Auntie Mary Seymour had it. I remember just little bit of that, but when Ben got the name I wasn't aware.
Q Mary Seymour had it before Ben Holland?
A Yeah. That's Ben's older sister.
Q Now, I'm going to ask you about a name that I understand is a name in the House of Goohlaht and I'll try and pronounce it; Gitam Giye'ks. Now, have you ever heard of a name like that? I'll spell it, G-I-T -- I'll write it out for you. G-I-T-A-M, G-I-Y-E-'-K-S. And this is -- I understand that this is a chief's name in Goohlaht's house. I'm wondering if you've ever heard of that name?
A Maybe potlatch I might have heard it. I'm not sure.
Q Today you don't recognize it?
A No.
Q Now, do you know any of the crests in Goohlaht's house?
A I think a lot of the crests got frog, big frog.
Q Big frog. Can you remember any others?
A In her house?
Q In Goohlaht's house?
A (WITNESS SHAKES HEAD IN RESPONSE)
Q No?
A No.
Q Well, can you tell me what the crests are in Knedebeas' house?
A That's a frog again and then mine is Wolverine.
Q That's Noostel's crest?
A Yes, Noostel.
Q And can you remember any more in the House of Knedebeas?
A If I seen the blanket here I can tell you.
Q All right. But today you can recall frog and

Wolverine?
A Yeah.
Q All right. Now, the name of the territory in your affidavit is Talbiits Kwe?
A Yes.
Q Can you pronounce it for me?
A Talbiits Kwe.
Q Talbiits Kwe. Have you ever heard that that territory was originally Tsayu territory?
A No.
Q You never heard that story? Have you ever heard a story that it was exchanged for a fishing site on the Bulkley?
A No.
Q Now, do you know where Goohlaht's territories are?
A Yup.
Q Have you ever heard that Goohlaht had a territory called Dizkle, D-I-Z-K-L-E?
A No.
Q Have you ever heard that the east side of the Bulkley, north of Moricetown and going, you know, for 10 or 15 miles up, have you ever heard that that was Goohlaht's territory?
A (WITNESS SHAKES HEAD IN RESPONSE)
Q Have you ever heard that Hagwilget Canyon was in Goohlaht's territory?
A No.
Q Now, do you know where Owen Lake is?
A Yup.
Q And do you know where Nadina Mountain is?
A Yup.
Q Have you ever heard that that's in Goohlaht's territories?
A No.
Q Now, have you ever heard that Felix George held the name Goohlaht?
A (WITNESS SHAKES HEAD IN RESPONSE)
Q Can you say no?
A No.
Q Lucy Namox holds that name today; is that correct?
A Right.
Q And do you know when she got the name?
A I don't know what year it is but it's a little ways back she got that name.
Q Was it around 1976?
A Somewhere in there.
Q All right. And do you know who held the name before

her?
A No.
Q My understanding is that there was quite a few years when -- before Lucy received the name, that there was quite a few years when no one held that name; is that correct?
A Can't recall on that.
Q Were you at the feast when Lucy Namox became Goohlaht?
A Yes.
Q And can you recall how much of a contribution she made to get that name?
A No.
Q Do you have any idea?
A (WITNESS SHAKES HEAD IN RESPONSE)
Q That's no?
A No. See, like, I think maybe now they record, but them days, like all the other clan, they witness it, and that's what they base it on.
Q All right. When -- from your recollection, when did they start writing these things down and I mean the feast contributions and the distribution of the feast?
A I don't know.
Q Well, can you remember the first time that you were at a feast when you saw somebody writing all of that down?
A Oh, maybe five years back.
Q Now, does Noostel have any territory down by Pack Lake?
A I don't know how that works, but ever since I was a kid, we went both area, we went to Pack Lake, Poplar Lake, and then Talbiits Kwe.
Q All right. Well as Noostel, are you -- are you in charge of looking after the territories at Talbiits Kwe?
A Yeah.
Q And are you in charge of the territories at Pack Lake?
A It's registered, it's on Catherine, my oldest sister.
Q Catherine Michell?
A Yeah.
Q And it's registered in her name?
A (WITNESS NODS HEAD IN RESPONSE)
Q Yes?
A Yes.
Q But in the House of Knedebeas, you are in charge of Talbiits Kwe?
A Yes.
Q But you are not in charge of Pack Lake?

A I don't know. Nobody told me that I had -- I had nothing to do -- like, we go both areas.
Q Nobody ever told you that you were in charge of Pack Lake?
A No.
Q But you've been told you are in charge of Talbiits Kwe?
A Yup.
Q Now, Catherine Michell is the chief who holds the name Weeliih?
A (WITNESS NODS HEAD IN RESPONSE)
Q And it's your understanding that she is in charge of Pack Lake, that's her territory?
A I guess so.
Q Now --
A But if she wants to go to Talbiits Kwe, she -- it's open to her, and if I want to go Poplar Lake, it's still our territories.
Q Well, you don't have to ask her permission to go to Pack Lake?
A No.
Q And she doesn't have to ask your permission to go to Talbiits Kwe?
A No.
Q Now, when did Sarah Layton get the name Knedebeas?
A I think Grama died '80. It took place when Grama was still alive, so probably '79. I don't know. I don't know exact what year it was.
Q Around there?
A Grama was still alive. She handed the name over to Sarah.
Q And do you recall -- and there was a feast when she became Knedebeas?
A Yeah.
Q And do you recall how much of a contribution Sarah Layton made for the name?
A Mm-mmm.
Q No?
A No.
Q And why did Sarah Layton become Knedebeas? I don't -- that's too vague a question, I'm sorry. Why did Sarah Layton become Knedebeas as opposed to, for example, Catherine Michell or yourself?
A She is the oldest in our family.
Q If -- in 1979, if you had been older than Sarah Layton, would you have become Knedebeas?
A It's up to Grama.

Q Up to Christine Holland?
A Yeah.
Q And she selected Sarah Layton?
A Yeah.
Q As the successor?
A Right. I might be bad actor so I wasn't picked.
Q Now, do you know where Shae Lake is?
MS. MANDELL: Does it have a Wet'suwet'en name?
MR. FREY: Yes, it does. The name that I have from the affidavit is Taldzee Wayeez Ben. Maybe Mr. Mitchell can --
MS. MANDELL: Where are you?
MR. FREY:
Q -- do better than my pronunciation. It's in paragraph 5 and in the boundary description it's the eighth line down.
Do you know of the lake I'm talking about?
A If I'm out there I'll probably know which lake this is.
Q Well, just to make sure, you have your affidavit in front of you?
A Yeah.
Q And I'm -- the name I'm wondering about is in paragraph 5 of the affidavit and it's at the beginning of the eighth line and it's spelled T-A-L, underlined, D-Z-E-E, new word, W-E-Y-E-E-Z, B-E-N. And then the affidavit shows that afterwards as being Shae Lake.
Now, do you know -- having referred you to that place in the affidavit, do you know the lake that I'm talking about?
THE TRANSLATOR: Taldzee Weyeez Ben.
MR. FREY: Mr. Mitchell is helping us, he is pronouncing the name. Can you say that again.
THE TRANSLATOR: Taldzee Weyee Ben.
A That would be Florence Hall trapline site.
MR. FREY:
Q All right.
A Tsayu, Laksamshu, that area.
Q So you know the lake that I'm talking about?
A Yeah.
Q You recognize the name?
A Yeah.
Q All right. And then that's Tsayu territory?
A Yeah. Tsayu and Laksamshu.
Q All right. And if someone said that that was Gilseyhu territory, they would be wrong?
A The lake, yeah, it's -- no, that's outside our

territory.
Q And there is a creek flowing out of that lake -- well, actually, I should ask you. Do you read maps?
A No.
Q All right. There is a creek flowing northeast out of that lake, and I'm going to give you a spelling that I got off of an interrogatory map, which I'll write it on the back of the affidavit here for you. And the spelling is T-E-H-W-U-L, new word, D-U-L.
Now, my understanding is that's a creek that flows out of Shae Lake. Have you ever heard that name before?
A The name of the creek?
Q Yeah. I'm naming the creek that flows northeast out of Shae Lake.
A Flows towards our trapline?
Q It flows alongside it. It flows alongside it. Maybe what I'll do is get Mr. Mitchell to try this one.
THE TRANSLATOR: Tehwul Dul.
MR. FREY: Does that ring a bell?
MS. MANDELL: There is no proper Wet'suwet'en spelling that you have of it, eh?
MR. FREY: Well, that's from an interrogatory map. I believe it's from the Sarah Layton interrogatory map. I didn't make it up.
MS. MANDELL: I'm not suggesting you did. I am just saying it's not coming through as sounding like a Wet'suwet'en word to anyone.
MR. FREY: Well, Mr. Mitchell has promised to give it one more try. Mr. Mitchell?
THE TRANSLATOR: Tehwul Dul.
MR. FREY:
Q You still don't recognize that?
A No.
MS. MANDELL: Does the creek have an English name?
MR. FREY:
Q I'm sure it does but not on my map. I'm afraid I don't know the English name for it.
All right. Now, I understand that the informants upon which your affidavit is based are Sam Seymour and your Uncle Ben Holland?
A Right.
Q Now, is Sam Seymour, was he in the House of Knedebeas?
A Yes.
Q And did he hold a name?
A He had a name and I forgotten what.
Q Was it a chief's name?

A Yeah, it was, but I've forgot.
Q So Sam Seymour had a chief's name but you just can't remember the particular name?
A Right, no.
Q All right. And when did Sam Seymour die?
A 1964.
Q Now, your father, Sylvester William, he trapped on this territory, is that -- or Sylvester William, he trapped on this territory; is that right?
A Right, yes.
Q And did he build a cabin on the territory?
A He had a little shack built beside the one I built.
Q And is that on Gosnell Creek?
A Right on the edge of Morice River.
Q Now, as Noostel, do you own the territory at Talbiits Kwe or are you just the caretaker?
A Own that territory.
Q You own that territory?
A With the family.
Q So, if someone said that you were merely a caretaker of the territory that wouldn't be correct?
A No.
Q Now, have you ever had difficulty with trespassers on your territory up by Morris Lake?
A Yeah. Once I had a call from the game warden that told me I should check out my trapline, and then at the same time he was talking to me that if I caught somebody, I have to lay charges. Before I went he asked me if I was going to back out if I caught somebody, and then I told him that, you know, he is the one that first informed me, so I went out there.
Q And after he called you did you go out and have a look around?
A Yeah,
Q Did you find anyone?
A We came a little too early. He just had his traps spread all over the trail and when we got there he -- his -- he didn't go back to that camp, his tent was knocked down with snow and that's where it sat for that winter. And the guy that was camping out there, that's Charlie Skinner, he is the one that's got a trapline past mine. And Alfred Mitchell was with me and he told him, "Old days if you trespass on somebody's trapline they shoot you." And he said they weren't, they were just making trails through there. But winter before that, my dad told me about what was happening, there was somebody with a trail by Morice

River and they had a trail going out on my traplines.
Q Your Dad told you about that?
A Yeah. That was a year before, and that following winter, game warden phoned me.
Q All right. And what year was it when the game warden called you?
A Say, about three years ago.
Q So the first problem you heard about was the one your father told you about?
A Yeah. Dad had his cabin by the river, he was just around the river and out a ways, and these guys had a trail going out.
Q And did they have traps going out that trail?
A Well, when we went there, it wasn't set yet, but there was -- along the trail he had ones here and there but none were set.
Q All right. And just so that I'm getting this straight, was the place where your dad thought there was trespassers, the same place that you went to the year after and found those tracks -- traps?
A Yeah.
Q It's the same place?
A Yeah. Same direction where that trail was going.
Q And you were out there with Alfred Mitchell?
A Yeah, me and Alfred went out there.
Q And Mr. Skinner -- did you think they were his traps?
A Yeah, it was his.
Q It was his?
A But when we went there, he wasn't there, he was in Rupert, but his partner was out there.
Q And who was his partner, do you know?
A Stan Newgardt.
Q And when you -- it was Mr. Mitchell who spoke to Mr. Newgardt?
A Yeah.
Q And when you found Mr. Newgardt, was it on your trapline or over on his trapline?
A Yeah. He was -- I would say about not quite half ways on Gosnell River.
Q So that's in your area?
A Yeah.
Q All right. And did you -- did you ever tell the game warden about Mr. Skinner or Mr. Newgardt?
A I didn't tell him anything because there was no traps set, and then when we went back second time they weren't even around anymore.
Q Now, the first time that you went to Talbiits Kwe was

in 1960?
A Yeah, somewhere in there, about. I went few times with Sam and Ben. Like '61 was the time we went, we spent over a month out there.
Q '61?
A Yeah. But before we went before too, but we didn't went as far as we did in '61. '61 we went just about right to the back end.
Q All right. And up to the time when Sam Seymour passed away in 1964, how many times had you been out to the line?
A Like we been around the river area but then we never really went back to the back end where I went with them.
Q That's what I mean?
A Yeah.
Q When you say "out to the back end" do you mean going up Gosnell River or Gosnell Creek?
A Yeah.
Q Is that what you mean?
A Yeah. Well, about three years I went maybe better than half ways, me and Alfred Mitchell.
Q Half-way up Gosnell Creek?
A Yeah.
Q Okay. And between 1961 and three years ago, did you ever go up the creek to the back of the territory?
A I haven't, but Dad always did. Dad and my brother-in-law, they went out.
Q Who is your brother-in-law?
A Kenney Mitchell. And then my nephew, Roger Mitchell, he went with them too.
Q Okay. Now in terms of a -- the lower part of the territory -- and when you talk about the lower part of the territory are you talking about where the Morice River and the Gosnell Creek flow together?
A Yeah.
Q That's what you mean when you talk about the lower part of the territory?
A Yeah.
Q And how many times have you been to the lower part of the territory?
A You mean just lately?
Q Well, since 1961, if you can give me an idea?
A I never went that often. But lately I've been going back out. But all this time, Dad was always, he -- he is the one that always trapped.
Q So would it be fair to say that during the '60s and

the '70s you didn't go very much at all, but in the '80s you have been going more often?
A Yes.
Q And did your father used to go every winter?
A Till about a year before he died, he quit going. I guess he knew he had a health problem then.
Q And your father was Laksilyu clan?
A Laksilyu.
Q And what was -- how did he have a right to go on the Talbiits Kwe territory?
A That was under Grama's permission. He was the son-in-law and ever since '43 he has been out in that area with my Uncle Ben, Jim Holland and Joe Holland, that's another uncle. Jim was grandfather and Joe was uncle before Ben.
Q Sylvester was married to one of Christine Holland's daughters?
A Yeah.
Q And who was that?
A Elizabeth.
Q Now, do you remember that before you swore your affidavit, that you met with Marvin George and Alfred Mitchell to discuss the territory?
A I met with -- me and Alfred were -- we met with Louise and I told them where the -- where the boundary line is of the clan. And after -- after that statement I gave them, Marvin came back.
Q Now, the first time was Marvin there, Marvin George?
A When I went through this, Louise was the first one I made my statement.
Q Just so we know we are talking about the right thing: I'm talking not about the time when you actually signed the affidavit.
MS. MANDELL: Nor is he.
MR. FREY:
Q I just want to make sure. I'm talking about when you met with them before they drew up the affidavit. Did you understand that that's what I was talking about?
A Yeah.
Q All right. And I just wanted to confirm that the first -- you had two meetings -- your recollection is you had two meetings and Alfred Mitchell and Miss Mandell were at the first meeting and Marvin George and Alfred Mitchell were at the second meeting. Have I got it right?
A Yup.
Q Now, I have a copy of notes that Mr. George made at

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

A Yeah.

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

> "Actual boundary between Knedebeas and Gyologyet starts at Teekwilyil --"

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

MR. GEORGE: Teekwilyil.

MR. FREY:

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

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

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

A Right.

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

A No.

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

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

Q Ben? Uncle Ben?

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

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

not, do you have any recollection of that?
A Well, I guess if I gave Marvin the information then he looked it up after. Like there would be a hill there, eh, that's where -- like, if you are right there you point out where your line is supposed to be. So for me, to put it on the map, it's just a hill, let's say, right that way.
Q All right.
A And we go by the hill.
Q All right. But his note is that you agreed to leave the boundary there, and so I'm saying, do you recall any discussion --
MS. MANDELL: Well, just a minute.
MR. FREY: -- at your meeting with --
MS. MANDELL: If I can correct it. There is three people present, Alfred Mitchell, Warner William and Marvin George, and the note is, "Agrees to leave," and there is no indication that it's Mr. William or anybody else in particular who might be said to have agreed. So maybe if the question could be more accurately attuned to the notes.
MR. FREY:
Q Well, Mr. Mitchell and you were there to tell Mr. George about the boundaries?
A Yeah.
Q So Mr. George wasn't there to tell you about the boundaries, was he?
A No.
Q All right. So if there was a question of someone agreeing to leave the boundary there, it was either you or Mr. Mitchell?
A Yeah.
Q All right.
A See, when we are making the boundary, like there is lots of little creeks, we don't know the name, eh. Like my dad used to know all the names and I never had a chance to be out there with him. Like a lot of creeks -- like if we were at home he will mention a creek. Like some creek runs from the other territory, and then things like that, and lot of creeks, little lakes, you know. If I'm out there, like, I can ask the elders. Like I know most of the area but I can't name all the creeks.
Q You had a chance to learn the main features?
A Yeah.
Q Not the small details?
A No.

Q Now, can you remember -- and again, I'm going back to the meeting and your recollection of the meeting. Can you remember that either Mr. Mitchell or yourself was of the view that that boundary should be someplace else?
A No.
Q Can you recall that Mr. -- either Mr. Mitchell or yourself were under any uncertainty as to where that boundary should be?
A No.
Q So you don't -- you can't explain to me why that note is the way it is?
A No.
Q You can't remember?
A No.
Q All right. Now, at the bottom of page 2 of those notes there is and I'm reading now from the notes, it says:

"Names that Alfred Mitchell was unsure of:"

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

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

MR. FREY:

Q Did you tell Mr. George that the name Taniits Tsezel was the boundary between Knedebeas and Gisdaywa?
A Is this the name of a lake?
Q Well, maybe I'm -- maybe I'm jumping ahead. Were you aware that the name for the boundary between Knedebeas and Gisdaywa had that name, Taniits Tsezel, and I'm going to ask Mr. Mitchell to pronounce that.

THE TRANSLATOR: Taniits Tsezel.

MR. FREY:

Q Have you ever heard that name?
A I might have and then again --
Q All right. So --
A See like --
Q I take it that you weren't the one that told Mr. George that that was the boundary between Knedebeas and Gisdaywa?
A Maybe I and Alfred together, kicking it around, because --

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

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

MR. FREY: I'm asking -- well, I'm asking whether you told Marvin George on that day that that was the boundary. Perhaps we should take an adjournment now.

(BRIEF ADJOURNMENT TAKEN)

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

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

MR. FREY: Thank you.

MS. MANDELL: And we'll take yours.

MR. FREY:

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

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

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

A Yeah.

Q You knew that there was a lake here?

A Yeah.

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

A Yeah.

Q But you didn't know the names?

A No.

Q The Wet'suwet'en names?

A No.

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

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

Q Um-hmm?

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

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

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

A Which one?

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

THE TRANSLATOR: Taniits Tsezel.

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

MR. FREY:

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

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

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

THE TRANSLATOR: T'ees teelyee.

MR. FREY:

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

A No, I couldn't recall.

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

THE TRANSLATOR: Ces Delkes.

A Ces Delkes.

MR. FREY:

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

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

Q But you can't remember which hill?

A No.

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

THE TRANSLATOR: Laa Xen Taatl.

MR. FREY:

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

A How you pronounce it, Ron?

THE TRANSLATOR: Laa Xen Taatl.