

S.L. Albright (for Plaintiffs)
Re-exam by Mr. Rush

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Vancouver, B.C.
January 21, 1989

(PROCEEDINGS RECONVENED AT 9:30 a.m.)

THE REGISTRAR: Order in court. In the Supreme Court of British Columbia, Vancouver, this Saturday, January 21, 1989, on Delgamuukw versus Her Majesty the Queen at bar, my lord. I caution the witness, you are still under oath.

SYLVIA LOUISE ALBRIGHT: Resumed

THE COURT: Thank you. Mr. Willms, my view has been for some years that counsel's attendance at trial is really a matter between him and his client. And if your friend agreed, I wouldn't see any reasons why he wouldn't allow Miss Sigurdson to look after your client's interest during the re-examination if you wish to be excused. And I've never taken it to be it's a matter for the court to pass on whether counsel remains or not. There is a problem, and that is, I'm not sure that counsel can both take part in the conduct of the evidence of a witness without concurrence of his learned friend. For example, it seems to me that unless your friend consented, I could only hear objections from you with respect to this witness. But if your friend has no objection, I would not think it a matter of concern if you were to excuse yourself when the time came that was appropriate.

MR. WILLMS: My lord, thank you very much for your observations. I have made other arrangements to deal with that difficulty that I mentioned yesterday.

THE COURT: All right. Yes.

MR. WILLMS: Thank you.

THE COURT: Thank you. Mr. Rush.

MR. RUSH: My lord, just a preliminary matter. It seems that Mr. Adams' court garb is locked away in our room, and I'm wondering if your lordship will allow him to sit at counsel table in the absence of his gowning.

THE COURT: Just on the special occasion, yes.

MR. RUSH: Thank you.

RE-EXAMINATION BY MR. RUSH CONT'D:

Q I wonder if the opinion and the appendices may be placed before the witness. Thank you.

Ms. Albright, a number of times during the course of your testimony, you have made reference to the

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1 importance of context in interpreting material remains
2 and the age of an artifact or features. Is the term
3 "context" an archaeological term with particular
4 significance?

5 A Yes, it is.

6 Q Can you just explain?

7 A The context refers to the location within a
8 geographical environmental setting of a site or a
9 number of sites. So in interpreting the site, then,
10 its location is very significant. Within a site,
11 materials found within a particular layer, whether
12 they be artifacts or features or remains of food
13 preparation, the features associated with that food
14 preparation or house structures in a particular layer,
15 as well as charcoal samples that might be from that
16 layer, are interpreted within the context of that
17 particular layer in the site. So the context within
18 the stratigraphic sequence of materials is very
19 significant to their interpretation. Also, the -- and
20 within that sequence of materials from earlier levels
21 to later levels or superior levels, is important for
22 evaluating the development of cultural activities at
23 that particular site and location.

24 In another situation, materials may be found in a
25 buried context indicative of pre- contact occupation.
26 At the same site there may be evidence of activities
27 of since contact, or what we have been calling
28 "historic". And when both buried materials as well as
29 historic period materials are present, then there is a
30 clear indication of continued activities at the same
31 location when the archaeological deposit or materials
32 are indicative of activities at that location and the
33 historic materials are indicative of the same kinds of
34 activities at that location.

35 Q Do you -- did you refer to the term "context" in your
36 report?

37 A Yes, I did.

38 Q Would you turn, please, to figure 9 in your report.
39 You were asked some questions about this figure. Do
40 you have that in front of you, it's the GfTc-85-B
41 house depression site, it's just after page 3-6, and
42 you were asked some questions about the shape of the
43 depiction on figure 9.

44 I would also ask you to refer to Exhibit 849-A-3.
45 Now, is the depiction of the site that you found at
46 Gitanka'at at GfTc-83-B shown in 849-A-3, that is
47 the -- in the grey binder?

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- 1 A The house pit feature number eight, the largest
2 feature noted on the site map in figure 9 is the same
3 feature as has been drawn in the field notes at tab 3.
4 Q All right. And when was the field note in tab 3
5 drawn, please?
6 A It was drawn at the time of our mapping and
7 investigation of this site on June 20th, 1985.
8 Q Given that it was done by hand, does that fairly
9 represent what you saw?
10 A Yes, it does.
11 Q Thank you. You can set that aside.
12 With reference to the surface scatter at the
13 Hagwilget site, you were asked about how you determine
14 the age of the tools which you found at the site, and
15 you said that you interpreted them in terms of where
16 they were found, the context, the tool types. And my
17 question to you is does the number of the artifacts
18 which you found at the surface site at Hagwilget say
19 anything about the time of the deposit or anything
20 about the deposit at all?
21 A Yes. The -- there are a number of basalt tools which
22 are highly patinated or weathered. Patination is a
23 weathered and crustation on the surface of the
24 artifact, as well as burnt tools, and they are
25 indicative of considerable age at the site.
26 Q May I just ask you to pause here. My -- you, I think,
27 are discussing the material of the tools?
28 A Yes.
29 Q And my question was directed to you at the number of
30 the tools?
31 A Oh, the number of the tools?
32 Q If the number of the scatter is significant?
33 A Yes. The number of tools and their -- the area of
34 their distribution is significant.
35 Q And what is significant about the number?
36 A Well, within the number of tools collected there are a
37 great -- there are a great variety of different tool
38 types within that collection, and that the variety of
39 tool types are reflective of -- reflect tools that
40 are -- can be compared with similar types of tools in
41 other stratigraphic contexts.
42 Q Let me ask you about a question now that Mr. Willms
43 asked you concerning your preliminary investigation
44 report. A reference was made to a structure which you
45 interpreted as being a smokehouse, and later you
46 interpret it in your report as a house structure, and
47 my question is, what is your understanding, if you

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- 1 have one, about how, in prehistoric times, a
2 smokehouse was used or occupied?
- 3 A My understanding of smokehouses is that the -- they
4 are built at a ground level. In other words, the
5 floor is level with the ground surface. The
6 feature -- you are referring to the features at the
7 Gitanka'at site?
- 8 Q No. I'm referring to the feature at Moricetown.
- 9 A Oh, at Moricetown.
- 10 Q I'm really not asking you so much about the feature at
11 either site, but more about your reference to a
12 smokehouse and your understanding how the smokehouse
13 was utilized, when you used the term "smokehouse",
14 what you understood the smokehouse to be?
- 15 A Oh, smokehouse to be. My understanding of a
16 smokehouse used in earlier times was a -- was a large
17 structure that was used for both living activities as
18 well as processing of food resources.
- 19 Q All right. And when you say "processing of food
20 resources", what do you mean by that?
- 21 A Particularly the drying of salmon from the river below
22 over slow burning -- slow burning fires.
- 23 Q All right, thank you. Can the witness be shown
24 Exhibit 849, please, that's the large black binder, I
25 believe.
- 26 THE REGISTRAR: 847 is the large black binder.
- 27 MR. RUSH:
- 28 Q 847. And I wonder if that might be placed before the
29 witness, please.
- 30 Would you please turn to tab 6 -- I'm sorry, tab
31 39. You were asked questions pertaining to stone
32 clubs by Mr. Willms, and you said that clubs that were
33 found at Hagwilget were compared with those found at
34 Prince Rupert Harbour, and you referred to the article
35 of MacDonald and Inglis, which is at tab 39 of this
36 exhibit. And I just wanted to ask you if you made
37 reference to a passage at page 45 -- and I just ask
38 you to look at page 45 -- and if you can determine
39 from there, if there is a reference to what you were
40 referring to in terms of the stone clubs at Prince
41 Rupert Harbour?
- 42 A Yes. There is reference here to the increasing
43 abundance of pecked and ground stone tools and art
44 objects.
- 45 Q In the last -- second to last line of that paragraph,
46 reference is made to clubs and handles, and I was
47 wondering if that had anything to do with your

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- 1 comment?
- 2 A Yes. They are both bone and stone clubs found in the
3 deposits for period two, 3500 though 1500 years ago.
4 They -- they are also noted on the figure 11,
5 preliminary listing of artifact types, stone clubs are
6 noted. These have been discussed -- the stone and
7 antler clubs are also discussed in terms of the
8 skeletal material in the deposits as well, which
9 reflect -- many of the skulls show evidence of being
10 hit --
- 11 Q All right.
- 12 A -- with weapons. The skeletal material indicates
13 hostility.
14 MacDonald also describes the -- these materials,
15 the stone and the bone antler clubs found in the
16 deposits in Prince Rupert Harbour area, in another
17 paper in which some of them are illustrated, his 1983
18 paper on northwest coast art traditions, or art
19 traditions of the northern coast, and there is a club
20 illustrated there from the period to two deposits
21 which were comparable in style --
- 22 Q Can you keep your voice up please?
- 23 A Comparable in style to the clubs found in the
24 Hagwilget cache that Wilson Duff described.
- 25 Q All right, thank you. Now, if you could just set that
26 book aside?
- 27 A Okay.
- 28 Q I think before you is the first grey binder which is
29 Exhibit 849. If it isn't, perhaps that could be
30 placed before the witness. That's the second, I
31 think.
32 If you'll look, please, to Exhibit 849-15, to the
33 third page, you were referred to the level sheet which
34 was found at tab 15, and as well, to the graph which
35 is attached to the level sheet which is numbered as
36 number 45, and you were asked questions about the
37 levels and the colour of the earth that is associated
38 with the levels there indicated. And I wanted to
39 direct your attention to letter E. Do you see that?
- 40 A Yes.
- 41 Q And I want to ask you if a level E or a layer E was
42 excavated by you in the Moricetown excavation?
- 43 A The major layers at the site --
- 44 THE COURT: I'm sorry, Mr. Rush, do you mean a level at this
45 location or at anywhere in Moricetown?
- 46 MR. RUSH: No. There was only the one excavation at Moricetown,
47 my lord, and this is one of the units at the

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- 1 Moricetown excavation site that you conducted?
2 THE COURT: This is in the trench?
3 MR. RUSH: Yes.
4 THE COURT: Yes, all right.
5 MR. RUSH:
6 Q Yes. Just directing your attention to the E
7 designation there?
8 A The E noted on the floor plan refers to yellowish-grey
9 ashy silt deposit. This is an ash feature that was
10 identified and given the letter E by Mr. Brolly in
11 this unit. This ash deposit is found in the context
12 of what has been identified as C layer.
13 Q I see. So the description of that feature was found,
14 as you say, the C layer of the deposit?
15 A Yes. This -- the ash feature is followed through
16 several levels of the -- during excavation.
17 Q All right. Now, I --
18 A The -- sorry.
19 Q Okay, thank you. Now, can you tell me whether or not
20 similar letter designations for the colouration of
21 soils was used in respect of the graphing of other
22 units which you excavated at Moricetown?
23 A The -- for most units in the deposit in the excavation
24 area, the major layers were identified as A, B, C1 or
25 sometimes dark C or the dark reddish brown, and a C2
26 or sometimes C2 was referred to as C, the lighter
27 yellowish brown matrix. Within those major layers
28 were sometimes coloured distinctions within the layers
29 that might be referred to as B1, B2, or other ashy
30 features described as an ash feature, or in some cases
31 with a different -- different letter.
32 Q All right, thank you.
33 Now, you were asked questions again concerning
34 your material -- the material remains at the
35 Moricetown excavation concerning the finding of green
36 insulator glass. And you were asked questions about
37 the mixing of the green insulator glass -- which I
38 think you said was historic?
39 A Yes.
40 Q And with material which you interpreted as
41 prehistoric?
42 A Yes.
43 Q In terms of the appearance of prehistoric remains at
44 the same level as the finding of historic items such
45 as the green insulator glass, is the number or type of
46 the artifacts either of a prehistoric or historic
47 character at the same level, important to your

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- 1 interpretation of the age of the artifacts?
2 A Yes. There were several fragments of one insulator
3 found and they were in the sod or directly below the
4 grass level, grass layer which --
5 Q Yes?
6 A -- which varied in thickness. The prehistoric
7 materials in layer A are quite -- are very -- are
8 abundant and scattered throughout the layer. There is
9 the -- there is a consistency in the prehistoric
10 materials, artifacts that are found within layer A in
11 all units at the site.
12 Q And in terms of the -- is there a significance to the
13 abundance that you found in that layer A of the
14 prehistoric artifacts or material?
15 A Yes. The abundance of prehistoric artifacts in the
16 upper level is significant in that looking at the
17 artifactual material from various layers, we see an
18 increase in the number of artifacts and the variety of
19 artifact types and the -- their association with a
20 very dark carbon-stained matrix is indicative of a
21 very intense -- increasing intensity of use at the
22 site in terms of activities.
23 Q Now again, dealing with the excavation at Moricetown,
24 I think you earlier gave evidence that a number of
25 items including obsidian were traded into the area of
26 Moricetown?
27 A Yes.
28 Q And his lordship asked you yesterday how it was
29 possible to tell from the presence of an object that
30 it was traded as opposed to having been left behind by
31 someone passing through. Does the quantity or nature
32 of the obsidian materials found at Moricetown tell you
33 anything about how they came to be there or who made
34 them or who used them? I'm here directing your
35 attention just to the obsidian remains that you found
36 at the Moricetown excavation?
37 A The obsidian from the upper levels of the Moricetown
38 excavations has been traced to two sources, both Mount
39 Edziza and the Anaheim area. The obsidian was used
40 for a variety of tool types. There is a variety of
41 flaking detritus or debris at the site.
42 Q May I just -- what is the significance of the flaking
43 detritus of the obsidian?
44 A They indicate that tools were manufactured at that
45 location so that they are in -- we noted that there
46 was several small side-notched projectile points,
47 arrow points made of obsidian.

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1 Q Yes?

2 A In association with the points.

3 THE COURT: I'm sorry, in association with?

4 THE WITNESS: In association with those small little arrow
5 points.

6 THE COURT: Points, yes.

7 A So in the same context within the very vicinity of
8 the -- mixed with the little points, there are smaller
9 little flakes or chipping debris left from
10 manufacturing those arrow points, indicating that the
11 points were made right there. And several of the
12 small points were found in one unit within a couple
13 of -- two centimetres, indicating that someone had
14 been sitting making these arrow points with obsidian
15 material at the site.

16 MR. RUSH:

17 Q And how does that bear, if it does, on your conclusion
18 that the obsidian was traded into the area?

19 A The material from a distant source was brought to the
20 site as -- perhaps as a nodule or a core, a small core
21 of material -- but by people interacting or having
22 access -- interacting with people having access to the
23 source of the material. Being a highly valued
24 material for stone tool manufacture, the -- and the
25 limited source of that material, suggests that control
26 or access to that material was likely limited, and
27 that the material would have been traded between
28 peoples not having the material and people having
29 access to the material, people living in the area
30 close to the source.

31 Q Okay. Just ask you about another question pertaining
32 to hunters and gatherers. You were asked about
33 hunting and gathering societies, and you indicated in
34 your answer that there were a variety of different
35 types of hunting and gathering economies, and my
36 question is, does the classification of a society as a
37 hunting and gathering society of whatever variety,
38 necessarily indicate anything about the pattern of
39 occupation or use of a site or an area?

40 A Yes, yes. The designation hunter-gatherer or
41 hunter -- hunting-fishing-gathering societies is a
42 term that refers to the focus of subsistence
43 activities. In other words, how resources within the
44 environment that the people live in, how those
45 resources are -- those particular resources are used.
46 And the -- the variety of resources, animal resources
47 or fish resources are found within particular

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1 ecological niches or zones within a larger area. So
2 the -- and are available at various times, more of the
3 year -- or more accessible at different times of the
4 year. For example, the abundant salmon runs are
5 available at -- along the rivers in which they ascend
6 at the time of the particular runs that are ascending
7 the river, and are most accessible at -- sometimes
8 more accessible in particular locations.

9 Other resources that are available in different
10 ecological zones such as mountain goats or -- on
11 mountains, or caribou that are found in plateau areas
12 or upland areas and are accessible and available for
13 hunting within those zones. And in making use of
14 those resources within the environment, people
15 scheduled their yearly round of seasonal activities to
16 procure resources according to when they were most
17 abundant and available.

18 So that with salmon being -- in the rivers being
19 the most abundant and reliable resource, and knowledge
20 of the runs of salmon, then it would have been given
21 first priority in scheduling activities during the
22 year where people are going to locate their --
23 themselves during fishing season.

24 When that resource is abundant, or at the point
25 where people are storing that resource for later use
26 and for purposes other than immediate consumption,
27 perhaps consumption later, for trade or feasting, then
28 resources are stored in fishing camps along the river
29 or perhaps in the vicinity of a winter village site.
30 Winter villages often appear at strategic locations
31 along the river of that -- at strategic locations for
32 access to that abundant resource.

33 Q All right, thank you.

34 I wonder if the witness could be shown Exhibit
35 847 which is the large black document book. Miss
36 Albright, at tab 18, your work on "Tahltan
37 Ethnoarchaeology" is set out, and it's set out in
38 extract.

39 THE COURT: What is the picture on the front?

40 THE WITNESS: That's a photograph of a fish camp at the
41 confluence of the Tahltan with the Stikine River. And
42 the big bluff that you see in the upper portion of the
43 photograph is a lava -- is a lava bluff. There are
44 two different flows of blocky -- rough vesicular lava.

45 THE COURT: When was the picture taken, do you know?

46 THE WITNESS: I took that picture -- photograph in 1978. I
47 believe this was my -- during my first summer in the

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- 1 area, either that or the second summer.
2 THE COURT: Thank you.
3 MR. RUSH:
4 Q And you were asked about roasting pits by Mr. Willms,
5 and he asked you what your references were in respect
6 of the determination and identification of roasting
7 pits, and among other references, you referred to your
8 own work of "Tahltan Ethnoarchaeology". And in the
9 various extracts which have been entered as exhibits
10 here, I have not been able to determine what portion
11 of your paper, if any, it was that you were making
12 reference to, and I wanted to give you a copy of your
13 paper and ask you if you can identify what passage it
14 was that you were referring to when you made that
15 comment to Mr. Willms?
16 A Yes. There is a section of my paper that refers to
17 methods of cooking and preparing of foods.
18 Q Where is that, what page, please?
19 A That's on page 76.
20 Q Okay. And is that what you were referring to? You
21 identified it as a section which --
22 A Yes.
23 Q And that's -- you said 76 and the section seems to go
24 on to 78; is that right?
25 A It's 76 to 78, yes.
26 Q And is that what you were referring to?
27 A Yes. In terms of a variety of methods for cooking and
28 preparing food.
29 MR. RUSH: All right. My lord, there have been three extracts
30 of this paper introduced, two by my friend, one by
31 myself, and I'm going to propose that you take the
32 whole of the document. I think it's better that the
33 whole thing rather than bits and pieces --
34 THE COURT: All right.
35 MR. RUSH: Thank you, Miss Albright.
36 THE COURT: Would it be convenient just to substitute this, the
37 whole document for tab 18?
38 MR. RUSH: Yes.
39 MR. WILLMS: Or there are tabs everywhere, my lord, a separate
40 exhibit might be --
41 MR. RUSH: Yes, I'm happy to have it marked as one of my
42 friend's tabs as well.
43 THE COURT: All right.
44 MR. WILLMS: I'm sure you are.
45 THE COURT: We'll give it a fresh number.
46 THE REGISTRAR: Exhibit 858.
47

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1 (EXHIBIT 858 - Report of Miss Albright, "Tahltan
2 Ethnoarchaeology")
3

4 MR. RUSH:

5 Q Miss Albright, I'm turning to another subject. During
6 the examination by Mr. Willms, you were asked if
7 features two, four and five, which are hearth features
8 that you found at the Moricetown excavation, and I
9 think you -- excuse me, you identified these were
10 identified by you as food roasting pits, to be more
11 precise, and you can just, if you like, refer to your
12 feature list which is at 2-5. And you were asked if
13 features two, four and five, as I said, identified by
14 you as food roasting pits, could possibly be cache
15 pits, and you said no. And my question is, did you
16 take that possibility into account in arriving at your
17 conclusion?

18 A Oh, yes, I did. However, in examining these buried
19 features, the -- the association of ash with the --
20 with the pit feature and the nature of the matrix, the
21 materials in the matrix and bits of bone in the matrix
22 and flecks of charcoal, all indicate a cooking or
23 roasting activity rather than storage.

24 Q All right. I want to ask you about another feature
25 which you were examined upon, and that is the -- an
26 ash deposit, and you were asked by Mr. Willms if it
27 was possible that ash deposits that were found in
28 layer A, again at Moricetown, were created after 1800
29 because of the finding of an insulator glass fragment
30 at layer A in 10 to 20 centimetres, and you said it
31 was not possible. Now, my question to you is did you
32 take into account the presence of the glass -- the
33 green glass insulator fragment when you were dating
34 the feature of the ash deposit in that layer?

35 A The -- there are no ash -- no, there were no ash
36 deposits or features identified in layer -- in layer
37 A. There are -- the ash features are identified in B
38 deposits which is a distinct layer below layer A.

39 Q Yes. And I think the suggestion in the cross-
40 examination was that if a -- if the glass insulator
41 fragment was found at its lowest point of 20
42 centimetres, it would have been in layer B. And my
43 question is, in dating the ash deposits -- or
44 identifying the ash deposits and dating the ash
45 deposits, did you take into account the presence of
46 that green glass insulator fragment found at that 10
47 to 20 centimetre depth?

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- 1 A Yes, I considered its location or depth, but it is
2 clearly not associated with the ash deposits in B.
3 The materials, the variety of materials in layer --
4 prehistoric materials in layer A above layer B are
5 indicative of a period of occupation between the
6 deposition of the ash deposit, and the point at which
7 time a green glass insulator could have been left at
8 the site.
- 9 Q All right. Okay, thank you.
- 10 You were referred to the stone adze that you were
11 given by Mr. Parent --
- 12 A Yes.
- 13 Q -- in respect of your investigations at Hagwilget.
14 And you were then referred to a stone adze that was
15 part of a private collection in respect of your
16 research work in the Tahltan area, and you indicated
17 that such an adze had been provided to you, and I
18 wanted to ask you if you would just refer again to
19 your paper on "Tahltan Ethnoarchaeology" to assist us
20 if there was a figure or a photograph of this adze?
- 21 A Yes, there was a photograph of it.
- 22 THE COURT: Sixty-nine?
- 23 MR. WILLMS: It's on page 69, my lord.
- 24 THE WITNESS: Yes, page 69, figure 34.
- 25 MR. RUSH:
- 26 Q Thank you.
- 27 Now, if you have the large document book -- I'm
28 sorry, 849-A, which is the second of the two grey
29 volumes. You can just set that aside. If you'll
30 look, please, to tab 3.
- 31 If you'll just look at the last page in that tab,
32 it's marked as D-12 in the lower right-hand corner.
33 This is a radiocarbon sample form?
- 34 A Yes.
- 35 Q And in your evidence you indicated that you sent a
36 radiocarbon sample to Beta Analytic?
- 37 A Yes.
- 38 Q In reference to this form, can you say whether or not
39 that particular form was sent to Beta Analytic with
40 the sample, or do you know?
- 41 A I don't remember if this form was sent to them. I
42 believe this -- what this is for, is this may have
43 been for my own information.
- 44 Q All right. That's fine, thank you.
- 45 I want to -- I just neglected to ask you a
46 question about the adze that you identified for us at
47 figure 34 in your "Tahltan Ethnoarchaeology". I just

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1 wanted to ask you, if you will, to look in the
2 appendices at A-1. And can you say anything about
3 what these two photographs show in terms of
4 differences or similarities between the two adze?
5 A Yes. They are similar. The -- what I've referred to
6 as in figure 34 as a stone axe, we would also call it
7 a grooved splitting adze. The -- they are similar in
8 form and function, they have very similar working ends
9 used for chopping trees or splitting planks, splitting
10 wood or heavy-duty adzing. The -- the grooves are --
11 the grooving or notching on them is different,
12 indicating that they were probably hafted in a -- they
13 may have been hafted in a similar manner, or there may
14 have been some differences in terms of how they were
15 hafted to the handle. There is some -- so functionally
16 they are equivalent tools, but there is stylistic
17 variation to them.

18 The one in plate A of my -- of appendices to my
19 opinion report collected from -- by Mr. Louis Parent
20 at GhSv-85-A is much more highly polished and also
21 along the side it has a bevelled edge. In figure 34
22 they are -- of "Tahltan Ethnoarchaeology", there is
23 more pitting of the tool and a slight indentation
24 along the side of the tool. Again, the grooving and
25 pitting may be related to the hafting and use of the
26 tool. Both -- both tools show evidence of use, wear
27 and hafting.

28 Q Miss Albright, does the stylistic difference tell you
29 anything about who made them?

30 A The -- there are stylistic differences in the same
31 tool for use in different areas. These two tools have
32 come from different watersheds and so the stylistic
33 variation is likely reflective of the different
34 makers.

35 Q Thank you. Can you just set that aside, please.
36 Maybe keep your report handy.

37 THE COURT: Is it your view that you could cut down a tree with
38 those instruments?

39 THE WITNESS: Yes. There -- I remember reading an article --
40 and I can't recall the name of the article or the
41 author -- but there having been a paper written on a
42 study, an ethnoarchaeological study conducted with --
43 I believe it was in South America -- observations on
44 the use of a stone adze for chopping down a tree, and
45 observations in terms of how the stone tool was
46 hafted, materials that were used, how long it took to
47 chop down the tree and that.

S.L. Albright (for Plaintiffs)
Re-exam by Mr. Rush

- 1 THE COURT: The difficulty I see with cutting down a tree with
2 this is that it's got a pointed end rather than a
3 blade?
- 4 THE WITNESS: Well, it has a bevelled end to it, so it has quite
5 a sharp working edge at the business end.
- 6 THE COURT: You wouldn't think that it was a weapon rather than
7 a tool for cutting down trees, or could it be both?
- 8 THE WITNESS: Well, it may have been at times used as a weapon.
- 9 THE COURT: All right.
- 10 THE WITNESS: It would be effective.
- 11 THE COURT: As a weapon it certainly would. Thank you.
- 12 MR. RUSH:
- 13 Q Just in terms of the article you were referring his
14 lordship to, it wasn't quite clear to me. Were you
15 saying that somebody actually took one of the adze and
16 chopped down a tree with it as an example of what it
17 could do?
- 18 A Yes, yes. A study -- I can't recall the name of the
19 author or the paper, but it was an interesting paper
20 to read. I believe it was in South America in the
21 Amazon region, if I recall, where people have been --
22 have been using stone tools, have been isolated and,
23 you know, been using traditional technology up until
24 very recently. Contact in parts of the Amazon has
25 been very recent.
- 26 Q Thank you. Let me ask you a question concerning
27 Gitanka'at. Mr. Willms asked you about the mining
28 activity at Lorne Creek, and he asked whether or not
29 the cache pits which you identified at the Gitanka'at
30 location could have been identified with the mining
31 activity at Lorne Creek, and you said that they did
32 not appear of recent use. And my question is, when
33 you made your observations of these cache pits at
34 Gitanka'at, did you consider the possibility that they
35 were related to recent use?
- 36 A Oh, certainly I would have considered, and I did make
37 notes of what more recent activities have been
38 taken -- had taken place there, and considered that as
39 a possibility. But the features themselves are
40 distinct.
- 41 Q All right. Just in respect of your other cache pit
42 investigations and findings at the other localities at
43 the Temlaxam locality, at Kisgegas, at Gitangasx, I
44 think I've mentioned them all -- no, and at Hagwilget,
45 did you, in those localities as well, consider whether
46 or not the cache pits may have been of recent use in
47 coming to your opinion?

S.L. Albright (for Plaintiffs)

Re-exam by Mr. Rush

Exam by the Court

- 1 A Yes, that was taken into consideration.
2 Q Would you please turn to Exhibit 849-A-15. This you
3 identified as British Columbia Archaeological Site
4 Inventory form, and you indicated that these were
5 produced by the Heritage Conservation Branch?
6 A The forms?
7 Q Yes?
8 A Yes.
9 Q In terms of filling out of the form, you indicated
10 there was a guideline or guidebook of some sort; is
11 that so?
12 A Yes.
13 Q And is this guidebook, does it accompany the form or
14 can you explain how one obtains this?
15 A It is provided by the Heritage Conservation Branch
16 along with the forms themselves.
17 Q If information comes to you after the forms have been
18 filled out, what do you do with the information, if
19 anything?
20 A After a form has been --
21 Q In respect of the form?
22 A After a form had been submitted?
23 Q Filled out?
24 A Oh. Well, I use -- I fill -- often use the form as a
25 way of recording information. So sometimes I --
26 sometimes these are preliminary until I've -- perhaps
27 wanted to add more information to them and -- before
28 sending them to the Heritage Conservation Branch.
29 So in the case of the forms that were filled out
30 for the sites in the study area, they weren't filled
31 out in terms of a final form or final condition for
32 sending to the Heritage Conservation Branch, because I
33 was not about to send them immediately, they were
34 either used as -- in a preliminary format.
35 MR. RUSH: Thank you very much. Those are my questions.
36 THE COURT: Mr. Willms, have you got a problem to straighten out
37 or have we resolved that, about the level?
38 MR. WILLMS: No, my lord, I've reviewed it and I think that the
39 documents are all there and just leave it at that.
40 THE COURT: All right. Well, there is one thing I would just
41 like to have your assistance on, Miss Albright.
42
43 EXAMINATION BY THE COURT:
44 Q Could you look at your report, plate 5.
45 A Plate?
46 Q Five. Is the post feature the almost vertical
47 interruption of the dark brown area?

S.L. Albright (for Plaintiffs)
Exam by the Court

- 1 A Yes. It's the vertical dark stain. There are a few
2 pebbles.
- 3 Q Yes. With some stones and pebbles in it?
- 4 A Yes. Stones and pebbles in it and surrounding it.
- 5 Q Yes?
- 6 A So these would have -- likely are pebbles that have
7 been packed around the post as it was placed in the
8 ground or sometime afterwards.
- 9 Q When do you suggest -- perhaps that isn't putting it
10 very well. What do you suggest was the ground level
11 at the time that post was placed there? I think we
12 are talking about 3500 years ago, are we not?
- 13 A In this feature number 1, the -- the post can be
14 followed down from B -- B layer matrix, and is
15 associated with occupation during the deposition of B
16 matrix.
- 17 Q Where do you say the ground level would have been when
18 the post was placed in the ground?
- 19 A Somewhere at the upper portion of the post.
- 20 Q And are you able to say where you think the upper
21 level of the post is? You are talking about the top
22 of the post, are you?
- 23 A No. I'm -- the contact of the ground surface --
- 24 Q Yes.
- 25 A -- with the post.
- 26 Q Yes?
- 27 A Yes. I see that at about the horizontal dark stain in
28 the B matrix.
- 29 Q Perhaps show me --
- 30 A The dark stain appears to be directly associated.
- 31 Q -- using the original.
- 32 A Okay.
- 33 Q Where do you say the ground surface would have been
34 when the post was installed?
- 35 A Well, below this dark stain, at this level.
- 36 Q So you are --
- 37 A Between the yellow brown --
- 38 Q Yes?
- 39 A -- and this dark stain.
- 40 Q So you say that all material more or less above the
41 line where you've indicated above my pen now, has all
42 been deposited there since the post was installed?
- 43 A Yes.
- 44 Q And what would cause all that material, those rocks
45 and boulders to be placed there?
- 46 A Well, continued activities at the site. And in B
47 layer in units close to this post, there are the pit

S.L. Albright (for Plaintiffs)
Exam by the Court

- 1 features, the cooking-roasting pit features.
2 Q But the cooking-roasting pit features --
3 A In this B matrix there are a lot of cobbles and
4 gravels.
5 Q Well, is it your theory that this material above the
6 line where you say the post met the surface, was all
7 brought there by human occupation?
8 A Well, decay of organic materials, wind-blown sands,
9 the -- you know, the gravel, larger materials that the
10 gravel -- I'm not sure how the larger pieces are
11 there, but they are brought up from the river and
12 associated with the -- for association with the
13 activities that are taking place there.
14 Q Is it your view that random pits around the
15 neighbourhood would be markedly different in profile
16 from what we see in this picture, that is unless they
17 had similar human occupation associated with them?
18 A Other pits at this site?
19 Q Yeah. If you dug other test pits just randomly
20 scattered around the terrace or level, whatever it
21 was, would they be markedly different from what we see
22 there in that plate 5?
23 A This is a post feature --
24 Q Yes?
25 A -- so it indicates a structure --
26 Q Yes. Let's assume that there was --
27 A -- in layer B context.
28 Q Let's say 30, 40, 50 feet away where there was no post
29 feature, would you think that the profile of a test
30 unit dug there without a post feature, would be
31 different from what we see in plate 5?
32 A The matrix would be comparable. There may be similar
33 posts in it, there may be similar pit features.
34 Q But assuming we find where -- one where there isn't a
35 post feature, no suggestion or indication that there
36 has been human habitation, do you think the first --
37 what is this 30, 40 centimetres from the top of the
38 picture down to where you say the top of the post
39 would be -- or the intersection of the post with the
40 surface was?
41 A 50 to 60, I believe.
42 Q Fifty to 60, yes?
43 A Yes. It's about midway in the deposits.
44 Q Yes. So do you say this first 50 to 60 feet of
45 elevation from the present surface would be different
46 if there hadn't been a post feature there?
47 MR. RUSH: Centimetres.

S.L. Albright (for Plaintiffs)
Exam by the Court

1 THE COURT:
2 Q Centimetres, I'm sorry?
3 A The same -- the same matrix at layer A?
4 Q Yes?
5 A Capping the upper level of the deposits, the matrix B
6 and the C darker and lighter matrix, those are --
7 those layers -- those general layers were found in
8 quite a distance down this backhoe trench.
9 Q Yes, I see.
10 A So those same layers were found around the corner here
11 of this -- at this other trench.
12 Q Yes?
13 A And it was looking at these stratified layers, the
14 deposits along this trench, and the trench continued
15 back to the base of the next terrace. We chose this
16 particular place -- location along the backhoe trench
17 to do the excavations in that from what we can see
18 along the -- in those layers along the trench it
19 appeared that the -- at this point, the deposits
20 appeared thickest and --
21 Q All right, thank you. Now, tell me where do you say
22 the post feature is in plate 5 -- plate 6?
23 A Plate six?
24 Q It says, "Profile view of post feature"?
25 A Feature of number 26.
26 Q Yes. Where in the picture is the post feature?
27 A The post feature is here.
28 Q The vertical darkened area to the right third of the
29 photograph?
30 A Yes, yes.
31 Q Yes.
32 A With the large boulders. The post feature ends in the
33 basal gravels, so it was dug down into the gravels and
34 supported with these larger boulders.
35 Q All right. Where do you say the surface of the ground
36 likely was when that post was installed, or can you
37 tell from that photograph? Perhaps it can't be done?
38 A Somewhere in the lower part of the C deposits as they
39 start to become -- as they start to contain more
40 gravel in them.
41 Q Near the top of the boulder layer?
42 A Yes. I would say about midway up this large boulder
43 to the left of it.
44 Q All right, thank you.
45 Now, tell me, have you seen any implements that
46 would be used to dig a post hole of these kinds?
47 A In my reading of ethnographic references for different

S.L. Albright (for Plaintiffs)
Exam by the Court

- 1 areas, I believe there are references to wooden
2 shovels and wooden -- fire-hardened wooden sticks.
3 Often sticks are often used for digging roots.
- 4 Q Yes.
- 5 A And when they are fire hardened, they would have quite
6 a strong and pointed end to them.
- 7 Q All right.
- 8 A And could have been used for digging this hole.
- 9 Q All right. Lastly, can you tell me what, in your
10 belief, was the purpose of putting these posts into
11 the ground, what were they for?
- 12 A The posts were supports for a -- support posts of a
13 house structure or a large house structure for living
14 and processing food, or perhaps at times a smokehouse
15 structure either for living and processing food or for
16 perhaps strictly processing dried salmon.
- 17 Q They wouldn't build the structure just by building it
18 on the surface?
- 19 A Well, I believe the structure was built at ground
20 level.
- 21 Q Yes?
- 22 A But in building a house your support posts need to be
23 stable, so the posts are -- it's like digging a fence
24 post, they need to be dug into the ground.
- 25 Q So your belief is that these post holes were probably
26 used to put in, what in today's terminology we would
27 call piling, that is underground vertical support for
28 a structure?
- 29 A The -- well, you could think of either large -- if
30 you've been to the area, sir, I believe you have,
31 think of some of the smokehouses that are there or
32 photographs of the old smokehouses, or the old -- the
33 older winter house structures that have substantial
34 size corner posts. The -- I think some of these
35 larger post moulds that were found in the deposits may
36 have been corner -- large corner posts with the
37 wooden -- wooden planks as walls of these structures.
- 38 Q And it's your belief that as long ago as 3500 years
39 ago, they were building planked structures of some
40 kind?
- 41 A The earliest post feature that we have, feature 26, is
42 associated with -- is the feature from which we
43 retrieved the date of 5660 B.P.. So that there are
44 large structures at the site in very early times, or
45 early in terms of the archaeological work on the
46 Skeena Valley up till now. This is the earliest date
47 for the valley. In terms of the structure itself, I'm

S.L. Albright (for Plaintiffs)
Exam by the Court

1 not sure of the -- what the structure itself looked
2 like, but the technology is present for -- for
3 splitting planks, so it's possible that they were
4 planked houses.

5 Q Instead of what we call log houses?

6 A Yes. No. They -- yes. Like log cabins that we are
7 familiar with, there is no indication of that style of
8 construction in precontact times.

9 THE COURT: Yes, all right. Thank you. Does counsel have any
10 questions arising out of what I've asked the witness?

11 MR. WILLMS: No, my lord.

12 MR. RUSH: No, My Lord.

13 THE COURT: Thank you, Miss Albright, you are excused. We will
14 adjourn until Monday morning.

15 THE REGISTRAR: Order in court.

16

17 (PROCEEDINGS ADJOURNED AT 11:00 a.m.)

18

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

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

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