



Gil Ts'ek  
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# Land-claims testimony proves private ordeal for native clan chief



TENIMGYET

By TERRY GLAVIN

**G**ITWANGAK Wolf Clan Chief Tenimgyet hosted a traditional Gitksan feast in a downtown Vancouver office building Tuesday evening, symbolically closing the bent-cedar box that contains his family's most precious possessions.

Under fluorescent lights in a third-floor office suite across Hornby Street from the Robson Square law courts, about 40 guests ate chicken and oolichan grease, dried seaweed, cake and blueberries. There were gifts, speeches, prayers and songs.

It was a feast of thanks, a prayer for blessings, and Tenimgyet's chance to say goodbye.

Tenimgyet, whose English name is Art Matthews, was returning to his job at Westar Timber's Kitwanga sawmill near Terrace today after spending three weeks in Vancouver as a key witness in the boldest land-claims case ever heard in a B.C. courtroom.

For the past eight trial days, three of which consisted of cross-examination by lawyers for Attorney General Brian Smith, the 47-year-old sawfiler endured the painful task of recounting his ada'ox, the contents of his symbolic treasure box.

Ada'ox is a Gitksan word for which there is no easy English translation — it consists of histories, the origins of names, maps, sagas, symbols, myths, laws, geneologies, social rank and duties. And ada'ox is guarded fiercely.



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Since last May, ada'ox has comprised the bulk of the evidence submitted by 13 native witnesses to date in a landmark B.C. Supreme Court case in which 54 hereditary chiefs representing 76 houses of the Gitksan and Wet'suwet'en are claiming ownership of 57,000 square kilometres of land in northwest B.C.

## Unsuccessful move

The use of ada'ox (pronounced, roughly, adowk) has posed a legal conundrum at times for B.C. Supreme Court Justice Allan McEachern — an exception to the hearsay rule that the judge allowed but describes as "almost unknown in our law."

And it was the subject of an unsuccessful move by the chiefs to have the court transcripts copyrighted to prevent misuse of ada'ox.

But the plaintiffs are forced to open their bent-cedar boxes, as they say, because the provincial government's lawyers' position

is as unequivocal as the native stance.

The attorney general's office has told the court there is no such thing as aboriginal title, no such thing as a distinct Gitksan or Wet'suwet'en people and no such thing as distinct Gitksan or Wet'suwet'en law. Ada'ox is dismissed as a mere collection of folktales.

As a result, lawyers for the chiefs have been obliged to demonstrate a continued practice of ownership in the tribal territories that began several thousand years ago and continues to this day. So the hereditary chiefs have relied on their ada'ox to prove the point.

Evidence that Tenimgyet drew from his ada'ox for the court proceedings includes an account of a fierce lion that made its way up the Skeena River countless generations ago. It devoured a weeping woman and threatened the countryside until it was chased into the river and drowned.

The account is vital in determining place-names within Tenimgyet's house territory, and the story itself belongs to his house.

Another chapter from his ada'ox that provides instruction in hunting and conservation methods, along with providing precise locations of Tenimgyet's house boundaries, is the account of a young woman kidnapped by grizzly bears in what is now called the Sand Lake area, northeast of Gitwagak.

The knowledge of bear-

hunting methods among Tenimgyet's house members derive from lessons learned during the young woman's captivity. Tenimgyet's name means half man-half bear.

But the hereditary chiefs' claim of unsundered ownership is also grounded in contemporary constitutional law.

## Colonial agreements

It is based partly on the fact that aside from a handful of colonial agreements on southern Vancouver Island, no treaties were concluded with native Indians west of the Rockies. The Royal Proclamation of 1763 required treaties in advance of colonial settlement, but the B.C. government has denied, since its emergence in 1871, any responsibility to conclude treaties.

As a result, the entire land mass west of the Rockies is subject to 21 separate native land claims.

The Nisga'a, the Gitksans' neighbors, are engaged in the only current talks in B.C. All 20 other groups are awaiting their turn to negotiate with the federal government (the B.C. government has declined to participate in negotiations).

The Nisga'a came close to winning recognition of their continued title to their traditional territories in a split Supreme Court of Canada decision in 1973, and nothing approached that case in galvanizing native hopes until the Gitksan and Wet'suwet'en chiefs brought their case to trial last May. Vancouver Sun, Mar. 23/98