1 VANCOUVER, B.C.
2 JANUARY 13, 1989
3
4 THE REGISTRAR: Order in court. In the Supreme Court of British
5 Columbia, Vancouver, this Friday, January 13, 1989.
6 Delgamuukw versus Her Majesty the Queen at bar.
7 I caution the witness you are still under oath.
8 THE COURT: Mr. Willms.
9 MR. WILLMS: My Lord, before we start, there is one point that I
10 would like to deal with, and that is this. We have
11 now done a cursory examination of the -- just under
12 300 documents that were delivered yesterday. Those
13 300 documents are the -- they are not the drafts, they
14 are the field notes collected by this witness and by
15 her researchers, not only for the ancestral village
16 locations detailed in chapter three, but also for the
17 locations that were detailed in chapter two of the
18 report. There is additional material on Moricetown
19 Canyon, and there is additional material on Hagwilget.
20 It primarily relates to chapter three and the
21 archaeological investigation, but there is that
22 overlap. The documents are not organized, and we
23 haven't been able to organize them yet, although we
24 are struggling to do that so that they can be
25 co-related to the part of the report that they are
26 derived from.
27 And my advisor tells me, and I'm not an
28 archaeologist, My Lord, so this doesn't mean very much
29 to me without help, that it would take at least a week
30 to be able to go through these notes to organize the
31 notes and correlate with where they are from in the
32 report, in order to have some understanding about what
33 they mean. And one thing that clearly flows from
34 that, My Lord, is that any cross-examination that I
35 may do about chapter three is going to be disjointed,
36 because I am not going to be able to incorporate those
37 notes into any cross-examination on chapter three at
38 this time, which will likely lead to extended
39 cross-examination, if I embark in that area at this
40 time.
41 Now, Your Lordship has already heard earlier this
42 week from Mr. Goldie and Mr. Macaulay about the
43 difficulties with the Heather Harris documents. And
44 as I understand it, Heather Harris will be called
45 Monday. There will be an argument about her
46 qualifications. Mr. Grant estimates that Heather
47 Harris's evidence in chief will last two and-a-half

1 days, maybe three days, and I am advised this morning
2 that my colleague, Mr. Goldie, is not able to go ahead
3 with the cross-examination of Heather Harris next
4 week. The material is still apparently coming in on
5 Heather Harris. It is still not all in, and that he
6 will be asking to step down after the evidence in
7 chief -- stand down after the evidence in chief of
8 Heather Harris.
9 So my suggestion, My Lord, is this. Since this
10 witness will need to be stood down in order to
11 adequately review the almost 300 pages that have just
12 been produced, the facts upon which the witness's
13 opinion were based, that we take up with the witness
14 again next week, after Heather Harris has been
15 finished in chief, which it looks like would not be
16 later than Thursday, assuming Mr. Grant's estimate of
17 how long the evidence in chief of Heather Harris will
18 be is accurate. And what I am suggesting, My Lord, is
19 that the time between the end of today and then would
20 be most profitably spent, both for the court, in terms
21 of tightening up cross-examination without
22 unnecessarily rambling here and there, because there
23 are missing links which haven't been tied in, that we
24 stand down at the end of today and then carry on with
25 Ms. Albright next Thursday.
26 THE COURT: Mr. Macaulay.
27 MR. MACAULAY: My Lord, I haven't examined the material that Mr.
28 Willms is having difficulty with, except just to look
29 at the amount of it. There is quite a bit. I am
30 informed that the material from Heather Harris is
31 still coming in. The last of it hasn't arrived yet,
32 and this is Friday. I suppose if it hasn't arrived
33 here, it won't be here 'til Monday. We -- safe to say
34 that there would be difficulties about the
35 commencement of Heather Harris's cross-examination in
36 those circumstances, and I believe that what Mr.
37 Willms has proposed will avoid the loss of trial days
38 and is perhaps the best solution to the situation.
39 THE COURT: Thank you. Mr. Rush.
40 MR. RUSH: The issue of the availability of trial time next week
41 is one that I seem at this point to be somewhat
42 confused about, because it was my understanding from
43 Mr. Macaulay that he was going to be leading with the
44 cross-examination of Heather Harris, and that he felt
45 himself, earlier this week, to be able to proceed with
46 the cross-examination of Ms. Harris up to a point
47 where he found himself not able to continue because of

the late delivery of documents.

Now, that was my understanding, and on that basis I had assumed that if the direct examination was going to take two and-a-half days, that the cross-examination would probably start on Wednesday, and there would at least be one day of cross-examination, that probably of Mr. Macaulay's, and those were the assumptions I was operating under. And if my assumptions are correct, then the proposal that Mr. Willms advances is not one that is going to fit in with next week's schedule as far as the documents go.

THE COURT: I'm not sure, Mr. Rush. Mr. Willms suggests we resume Thursday anyway.

MR. RUSH: Yes, that's right. He said go anyway on Thursday with this witness. That's correct.

My suggestion is, however, that we keep to the schedule or to the perception of what we had agreed to earlier this week, and that is to start Heather Harris and go until the defendants do not feel they are able to proceed any further with that witness.

So far as the documents that are disclosed, many, many of these documents are hand drafts of the more perfected figures and tables and photographs and maps that are contained in the report, that what -- that many of these documents are simply duplicates of what already appears in the report. And there isn't any magic about looking at these documents. Many of these documents, for example, are documents which are computer printouts of heritage conservation data, material from their data bank in the hands of the provincial government.

The documents -- I take issue with my friend to suggest they are not organized. They are organized and they are grouped around specific subject areas, and I think it's evident from the elastic banding what we have done to these documents in order to assist to show that they are indiscreet portions.

In my submission it ought not to take the time that my friend indicates in order to review and determine whether or not there is any basis for a cross-examination on the underlying handwritten documents that -- material of which appears in the report. So I -- it's my submission, My Lord, that my friends should continue today and we should sit 'til tomorrow until we finish Ms. Albright, and I -- that is the proposal that I make.

1 THE COURT: All right. Well, I don't think I need to hear you,
2 Mr. Willms. I think that we should proceed as best we
3 can. I think we should continue today as far as you
4 can go, and if you can continue tomorrow, then I am in
5 your hands in that regard, then we should continue
6 tomorrow. If you say, as counsel, that you can't
7 usefully carry on, then we must adjourn, either at the
8 end of today or at some time tomorrow. I think we
9 must proceed with Ms. Harris on Monday, and I think we
10 should complete her evidence in chief, and you should
11 go as far with cross-examination as counsel
12 responsibly say they can continue. They say they
13 can't start or can't go beyond a certain time, then I
14 have to accept that we must then stop and we must then
15 be prepared to proceed with his further
16 cross-examination of this witness.
17 MR. WILLMS: My Lord, one thing that arises out of that is this.
18 There is no question that I can ask this witness
19 questions tomorrow about chapter three. There is
20 cross-examination prepared on chapter three in the
21 absence of this underlying evidence. It will of
22 necessity be duplicative, because the material that
23 has just come in may be explanatory of the
24 cross-examination. Some of the cross-examination may
25 be unnecessary. So I cannot tell Your Lordship that I
26 can't continue, but I can tell Your Lordship that I
27 question the usefulness of continuing in the absence
28 of preparing a cross-examination that would take up
29 less court time.
30 THE COURT: Well, I don't think I can theorize by that, Mr.
31 Willms.
32 MR. WILLMS: I am not trying to do that, My Lord.
33 THE COURT: I understand that. I think we must bring some
34 discipline to these proceedings, and if anything
35 useful can be done at all, then we must do it. Let's
36 use up the time. I have the sense that counsel may be
37 abusing each other, and I have a very strong feeling
38 that I am being abused. And I think it's much to be
39 regretted, but I think we must push on. If we are
40 spinning our wheels most of the time but making
41 progress, then we must make progress. If we are
42 making no progress at all, and I am in counsels' hands
43 in that regard, then we must stop. As long as we are
44 making progress, we must continue on. I regret -- I
45 think this will take its toll on all of us, and we
46 will regret it in the end, but things have come in the
47 past to such a state where I can't allow it to

1 continue. We must sit wherever we can and do as much
2 as we can. Thank you.
3 MR. RUSH: My Lord, yesterday Mr. Willms requested that two of
4 the letters for which privilege claim is made be
5 produced, and for Your Lordship to review those
6 letters. And I have copies of those letters for you,
7 and I don't -- I really don't intend to make an
8 argument on these, My Lord. In my submission it's
9 covered by Your Lordship's decision that was rendered
10 on November the 7th, 1988. And I just draw your
11 attention to the relevant pages, which are page 20,
12 page 21 and page 24 of your decision, and sum in
13 total, I think that the cutting line for Your
14 Lordship's determination of whether or not the
15 document ought to be produced was whether or not the
16 document would have the effect of impacting on the
17 substance or credibility of the witness, and in my
18 submission the contents of these letters would not.
19 And so I am going to hand these up to Your Lordship,
20 and you may want to consider them in light of your
21 decision.
22 THE COURT: All right. Is my decision on privilege in the book
23 of cases right here --
24 MR. RUSH: I have a copy of that, if Your Lordship would like.
25 THE COURT: Then you will lend me a copy. I will look at it as
26 quickly as I can. You don't wish us to stand down
27 while I do this, Mr. Rush?
28 MR. RUSH: No.
29 THE COURT: I will get to it as quickly as I can. I will get to
30 it over the weekend. Thank you. Mr. Willms.
31 MR. WILLMS:
32 Q Ms. Albright, one of the references in your report was
33 a reference to work by Dr. Fladmark entitled a
34 Paleoecological Model for Northwest Coast Prehistory.
35 And you reviewed that in preparation of your report.
36 And I haven't handed you the whole -- I have just
37 handed you extracts, but do you recall --
38 A I made reference to -- I did make reference to this
39 work. Also in connection with other discussions by
40 Fladmark.
41 Q Yes. And I think you already said that Dr. Fladmark
42 was on -- he was on your masters advisory committee?
43 A Yes.
44 Q And he's a well respected archaeologist in British
45 Columbia?
46 A Yes.
47 Q Yes. Now, in this work that you relied on in your

report, you will see on page 2 Dr. Fladmark at the bottom of the page in that paragraph --

A What area of the report are you referring to in connection?

Q I am referring just to the paleoecological model right now at page 2.

A Yes.

Q And at the bottom he says -- he starts the paragraph with Drucker. Who is Drucker?

A He is an anthropologist with -- having conducted extensive anthropological as well as archaeological investigations across the northwest coast, and has published on the northwest coast.

Q And he is well respected in the northwest of British Columbia?

A He's taken as an earlier -- as the basis for some of the early work that was done in the province.

Q Now, Dr. Fladmark says in this work:

> "Drucker divided the Northwest Coast into 4 'provinces' based on constellations of shared cultural triats: (1) 'Northern' (including Tlingit, Haida, Tsimshian, and Haisla);

My Lord, I will give a copy of this to the Reporter later.

THE COURT: Thank you.

MR. WILLMS:

Q

> "(2) 'Wakashan' (Central and Souther Kwakiutl, Bella-Coola, and Nootka); (3) 'Coast Salish-Chinook' (Coast Salish, Chinook, Quileute, Chemakum; and (4) 'Northern Californian' (Yurok, Karok and Hupa)."

From your ethnographic and archaeological reading, is that an accurate statement?

A Yes, this is a classification by Drucker, and is two publications.

Q And do you agree that the Gitksan or regard it as the link which is particular subdivision of the Tsimshian?

A Yes, they have been referred to in the literature as a division of the Tsimshian as described by -- in the anthropological literature.

Q And you are also aware that at present there appear to be four sub-classifications of Tsimshian: Coast Tsimshian, southern Tsimshian, Nishga and Gitksan?

A Generally there is a reference to three groups of three tribal groups referred to as Tsimshian. Coast Tsimshian that Nishga and Gitksan --

THE COURT: So three are coastal?

THE WITNESS: Coastal.

THE COURT: Yes.

THE WITNESS: Nishga and Gitksan. And that they have a closely related aspect of culture and cultural traditions.

THE COURT: And you would put Haida in with coastal, would you?

THE WITNESS: No. Haida people are on The Queen Charlottes, and they are considered a separate ethno-linguistic group, according to --

THE COURT: So you don't agree with Mr. Willms that there are four subdivisions. You say there are three?

THE WITNESS: Generally the literature refers to three.

MR. WILLMS:

Q That's fine. Down at the bottom of the page -- sorry, carry on at the top of page four. He describes what the classification is based on, the material culture and matrilineal to patrilineal, and then he says this at the bottom of that paragraph:

> "Primarily these groupings ..."

And he is referring to the four groupings above by Drucker.

> "Primarily these groupings are based on material culture. Further subdivisions, such as the tribal groupings of the historical period are based primarily on linguistic data and are invisible archaeologically."

Is that an accurate statement in your view?

A I think this may have been an accurate view when Fladmark wrote this. It may be possible to see further distinctions in the archaeological record as more archaeological research is carried out and evidence is brought to light.

Q Do you agree that tribal groupings based primarily on linguistic data are invisible archaeologically?

A Linguistic -- linguistic data is separate from archaeological data.

Q And so you can't tell archaeologically where the Gitksan language ends and the Coast Tsimshian language begins? Archaeologically you can't tell, can you?

THE COURT: I don't understand that question, Mr. Willms,

because you included linguistic and archaeological in the same question as if they are the same thing, and I'm not sure if they are. Perhaps they are.

MR. WILLMS:

Q Let me approach it a little bit differently. You will agree that the material culture archaeologically of the Gitksan and the Coast Tsimshian is virtually identical?

A No, I would not agree with that.

Q So it's your evidence that there are archaeological distinctions between the Coast Tsimshian and the Gitksan?

A There are distinctions in the archaeological record between the two areas.

Q Well, let's forget about the areas for a minute.

A At various times. We are here looking at and comparing archaeological materials that span 5,000 years, and there are differences in the archaeological record in those two areas over that time span.

Q There are differences in the archaeological record -- are you referring to a particular site? Are you comparing two sites and saying that they are different, culturally different?

A The material remains, the material evidence, the archaeological evidence, and in the middle Skeena or sites in the middle Skeena reflect differences over time, and the material archaeological material in the Prince Rupert area reflects differences over time, and there are materials in the upper river area that are different than the materials in the -- at the mouth of the river. There are many similarities as well, and there are many differences. A comparison is based on looking at similarities and differences.

Q Just returning to what Dr. Fladmark says in the Paleoecological Model for Northwest Coast Prehistory. He says in the middle paragraph on page 4:

> "The material culture of the Haida, Tsimshian and Tlingit was so similar that it is virtually impossible to distinguish them archaeologically beyond the 'province' level."

Now, that's an accurate archaeological statement for Northwestern British Columbia, isn't it?

A There is a great deal of similarity between the Haida and the material culture in this cultural area, yes. And MacDonald in his -- in one of his early papers

1 also refers to the similarity in material culture, as
2 well as other aspects of culture. So yes, the -- that
3 similarity in the material culture and aspects of
4 other -- other aspects of culture clearly indicate
5 that there has been intense interaction between
6 these -- between peoples in the -- these areas that
7 speak -- that have been described in the ethnographic
8 literature as speaking different languages. The
9 material culture is similar and indicates intensive
10 interaction.
11 Q It's more than similar. It's so similar that it's
12 virtually impossible to distinguish them
13 archaeologically beyond the large level set out in
14 this paper.
15 A Yes --
16 Q And just to set the context for the work described
17 here. If you turn onto page 11, which is Figure 1,
18 you will see that he has drawn a -- some dotted lines
19 respecting the place and tribes of the northwest
20 coast. And a dotted line, and albeit this is a very
21 general drawing for Tsimshian, including the Skeena
22 River and the Nass River?
23 A Yes.
24 Q And you will see that he has described in
25 ethno-linguistic boundary. That's what that dotted
26 line is. That's what he is attempting to portray
27 here?
28 A Yes.
29 Q And then, if you look to -- and it's the next page in
30 what I have given you, but it's page 220 of the
31 report, where he's listed the archaeological sites in
32 the northeast Pacific region, and this is as of the
33 date that this was written in '75. Site 21 is the
34 Prince Rupert Harbour site that Dr. MacDonald
35 excavated?
36 A Yes.
37 Q And site 20 is the Kitselas Canyon site, and that was
38 primarily -- was that primarily Allaire?
39 A Allaire and Coupland. It was -- have been Allaire at
40 the time.
41 Q Allaire at the time and then later on?
42 A Coupland.
43 Q Very close by Dr. Coupland?
44 A Yes, the two sites are within a kilometer or two.
45 Q These are sites that you considered in your report,
46 aren't they, as well, these two sites, 20 and 21? 21
47 is the Prince Rupert site that you describe in your

1 report?
2 A Yes.
3 Q Correct. And 20 is the Kitselus Canyon site excavated
4 by Allaire that you describe in your report?
5 A Allaire and Coupland, yes.
6 Q Now, one of the documents that you referred to in
7 preparing your report -- My Lord, maybe before I move
8 off this, this could be marked as Exhibit 849-8.
9
10 (EXHIBIT 849-8 - REPORT EXTRACT OF K.
11 FLADMARK'S - (1975) (AGBC)
12
13 And I am showing you an extract of that
14 dissertation, and the pages are not -- they are
15 different in some respects from the pages that are in
16 the document binder that was marked by my friend.
17 Now, you will see -- first of all this is the Coupland
18 thesis that you referred to in your report?
19 A Yes.
20 Q And this is the analysis called Paul Mason in your
21 report? This is -- refers to the site "Paul Mason"?
22 A Yes, it refers to his excavations at Paul Mason site,
23 as well as his discussions of Paul Mason and Gitaus.
24 Q If you turn to -- and it's the very last page in this.
25 What I have here is the abstract at the beginning
26 describing what he's done, and then page three from
27 the beginning of the report. And it's that paragraph
28 in the middle of the page -- it's page three of the
29 thesis and the last page of the extract that I have
30 handed you. And Dr. Coupland says:
31
32 "It is recognized that cultural change at
33 Kitselas Canyon did not occur in isolation.
34 Data from two other important localities on
35 the lower Skeena River - Prince Rupert Harbour
36 and Hagwilget Canyon - are compared to the
37 Kitselas Canyon material."
38
39 Just pausing there. You recognize Prince Rupert
40 Harbour as being Dr. MacDonald's investigations,
41 correct?
42 A Yes.
43 Q And Hagwilget Canyon as being Dr. Ames'
44 investigations?
45 A Yes.
46 Q Then Dr. Coupland continues:
47

"This places Kitselas Canyon in the larger context of the lower Skeena River. I argue, contrary to an existing model, that Kitselas Canyon and the two localities mentioned above have existed as part of a cultural interaction system for the past 4300 years."

Just stopping there. Do you accept that? Is that accurate?

A Yes, I would agree.

Q And so, as I suggested earlier -- and you know that the differences between the people inhabiting those localities now between Hagwilget and Kitselas and Prince Rupert Harbour are linguistic differences?

A Yes.

Q Yes. And I am going to suggest again that there is, in terms of linguistic differences between people -- in other words, identifying the people that were there as either Gitksan or Coast Tsimshian, that archaeologically that is impossible?

A I don't understand your question, sir. Language is one aspect of culture.

Q Well, language is not an aspect of material culture, is it?

A Language is.

Q Material culture?

A Is an aspect of communication.

Q Maybe I have been misunderstanding what material -- what does material culture mean archaeologically?

A The physical remains of occupation and indicating occupation and use of -- at a particular site or a particular area.

Q And there is virtually no difference in the material culture excavated at either Prince Rupert, at Kitselas or Hagwilget, is there?

A There are differences.

Q They are very minor?

A In the material.

Q They are very minor?

A There are materials. As Dr. Coupland indicates, there are -- there is evidence of cultural interaction along the Skeena. There are also indications of differences in the archaeological record. Those differences in the archaeological record reflect different adaptations to differences in the environment in which peoples are carrying out subsistence activities, are earning their earnings, their livings.

1 Q What artifacts did you unearth anywhere within the
2 territory claimed by the Gitksan that was materially
3 different than artifacts unearthed outside that
4 territory than, say, Prince Rupert or Kitselas?
5 A I can't think of specific items at the moment, because
6 I didn't -- you know, there are diagnostics that were
7 compared. There are definitely the small side notch
8 projectile points that are found in Moricetown Canyon,
9 are not found, which had come from the upper layer at
10 Moricetown Canyon, have not been found in further down
11 the Skeena.
12 Q And so you say that and Moricetown is a difference in
13 material culture between what's down the Skeena River?
14 A Yes.
15 Q And in fact it's a difference from what was excavated
16 by Ames at Hagwilget?
17 A Excuse me?
18 Q It's different than what was excavated by Ames at
19 Hagwilget as well?
20 A Some of these differences reflect adaptation to the
21 specific environments that people are living in, and
22 the differences in resources. The small projectile
23 points that were found at -- in the upper levels of
24 Moricetown are indicative of small points used as
25 arrow points, for use of the bow and arrow in hunting
26 activities. As far as I am aware, similar points have
27 not been found in other areas along the Skeena. And
28 that may be a reflection of the -- of whether the
29 concentration of activities along the Skeena are --
30 you know, people along the Skeena were also hunting,
31 but not at the river.
32 Q Similar artifacts to those that you unearthed at
33 Moricetown were also recovered in the Chilcotin?
34 A The small site -- projectile points found in the upper
35 layer at Moricetown are similar to small arrow points
36 found in the northern interior and the central
37 interior. They reflect hunting adaptation in late
38 pre-contact times.
39 Q Now, I asked you about Hagwilget Canyon and the Ames'
40 excavation, and I suggested to you that you unearthed
41 different material at Moricetown from the material
42 culture that had been unearthed by Ames at Hagwilget.
43 A Yes, there are some differences in the materials. I
44 have acknowledged that in my opinion report. I
45 believe chapter two, when I summarized the materials
46 from the Hagwilget and Moricetown Canyons.
47 MR. WILLMS: My Lord, could Coupland be 849 -- 849-9?

1 THE COURT: Yes. All right.
2
3 (EXHIBIT NO. 849-9 - EXTRACT OF REPORT OF G.
4 COUPLAND (DEC. 1985) (AGBC)
5
6 Q Now, perhaps the starting point, I am going to turn to
7 Moricetown Canyon and the radiocarbon dates, and you
8 set them out at page 2-8 of your report. And these
9 are a listing of eight samples for which you received
10 carbon date information back from Beta Analytic?
11 A Yes, that's true.
12 Q And you sent or you took over 30 samples altogether
13 for radiocarbon dating?
14 A Yes, approximately 30 samples. They varied in size
15 and quality.
16 THE COURT: I'm sorry, did you say you took 30 samples or you
17 sent 30 samples?
18 THE WITNESS: No. No. We collected approximately a little
19 over 30 samples.
20 THE COURT: This is from the trench wall at Moricetown?
21 THE WITNESS: Moricetown, yes.
22 MR. WILLMS:
23 Q And the document that I have handed to you, are these
24 your handwritten notes -- first of all are these your
25 handwritten notes?
26 A These are notes, a summary of excavation units by --
27 carried out by Deana Ludovicz on my request.
28 Q So these were made by Deana Ludovicz on your request?
29 A Yes.
30 Q And if you look, you will see that what you have
31 done -- and I don't intend to take you through it
32 all -- but "EU" at the top refers to where the
33 excavation unit is?
34 A Yes.
35 Q And then you set who -- or Deana Ludovicz is described
36 who did the excavation?
37 A Yes.
38 Q There is then a description of features in the
39 section?
40 A Yes.
41 Q Then under "RC". "RC" stands for radiocarbon, and the
42 next section says how many samples were collected?
43 A Yes.
44 Q And then following that there is either a reference
45 usually to which one was sent for analysis or that
46 none were sent for analysis. Is that --
47 A I think this is a discussion as to -- yes, which

samples would be appropriate.
Q All right. Okay. Who made the decision which samples would be appropriate to send for dating? Was it Ms. Ludovicz which made that decision?
A It was my decision which samples would be sent, in review of the -- a review of the summary that she had prepared and quality of the sample, and our discussion about the samples and what samples reflected various layers and features at the site.
Q Just turning to the second page. At the top of the page it refers to excavation unit 4 to 5.5, and it's 5.5 to 6.5, combined due to stratigraphy, and it says it was excavated by SA, RM and MD. Now, SA is you, is that right?
A Yes.
Q RM. Is that Ruth Murdoch?
A Yes. She volunteered to give us some assistance on one weekend.
Q And who is MD?
A Oh, I believe that refers to Mark Duivan.
THE COURT: D-I-V-E-N?
THE WITNESS: I believe it's D-U-I-V-A-N.
MR. WILLMS:
Q Was this the only time that you had assistance, other than from Ms. Ludovicz and Mr. Brolly, in doing your archaeological investigations?
A Mark Duivan was working in Hazelton, and came out to -- with us one day when -- one or two days, one day I believe at -- well, we were working at the large lithic gather at Moricetown Canyon, at Hagwilget Canyon.
Q Ruth Murdoch had done work at Moricetown Canyon before your work at Moricetown, hadn't she?
A Yes, she did.
Q Do you know what the qualifications of either Ms. Murdoch or Mr. Neetal -- or sorry, Duival -- Duival?
A Duivan.
Q What were their archaeological qualifications?
A They've both had experience in doing archaeological field work.
Q Do they have degrees in archaeology?
A No -- Ruth Murdoch has a degree from U.B.C. and has participated in a number of archaeology projects doing field work.
Q And in fact you reviewed and relied on the work that Ruth Murdoch had done earlier for the Moricetown area in your writing your report?

A I have referred to her work, yes.
Q Okay. Now, could that be 849-10, My Lord.
THE COURT: Thank you.

(EXHIBIT NO. 849-10 - TAB 10 - HAND NOTES OF D. LUDOWICZ - RE SAMPLES UNDATED)

Q Now, referring back to the dates from Beta Analytic -- sorry, the samples from Beta Analytic which are set out on that page. Is it your evidence that there was evidence of human presence found in association with each of these carbon samples?
A Yes.
Q I am showing you what has been produced to us in respect of the radiocarbon sample data sheets with the code numbers RSR-85-2 all the way up to, I think the last one is RSR-85-11. So you sent -- there were 10 samples of the 30 collected that were sent to Beta Analytic, correct?
A Yes, there were 10 samples.
Q And if you want to just review this for a minute and confirm that this is all the material that was sent to Beta Analytic.
A Yes, I believe so.
MR. WILLMS: 84-11, My Lord.

(EXHIBIT NO. 84-11 - RADIOCARBON DATA - SEPTEMBER 2, 1985 - SHEETS FROM BETA ANALYTIC AGBC)

Q If you could have that before you, and at the same time have Figure 2, which are your profiles before you. And your profiles are found after page 2-2 in your report.
THE COURT: Could I just get a note, please. The evidence is, Ms. Albright, that these sample data sheets are the totality of what was sent to Beta Analytic for the -- I'm sorry, for the eight samples?
A For the 10 samples that were submitted, and I had dates returned for 8.
Q All right.
THE COURT: All right.
MR. WILLMS:
Q This was the only documentation that was sent to Beta Analytic; is that right?
A These are -- these are standard data sheets, which they request that researchers submit information, in

terms of the context in which samples are from. So there is -- should be two pages for each one. And I didn't have -- I didn't have enough of the original forms, so the -- for some samples we gave the information in the format requested, although it was just written up on a clean paper.

Q But was there any other documentation in addition to this sent to Beta Analytic?

A No.

Q This was it?

A These were the sheets, yes.

Q No cover letter?

A Well, the information on the sheets indicates who is submitting the sample.

Q Yes.

A I don't recall a cover letter. If there was, I sent a cover letter and didn't retain a copy.

Q Now, just starting with the very first RSR-85-2. And if you look at the location of this. This is -- and there is a little drawing on the next page in Exhibit 84-11. There is a description, first of all, at the top of the page saying:

> "The site is comprised of three distinct cultural layers overlaying alluvial gravels. This sample was collected from the lower levels of layer B, indicative of the middle prehistoric occupation of the site."

And then down below there is a little number 3, and that shows where this particular sample was taken. Correct? In the little figure?

A Yes.

Q And so if we want to match that up with the Figure 2, we look on the south wall profile?

A Yes.

Q And it's that RC that's in -- that is in from the south wall. It's the first one in the diagonally hatched area from the right-hand side on the top?

A Yes. It's the first unit from the right.

Q All right. But there is -- you have drawn a little RC down there on the figure.

A Yes.

Q Is that the RC?

A Yes.

Q All right.

THE COURT: I'm sorry, where are we?

MR. WILLMS: My Lord, if you start at the top of the figure, right-hand side.
THE COURT: I am sorry. It's the one on the right.
MR. WILLMS: The one on the right.
THE COURT: Yes. All right.
MR. WILLMS: The first one in, the hatching is diagonal, and if you look at the numbers down below, it appears as if it would be around the one meter mark about halfway in between the start.
THE COURT: Yes.
MR. WILLMS:
Q So that is the sample that you have identified as R-SR-85-2?
THE COURT: What's it again please?
MR. WILLMS: R-SR-85-2.
Q Correct?
A Yes.
Q All right. Now, you will see that -- first of all who -- this one was completed by Richard Brolly, this first sample sheet. He filled that in?
A No.
Q Who filled this sheet in?
A Most of the basic information about the context was prepared by Deana Ludovicz.
Q So this is her writing?
A Yes.
Q Okay. And you will see that Deana Ludovicz -- and what does she prepare this from? Does she prepare this from the actual sheet taken at the time on the site by the person who locates the sample?
A This was based on original -- the original field notes.
Q Yes.
A At the time.
Q And the level sheets?
A And level sheets, yes, field notes. And the original field notes were by Richard Brolly, who excavated the unit.
Q Okay. Can you explain why in Exhibit 849-11 it is shown that sample three is taken from layer B, and on your Figure 2 you place the sample in layer C1.
A The samples and data sheets based on original field notes were sent in before we had completed our work at the canyon, before we had completed profiling of all the units. So profiles are done during excavation by -- of each unit by the individual who is excavating the unit, and then the composite profiles, which are

1 used for this, were based on an additional examination
2 after the excavations were complete. And those were
3 done by Ms. Ludovicz and I, and we re-examined all of
4 the stratigraphy and revised based on additional
5 examination some of the original observations.
6 Q When was it that you went back and re-examined the
7 work that had already been done?
8 A There were, I believe, two additional weekends at the
9 site in September. So we probably finished profiling,
10 drawing profiles September 12th or 13th. It would
11 have been almost into the middle of the month.
12 Q And whose -- whose opinion was it when this was sent
13 in that this sample was collected from layer B? Was
14 that Mr. Brolly's opinion that's reflected on the
15 sample sheet?
16 A Yes, that would have been based on his notes and
17 observations.
18 Q Right. And later on you determined that Mr. Brolly
19 was wrong?
20 A I went through all of the field notes and maps and
21 interpreted the data.
22 Q I asked you whether Mr. Brolly was wrong. Was he
23 wrong?
24 A In re-examining the stratigraphy upon the completion
25 of excavation, the -- yes, the bottom of what Brolly
26 has described as the bottom of the B, appeared to be a
27 dark C. The C1 later that was visible in other units.
28 Q Do you recall what evidence of human presence you
29 found in association with carbon sample number 3?
30 A Yes, I believe there was a number of items from that
31 area. They are in the materials throughout, yes.
32 Q There is a note at the bottom, and I can't read my
33 copy, and I don't know if you have got a better copy
34 around, but maybe from memory, is that your note at
35 the bottom? Is that your writing? I can see a BI SA
36 and DL.
37 A Yes.
38 Q Do you remember what you wrote there?
39 A Well, probably reference to -- reference to the
40 revision of the re-examination.
41 Q Okay.
42 A Of the re-observation of the stratigraphy.
43 Q When did you write -- whose writing is 3680 plus or
44 minus 170 BP?
45 A That would be mine, after I got the --
46 Q The results back?
47 A The results back, yes.

Q Is it possible that after you got the results back, at the same time you altered the profile, as you have noted at the bottom, you also moved level C up above the radiocarbon date?
A I have made a note that we had re-examined the stratigraphy after the samples were sent in.
Q Did you make that note on -- at the same time you wrote in the carbon date?
A Yes. Likely, yes.
Q And so if the carbon date is in level C1, it tends to substantiate the date of that level?
A Yes.
Q But if it's in B, then there are some difficulties with the interpretation, aren't there?
A I don't see -- no, these are interpretations that I have made based on a review of all of the notes and materials and observations.
Q Was the material feature that you found associated with this radiocarbon date, was it any one of the artifacts that you have listed later on page 2-10 of your report?
A I believe the medium size stemmed point was found at -- under projectile points.

THE COURT: Item D?
THE WITNESS: Item D.
MR. WILLMS: Thank you. My Lord, this would be an appropriate time for the break.
THE COURT: All right. Thank you.
You're saying that item D from page 210 was found where?
THE WITNESS: In this C1 layer.
THE COURT: But do you know how far from the sample, or does it matter in your discipline? As long as it's in the layer is that sufficient?
THE WITNESS: No. It was within the unit. I have described this point as coming from that --
THE COURT: Within that unit?
THE WITNESS: From that unit.
THE COURT: Yes. All right.
THE WITNESS: It was from the C1 layer.
THE COURT: Yes. All right. Take the morning adjournment. Thank you.
THE REGISTRAR: Order in court. Court will recess.

(PROCEEDINGS ADJOURNED FOR A SHORT RECESS)

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS HEREIN TO THE BEST OF MY SKILL AND ABILITY.

_____

LORI OXLEY
OFFICIAL REPORTER
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1 S. L. ALBRIGHT, Resumed:
2
3 CROSS-EXAMINATION BY MR. WILLMS: (Continued)
4
5 MR. WILLMS:
6 Q Will you turn to the second sheet, R-SR-85-3, you were
7 the collector of the carbon sample? That's what it
8 indicates on the first page, so the collector on the
9 first page is the person who actually --
10 A Was carrying out the -- excavated the unit, yes.
11 Q On the second page -- so that this description on the
12 second page is not Mr. Brolly's description, it's your
13 description? At the top, "the site is comprised of
14 three distinct cultural layers overlying alluvial
15 gravels. This sample was collected from layer A The
16 uppermost pre-historic occupation." So that's a --
17 A That is a general description of the site as a whole,
18 yes.
19 Q That was your description as the collector?
20 A It's a general -- so that would refer to, yes, my
21 notes in collecting the sample.
22 Q And do you remember what evidence of human habitation
23 or human remains that you found in association with
24 this sample? And if it would help you, maybe you
25 could turn to the sheet at 2-10.
26 A The -- 2-10 --
27 Q I am assuming --
28 A Materials collected from A, layer A, include small,
29 the small side notched arrow points.
30 Q Did you collect any of the small side notched arrow
31 points in close association to the location where you
32 took sample 11?
33 A I can't recall offhand what -- there were a variety of
34 artifacts throughout the deposits and I can't quite
35 recall what came from this particular unit. But the
36 date or the sample was submitted to get an approximate
37 age for the layer in which there were also distinctive
38 or characteristic artifacts.
39 Q But that layer goes a long way, the layer goes right
40 across the whole ten metres, right?
41 A Yes.
42 Q So the artifacts that were collected in layer A could
43 have been several metres away from where you took this
44 carbon sample?
45 A Yes, hm-hmm.
46 Q Now the next one was taken by Deanna Ludowicz, 85-4,
47 and on the second page -- and I am not clear on

1 whether or not it's intended to depict that the sample
2 was taken in layer A or layer B, because there appears
3 to be this line under A layer dividing A layer and the
4 hearth the sample was from, taken from the hearth
5 itself, and the hearth is a feature within layer B
6 Layer A caps layer B and the hearth.
7 Q Well, the recorder here says, "The hearth was cut into
8 the layer B deposit and is believed to be associated
9 with the most recent pre-historic occupation of the
10 site." And I am sorry, maybe I am misreading that but
11 it notes it's cut into layer B but that the
12 association is clearly layer A
13 A That was not the final interpretation of this feature.
14 Q And you made the final --
15 A It was a -- based on field notes made by Deanna
16 Ludowicz, but in looking at the context of the hearth,
17 the hearth is -- the hearth is found within the
18 context of layer B
19 Q I --
20 A The hearth is built up during occupation of the layer
21 B deposits.
22 Q Now the next sample R-SR 85-5 was collected by Deanna
23 Ludowicz, and is described as, at the top of the page,
24 "the sample was collected from the lowest cultural
25 layer C as indicated in the following diagram." And
26 the date on that one for that -- for the lowest layer
27 is 2860, that was the date that you received back from
28 Beta Analytic?
29 A Yes.
30 Q Now the next -- and I won't take you through the next
31 one because the next one is just -- there is no
32 result. Well, maybe I will ask you one question on
33 R-SR-85-6, this is collected by you?
34 A Yes, I would have --
35 Q So this drawing came from the drawing that you made?
36 A Yes. This would have been the original sketch in the
37 field notes.
38 Q And originally in the field notes, you noted a layer B
39 and B-1, which were different.
40 A Yes, I believe -- I believe that was -- that may have
41 been one of the ash patches in B.
42 Q And I am just looking at figure two, you don't show in
43 this radiocarbon drawing, you do show in figure two in
44 your report, in the upper left-hand corner, on the
45 south wall profile, two ash deposits on either side of
46 the pit feature; do you see that?
47 A Again, this was from the -- from the original field

1 notes and together --
2 Q But you made the original field notes, didn't you, you
3 were the collector?
4 A Yes.
5 Q Well, what happened to change your mind about the way
6 you have depicted the soil in the information sent to
7 Beta Analytic and what you ultimately put on figure
8 two showing an ash feature or an ash deposit, to the
9 left of the pit feature, and showing an ash deposit to
10 the right of the pit feature?
11 THE COURT: Are we on the north wall now?
12 MR. WILLMS: No, still on the south wall, my lord. If you look
13 at the top you will see it's ten metres -- I am
14 looking at the Beta Analytic material, it's marked off
15 ten metres, 9.8, 9.6 all the way to 8 metres and then
16 if you look at the south wall profile, the metric
17 marking is at the bottom but it runs from ten to eight
18 again and you will see that pit feature described if
19 that's described in the Beta Analytic document is
20 described as F-5 on figure two and what I am exploring
21 right now is why there have apparently been ash
22 deposits added.
23 A That was additional interpretation of the material as
24 we re-examined it.
25 Q But did you make a mistake the first time you saw and
26 recorded what you were excavating, is that what you're
27 saying?
28 A No. In re-examining the deposits and the
29 stratigraphy, our understanding as we excavated the
30 deposits became more refined.
31 Q Can you --
32 A So we were better able to interpret the stratigraphy.
33 Q Why did the left wall of feature five that you have
34 called a pit extend all the way to the ten metre mark
35 in this material sent to Beta Analytic that was drawn
36 from your notes, your field notes, and then instead
37 stop in figure two and continue instead of a pit you
38 have got layer B, why did you change that?
39 A That was based on re-examination of the wall profiles.
40 Q And you said earlier that you did this re-examination,
41 which resulted in these alterations, some of which we
42 have gone through already, on two days? Or two
43 separate weekends in September, is that when you did
44 it?
45 A Yes, the re-examination was done in September.
46 Q And you made careful notes of that re-examination in
47 September?

A The composite profile was drawn at that time, as we went back to re-examine the site, yes, on a weekend, later in September and the profiles in figure two are that final understanding of the stratigraphy.
Q And you made notes about this, and they're dated September, showing the changes?
A No, it was a profile that was drawn.
Q On site?
A Yes.
Q And so there will be a profile somewhere in your material dated in September showing these changes?
A They will indicate the stratigraphy that was observed when we re-examined it, yes. As presented in this figure.
Q And that was done by you and Deanna Ludowicz?
A Yes.
Q Was that done -- did you take the original level notes out with you when you did that to compare the level notes to the stratigraphy that you were now drawing?
A We compared the stratigraphy with the field notes, yes.
Q In the field?
A In the field.
Q Now the next carbon date is from the north wall and the sample is 85-7, Richard Brolly was the collector, and you will see first of all from the Beta Analytic material that it was his view when he collected the sample that was collected from layer B indicative of the middle occupation of the site?
A Yes, it's from the middle layers.
Q When you finally got the data back the date was at 1700 from Beta Analytic?
A Yes.
Q And you have already given evidence that from the other wall you had a date of 1650 for the top cultural layer, layer A, and --
A Yes.
Q -- and 1800 for layer B? It's around 18, 1830 maybe?
THE COURT: Plus or minus something.
MR. WILLMS:
Q 1880?
A 1880.
Q Plus or minus 90.
A Yes, that was the date returned on that sample.
Q So that when you look at those samples for those two layers, and take into account the radiocarbon dating, accepting that it's accurate from Beta Analytic, you

1 have got a carbon dating overlap between B and C -- A
2 and B?
3 A I have listed the dates as returned in table two and
4 the context in which they were from.
5 Q But you have described three occupational layers, A as
6 being more recent, B as being middle and C as being
7 the old occupational layer in your report?
8 A I have described a C-1 and a C-2 in the field we
9 identified a darker, reddish-brown or brown as
10 compared to a lighter yellowish-brown, distinction
11 between B and C or the lower C, C-2.
12 Q This sample that we are just talking about, the 1700
13 which is from the B layer, from the drawing appears to
14 be 20 centimetres below the surface, that's
15 approximately where the sample was taken? You see the
16 20 centimetre line on the left-hand side?
17 A Yes.
18 Q And that's about eight inches from the surface?
19 A The deposits on the north trench, on the north side of
20 the trench, were -- appear to be more compressed. In
21 other words, we have the same layers, but they are
22 more compressed, they are not as thick as on the south
23 side.
24 Q Why, just on this, there appears to be a C-2 and C-4
25 soil layer identified by Mr. Brolly. Were you using
26 different numbers to identify soil layers while you
27 were doing your analysis than you ultimately used in
28 your report? Why did he use C-2 and C-4, there is no
29 C-4 in your report?
30 A No, in -- while he was working in this unit, he was
31 interpreting or he was seeing perhaps some finer
32 distinctions within the layer, which in comparing to
33 other units, deposits in other units, were identified
34 as either C-1 or C-2.
35 Q But did each of you, as you were excavating and making
36 your level notes, have your own idea about how to note
37 and identify the levels, was it individual?
38 A We had identified, together in our discussions of what
39 we were excavating, the uppermost layer A, B, and a
40 dark C and the lighter yellowish-brown C. In some
41 units these were more clearly identifiable than
42 others. And I do remember talking to Brolly after he
43 had been working in this unit in checking with him on
44 his excavation into this unit, that he was seeing some
45 visual distinctions that Deanna Ludowicz and I did not
46 see in that unit.
47 Q So that what you visually see is a matter of

1 interpretation, depends on who is doing the
2 interpretation? Brolly saw level C-2 and C-4 where
3 you and Deanna saw a level C-1 and C-2, is that what
4 you're saying?
5 A We discussed this matter and we -- I remember that as
6 we were working along the trench that particular day,
7 the light, it was a very hot day and the light was
8 varying on the --
9 Q Are you saying you changed them on the day, on the
10 very day that they were being identified you talked to
11 Mr. Brolly and changed them?
12 A No, he -- I did not change his field -- you know, he
13 was writing field notes in terms of what he was
14 seeing, but in discussing what his observations were
15 compared to what was being observed in other units, we
16 indicated that perhaps it wasn't -- that he was seeing
17 distinctions which were not seen in other units that
18 the or that some of the lensing, some of the lensing
19 that he referred to were specific ash patches.
20 Q Maybe you could turn now to --
21 A So as distinctions within the layer that he saw. So
22 he was using it perhaps, perhaps a different lettering
23 system for the distinctions that he was seeing.
24 Q You --
25 A And he had made those observations before I had a
26 chance to discuss them with him at that particular
27 unit.
28 Q Can you please turn to R-SR-85-9, I won't ask you
29 about 85-8 because there is no date back from Beta
30 Analytic. But this was one that you collected,
31 correct?
32 A Yes.
33 Q And your description on the second page is that the
34 sample was collected from a hearth cut into the lower
35 cultural layer overlying a post, that was your
36 description of where the sample was taken?
37 A That's a general -- that was written by Deanna
38 Ludowicz in reading the notes.
39 Q But reading your notes about where it was found,
40 right?
41 A Her description of the hearth cut into is her own
42 description. The note is that the -- the notes would
43 be that this sample was collected from the hearth.
44 Q And you will see immediately adjacent or it appears
45 adjacent to where the sample was taken, there is a
46 layer C-1?
47 A Yes.

1 Q Now, in looking at the figure two, can you explain on
2 the north wall profile where this -- is this
3 radiocarbon date?
4 A Between.
5 Q Between six and what appears to be seven?
6 A Yes.
7 Q In that very dark area?
8 A Yes. In the hearth.
9 Q In the hearth. And the date -- and so this is located
10 below where the B zone starts, right where B and C
11 intersect, and in fact, very close to C-2, which I
12 think you call C on this drawing; is that right?
13 A The hearth is interpreted as a part of layer B
14 Q At 19 -- that's the date that you got back from Beta
15 Analytic?
16 A Yes.
17 Q So --
18 A The sample is from the hearth and the hearth is
19 part -- a feature in layer B
20 THE COURT: I am not sure I am following this, is the R. C. that
21 you are talking about the one that's being six metres
22 and seven metres on the north wall?
23 A Yes.
24 THE COURT: And there are two R. C.'s on that profile and the
25 one on the left?
26 A One on the left from the dark.
27 THE COURT: In the black end area?
28 A Yes, that represents the hearth. The other --
29 THE COURT: What does F mean on that?
30 A Feature.
31 THE COURT: That's the post?
32 A Feature name for the post, yes, and there was a sample
33 taken from it as well.
34 THE COURT: That's number 18, is it? Or is the post E-19?
35 A The post is feature 19.
36 THE COURT: I see. 19. What is the feature number 18?
37 A That's also a post mould.
38 THE COURT: Two posts?
39 A Yes.
40 THE COURT: All right. I have it now. Thank you. And which
41 one is it that we are talking about, it's the R. C. on
42 the left?
43 A Yes, in the hearth.
44 MR. WILLMS: It's the higher one, my lord.
45 THE COURT: Thank you.
46 MR. WILLMS:
47 Q Now, the description of the next one, this is at

85-10, is off the second page, a post mould cut into layer C.
A A post mould found in layer C-2 deposits.
Q And this sample was collected by you?
A Yes.
Q And it appears to have been collected less than 20 centimetres below where you collected the sample that we have just talked about that was dated by Beta Analytic at 1960. I should say, it appears, if you look on page 2-8, that it's a difference of 12 centimetres in the depth of those two samples.
A Yes.
Q And with dates over that 12 centimetres, how far is that, that's five inches, that far?
A Oh, deeper than that. I don't have a ruler with me today. But that sample, yes, that sample was taken from the post in layer C, C-2, the lower C.
Q Well, it's called C here, yellowish, reddish-brown silt?
A Yes.
Q And the --
A And the C-1 is a dark reddish-brown.
Q Dark stained reddish-brown silt, right? And when -- let's just do the last one.
THE COURT: Before you do that, what does it mean where it says beside the sketch for number ten it says profile at 3.8 north, what does that mean?
A 3.8 metres north of the base line at zero, so where this is the north wall.
THE COURT: But this is the north wall profile from 5.6 to 7 metres, isn't it?
A 5.6 to 7 metres east, and the 3.8 is north. So we have three dimensions there.
THE COURT: All right. I see. Thank you. But, I am sorry, I thought these units were one --
A We set --
THE COURT: Two metres square, were they not?
A Basic unit was one metre.
THE COURT: This one is almost four metres, is it?
A The basic unit excavated was six to seven, and then a portion of the adjacent unit was also illustrated in this profile.
THE COURT: All right.
MR. WILLMS:
Q The last one is -11, and this was collected by Deanna Ludowicz and her description is that this sample was collected from a feature interpreted to have been a

1 post and she gives the stratographic location and I
2 think that the sample was taken, it appears to be
3 about half a metre below the surface. And it's
4 described as 47 centimetres below the surface in your
5 sheet.
6 A Yes.
7 Q And there is the description of the silt underneath
8 it, it sort of fills out a little bit, there is two
9 types of silt at the bottom?
10 A The --
11 Q At the bottom of the post of what you described as the
12 post feature, there are two different colours of silt
13 in that feature?
14 A Well, the post -- yes, I believe that there was gray
15 brown mottling in that post feature, which would --
16 and probably indicates the degree of carbon and
17 charcoal in it.
18 Q Does the two colours of silt indicate that perhaps
19 there were, at one time, another hole there, that is
20 filled in twice?
21 A No, the actual examination of the post feature did not
22 indicate that it would be any more than one post
23 feature.
24 Q No, I am asking whether or not the presence of two
25 different colours indicate that you may have
26 superimposed features in the same location for some
27 reason, that it's filled in -- the silt is what fills
28 in later on after the post rots; is that right?
29 A We have the decomposition of the post itself, which
30 produces soil as it decomposes.
31 Q Yes. And?
32 A Or a burning of the post with silt from the matrix
33 being added to it. So there would be some silt matrix
34 along with the decomposed or charred post material.
35 Q Well, there is a hearth above this, so let's just look
36 at the soils that you found in that, is that not the
37 difference between those two colours, is that not
38 relevant at all in your interpretation of what that
39 might be and whether it's one occurrence or two?
40 A I am not sure what you're asking, sir.
41 Q If you dig a hole in the ground and just leave the
42 hole there and let it fill in naturally, you have silt
43 that over time can fill in to the hole which will
44 leave an indication in the future that there was a
45 hole there at some time, there will be different
46 coloured soil, possibly; is that right?
47 A Yes, we often see cache features with some

1 stratigraphy in them based on weathering and in-
2 filling of silt.
3 Q Or where a tree may burn at a particular location and
4 decompose, you will find a similar kind of silty
5 matrix after the tree is decomposed over a period of
6 time?
7 A For a forest burning, a forest burning would have
8 an -- or a tree burning would have a very different
9 characteristic than a cultural feature, and in this
10 situation we have a cultural feature, we have a post
11 feature in the deposit.
12 Q And animal holes fill in over time, animal burrows and
13 they can fill in from the top, can't they, from
14 deposition of material from the surface in to fill the
15 hole in when it's not used at later times; is that
16 right?
17 A Animal burrowing would leave, I guess, distinctive
18 characteristics.
19 Q It would leave what might be described as silt of
20 different colours, wouldn't it?
21 A But if you're implying that this or getting me to
22 imply that this is not a post feature then, you know,
23 I -- which your line of questioning seems to be
24 indicative of, this is distinctly a cultural feature
25 identified as a large post feature. A post mould.
26 And there are a number of aspects that are related to
27 it, including its support by several large boulders,
28 and the nature of the profile.
29 Q Would you turn back to the last radiocarbon where you
30 have got a post there, where are the large rocks on
31 both sides of that post to support it?
32 A There are several rocks.
33 Q Well, there is one there.
34 A Indicated -- R refers to rock. And it was clearly
35 indicated during excavation of this unit that post
36 features in this unit were also supported by rocks.
37 Q But during the course of your investigation mistakes
38 were occasionally made on identifying features, isn't
39 that right?
40 A All of the features that have been identified, I have
41 reviewed all of the information that is relevant to
42 them, that has led to my discussion of them in the
43 report.
44 Q Well, I am showing you a document from the level, it
45 was described as a level sheet for Moricetown, and
46 there is a list of excavation unit 1.0 to 2.0, and if
47 you just look through this, but do you recognize this

as one of the level sheets from Moricetown, in particular a level sheet that was prepared by -- sorry, my lord, can we put that one to the side? It's the wrong level sheet.

THE COURT: I will give it back to you.

MR. WILLMS: I will come back to it. I want to start with something that's identified as a feature record, feature eight. Now, do you recognize that this is a feature reported by Richard Bally on the 11th of August, 1985?

A Yes.

Q And he is -- I have done it again, my lord, that's not the right one. But I have got it now and I will come back to this later.

THE COURT: What does D. B. S. mean?

A Depth below surface.

MR. WILLMS: This is the one and then we can break.

Q This is a level sheet, the whole level sheet that we got for this particular one and you recognize that? If you look to the third page of it, which is number four, it's noted as a recorder RPB, and the date of August 14th, 1985. This is one of the level sheets from Moricetown?

A Yes.

Q And you will see on the first page -- and that's Mr. Brolly?

A Yes.

Q And on the first page he notes that in that first paragraph: "Most important development in this level is utter disappearance of all layer 'C-4' dark grayish-brown gravelly silt loam; expected along south trench wall" and then he says this: "but proving that identification of 'post mould' in preceding level was mostly wishful thinking based on faulty interpretation of a very minor stained-soil zone on floor plan."

Now from time to time during excavation, mistakes can be made in identifying the features in the excavation; is that correct?

A Or what is expecting may be something different or the feature is re-interpreted.

Q So when -- and one of the problems with interpreting a feature is that there are several things that you can find underground, that there are features that you can find which may have several interpretations or they may not be a feature at all? You may think that they are a feature but they are not and you may find things that you think are one kind of a feature but it's

1 really something else?
2 A I feel like you're trying to confuse me here in this
3 matter.
4 Q Well, when you see the remains of the filled-in
5 remains of a hole in the ground, that could be the
6 remains of a post mould, right?
7 A The post moulds are generally quite distinct in that
8 they can be -- they can be, during excavation, they
9 show up as distinct dark circular colourations,
10 stains.
11 Q So your answer is yes?
12 A No, I didn't say yes. I don't remember what you're
13 asking anyway. I am wanting to explain to you our
14 identification of a post, for example, a post feature,
15 identification of a hearth and how they are determined
16 as a feature, in that a post feature is identified by
17 following it through from its original recognition
18 down through the deposits and it may be noted to
19 extend down into the -- down in the deposits for a
20 distance.
21 THE COURT: Shall we leave it there until after lunch?
22 MR. WILLMS: I think it may be useful, my lord.
23 THE COURT: All right. 2 o'clock, please.
24
25 (Proceedings adjourned for lunch)
26
27
28
29
30 I hereby certify the foregoing to be
31 a true and accurate transcript of the
32 proceedings herein to the best of my
33 skill and ability.
34
35
36
37
38
39 Wilf Roy
40 Official Reporter
41
42
43
44
45
46
47

(PROCEEDINGS RECOMMENCED AFTER LUNCHEON RECESS)

THE REGISTRAR: Order in court.
THE COURT: Mr. Willms.
MR. WILLMS: My Lord, before I continue, I just want to first of all mark that level sheet dated August 14, 1985 as Exhibit 849-12.
THE COURT: Yes. All right.

(EXHIBIT NO. 849-12 - COPY - LEVEL SHEET - MORICETOWN - AUGUST 14, 1985 AGBC)

MR. WILLMS: And over the lunch break I found what I was looking for, I hope.
THE REGISTRAR: Are you finished with these?
MR. WILLMS: If that last one, 849-12, could be left with the witness.
THE REGISTRAR: Okay.
MR. WILLMS:
Q I am showing you, Ms. Albright, what is identified as a feature record form from Moricetown for feature 9. Do you recognize that as the feature record form for feature 9?
A Yes.
Q And that's Mr. Brolly down below?
A Yes.
THE COURT: What is it called, a record -- feature record sheet?
MR. WILLMS: Feature record form, My Lord.
THE COURT: Thank you.
MR. WILLMS:
Q And you will see that the -- under 11 the depth of the feature is 30 centimeters.
A Yes.
Q And the excavation unit is 1 to 2 meters east, 4 to 4.5 north?
A Yes.
Q And it's described as a post feature?
A Yes.
Q Now, can you please look back to Exhibit 849-12, which is the level sheet. You will see that the excavation unit in the level sheet is one to two east.
A Yes.
Q 3.8 to 4.5 north?
A Yes.
Q And DBS is circled. That's the depth below the surface?
A Yes.

1 Q And it's .35 to .40 meters or 35 to 40 centimeters?
2 A Yes.
3 Q And I am going to suggest to you that what Mr. Brolly
4 is talking about here in Exhibit 849-12, when he says
5 that the identification of a post mold in the
6 preceding level was wishful thinking, he is referring
7 to what's been identified as feature 9.
8 A No, I am not sure that it is the same feature. I
9 would need all the level sheets. Feature 9 was
10 identified from the -- on the basis of all the level
11 sheets, and you have only given me one.
12 Q You have got the level sheets?
13 A I got --
14 Q No. No. Do you still have the level sheets, all of
15 the level sheets that you took from Moricetown?
16 A Yes, they are in the binder.
17 Q Yes. All right. And, My Lord, I apologize for this,
18 but when these materials came to us they are all over
19 the place. I looked and looked and looked for the
20 level sheet above this, and couldn't find it. And I
21 know it's an imposition, and I don't mean to do it
22 right now, but if it's at all possible for the witness
23 to review the notes that she kept to identify the
24 level sheet above that Mr. Brolly is talking about.
25 The only document that I can find that he could
26 possibly be talking about is feature 9. But I could
27 have been mistaken in reviewing the level notes,
28 because there is some missing, there is pages missing,
29 and they are all over the place, and it would be of
30 great assistance if overnight this witness could have
31 leave to refuse -- sorry, review all of that, and
32 advise us in the morning when she finds it. And I
33 would like to leave it that way, if I could.
34 THE COURT: All right.
35 MR. RUSH: I take objection to my friend's characterization that
36 the sheets were all over the place, that some were
37 missing and so on. I think you should see that as my
38 learned friend's interpretation of them.
39 THE COURT: I didn't take it any other way.
40 MR. RUSH: The short request, I think, is would the witness look
41 at the notes she has.
42 THE COURT: Yes. I'm sure she will.
43 MR. WILLMS:
44 Q The site at Moricetown, GGST2, was first investigated
45 by Mr. Turnbull?
46 A Yes.
47 Q And, My Lord, I can't remember, did I ask that that

feature be marked --
THE COURT: No.
MR. WILLMS: Sorry. Feature 9 be 849-13.
THE COURT: Yes.
THE REGISTRAR: Thank you.

(EXHIBIT NO. 849-13 - COPY - FEATURE RECORD FORM - AUGUST 12, 1985 - AGBC)

MR. WILLMS: And now it's the large black --
THE REGISTRAR: 847. Exhibit 847.
MR. WILLMS:
Q And in there you have the -- Turnbull at tab three. And in paragraph 2, Mr. Turnbull, this is at tab three in his report on the site that you later investigated, further says that:

"As far as ethnohistoric data is concerned, the Moricetown people are not going to be much help. There are not many people who know much about the old days, in spite of the fact that a certain number of the village spent most of their time gaffing fish and totem poles are still being erected."

Now, when you were conducting your ethnographic research in the Moricetown area, did you interview any of the elders in the area to determine how various material culture may have been used in the past?
A Several elders came to see us while we were excavating at the site, and gave comments on features visible in the profiles.
Q Did you make notes of the dates that you spoke to those people commenting on the features, and what they said about them?
A No, I didn't.
Q When you did your research, Tahltan ethno-archaeology, in order to explain the hunter gatherer use of material culture, you also observed and interviewed people among the Tahltans, is that correct?
A Yes, I did.
Q As part of your ethnographic research to interpret the archaeological record?
A Yes.
Q Yes. And in accordance with your practise you made notes of those conversations and the information that you received?

A Yes.
Q Why did you do it differently here?
A In this situation I did not carry out formal interviews. These were visitors to the site.
Q All right. So you did your ethno-archaeological investigation here differently than the method that you used in doing Tahltan ethno-archaeology?
A In what sense do you mean differently?
Q Well, that's one example, isn't it, that you just explained. You had informal meetings with people explaining how material culture was used and what things were at Moricetown. You formally recorded that in your investigations with the Tahltan. That's a difference, isn't it?
A Yes.
Q Just carrying on with Turnbull at tab three. Turnbull did excavate two pits at GGST2, and he says, and this is at the bottom. He put in two at the third terrace and one on the second. And at the very bottom of the page he notes that he only drew two of the pit walls from that test pit. There were only 19 artifacts recovered, and then on the top of the next page he describes that he did test pit two because the first one was so unproductive. And one thing that he notes, and I'm sorry to flip you back, but back to the first page on the one pit that he excavated at GGST2. If you look down, he says that the pit was riddled with animal burrows. Do you see that?
A Yes.
Q And I suggested to you before, and I just -- I can't remember what you said, but I suggested that a filled in animal burrow might look similar to a decayed post mold over time. Isn't that true?
A No, it isn't.
Q All right. Totally different?
A Quite different, yes.
Q All right. And what are the points that are so different that you can tell just by looking at them?
A Post molds are features that are vertical and indicate vertical placement of a post. Animal burrows, animals tend to burrow in every which direction.
Q You mean at an angle?
A No. Every which direction.
Q And they never burrow straight down? Is that your evidence?
A I don't live with animals. I'm not sure that they would ever burrow -- dig straight up or down.

1 Q One thing you noted when you viewed Turnbull is that
2 if a pit is riddled with animal burrows, it -- there
3 is a possibility that the material may be disturbed
4 below the soil level. Is that correct?
5 A He's referring to a cache pit which was excavated.
6 Q It may be a cache pit, but it's in GGST2. It's in
7 that same location where you did your -- I am not
8 saying it's the same walls.
9 A It's on the same terrace.
10 Q It's on the same terrace?
11 A Yes.
12 Q You are not trying to suggest that there were animal
13 burrows only in a cache pit area and nowhere else on
14 that whole terrace. I mean, surely the animal burrows
15 would be within a -- at least a localized environ in
16 that area, or didn't you notice any animal burrows
17 whatsoever?
18 A We did not observe animal burrows in the cultural
19 deposits that we excavated.
20 Q Did you observe any around on the surface or nearby
21 where you excavated?
22 A No.
23 Q Did you observe any at all?
24 A No, I didn't in the cultural deposits that we
25 excavated.
26 Q You walked over this whole area, didn't you?
27 A Yes.
28 Q Did you observe any animal burrows whatsoever?
29 A No, I didn't.
30 Q Now, you will see that on the second page of this
31 Turnbull describes -- and this is from the bottom of
32 the page over to the top, when he is still talking
33 about test pit one at GGST2 and the 19 artifacts that
34 he recovered with the major features are recorded, and
35 that the depth of the deposit is 2.5 feet. Then he
36 says this:
37
38 "Since there are cache pits nearby, some of the
39 deposit may be excavated material."
40
41 Now, were there cache pits in the area of GGST2 that
42 you noticed during your investigations?
43 A Those cache pits at the edge of the terrace where
44 Turnbull did this test unit are still visible.
45 Q All right. Did you observe cache pits anywhere else
46 in the area of GGST2?
47 A I believe there were a few pits further to the south

1 on the terrace, but not in the vicinity of the area
2 that I excavated.
3 Q No. But the area that you excavated was an area where
4 the reason why you were able to excavate there was a
5 trench had been cut, right, with a bulldozer or
6 something like that. There was a trench that was cut
7 before you even went to the site.
8 A Yes.
9 Q Yes. And you don't know whether there were any cache
10 pits in that trench, or what was in the trench before
11 it was excavated, do you?
12 A There are comparable deposits on the trench wall.
13 Q And you interpolate from the trench wall what was in
14 the trench, that it was all the same?
15 A There were no -- had been no pits observed in this
16 area.
17 Q Well --
18 A Turnbull made known where the pits were located on the
19 very edge of the terrace.
20 Q When you arrived at the site you made use of a trench
21 pit that had been cut at some time before you arrived?
22 THE COURT: Trench pit?
23 MR. WILLMS: Well, sorry, a trench. I will call it a trench.
24 Q About 4 and-a-half meters wide?
25 A Three meters wide.
26 Q Three meters wide. And it was that trench that
27 allowed you to get at the excavations that you did on
28 either side?
29 A We excavated from the trench.
30 Q My question is: First of all, other than
31 interpolating from what you found on either side of
32 the trench, you don't know what it was that was
33 excavated out of that trench?
34 A Material similar to what we have observed on both
35 sides of the trench.
36 Q You assume?
37 A Yes.
38 Q But you don't know whether material from the trench
39 was placed on either side of the trench?
40 A Materials were placed to the -- on the -- to the south
41 of the trench.
42 Q On the south side of the trench?
43 A Yes.
44 Q And if you can look in your report. The south side of
45 the trench is the south wall profile on figure 2.
46 A That is the south -- yes, that's the south wall of the
47 trench.

Q And it's your evidence that material was piled on that wall?
A In the photograph of the area we excavated you can see how the materials from the trench had been placed on the surface, on the other side of the wall.
Q So that you knew when you went in to excavate in these areas that there had been at least some disturbance, before you got there, of the area that you were excavating?
A No. The trench materials were placed on the surface back from the edge of the trench wall. The deposits themselves were not disturbed.
Q The deposits weren't disturbed?
A The deposits below ground surface were not disturbed.
Q Now, go back now, My Lord, to something I got a little out of order before.

THE COURT: Looking at plate one?
THE WITNESS: Yes.
THE COURT: I take it the backhoe is still working when that picture was taken, was it, that was causing all that dust?
THE WITNESS: The backhoe is on -- yes, I think there was still a backhoe operating at the other end of the terrace, on the back of the terrace.
THE COURT: Why did they dig this trench? Was it for your purposes?
THE WITNESS: No, not at all, sir.
THE COURT: What was it for?
THE WITNESS: The band was upgrading the -- a campground on this terrace.
THE COURT: What was this trench for?
THE WITNESS: To put in water lines and electric lines.
THE COURT: A three meter trench for water?
THE WITNESS: I guess as big as was useful for the backhoe.
THE COURT: You think that might have been the size of the bucket?
THE WITNESS: Yes. I don't know -- the bucket wouldn't be that big, sir, but I imagine they laid both water lines and electric lines.
THE COURT: All right.
MR. WILLMS:

Q This one is the one for His Lordship. Now, I am showing you something that I showed you before. It's a note entitled feature eight and -- this is a feature that's recorded by Richard Brolly on August llth, 1985. Do you see that?
A Yes.

Q And he is recording it, and he says this, that the type of feature is unclear. He calls it a ash deposit. And then he says:

"A lens or cultural deposit of layer C/ash, overlying the normally stratigraphically superior layer B."

And then down below he says that it's a:

"Stratigraphic paradox of layer."

I think it's C overlying layer B. Now, just for a moment, if you find a soil layer overlying another soil layer out of sequence, is that one indication that the soil layers may have been disturbed?

A No.

Q Never? It's never an indication? If you found layer C material sitting on the top of layer B material, isn't that an indication that there could have been disturbance in the soil at that location?

A Oh, there could have been.

Q Okay.

A From what you outlined.

MR. WILLMS: All right. And maybe while I -- maybe I can mark that, My Lord, before I turn to the more detailed description by Mr. Brolly. Maybe that could be 849-14.

(EXHIBIT NO. 849-14 - COPY - FEATURE RECORD FORM - AUGUST 11, 1985 - AGBC)

MR. WILLMS:

Q Then the next one is a level sheet, and it appears, at least from the top, to represent the same location. And you will see it's a level sheet dated August 11th, which is the same date as the feature sheet, marked 849-14. You recognize this as Mr. Brolly's feature sheet -- sorry, level sheet?

A Yes.

Q And you will see that Mr. Brolly is describing:

"An odd juxtaposition of the apparent layer C material over apparent layer B matrix."

And then he says:

"See feature record form from this unit."

And then says this:

"While doing so, it became evident that while there was a superpositioning of strata, that there was also more stratigraphic weirdness going on in here than previously believed."

And is that just a comment particular to Mr. Brolly, or did you notice that there was some -- not using weirdness, but some interesting stratigraphic things taking place during the excavation?

A I think that refers to a case of sunstroke on that particular day.

Q Because --

A And the -- and the effect that sunstroke is having on his ability to read the colouration of the matrix he was excavating in.

Q You see, on page 4 he carries on.

A That was a day I did get quite angry with him.

Q He carries on on page 4, and says that:

"The stratigraphic anomaly seen along the trench wall may be a function of the pit fill at the edge of the 'ash pit', but seemingly this should not have remained unmixed for very long."

Do you agree with that observation?

A No.

Q No. And then Mr. Brolly -- and maybe you could put figure 2 -- have figure 2 in front of you. First of all this is the north wall that he is describing here. If you look at it, it's described as 3.8 to 4.5 north.

A North.

Q It's the north wall between one meter and two meters. And you will see that Mr. Brolly has described the ash pit at E up at the top left-hand corner of his diagram.

Sorry, I'm on page 5 of the level sheet.

THE COURT: Yes. All right. Thank you.

MR. WILLMS: The very last page of the level sheet.

Q And Mr. Brolly has drawn the boundary here, and he's got E as the gray ashy silt, and then he has it underlain by D, by C, and also by B, which he

1 describes as a dark grayish brown gravelly silt loam.
2 And if you look on your figure 2 at the bottom, you
3 have described layer B as dark grayish brown sandy
4 silt. Right?
5 A Yes.
6 Q But if you look between one and two meters on the
7 north wall profile, you don't show any layer B or C
8 underlying that ash deposit that is set in there, do
9 you. What you have got underlying it is layer D, but
10 no C and no B.
11 A D refers to the rich brown gravels.
12 Q And you have got that underneath the ash deposit, and
13 that's what Mr. Brolly shows too in his level sheet?
14 A Yes.
15 Q But then for some reason you don't show any layer C
16 under layer D as he has, and he's marked down what the
17 colour of it is.
18 A The C would be above the D.
19 Q Well, that would be if there was no stratigraphic
20 weirdness going on, but that's not what Mr. Brolly's
21 describing here, is it?
22 A The C is stratigraphically above D.
23 Q That's what you have shown here in figure 2, right?
24 A Yes.
25 Q But that's not what Mr. Brolly showed on his level
26 sheet.
27 A I believe that's what he was referring to.
28 Q Well, look here. He calls B at the very bottom of his
29 level sheet, he describes it very carefully in his
30 legend as dark grayish brown gravelly silt loam. That
31 is the very same legend.
32 A This is part of a feature at that location. The
33 feature fill has a dark matrix within the context of
34 the C. And he says here, "bottoms out at 46
35 centimeters below surface." So this is the one to two
36 meters east. This is the post feature referred to as
37 nine.
38 Q Yes.
39 A That's number 9. And on figure 4 showing the
40 distribution of features in the deposits. Feature
41 number 9 is a post mold, and what Brolly has called B
42 as a dark gray brown matrix in the -- within the C is
43 the post feature. And the yellowish grayish ashy silt
44 at which he has referred to as E, as a separate
45 designation for this lens of yellowish grayish ash,
46 has been defined as -- as the feature number 8, ash
47 feature number 8, which is also shown in figure 4 of

1 the opinion report.
2 Q Well, however you interpret what Mr. Brolly has drawn
3 here, he has clearly said in here that he saw layer C
4 material lying over layer B material. There is no
5 doubt about that, is there? That's what he says.
6 A He is seeing layer C material over a dark matrix,
7 which was determined to be part of another feature,
8 not an aspect of the layer, and he has referred to it
9 as B here, because the same -- it is the same colour
10 as layer B up above.
11 Q Yes.
12 A So he has used B to describe the colour of it.
13 Q Well, I don't want to dwell on this, but if we are
14 reading from the same page --
15 A So I believe the --
16 Q Isn't this what he describes B as, a dark grayish
17 brown gravelly silt loam?
18 A In the fill of this feature, this pit feature?
19 Q B.
20 A Yes.
21 Q And he shows C as being dark reddish brown silt
22 overlaying that B.
23 A No, it's not overlaying. It is adjacent to it. It's
24 not overlaying it.
25 THE COURT: It's drawn as overlaying, isn't it?
26 THE WITNESS: No, it's drawn as adjacent to it. At this point
27 in time where the plan would have been drawn, the B
28 matrix is quite distinct surrounded by -- I say
29 surrounded by at the same level by C matrix.
30 MR. WILLMS:
31 Q Just going back. Do you have feature eight in front
32 of you?
33 A So we have a feature within a separate feature in the
34 C deposits, in the C layer.
35 Q Do you still have the feature eight description,
36 849-14? It's that page. And as I read Mr. Brolly, he
37 says:
38
39 "A paradox of layer C matrix overlying layer B
40 matrix."
41
42 Which happens to coincide with, and maybe I'm not
43 able to read these archaeological diagrams, but it
44 looks like what he's depicted on the last page of the
45 level notes "C overlaying B", isn't that what he is
46 describing?
47 A Feature eight refers to the ash deposit which on the

level sheet he has referred to as E. E letter designation to refer to this yellowish gray ashy silt, described as E.

Q Well, this is it. I will leave this. Can I just ask you one question?

A Yes. I was going to say, interpretation of stratigraphy and features is a very complex process, and it --

Q He does say in Exhibit 84-14, when he describes the feature in item 9:

> "A lens or cultural deposit of layer C/ash overlaying the normally graphically superior layer B."

And when I look at figure 2 in your report, I can see the ash deposit depicted between one meter and two meter, but I do not see it overlaying the normally stratigraphically superior layer B.

A Yes, the -- normally the layer we have designated as B is -- it is -- it is stratigraphically above C. What his confusion is here is that he has given the same B designation to describe the matrix of another post feature.

Q Well, I don't --

A And that's why I got angry at him that day, because he was -- is getting confused with his descriptions of the features and colourations he was seeing.

Q Uh-huh. Well, maybe we will move on.

THE COURT: What is the post in figure 2? Is that F7?

THE WITNESS: In the post -- yes, what he has called in his -- on his level sheet here as B matrix is the post feature number 9, which is shown in my report on figure 4. Figure 4 which shows a distribution of features in the earlier C deposits.

THE COURT: But this 849-14 shows it to be between one and two meters east.

THE WITNESS: Yes.

THE COURT: Would that not put it on the left-hand side of the north wall profile?

THE WITNESS: It -- the second unit in from the left at one to two meters there is a ash patch shown in the profiles. That's after the unit was excavated, because it shows up in the -- in the wall of the completed unit. So the ash that is referred to in this level sheet has been identified as a feature, as an ash lens in the profile. The post feature that is referred to here is

not, because it was along the edge of the unit that was being excavated. It didn't show up in the profile after completion of the unit, but it is mapped in the distribution of features a few pages following the profiles in figure 4. It shows up as the post mold number 9. Figure 4, features associated with deposition of layer C.

THE COURT: Where is that post?

THE WITNESS: It's on the right-hand side of the page. Again feature number 9.

THE COURT: It is called feature eight in the level sheet, or the feature record form.

THE WITNESS: The feature eight refers to that ash, which you can see at the back of the unit.

THE COURT: All right.

THE WITNESS: And then 9 refers to the post mold on the edge of the unit.

THE COURT: All right.

THE WITNESS: So both of those features that are identified in the notes and his floor plan are identified in figure 4 there, associated with layer C, which surrounds at the same level, surrounds those features.

THE COURT: All right.

MR. WILLMS:

Q Did you -- and if you are at layer C, the features associate with deposition of layer C, you have shown a lot of post molds here.

MR. RUSH: What are you referring to please?

MR. WILLMS: I'm sorry, it's your figure 4 after 2-5.

Q And of those -- and you have associated all of those with layer -- you say C here, without distinguishing between C1 and C2.

A Yes, there were two features, I believe.

Q But post mold 26 at the very bottom?

A Yes.

Q That you obtained a carbon date for?

A Yes.

Q Post mold 19 you obtained a carbon date for?

A I believe so.

THE COURT: Where is 19?

MR. WILLMS: If you go up, My Lord, they sort of work backwards. It's on the right-hand portion of the backhoe trench, PM 19. I am on this one, My Lord. It's figure 4.

THE COURT: Yes, I am on figure 4.

MR. WILLMS: And on the right hand you will see there is a series of circles and numbers beside them.

THE COURT: Yes.

1 MR. WILLMS:
2 Q Now, all of these post molds that you have shown in
3 layer C, they vary from 42 centimeters in diameter --
4 from 20 centimeters in diameter to 42.
5 MR. RUSH: The summary of features indicates the depths and the
6 diameters, which are not quite as you indicated.
7 MR. WILLMS:
8 Q Well, the variation is the diameter or the depth. The
9 depth range -- sorry, I had it backwards. The depths
10 range from 55 as the deepest in layer C all the way up
11 to 30 -- 25?
12 A 25 in one case, yes.
13 Q All right. So there is a 30 centimeter difference
14 from the top to bottom of the depth of these post
15 molds in layer C, and they range?
16 A Yes, there is a range of depth.
17 Q All right. And then there is a range of diameters of
18 these post molds as well?
19 A Yes.
20 Q And you are not suggesting, are you, that any more
21 than one or two of these post molds may have been in
22 existence at any particular time in the past, are you,
23 that is at the same time?
24 A Yes, I am indicating there are. There are likely to
25 be several posts that are indicative of a structure, a
26 particular structure.
27 Q At one time? At one specific time?
28 A A structure would have been used over a period of
29 time.
30 Q All right. Do you know what the life of a post is,
31 exposed to the elements in this area, and how long it
32 takes before it either rots in the ground or
33 decomposes naturally?
34 A I haven't been out looking at fence posts, no. But
35 these are house posts which suggest several periods of
36 rebuilding and occupation of house structures at this
37 site over a considerable period of time.
38 Q And --
39 A And there are likely that -- likely that there is more
40 than one or two associated with each other in any
41 building episode.
42 Q One or two?
43 A It's likely there are more than one or two.
44 Q You have only dated two, and you know from the results
45 that you've received for Beta Analytic, and assuming
46 that those results are accurate, that the two dates
47 you got show that it's unlikely that those two posts,

1 being 900 years apart, were part of the same
2 structure. And I am speaking about post mold 19 and
3 post mold 26.
4 A I am not suggesting they are the same structure.
5 Q No. And because of the time depth of layer C, as
6 you've described it, you have got layer C on page 2 --
7 eight ranging all the way from 2860 B.P. to 5660 B.P.
8 That's 2800 years.
9 THE COURT: What was this again, Mr. Willms?
10 MR. WILLMS: It's at page 2-8, My Lord, and the range for layer
11 C is --
12 THE COURT: Just a moment. Oh, yes.
13 MR. WILLMS: 2860 to 5660.
14 THE WITNESS: That includes both C1 and C2.
15 MR. WILLMS:
16 Q Yes. I am just trying to correlate that with the
17 figure you have shown, C1 and C2 -- you have shown
18 them on the same figure 4?
19 A Yes. And there are two of those features associated
20 with C1.
21 Q And the carbon dating for figure 4, assuming that it's
22 accurate, ranges from 2860 to 5660 for the features
23 listed on that?
24 A We have dates on samples retrieved from two of those
25 features.
26 Q No. The post molds. But there are other features in
27 here, right?
28 A Yes.
29 Q And the features that are associated with layer C, you
30 have marked all of the features on figure 4?
31 A Yes.
32 Q You have marked hearths and the post molds and the ash
33 deposits, right?
34 A Yes.
35 Q So that the time depth based on what Beta Analytic
36 reported to you, the time depth of figure 4 is 2800
37 years?
38 A Yes, for the C1 and the C2 deposits, yes.
39 Q So that it's highly unlikely that any more than one or
40 two or maybe three of these features were
41 contemporaneous with each other?
42 A Without dates from all of them, I couldn't tell you
43 exactly which ones were contemporaneous with each
44 other.
45 MR. WILLMS: My Lord, this may be an appropriate time to take
46 the afternoon break.
47 THE COURT: All right. Thank you.

(PROCEEDINGS ADJOURNED FOR A BRIEF RECESS)

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS HEREIN TO THE BEST OF MY SKILL AND ABILITY.

_____
LORI OXLEY
OFFICIAL REPORTER
UNITED REPORTING SERVICE LTD.

1 (PROCEEDINGS RESUMED FOLLOWING SHORT RECESS)
2
3 MR. WILLMS: My lord, I would ask that the level sheet that the
4 witness was just referring to, prepared by Mr. Brolly,
5 be marked Exhibit 849-15.
6
7 (EXHIBIT 849-15: LEVEL SHEET - SITE - MORRICETOWN)
8
9 MR. WILLMS:
10 Q Ms. Albright, could you have your report at page 2-8,
11 and I think I asked you this before, but just before
12 we proceed with this, is it your evidence that you
13 found evidence of human habitation associated with
14 each of the locations of the carbon samples that are
15 reported at figure 2 at page 2-8?
16 A Yes.
17 Q Now, looking at the archaeological evidence that you
18 looked at, can you tell whether the site dwellers at
19 any of the different dates that are set out at page
20 2-8 were either the ancestors or the descendants of
21 the site dwellers at any of the other dates?
22 A Could you repeat that, please?
23 Q Well, maybe I will just focus on two dates. Do you
24 know whether or not the human habitation represented
25 at 5660 B. P. on this table, whether those people were
26 the descendents -- sorry, were the ancestors of the
27 people at, say, 1650 B. P. from the archaeological
28 evidence, can you tell that?
29 A The archaeological evidence reflects continuous use
30 and occupation over the five to 6000 years as
31 represented by the materials.
32 Q So that your answer to my question --
33 MR. RUSH: Excuse me --
34 MR. WILLMS: I thought she was finished.
35 MR. RUSH: Is she finished is the question?
36 A The materials themselves -- the materials themselves
37 do not have -- do not indicate who -- what language
38 the speakers were who occupied the site at that time.
39 MR. WILLMS:
40 Q But let me take it even further, each one of these
41 could represent people with a similar material culture
42 who were at the location at the particular time but
43 moved away?
44 A I don't know that.
45 Q That's a possibility, isn't it?
46 A People could have occupied the site at an early time
47 and moved to a different location.

1 Q And the ancestors of those people could move back and
2 be represented later?
3 A Yes.
4 Q Or someone else with the same material culture or
5 similar material culture could have moved into the
6 same location?
7 A The materials at the site indicate changes in
8 technology over time, such as the diagnostic
9 projectile points that were recovered. We see a
10 change in those point styles over time at the site.
11 Q And just stopping there --
12 MR. RUSH: Just a minute.
13 MR. WILLMS: I thought she was finished.
14 A The materials at the site, including the artifactual
15 material, the stratigraphy and the sequence of dates
16 indicate continuous occupation up to the historic
17 period.
18 Q Well, I thought a moment ago you agreed that a
19 possibility was that people who lived there at a
20 particular time could have moved away from the site
21 for a period of time and then moved back, that's an
22 archaeological possibility from your findings, isn't
23 it?
24 A They could have been here fishing in the summer and
25 off in some other part of the region for hunting in
26 different parts of the environment.
27 Q And from the archaeology, they could have gone away to
28 a different location and your dates are hundreds of
29 years apart, in that interim you don't know whether if
30 was anyone there from the archaeological record?
31 A Within the stratigraphy revealed during excavation, I
32 do not see any sudden break in stratigraphy that would
33 suggest that the site had been abandoned for any
34 lengthy period of time.
35 Q Well --
36 A Which would give an erosional surface to the site.
37 Q But didn't, at Hagwilget, didn't Dr. Ames interpret a
38 period where he found one cultural zone but very few
39 or not a great number of artifacts, as something that
40 had been used sporadically, wasn't that an
41 archaeological interpretation of his result?
42 A That was his interpretation.
43 Q At Hagwilget?
44 A Yes, he interpreted that zone B as being used for
45 summer fishing activities.
46 Q Sporadic?
47 A I wouldn't agree with him on sporadic, the term

sporadic. In looking at the materials in the features associated with that zone the -- I agree with his interpretation that it was used as a fishing site.

Q I thought your evidence earlier, for example, with respect to plate A-6, the projectile points, first of all you saw a similarity between A, B and C, A and B were recovered from Moricetown and C was recovered from Hagwilget, all right? And didn't you give that evidence before that there was a material cultural similarity between them?

A Similar in terms of comparable time frames for those projectile points.

Q About how about material culture telling you something about who used them?

A That -- yes, they represent comparable activities.

Q And I think you gave evidence that you saw drawings, and I can't recall whether it was MacDonald further down the Skeena or whether it was Allaire, but of similar features further down the Skeena River?

A Similar points styles.

Q Similar point styles, right.

A Yes, they appear at the Gitaus site excavated by Allaire.

Q Similar cultural material?

A Yes.

Q And when you say diagnostic to tell you something about a material culture, that's what you mean, don't you, you mean that you can look at this point that's been excavated at point A and say that the material culture of whoever was using it there is the same material culture as whoever was using a similar point excavated at point B?

A Those two, that aspect of the culture is similar, yes.

Q And the other points, and it's with a projectile point at the top of plate A-6, I think you have already given evidence that was the Magne article that you relied on in saying that they were diagnostic, that you could say something about the material culture by looking at those?

A I didn't rely on the Magne paper to say they were diagnostic, they are diagnostic of late period arrow points.

Q At Athapaskan?

A Found in the interior, both northern, central and southern interior.

Q So that there is a large geographic range where points similar to that have been found?

A Yes.
Q And is there a similar large geographic range where points similar to A, B and C have been found?
A Yes.
Q So I am going to suggest to you again that you can't tell from the archaeological record whether or not people present at a particular time at Moricetown Canyon were the ancestors or the descendents of anyone there at a different time, you can't tell that from the archaeological record?
A Not from looking at individual items. Looking at the sequence, looking at the materials within the context of the sequence, that is represented at this site, the sequence of occupation at the site indicates occupation over a period of 6000 years that material culture indicates a development that is in late times indicative that -- suggestive that this development has led to the occupation of the site by the present occupants of the area. So there appears to be an in situ cultural development at the site.
Q Well, let's just turn to the in situ development and maybe the starting point would be table 5 in your report, which is your temporal comparisons?
A Table 5?
Q Yes, it's after page 2-19. Now, on this table that you refer to a period since Euro-Canadian trade and contact of about 200 years at Moricetown on the right-hand side, and then you get into layer A on this table.
A Yes, this is a generalization of a period. I am not sure that that contact at each site was exactly the same. This is -- 200 years is taken as a general reference point.
Q You did locate a historic zone at Moricetown where you located insulator fragments?
A They, were lying in the sod on the surface of the site.
Q I am showing you what's been described as your excavation catalogue for the -- it's just extracts from it, is that your handwriting or is that Deanna Ludowicz's handwriting?
A I believe the catalogue is in various handwritings, depending who took turns identifying and writing.
Q And let's just -- my lord, maybe we should mark that before I forget, as 849-16.

(EXHIBIT 849-16:EXCAVATION CATALOGUE MORRICETOWN - TRENCH 1)

Q Just to describe what you have done here, there is a column entitled catalogue number and that is the number of the artifact that you have excavated?
A Yes.
Q Then the next column over is horizontal excavation unit, and the two lines below tell you which way you move to the east or west and immediately below to the north or south from your datum point?
A Yes.
Q Next you have the layer mentioned, and the depth?
A Yes.
Q And then next you have an artifact description, correct? Now you will see that working down here, catalogue 85-103 is identified as a green glass insulator fragment and it's identified as being in layer A, 30 centimetres DBUD, that's depth below upper datum?
A Yes.
Q Now, is this your handwriting or is this someone else's?
A DBUD is different from depth below surface.
Q I know. If you go down to the next one, which is another green glass insulator fragment, DBS and 20 centimetres, that means depth below surface, doesn't it?
A It says DBS.
Q That means depth below surface; is that right?
A It means depth below surface.
Q And it also says layer A?
A Yes.
Q So green glass insulator fragments were found in layer A?
A I think this may still refer to the sod layer referring to depth below datum, because I think both were used on the south trench.
Q Well, perhaps you could turn to page 11, which is the second or third to the last page in this artifact list?
A Third to --
Q Page 11, but it's the third to the last page and you will see at the very bottom there is catalogue number 85-264 layer and it says A, zero to ten centimetres, green glass insulator fragment and then sod?
A Yes.

Q And so where it's the sod, the sod is written in, zero to ten centimetres; do you see that?
A Yes.
Q So going back to the first page, I am suggesting to you that the glass insulator fragments were more than just in the sod, they were also in layer A, as is set out on the catalogue?
A Well, in cataloguing the artifacts the sod was including as A as part of the --
Q As A?
A As A.
Q And just keeping that in front of you, if you turn back in your report to page 2-5, where you have listed the artifacts -- sorry, where you have listed the features, if you look down the depth on table 1, at page 2-5, you will see you have got the depth in centimetres, now that's the depth below surface, that column, DBS?
A On this table?
Q Yes.
A Yes, in preparing the table I went through all of the field notes and, in some cases, the -- most cases DBS was used but often DBU was used on the south wall trench.
Q But in any event, you're representing DBS here, that's what you're representing?
A On the table it's DBS, yes.
Q And your DBS on the table, there are some that are 80 or 70, but if you look down the list, at least down to the ash deposits, you're within 25 centimetres, except for those two pits, of the surface?
A No, you see most of the post moulds are in the layer C deposits are --
Q But I wasn't talking about the post moulds, just stop at the ash deposits, except for those two pit features, five and four -- sorry, two and five, all the rest of those features are 25 DBS or less?
A The ash features?
Q Well, and pit and hearths, the hearths are 25 as well?
A Yes.
Q So what I am suggesting to you is that if you have got green glass insulator fragments down ten to 20 centimetres DBS, it's possible that you are in a historic zone when you are looking at the hearth three, hearth 15, 17, pit feature four, and all of the ash deposits?
A No.

Q Impossible?
A There were only the three items or I believe three fragments found that reflect post contact activity at the site. All of the -- all of the materials and the -- all of the artifacts, all of the rest of the artifactual material and all of the features at the site indicate pre-contact occupation of the site.
Q Well, let's just test that. Turn to the second page of your excavation, of the extract from your excavation catalogue, which is page six, on page six you have 85-185, you have it noted as zero to 15 centimetres DBS?
THE COURT: I am sorry, what are you looking at?
MR. WILLMS: Page six, I am at artifact 85-185, if you look at the catalogue number in the left hand column, my lord, and then you go across.
THE COURT: Oh, yes.
MR. WILLMS:
Q The layer is described as A again, the depth below surface is zero to 15 and it's described as a brown glass fragment, that's historic, isn't it?
A That would indicate a historic item, yes, and it was found in level bag material, which included the sod so it was in a level bag.
Q With the other prehistoric artifacts, wasn't it, they were all in the same level bag?
A Yes, they may have been put in the level bag with mostly prehistoric materials but all prehistoric materials for that level of excavation, including the sod.
Q Can you turn to the next page of the extract that I gave you, it's page nine from your notes, the catalogue number is 85-223, the depth is zero to five centimetres, and I do note that immediately below it there is flake shatter basalt, apparently found in the same level, flakes, margin, chert, apparently in the same level bag, but a green glass insulator as well, that's historic, isn't it, the green glass insulator fragment?
A Yes, there was one item, it was in three to four or perhaps five fragments.
Q Well, we started on the first page --
A And it's still found in the sod layer. Okay? In excavating the unit, the material from the sod was included in the surface, the first level.
Q The historic level?
A Well, those are historic items and I acknowledge that

these historic items are on the surface, are at the site.

Q They were under the surface, weren't they, ten to 20 centimetres under the surface?

A My analysis of the pre-contact materials indicated that the -- most of the materials from layer A, perhaps the problem for you is my designation of layer A, perhaps I should have called on the temporal chart or to refer to zones of occupation.

Q Let's carry on to page ten, once again if you go down the list on page ten, which is the next page over, you have artifact 85-247, layer A, zero to ten DBS, a green glass insulator fragment, and the next page is page 11, I have already referred you to those green glass insulator fragments which you described as being in the sod, and then the next page is page 19, and you will see that there appear to be a number from the start of the page down, artifacts taken from what's described as layer A, zero to ten centimetres, and the first four are obsidian, all from the same area, the next one is jasper, and then there is a flake with a question mark, glass, and then more obsidian. If it's glass, that's historic, isn't it?

A It could also have been obsidian.

Q That's why there is a question mark, it could be glass it could be obsidian, correct? And then just to complete it, if you turn the page, and page 20, and this appears to be a continuation of whatever was taken from that same level, you will see the top ones are flake shatter, basalt, basalt, chert, all the way down to 85-392, flake shatter glass, that's historic, isn't it?

A Yes. Likely. It could also be obsidian but likely glass.

Q Does the presence of historic material in layer A indicate that the layer may be disturbed, that is, it may not be as it was prehistorically?

A That historic material is from a level bag, including the sod, which is the surface, the grass surface.

Q And without knowing exactly where it was taken, if it's in a level bag with a bunch of other material, and if you have a level bag which has got historic material and prehistoric material in it, can you tell from the bag whether or not the prehistoric material was overlying the historic material when you pull the stuff out of the bag?

A The nature of the historic items, several fragments of

1 the green glass insulator, will have a time frame for
2 its use, and a few flakes of glass are likely of
3 recent activity on the surface of the site that are
4 found in the sod layer. And that was our observation
5 during excavation that these materials were on the
6 surface.
7 Q Well, one is specifically listed as being ten to 20
8 centimetres below the surface on page one, do you see
9 that?
10 A Yes.
11 Q Well, forgetting about all the other ones --
12 A Ten to 20 below the --
13 Q S, DBS, surface, right?
14 A I don't see DBS here. I am not sure whether it's DBS
15 or DBD.
16 Q I am looking at 85-104, level A, ten to 20
17 centimetres, DBS? Isn't that DBS? 85-104, that's not
18 a D, is it, that's an S?
19 A It says DBS.
20 Q Yes.
21 A It's possible that it has been found at DBD.
22 Q When you take the level bag from ten to 20 centimetres
23 DBS so that you know that you don't have the sod and
24 you have historic materials mixed in with prehistoric
25 materials, you don't know when any of those materials
26 were deposited there, do you? They could have been
27 deposited there prehistorically except, of course, for
28 the insulator fragment?
29 A The insulator we have a time frame for the insulator,
30 yes.
31 Q But they could have all been deposited at the same
32 time as the insulator fragment?
33 A And it's possible that this -- it's likely this item
34 has worked down through the -- from the surface.
35 Q Yes. And like the other ones they could have all
36 worked down from the surface too?
37 A Well, I believe most of them were found on the
38 surface.
39 Q So these are -- the layer A, I am just trying to get
40 at the artifacts that you have noted out of layer A
41 and what I am suggesting is that many of them may have
42 been deposited in the historic period in layer A?
43 A You mean items may have been used pre-what,
44 pre-what -- I am not sure what you're asking me.
45 Q I don't care how they were used or what they were used
46 for, I am just talking about the items and if you find
47 an item that you know had to be manufactured less than

1 100 years ago 20 centimetres below the surface and
2 right beside it you find a flake of obsidian, you
3 don't know whether that flake of obsidian has only
4 been there for 100 years because the insulator
5 fragment couldn't have been there longer or whether
6 it's been there longer, do you?
7 A Yes, I do know that it's been there longer because it
8 is an item of -- an item characteristic of use in
9 manufacture of --
10 Q And I will just take this one step further, let's
11 assume that the insulator fragment is found and
12 immediately above is the obsidian flake shatter, right
13 on top of the insulator fragment, might that indicate
14 to you that the obsidian flake shatter was deposited
15 sometime after the insulator fragment?
16 A It's possible that they were deposited at the same
17 time.
18 Q Yes. Do you agree that the archaeological evidence
19 from the Skeena River Valley suggests long and
20 isolated developments outside the microblade and side
21 notch points which have been associated with
22 Athapaskan groups?
23 A Could you repeat that, please?
24 Q Do you agree that the archaeological evidence from the
25 Skeena Valley suggests long and isolated developments
26 outside the areas of distribution of microblades and
27 side notch points?
28 A I am sorry, the question does not make any sense to me
29 at all. I don't know what you mean by it.
30 Q I am sorry, I should --
31 A I think it's just the phrasing of it, sir.
32 Q I am showing you a --
33 A The term, I think I am being confused by your term
34 isolated.
35 Q I am showing you Skeena River Prehistory, and you will
36 see there is a description of the Cultural Sequence of
37 Gitaus by Louis Allaire, and this is one of the
38 documents you relied on in preparing your report?
39 A Yes.
40 Q And if you turn to --
41 THE COURT: This is Inglis and MacDonald.
42 MR. WILLMS: My lord, it's -- this is the cover of a very large
43 volume, they edited it, Allaire wrote -- if you look
44 to the first page in and, my lord, just -- there are
45 many extracts, they are all from this book.
46 THE COURT: All right.
47 MR. WILLMS: But Allaire was one of the investigators at

1 Kitselas, Gary Coupland was the other.
2 A Yes.
3 Q And if you turn to page 50 of Allaire's discussion and
4 his conclusion about what he found -- did you review
5 any of the artifacts that he found, by the way?
6 A No, I didn't.
7 Q Okay. He says at page 50, the final paragraph,
8 "Finally, is it possible to correlate these early
9 occupants of the Kitselas canyon with historic ethnic
10 groups of the area? The problem of whether these were
11 an Athapaskan people, for instance, is related to much
12 debated issues." Here is the sentence that I just
13 suggested to you: "The archaeological evidence
14 suggests long and isolated developments in the Skeena
15 Valley, definitely outside the areas of distribution
16 of microblades and side-notch points that some have
17 associated closely with Athapaskan groups (Dumond
18 1969)" Just pausing there, do you accept that as an
19 archaeologically accurate statement?
20 A That was a conclusion that Allaire reached as a result
21 of his work at Gitaus -- yes, Gitaus. Materials
22 researched since that time have recovered microblades
23 at Kitselas Canyon.
24 Q Now he continues: "Despite the fact that the cultural
25 boundaries do not necessarily coincide with ethnic or
26 linguistic groups, the picture better fits the known
27 development of the isolated Tsimshian languages in the
28 Skeena Valley, and one may still legitimately wonder
29 whether these early canyon groups were not Tsimshian
30 in their language and ethnicity."
31 Is that different, did you accept that when did you
32 your research?
33 A He is referring here to Tsimshian as that larger
34 cultural group, including coast Tsimshian, Gitksan and
35 Nisga'a in this sense.
36 Q Well, in that sense you accepted that?
37 A In this context, yes.
38 Q You accepted that when you did your research?
39 A Yes.
40 THE COURT: Does he say anything more there than the occupants
41 of the Skeena were more likely to be related to the
42 Tsimshian than the Athapaskan?
43 A Yes, at the time of his results, his work, there were
44 still no microblades found. There have been
45 microblades found subsequently at Kitselas. So he
46 sees --
47 THE COURT: Well, I almost thought that he was suggesting there

that microblades had been found but you say that's not what he is saying?

A No, he did not find microblades himself at the Gitaus site. Gary Coupland later found them at the Paul Mason site upstream from this location. And so from the results of his work, he is suggesting that the cultural development that he sees at Gitaus corresponds to the distribution of Tsimshian groups that are recognized at ethnographic times in the Skeena Valley.

THE COURT: As of what date do you think that was written?

A Pardon me?

THE COURT: As of what date was this written? Do we know?

A There was 730 -- '79, yes, that's right. '79.

THE COURT: All right.

Should we adjourn, Mr. Willms?

MR. WILLMS: My lord, can we mark that Exhibit 849-17?

THE COURT: All right.

(EXHIBIT 849-17: EXCERPT FROM NATIONAL MUSEAM OF MAN MERCURY SERIES - SKEENA RIVER PREHISTORY)

THE COURT: Is 9:30 tomorrow morning convenient? All right. Thank you. 9:30 tomorrow morning.

(Proceedings adjourned to Saturday, January 14, 1989 at 9:30 a.m.)

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

Wilf Roy
Official Reporter