



CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT Culture Division

TO: Chair and Members Emergency & Community Services Committee	WARD(S) AFFECTED: WARD 9
COMMITTEE DATE: December 7, 2011	
SUBJECT/REPORT NO: Smith's Knoll Archaeological Site (CS11087) (Ward 9)	
SUBMITTED BY Joe-Anne Priel General Manager Community Services Department	PREPARED BY: Debra Seabrook 905.546.2424, Ext. 4123
SIGNATURE:	

RECOMMENDATION

That the "Stage 1 & 2 Archaeological Assessment, Human Remains Documentation and Cemetery Investigation – 70 King Street West - Adjacent to Smith's Knoll Cemetery, attached as Appendix A to Report CS11087, be received.

EXECUTIVE SUMMARY

In the fall of 2010 the City of Hamilton purchased 70 King St W (the Property), an approximately 0.17 acre parcel of land adjacent to the Smith's Knoll Cemetery and Monument site. The City's intent in purchasing the Property was to investigate the potential of unmarked burials relating to the Battle of Stoney Creek, and answer outstanding questions relating to nationality, age and health of the remains from the 1998/99 archaeological investigation of Smith's Knoll.

As part of the investigation, the existing building on the site was demolished, the asphalt from the parking area removed and the lands grassed. Given the historic significance of the Property, through its association with the War of 1812 Battle of Stoney Creek (the Battle) and the potential presence of human remains relating to soldiers, the work also required an archaeological assessment.

The City retained Timmins Martelle Heritage Consultants Inc. to conduct the assessments. The final report is attached as Appendix A to Report CS11087.

Excavations resulted in small amounts of 19th century artefacts and a small number of native stone artefacts - both typical of 20th century landfill. The only human remains found were located in a small unit adjacent to the Smith's Knoll Cemetery and Monument site fence and consisted of seven (7) ankle and toe bone fragments.

Additional research on the human bone fragments, is being conducted by the Department of Anthropology at McMaster University and Dr. Megan Brickley, Professor and Tier 1 Canada Research Chair in the Bioarchaeology of Human Disease, Department of Anthropology, McMaster University. The goal of this work is to provide insights into the service personnel who served and died at the Battle of Stoney Creek. The project is scheduled for completion in 2012. At that time, the bone fragments will be re-interred at the Smith's Knoll site.

Alternatives for Consideration – Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS
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Financial: There are no financial implications associated with the recommendation in Report CS11087.

Staffing: There are no staffing implications associated with the recommendation in Report CS11087.

Legal: There are no legal implications associated with the recommendation in Report CS11087.

HISTORICAL BACKGROUND

The address 70 King Street West in Stoney Creek is property immediately east of a small parkette containing Smith's Knoll Monument (the Knoll) and Cemetery. These lands form part of a larger, federally designated War of 1812 historic site that also includes Battlefield House Museum and Park and the Stoney Creek Cemetery to the southwest. The historic site commemorates the Battle of Stoney Creek (the Battle), fought on June 6, 1813.

Smith's Knoll, a prominent rise of land northeast of the Gage homestead (Battlefield House Museum), was the site of the decisive engagement during the Battle. Historical accounts of the aftermath of the Battle suggest that soldiers were buried on or around the Knoll in mass graves. Public attention led to the consecration of a "Soldier's Plot" at

Smith's Knoll on May 3, 1908. Two years later a large stone cairn topped with a lion was erected on the site as a memorial to fallen British soldiers. In the mid-1950s markers were placed at the Smith's Knoll site, west of the lion monument to commemorate the American soldiers who died during the Battle of Stoney Creek. Finally in 2000, a stone crypt was installed between the marker to commemorate the lives of both the British and American soldiers and to provide a resting place for the over 700 bone fragments unearthed during the 1998/99 archaeological investigation of the Knoll.

In the fall of 2010, the City of Hamilton purchased 70 King St W (the Property), an approximately 0.17 acre parcel of land adjacent to the Smith's Knoll Cemetery and Monument site and retained Timmins Martelle Heritage Consultants Inc. to conduct a Stage 1 and Stage 2 archaeological assessment.

The Stage 1 background study included a consideration of the soils, topography and drainage of the project area, as well as a review of historic land use, 19th century settlement and registered archaeological sites database maintained by the Ontario Ministry of Tourism and Culture.

The Stage 2 test pits produced 19th century artifacts, modern debris, a small number of native stone artifacts and human remains consisting of seven (7) ankle and toe bone fragments.

The fragmented remains could be related to soldiers who died during the battle although it cannot be determined if they are American or British personnel. They were not associated with an intact burial pit and have been moved from their original location. This is similar to the discoveries found during archaeological work at the Smith's Knoll Cemetery in 1998/99.

In accordance with the Cemetery Act, staff from the Culture Division, City of Hamilton and representatives from Timmins Martelle Heritage Consultants met with the Registrar of Cemeteries to discuss the history of the site and the findings. The Registrar requested that the City of Hamilton initiate a stage three archaeological investigation to better establish the limits of the "burial feature"; in other words, the possible presence of any burials and if any were found, did they extend beyond the property boundaries of 70 King Street West.

POLICY IMPLICATIONS

There are no policy implications associated with the recommendation in Report CS11087.

RELEVANT CONSULTATION

Dr. Megan Brickley, Professor and Tier 1 Canada Research Chair in the Bioarchaeology of Human Disease, Department of Anthropology, McMaster University

Michael F. D'Mello, Registrar of Cemeteries, Ontario Ministry of Consumer Services, Consumer Protection Branch

Holly Martelle, Archaeologist, Timmins Martelle Heritage Consultants Inc.

Cemeteries Administrative Supervisor, Operations and Waste Management, Public Works, City of Hamilton

Cultural Heritage Planner, Planning and Economic Development, City of Hamilton

ANALYSIS / RATIONALE FOR RECOMMENDATION

The Stage 3 archaeological investigation, conducted in the spring of 2011, determined the boundaries of the archaeology. Additional one-metre units were excavated along the north and east boundaries of the property and in what was once the front yard, where it was thought the "burial feature" might be present. The additional units excavated did not result in the discovery of more human remains. Further, the additional unit testing determined that the "burial feature" does not extend more than roughly five metres into the property at 70 King Street West.

The final archaeological results were discussed with the Ontario Registrar of Cemeteries and his recommendation was that the property be declared an Irregular Burial site under the Cemeteries Act, and be amalgamated into the Smith's Knoll Monument Site. This protects the site from commercial development and places it under the same care expectations of Smith Knoll Monument site.

In an attempt to answer some of the outstanding questions of age, health and nationality surrounding the bone fragments found in the earlier 1998/99 excavations at Smith's Knoll, the City of Hamilton has partnered with the Department of Anthropology at McMaster University and Dr. Megan Brickley, Professor and Tier 1 Canada Research Chair in the Bioarchaeology of Human Disease, Department of Anthropology, McMaster University.

Dr. Brickley has developed a detailed proposal which includes the following project objectives:

- an assessment of the post-excavation environment on the preservation of the human remains;
- clearer information on the number of individuals represented and their age and sex;

- fuller information on the health of the individuals and the injuries they sustained prior to death; and,
- information on the nationality of at least some of the individuals.

In order to accomplish these objectives, a specialist in Anthropology and Bioarchaeology was secured as well as access to a MicroCT machine, X-ray and CT scanning devices, a scanning electron microscope and Nitrogen stable isotope testing facilities.

This project is expected to be completed the Fall of 2012 when the bone fragments from the earlier 1998/99 excavations at Smith's Knoll will be re-interred.

Based on the above assessment and investigation, the Ontario Registrar of Cemeteries has recommended the Property be declared an Irregular Burial site under the Cemeteries Act, and the site will be amalgamated into the Smith's Knoll Monument Site. This declaration will place the Property under the same protection Smith's Knoll receives under the Cemeteries Act and provide a level of continued respect for the loss of life during the Battle on this site. This amalgamation will also ensure that the Property (70 King Street West) is included in the Federal designation for the Battle of Stoney Creek.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ♦ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Intergovernmental Relationships

- ♦ Maintain effective relationships with other public agencies

Environmental Stewardship

- ♦ Natural resources are protected and enhanced

APPENDICES / SCHEDULES

Appendix A to Report CS11087 - Stage 1 & 2 Archaeological Assessment, Human Remains Documentation and Cemetery Investigation – 70 King Street West - Adjacent to Smith's Knoll Cemetery

**Stage 1 and 2 Archaeological Assessment
Human Remains Documentation and
Cemetery Investigation
70 King Street West –
Adjacent to Smith's Knoll Cemetery
Part of Lot 26, Concession 3, Saltfleet Twp.
Former City of Stoney Creek
Now in the City of Hamilton**

Submitted to

City of Hamilton, Community Services Department, Culture Division

305-77 James St. North, Hamilton, ON L8R 2K3

Phone: 905-546-2424 x 4123 Fax: 905-540-5511

Debra Seabrook – Curatorial Assistant, Projects - debra.seabrook@hamilton.ca

and

The Ontario Ministry of Tourism and Culture

and

**The Ontario Ministry of Small Business and Consumer Services
Cemeteries Regulation Unit**

Prepared by



**Timmins Martelle
Heritage Consultants Inc.**

@ the Museum of Ontario Archaeology
1600 Attawandaron Road, London, ON N6G 3M6
Phone: (519) 641-7222 Fax: (519) 641-7220

Archaeological License Number: P083
Our File Number: 2010-103
PIF: P083-065-2010

October 2010 (Revised with additions July 2011)

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TMHC Personnel

TMHC would like to thank the following staff members who contributed to this project:

Project Coordinators:	Arthur Figura, M.A. (P083) Holly Martelle, Ph.D. (P064) John Sweeney, M.A. (P349) Janet Gardner, M.A. (R363)
Report Production:	Arthur Figura, M.A. (P083) Holly Martelle, Ph.D. (P064) Janet Gardner, M.A. (R363)
Field Directors:	Arthur Figura, M.A. (P083) John Sweeney, M.A. (R209) Amanda DiLoreto, M.A (R317) Janet Gardner, M.A. (R363)
Osteologists:	Janet Gardner, M.A. (R363) Amanda DiLoreto, M.A (R317)
GIS Technician:	Steven Van Damme, B.A
Field/Lab Technicians:	Paige Glenen, M.Sc. Alison Gray, B.A. Alexandra Hernould, B.A. Katie Singer, B.A. Katherine Bishop, B.A. Laura Inglis, B.A. Kurt Kostuk Alex Lausanne Matthew Pearce



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<i>Debra Seabrook</i>	<i>Curatorial Assistant- Projects</i> City of Hamilton, ON
<i>Ian Kerr-Wilson</i>	<i>Heritage Manager</i> City of Hamilton, ON
<i>Joseph Muller</i>	<i>Cultural Heritage Planner</i> City of Hamilton, ON
<i>Robert von Bitter</i>	<i>Archaeological Database Coordinator</i> Ministry of Culture, Toronto, ON
<i>Michael D'Mello</i>	<i>Cemeteries Registrar</i> Cemeteries Regulation Unit Ministry of Small Business and Consumer Services
<i>Steve Power</i>	<i>Power Property Service</i>

Thanks also to the staff of the Hamilton Central Public Library and Land Registry Office.



Project Summary

The City of Hamilton has recently purchased a roughly 0.17 acre (~ 38 m by 18 m) parcel comprising 70 King Street West and adjacent to the Smith's Knoll Cemetery and Monument site in what was formerly the City of Stoney Creek (now in the City of Hamilton, Ontario). The City wishes to convert this former residential/commercial property into parkland, as an extension of the adjacent extant cemetery and memorial site. In order to do this, they proposed to demolish a standing structure on the property and remove asphalt from the parking area, before the lands can be grassed and formally incorporated into the existing memorial parkette. Given the historic significance of the property through its association with the War of 1812 Battle of Stoney Creek and its potential for human remains relating to soldiers' burials, the City decided to proceed with initial phase archaeological assessment to assist in the planning of the demolition work. In September of 2010, Timmins Martelle Heritage Consultants Inc. was retained to conduct a preliminary investigation that came to included Stage 1 and Stage 2 archaeological assessment and preliminary testing. The purpose of this portion of work was to evaluate the archaeological potential of the property, carry out a field survey to determine if archaeological deposits were present and collect baseline information regarding soil disturbance. Following this and in consultation with the Cemeteries Registrar, a human remains investigation proceeded, involving the hand excavation of a series of initial test units in an area thought to contain human remains, as demonstrated from previous work within the known cemetery on the opposite site of the property boundary. Further test units were excavated along the north and east boundaries of the property in an effort to estimate the spatial extent of the "burial feature." As part of the investigation, the demolition and removal of the standing structure on the property and its asphalt surfaces was monitored. At the request of the Cemeteries Registrar, all of the archaeological assessment and human remains investigation activities have been summarized in one report. Our assessment was carried out in accordance with Section 2.6.2 of the *Provincial Policy Statement*, Section 3.5 of the *Planning Act* and the City of Hamilton's planning policies as well as the *Cemeteries Act*.

The Stage 1 background study included a consideration of the soils, topography and drainage of the project area, as well as a review of historic land use, 19th century settlement and the provincial registered archaeological sites database. This indicated that the subject property had high potential for the recovery of archaeological resources due to its association with Smith's Knoll, a geographical feature that hosted the War of 1812 Battle of Stoney Creek, its proximity to a known burial site, historic transportation route and registered archaeological sites. A Stage 2 field assessment was subsequently recommended.

The subject property is comprised of an asphalt parking lot and a standing structure that was initially a residence but later converted for commercial use. It also contains areas of lawn and bare ground, in the southwest corner in front of the structure



and adjacent to cemetery, as well as in the rear, at the northern property limit. A Stage 2 test pit survey (5 m interval) was carried out for the accessible undeveloped portions of the property. This was followed by the excavation of three one-by-one metre test units within the grassed front lawn, adjacent to the nearby cemetery. These units were excavated in order to collect better information of the depth and nature of soils on the property and, potentially, to determine if human remains were present.

The Stage 2 test pits produced early- to late- 19th century artifacts as well as modern debris and a small number of native lithic artifacts. The test units generated additional material of the same nature, in addition to a small number (n = 7) of human bone fragments, namely two talus (ankle) bones, three phalanges (toes), and two unidentifiable fragments of bone. The discovery of human remains was reported to the Hamilton Police Service and local coroner and the site was later released of forensic concern. The discovery site is now subject to the provisions of the *Cemeteries Act*. Based on what we know of the burial area and its historic association, the remains are likely related to a soldier(s) who died during the War of 1812 Battle of Stoney Creek although it cannot be determined if the remains are those of an American or British soldier. The remains were not associated with an intact burial pit and have been displaced from their original location, similar to the case of the human remains discovered during archaeological work at the registered Smith's Knoll Cemetery.

Following the completion of the Stage 2 test pit survey and the excavation of initial test units it was recommended that the archaeological material noted on the property be considered significant until such time as more intensive and systematic testing was done or demonstrated otherwise. It was thought that, even where fill soils exist on the property, these have the potential to yield both military artifacts and isolated human remains. Given that Smith's Knoll has witnessed significant disturbance in the past on several occasions, there is no predictability as to where intact burials, displaced or isolated remains might be found. As such, it was recommended that any deeply cutting construction activities be monitored by a licensed consultant archaeologist or preceded by additional archaeological testing.

After an initial consultation with the Cemeteries Registrar and City staff it was decided that further unit testing would be carried out to better define the spatial limit of the "burial feature" identified during the initial unit excavations and within the adjacent cemetery. However, as the parcel contained a standing structure and was otherwise almost entirely covered by a paved asphalt surface, the unit testing was suspended until the ground surface could be exposed. In November of 2010, the building on the property was demolished and the asphalt removed. This work was monitored by a licensed archaeologist. Wet fall weather and demolition clean up delayed the continuation of the unit excavation to define the "cemetery" limits. Once appropriate and dry conditions were realized in the spring of 2011, unit testing commenced. Additional one-metre units were excavated along the north and east boundaries of the property and in what was once the



front yard, where it was thought the “burial feature” might be present. The additional units excavated did not result in the discovery of more human remains. Further, the additional unit testing determined that the “burial feature” does not extend more than roughly five metres into the property a 70 King Street West.

The property at 70 King Street West contains human remains in its southwest corner and retains potential for the discovery of isolated bone and archaeological material. Given this, any ground altering activities within the parcel should be preceded by further archaeological testing or combined with archaeological monitoring. Any proposed strategies for altering the property and assessing the nature of the human remains or archaeological deposits should be developed through consultation with the Cemeteries Registrar and Ministry of Tourism and Culture.

The Ministry of Tourism and Culture is asked to review the information presented herein, issue comment, and accept this report into the provincial registry. This correspondence should be forwarded to Debra Seabrook of the City of Hamilton, Community Services Department, Culture Division (debra.seabrook@hamilton.ca) and copied to Holly Martelle of Timmins Martelle Heritage Consultants Inc. (fax: 519-641-7220; hmartelle@tmhc.ca).

The Cemeteries Registrar is asked to review this report and offer guidance to the City of Hamilton regarding their legal obligations under the *Cemeteries Act* as well as review potential options for the redevelopment and/or preservation of the lands.



**Stage 1 and 2 Archaeological Assessment
Human Remains Documentation and
Cemetery Investigation
70 King Street West –
Adjacent to Smith’s Knoll Cemetery
Part of Lot 26, Concession 3, Saltfleet Twp.
Former City of Stoney Creek
Now in the City of Hamilton**

1.0 INTRODUCTION

The City of Hamilton has recently purchased a roughly 0.17 acre (~ 38 m by 18 m) parcel comprising 70 King Street West and adjacent to the Smith’s Knoll Cemetery and Monument site in what was formerly the City of Stoney Creek (now in the City of Hamilton, Ontario). The City wishes to convert this former residential/commercial property into parkland, as an extension of the adjacent extant cemetery and memorial site. In order to do this, they proposed to demolish a standing structure on the property and remove asphalt from the parking area, before the lands can be grassed and formally incorporated into the existing memorial parkette. Given the historic significance of the property through its association with the War of 1812 Battle of Stoney Creek and its potential for human remains relating to soldiers’ burials, the City decided to proceed with initial phase archaeological assessment to assist in the planning of the demolition work. In September of 2010, Timmins Martelle Heritage Consultants Inc. was retained to conduct a preliminary investigation that came to included Stage 1 and Stage 2 archaeological assessment and preliminary testing. The purpose of this portion of work was to evaluate the archaeological potential of the property, carry out a field survey to determine if archaeological deposits were present and collect baseline information regarding soil disturbance. Following this and in consultation with the Cemeteries Registrar, a human remains investigation proceeded, involving the hand excavation of a series of initial test units in an area thought to contain human remains, as demonstrated from previous work within the known cemetery on the opposite site of the property boundary. Further test units were excavated along the north and east boundaries of the property in an effort to estimate the spatial extent of the “burial feature.” As part of the investigation, the demolition and removal of the standing structure on the property and its asphalt surfaces was monitored. At the request of the Cemeteries Registrar, all of the archaeological assessment and human remains investigation activities have been summarized in one report. Our assessment was carried out in accordance with Section 2.6.2 of the *Provincial Policy Statement*, Section 3.5 of the *Planning Act* and the City of Hamilton's planning policies as well as the *Cemeteries Act*.

The Stage 2 fieldwork commenced on October 5, 2010 in cool overcast weather but was interrupted by heavy rain. The fieldwork resumed on October 7, 2010. The initial test unit excavation took place on October 7, 2010 in sunny, hot weather. The monitoring of the demolition of the standing building and removal of asphalt on the property took

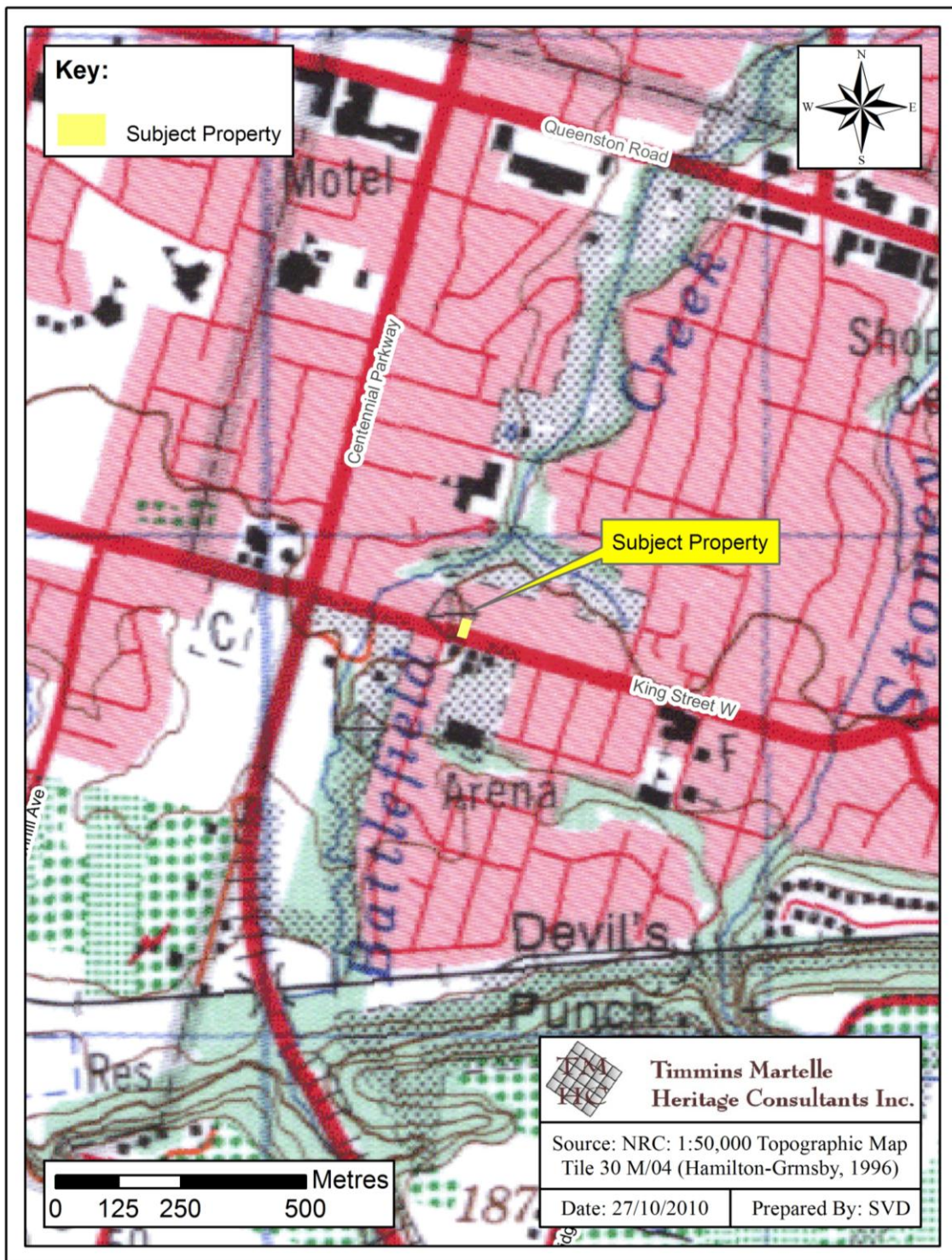


Figure 1: Location of 70 King Street West in the City of Hamilton, ON





**Figure 2: Aerial Photograph Showing the Location of the Subject Property
in Hamilton, ON**



place on November 16 and 17, 2010 in cool overcast conditions with some rain. The completion of the unit testing was done on May 9, 17, 18, 25, 30, 31 as well as June 1 and 2, 2011. It was suspended on many occasions due to heavy rain and saturated site conditions. The weather during the latter fieldwork varied from warm and sunny to overcast and misty. Work ceased when it was raining and recommenced once the soil dried enough to permit screening. Apart from those described in the body of this report, there were no conditions encountered that prohibited the recognition and recovery of archaeological material. All archaeological consulting activities were performed under the Professional Archaeological Licence of Arthur Figura (P083) and in accordance with the “Archaeological Assessment Technical Guidelines” of the Ministry of Culture (MCTR 1993), using various versions of the “Draft Standards and Guidelines for Consultants Archaeologists” (Ministry of Tourism and Culture 2009, 2010) as a general reference. Permission to enter the property, carry out the required investigation and remove artifacts was given by Debra Seabrook of the City of Hamilton. The investigation work followed the general instructions of Cemeteries Registrar Michael D’Mello. The artifacts recovered during the project will be stored at the corporate headquarters of Timmins Martelle Heritage Consultants Inc. until such time as arrangements can be made for their transfer to the storage facilities of the Ministry of Tourism and Culture (London-Toronto) or another appropriate curatorial facility.

2.0 PURPOSE

The *Ontario Heritage Act* makes provisions for the protection and conservation of heritage resources in the Province of Ontario. Heritage concerns are recognized as a matter of provincial interest in Section 2.6.2 of the *Provincial Policy Statement* and 3.5 of the *Planning Act*. Section 2.6.2 of the *Provincial Policy Statement* states:

development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.

Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. (emphasis in the original)

Section 3.5 of the *Planning Act* stipulates that municipalities shall have regard for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. As such, proposed new development projects are screened at the municipal level for their potential to impact heritage resources, including archaeological sites.

The purpose of a Stage 1 archaeological assessment is to determine if a project has the potential to impact known and previously undocumented archaeological resources. It is used to determine the need for a Stage 2 field assessment involving the search for archaeological sites. In accordance with *Provincial Policy Statement* 2.6, if



significant sites are found, a strategy (usually avoidance, preservation or excavation) must be put forth for their mitigation.

3.0 STAGE 1 BACKGROUND STUDY

3.1 Methods and Sources of Information

A Stage 1 overview and background study was conducted to gather information about known and potential archaeological resources within the subject property and the general study area. Landscape and environmental conditions were reviewed using physiographic, topographic and soils mapping. Early historic maps and historical summaries were consulted and a review of the Provincial registered archaeological sites database was carried out. Background research was supplemented by a preliminary field reconnaissance of the subject property to photo-document existing conditions.

When compiled, this information was used to create a summary of the characteristics of the property, in an effort to evaluate its archaeological potential. For the Province of Ontario, the Ministry of Tourism and Culture has identified a number of criteria that can be used to determine if an area has archaeological potential. These criteria primarily relate to geographic and cultural-historic features which would have influenced past land and resource use, as well as encouraged settlement (MCCR 1997:11). The presence or absence of such features allows an archaeologist to estimate the likelihood of ancient land use and thus the presence of archaeological sites. Criteria used to evaluate archaeological potential include, but are not limited to:

- the presence of known archaeological sites within the subject lands;
- proximity (within 250 m) to known archaeological sites;
- proximity to a primary water source (within 300 m);
- proximity to a secondary water source (within 200 m);
- proximity to an ancient water source (e.g., relic streams, ancient shorelines; within 300 m);
- presence of elevated topography (e.g., ridges, eskers, drumlins);
- presence of well-drained sandy soil;
- presence of distinctive or unusual landforms;
- proximity to resource-specific features (e.g., chert outcrops);
- proximity to known areas of initial non-Aboriginal settlement; and
- proximity to early transportation routes (e.g., trails, concession roads, railways).

Typically, a Stage 1 assessment will determine potential for precontact First Peoples and historic Euro-Canadian sites independently. This is due to the fact that lifeways varied considerably between the prehistoric and historic eras so that the criteria used to evaluate potential for each type of site differs.



It is also known that the property falls within the historic battlefield and burial area associated with the War of 1812 Battle of Stoney Creek. Human remains and artifacts in association with this battle have been unearthed and documented nearby and thus additional local history and archival research was undertaken with respect to potential for War of 1812 material. In compiling and presenting the following work, we drew on the resources of the Hamilton Central Public Library, City of Hamilton Culture Division of the Community Services Department, and Battlefield House Museum in Stoney Creek. Previously published works such as *Strange Fatality: The Battle of Stoney Creek, 1813* by James E. Elliott, *Battlefields of Canada* by Mary Beacock Fryer, and *1812: War With America* by Jon Latimer were valuable reference sources. The following individuals assisted in providing information on the general history of the area and previous archaeological work: Ian Kerr-Wilson (City of Hamilton Culture Division Manager) and Joseph Muller (City of Hamilton Cultural Heritage Planner). A Commemorative Integrity Statement was previously conducted for the Battle of Stoney Creek (Parks Canada 2002) and provided excellent background information. The City of Hamilton's Community Services – Cultural Division has also prepared a helpful question and answer document that provides excellent background information on the archaeology of Smith's Knoll.

3.2 Overview of the Subject Property and the Smith's Knoll Cemetery and Monument

The subject property is a roughly 0.17 acre (~ 38 metre by 18 metre) rectangular parcel occupying municipal street address 70 King Street West in the former City of Stoney Creek, now in the City of Hamilton (Figures 1 and 2). It comprises part of Lot 26 of Concession 3 in the former Geographic Township of Saltfleet, formerly in Wentworth County. At the time of our initial assessment, the property contained a small bungalow (Figure 3) that was formerly residential in nature but more recently used for commercial purposes following its conversion to a day spa. Immediately along the foundation in the front of the house were landscaped flower beds. Paved asphalt surfaces were present at the rear of the house, to the east of it and in front, to the southeast (Figures 4 & 5). The most southerly portion of the western property boundary was marked by a wrought iron fence (Figure 6) that also surrounds the adjacent parkette and cemetery. The northern portion of the same boundary was marked by a post and wire fence (Figure 7) that runs along the edge of a steep slope. The northern boundary falls along a narrow bare ground island (Figure 4) separating parking lots to the north and south. The eastern property boundary was not fenced but its limit was marked by spray painted survey pins. There was a roughly 12 metre (north-south) by 6.5 metre (east-west) grassed lawn (Figure 3) in the southwest corner of the property that was bounded street-side by a raised stone retaining wall, the same all that surrounds the memorial and cemetery site to the west (Figure 8). The street-side portion of the lawn contained a hydro pole and an illuminated sign once associated with the day spa (Figure 8). There was a narrow band of bare ground west of the structure (Figure 6).





Figure 3: Structure on the Property (looking northwest)



Figure 4: Paved Area to Rear of Property (looking south)



Figure 5: Paved East and North Portion of Property (looking south)

Photo-documentation of Existing Features



Figure 6: Wrought Iron Fence Along West Boundary, Adjacent to Smith's Knoll Cemetery (looking north)



Figure 7: Fence Along North-West Boundary and Slope Beyond (looking west)



Figure 8: Retaining Wall At Street-Side (looking west)



The subject property is immediately east of a small parkette containing Smith's Knoll Monument and Cemetery. These lands form part of a larger, federally designated War of 1812 historic site that also includes Battlefield Park and the Stoney Creek Cemetery, to the southwest (Figure 9). The historic site commemorates the War of 1812 Battle of Stoney Creek, fought on June 6, 1813. Smith's Knoll, a prominent rise of land northeast of the Gage homestead, was the site of the decisive engagement during the battle as well as the presumed burial location of numerous British and American soldiers who died during that fight. Accounts of the aftermath suggest that a number of fallen soldiers were buried on the knoll in a mass grave. Late 19th century ploughing activities are said to have unearthed human remains and military items. Public attention led to the identification and protection of a "Soldier's Plot" at Smith's Knoll, which was consecrated on May 3, 1908. Two years later a large stone cairn topped with a Lion was erected on the site as a memorial to fallen British soldiers. More recently a stone crypt and memorial have been erected west of the main monument and also commemorate the lives of American soldiers.

The cemetery parkette is roughly L-shaped and fronts King Street West, to the west of our subject property. The southern portion of the parkette is surrounded by a raised stone retaining wall, with the north, east and west boundaries marked by wrought iron fencing that was erect during late 1990s restoration work at the site. There are stairs leading from the sidewalk to the Lion's Monument in the centre of the parkette (Figure 10), as well as a wheelchair access ramp leading from King Street into the east portion of the memorial site. The Lion's Monument is surrounded by four canons and flanked by poles bearing the Canadian and British flags. Its face is marked by an image of the Union Jack and a plaque that reads:

THE BATTLEFIELD OF STONEY CREEK
6th June 1813
IN MEMORY OF 20 GOOD AND TRUE KING'S MEN WHO
IN FIGHTING IN DEFENCE OF THEIR COUNTRY DIED
AND WERE BURIED ON THIS KNOLL
THIS REVISED INSCRIPTION AND STONE RE-DEDICATED
JUNE 6TH 1956
BY
HER MAJESTY'S ARMY & NAVY VERANS SOCIETY OF
HAMILTON

To the east of the Lion's Monument is a memorial to American Soldiers (Figure 11). This consists of a large marble/stone crypt or vault, a memorial stone and a series of square "plot markers" (Figure 12). Two small American flags are placed alongside the engraved stone. The memorial stone reads:





Figure 9: Aerial Photograph Showing War of 1812 Historic Sites on King Street West



Figure 10: Lion's Monument to British Soldiers (looking north)



Figure 11: Crypt and Memorial to American Soldiers (looking west)



Figure 12: Stone Marker - "SOLDIERS PLOT"

Smith's Knoll Monument and Cemetery Park



Figure 13: Gate at South End of Park (looking north)



Figure 14: Paving Stone Surface of Parkette (looking east)



Figure 15: Flower Bed and Benches in West Portion of Park (looking east)



TO COMMEMORATE AND HONOUR
THOSE UNITED STATES COMRADES
WHO FELL IN THE WAR OF 1812

L Aid 1972 BY THE
AMERICAN LEGION POST 18

The stone plot markers read “SOLDIERS PLOT.” The fence to the north of crypt contains a gate marked with “STONEYCREEK BATTLEFIELD” (Figure 13). Beyond the fence is a steep, nearly vertical slope marking the edge of Smith’s Knoll.

The surface of the parkette is covered in paving stone of various sorts (Figure 14), except where broken by flower gardens and where sod is present. There is a large rectangular flower bed in the west part of the parkette (Figure 14) and this is surrounded by park benches and garbage receptacles. The edges of the parkette are dotted with mature deciduous trees. Additional cannons line the street side of the parkette, alongside light standards.

Over the past several decades there has been considerable public interest in Smith’s Knoll and its cemetery. Recognizing this, the City of Hamilton recently purchased the property at 70 King Street West as it has long been assumed that it had the potential to house additional soldiers’ burials and remains. Archaeological work carried out for the restoration of the Smith’s Knoll Monument in 1998/1999 documented the presence of human remains along the east boundary of the parkette and from this it seemed apparent that the burial deposits extended across the property boundary into the grassed portion of our assessment parcel. The City purchased the property as a first step toward extending the memorial parkette and cemetery site. The plan was to demolish the extant vacant structure and remove the pavement, in order to allow for the reseeding of the entire property and its inclusion within the Smith’s Knoll Monument and Cemetery Park. While plans for the conversion of the property to parkland have not been finalized, the initial archaeological assessment work was carried out as part of the planning process and to provide baseline data that could be used to inform decisions regarding demolition and redevelopment.

3.3 Physiography, Soils and Drainage

The subject property lies within the Iroquois Plains physiographic region, an extensive flat to undulating plain bordering Lake Ontario for a distance of 306 kilometres between the Niagara River and the Trent River to the west (Chapman and Putnam 1984). The plain was once covered by glacial Lake Iroquois and ancient shorelines of the latter occur to the north and south of the subject property (Figure 16). The plain spans the divide between the modern lakeshore and the escarpment, the latter of which separates the sand plains along the lakeshore from the clay plains and till moraines to the south.



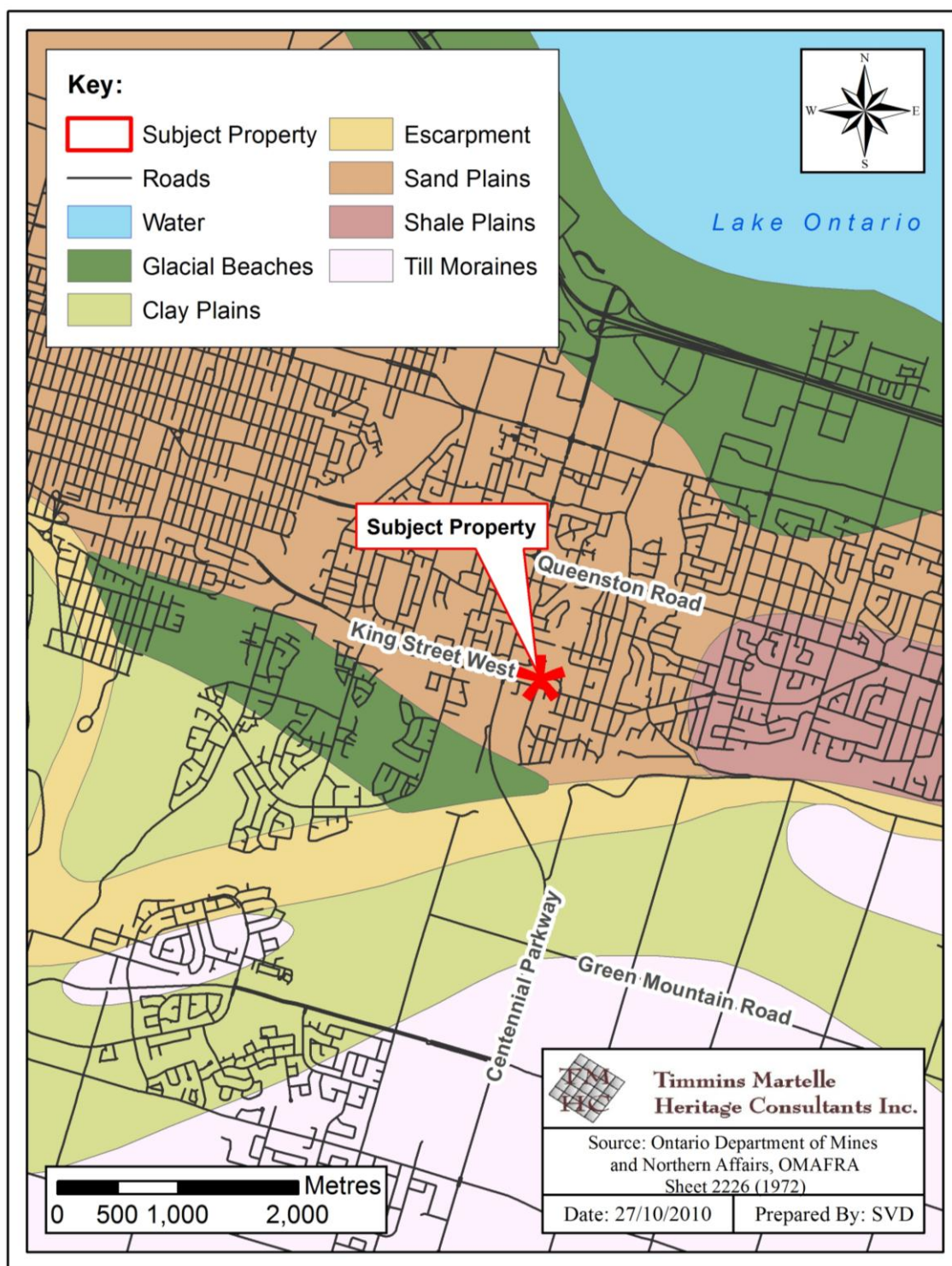


Figure 16: Physiography Within the Vicinity of the Subject Property



The soils within the general vicinity include predominantly well-draining types, primarily Grimsby sandy loam and Oneida loam which are found adjacent to the bottomlands of Battlefield Creek. Grimsby sandy loam covers the subject property (Figure 17) and is derived from outwash sand and gravels. It is a medium to fine textured soil that is characterized as being well drained, but does not hold water easily and is prone to occasional droughts (Presant et al. 1965:25-27). The underlying bedrock formation is Queenston Formation red shale (Presant et al. 1965:16).

The Iroquois Plain is cut by numerous watercourses. Battlefield Creek flows down the escarpment and toward Lake Ontario, passing along Battlefield Park and roughly 75 metres from our property, at the base of Smith's Knoll. Stoney Creek has a roughly parallel course but passes to the east of the subject lands. The closest source of potable water is Battlefield Creek (Figure 18).

3.4 Evaluation of Archaeological Potential: First Peoples Sites

According to the Province's archaeological sites database there are five registered sites within two kilometres of the subject property. These include the Stoney Creek Monument (AhGw-101; Middle Woodland and Euro-Canadian site), the Pergentile Site (AhGw-2; Late Woodland), the Nash Farm East Site (AhGw-66; Late Archaic), the Nash Farm West Site (AhGw-67; Late Archaic) and the Battlefield Creek Site (AhGw-98; an undated First Peoples site). During the course of our background study we also learned of additional archaeological sites nearby that have not yet been entered into the provincial database. Some previous work was carried out in the vicinity of the Gage House in Battlefield Park (Parks Canada 2002) and human remains were uncovered during excavations at the Smith's Knoll Historic Cemetery site (AhGw-132), related to the 1813 Battle of Stoney Creek (see more detailed discussion below). The excavation work on the Smith's Knoll Monument and Cemetery to the west generated a small number of precontact native artifacts.

The presence of known First Peoples sites in the immediate vicinity of our subject property demonstrates that the area was subject to past native settlement. However, our knowledge of past native land use in Stoney Creek is still incomplete; over 100 years of urban development has eradicated a significant portion of its archaeological record. Nonetheless, using province-wide (MCCR 1997) and region-specific data, a generalized cultural chronology for native settlement in the area can be proposed. The following paragraphs provide a basic textual summary of the known general cultural trends and a tabular summary appears in Table 1.

Paleoindian

The first human populations to inhabit the Hamilton area came to the region between 12,000 and 10,000 years ago, coincident with the end of the last period of glaciation. Climate and environmental conditions were significantly different then they are today; local environs would not have been welcoming to anything but short-term



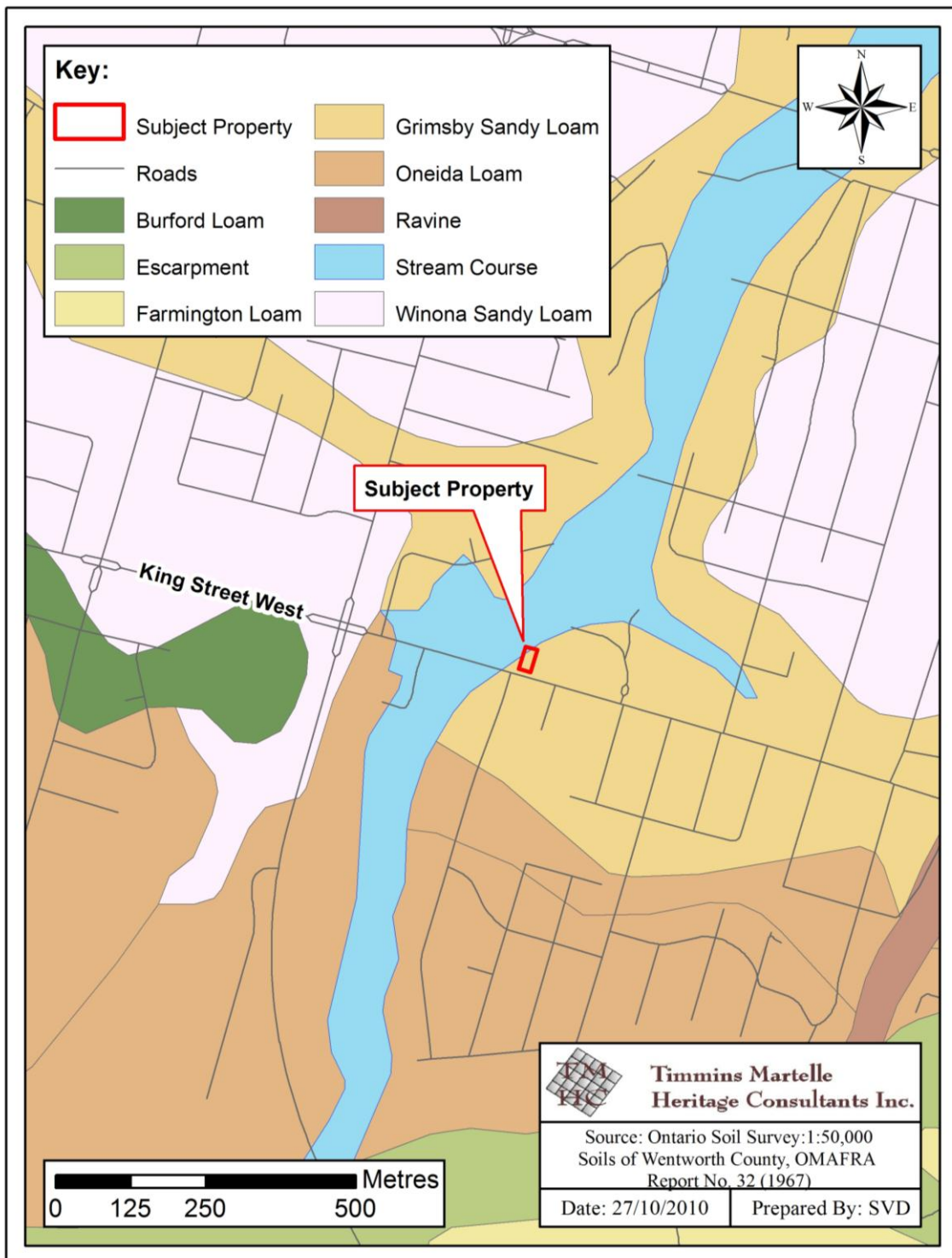


Figure 17: Soils Within the Vicinity of the Subject Property

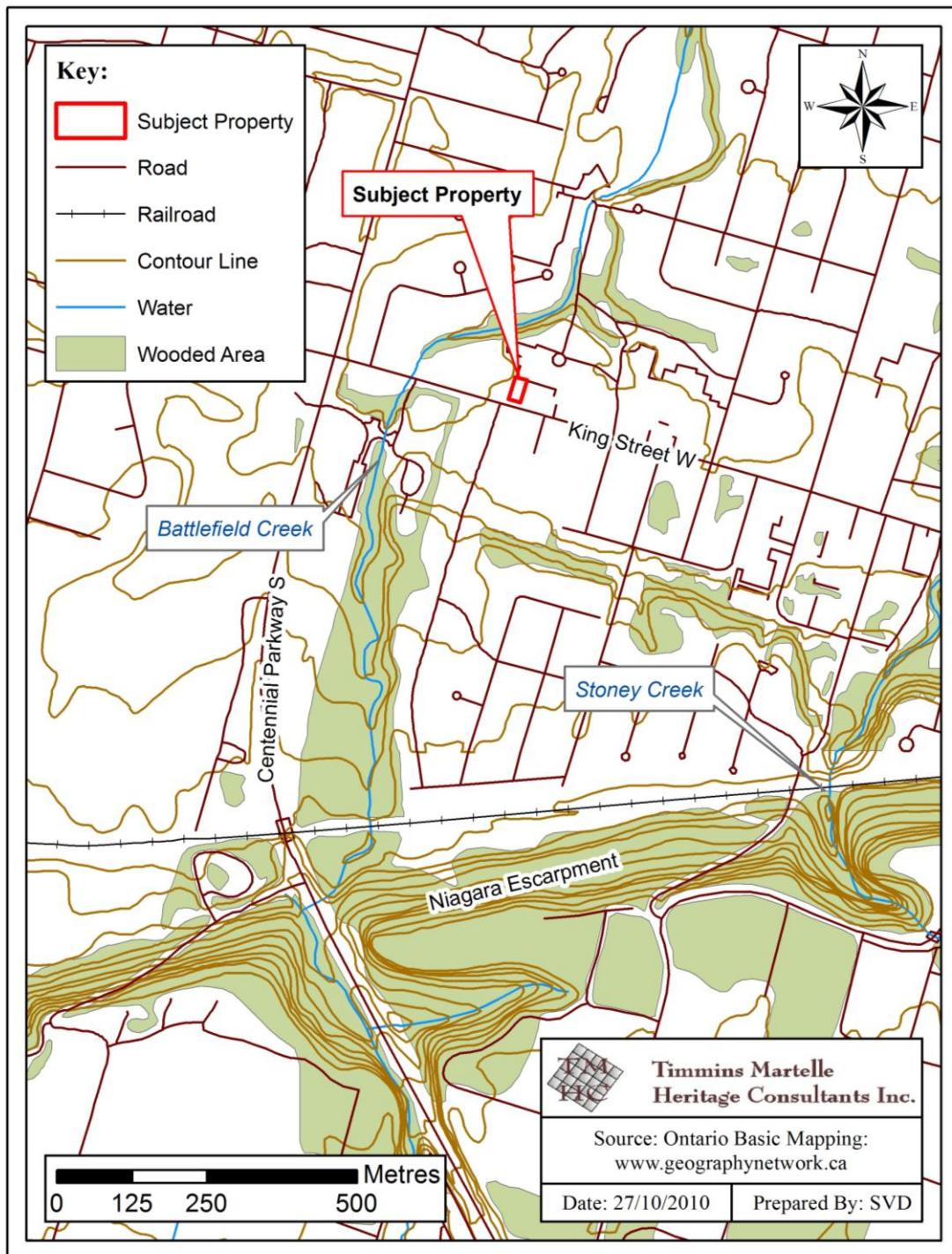


Figure 18: Drainage Within the Vicinity of the Subject Property

Table 1: Cultural Chronology for Native Settlement in the Stoney Creek Area

Period			Time Range (circa)	Diagnostic Features	Complexes
Paleoindian	Early		9000-8400 B.C.	fluted projectile points	Gainy, Barnes, Crowfield
	Late		8400-8000 B.C.	Non-fluted and lanceolate points	Holcombe, Hi-Lo, Lanceolate
Archaic	Early		8000-6000 B.C.	Serrated, notched, bifurcate base points	Nettling
	Middle		6000-2500 B.C.	Stemmed, side & corner notched points	Brewerton, Otter Creek, Stanley/Neville
	Late		2000-1800 B.C.	Narrow points	Lamoka
			1800-1500 B.C.	Broad points	Genesee, Adder Orchard, Perkiomen
			1500-1100 B.C.	Small points	Crawford Knoll
	Terminal		1100-950 B.C.	First true cemeteries	Hind
Woodland	Early		950-400 B.C.	Expanding stemmed points, Vignette pottery	Meadowood
	Middle		400 B.C. - A.D. 500	Denate, pseudo-scallop pottery	Saugeen
	Transitional		A.D. 500-900	First corn, cord-wrapped stick pottery	Princess Point
	Late	Early Iroquoian	A.D. 900-1300	First villages, corn horticulture, longhouses	Glen Meyer, Pickering
		Middle Iroquoian	A.D. 1300-1400	Large villages and houses	Uren, Middleport
		Late Iroquoian	A.D. 1400-1650	Tribal emergence, territoriality	Neutral Iroquois
Contact		Aboriginal	A.D. 1700-1875	Treaties, mixture of Native & European items	Six Nations/Mississauga
		Euro-Canadian	A.D. 1796 - present	English goods, homesteads	European settlement, pioneer life

settlement. Termed Paleoindians by archaeologists, Ontario first peoples would have crossed the landscape in small groups (i.e. bands or family units) searching for food, particularly migratory game species. In the area, caribou may have provided the staple of Paleoindian diet, supplemented by wild plants, small game, birds and fish. Given the low density of populations on the landscape at this time and their mobile nature, Paleoindian sites are small and ephemeral. They are usually identified by the presence of fluted projectile points and other finely made stone tools.

Although there are no known Paleoindian sites within two kilometres of the property, sites of this period have been recorded in the broader area, for example, in the Red Hill Creek drainage.

Archaic

The archaeological record of early native life in Southern Ontario indicates a change in lifeways beginning circa 5000 B.C. at the start of what archaeologists call the Archaic Period. The Ontario populations are better known than their Paleoindian predecessors, with numerous sites found throughout the area. The characteristic projectile points of early Archaic populations appear similar in some respects to early varieties and are likely a continuation of early trends. Archaic populations continued to rely heavily on game, particularly caribou, but diversified their diet and exploitation patterns with changing environmental conditions. A seasonal pattern of warm season riverine or lakeshore settlements and interior cold weather occupations has been documented in the archaeological record. Since the large cold weather mammal species that formed the basis of the Paleoindian subsistence pattern became extinct or moved northward with the onset of warmer climate, Archaic populations had a more varied diet, exploiting a range of



plant, bird, mammal and fish species. Reliance on specific food resources like fish, deer and nuts becomes more pronounced through time and the presence of more hospitable environs and resource abundance led to the expansion of band and family sizes. In the archaeological record, this is evident in the presence of larger sites and aggregation camps, where several families or bands would come together in times of resource abundance. The change to more preferable environmental circumstances led to a rise in population density. As a result, Archaic sites are more abundant than those from the earlier period. Artifacts typical of these occupations include a variety of stemmed and notched projectile points, chipped stone scrapers, ground stone tools (e.g. celts, adzes) and ornaments (e.g. bannerstones, gorgets), bifaces or tool blanks, animal bone and waste flakes, a byproduct of the tool making process.

Two Archaic Period sites are known within two kilometres of the subject property.

Woodland

Significant changes in cultural and environmental patterns are witnessed in the Woodland periods (ca. 500 B.C. to 1000 A.D.). The coniferous forests of earlier times were replaced by stands of mixed and deciduous trees. Occupations became increasingly more permanent in this period, culminating in major semi-permanent villages by roughly 1000 years ago. Archaeologically, the most significant changes by Woodland peoples are the appearance of artifacts manufactured from modeled clay and the beginning of the construction of house structures. The Woodland Period is often defined by the occurrence of pottery, storage facilities and residential areas. The earliest pottery was crudely made by the coiling method and house structures were simple oval enclosures.

A Woodland period occupation was documented during excavations of AhGw-101, to the west of the subject property.

Iroquoian Period

Beginning circa 1000 A.D. the archaeological record documents the emergence of more substantial, semi-permanent settlements and the adoption of corn horticulture. These developments are most often associated with Iroquoian-speaking populations, the ancestors of the Wendat (Huron) and Attawandaron (Neutral) nations who were known to have resided in the province upon the arrival of the first European explorers and missionaries. Iroquoian villages incorporated a number of longhouses, multi-family dwellings that contained several families related through the female line. Precontact Iroquoian sites may be identified by a predominance of well made pottery decorated with various simple and geometric motifs, triangular projectile points, clay pipes and ground stone artifacts. Sites post-dating European contact are recognized through the appearance of various items of European manufacture. The latter include materials acquired by trade (e.g. glass beads, copper/brass kettles, iron axes, knives and other metal implements) in



addition to the personal items of European visitors and Jesuit missionaries (e.g. finger rings, stoneware, rosaries, and glassware).

There are no known Iroquoian sites within two kilometres of the subject property.

Summary of First Peoples Archaeological Potential

Several factors can be used to assess a property's potential for containing First Peoples sites. These include the presence of well-drained sandy soils, rolling topography, and proximity to both water and known archaeological sites. Based on these criteria the subject property would appear to have high archaeological potential for sites of this type. This is due primarily to the proximity of Battlefield Creek. The presence of well-draining soils adds to the likelihood of finding sites within the subject lands.

It should be noted, however, that most of the subject property has been significantly disturbed through past construction and urban development. Where the impacts to natural areas have been deep and significant (i.e., for building footprint and buried utilities) archaeological potential is negated as there is little possibility for finding intact deposits. The extent of deep disturbance in the front lawn of 70 King Street West and beneath the paved areas was not known prior to the initial assessment.

3.5 Evaluation of Archaeological Potential: Historic Era Sites

The potential of a property to contain historic EuroCanadian sites can be considered through an overview of the historical development of a region and a review of both land records and geographic features that might have been attractive for settlement. The subject property falls within the former Geographic Township of Saltfleet and former Town of Stoney Creek. A brief discussion of settlement in these places is provided below.

The earliest European settlement in Saltfleet Township preceded its official survey in 1788. Many people who remained loyal to the British Crown during the American Revolution were granted free parcels of land in Canada. The first families to receive crown land in the township came mostly from New York State, Maryland, Pennsylvania and New Jersey, Connecticut, and Kentucky. An 1803 assessment lists 61 township landowners, while 1816 records refer to as many as 102 families within the borders of Saltfleet (Town of Stoney Creek 1975:15). The first saw mill was established in 1788 by John Green, who emigrated from Sussex County, New Jersey after the American Revolution and settled in the district. An early Saltfleet family was that of Augustus Jones, the township's first land surveyor. Born in New York State, of Welsh descent, Augustus came to Canada in 1789 and by November the same year was appointed Deputy Surveyor.

Early on, settlement was restricted to the more accessible locales in the township, particularly along the lakeshore and streams below the escarpment (Presant et al. 1965:9).



Early settlers were hindered by a lack of easily passable transportation routes. The Mohawk Trail (present King Street and formerly Highway 8) provided decent passage further inland, while another trail along the lakeshore was used for travel from Niagara. Settlements soon emerged at Ontario (now Winona), Fruitland, Elfrida, Vinemount, Taplytown, Tweedside, Mount Albion and Stoney Creek.

The settlement at Stoney Creek developed along the banks of the watercourse bearing the same name. Edward Brady, a trapper, is said to have established a small tavern on the creek prior to much settlement occurring there (Town of Stoney Creek 1975:291). The creek provided a power source for early industry and by the latter quarter of the 19th century numerous mills were erected on its banks. By that time the settlement at Stoney Creek contained a few log houses, a log tavern, a saw mill and a church, some of the latter facilities being illustrated in the 1875 Illustrated Historical Atlas of Wentworth County (Figure 19).

Since many of the township's earliest families were headed by ex-military men, the citizens of Saltfleet were heavily impacted by the War of 1812. Many men served in the militia and fought American invaders during Niagara Campaign of 1813 (Town of Stoney Creek 1975:28). Prior to the main thrust of EuroCanadian settlement in the township, Stoney Creek was the site of the Battle of Stoney Creek, on June 6, 1813 during the War of 1812. During the battle, the British launched a night attack on an American encampment resulting in the capture of the two senior officers of the American forces. This led to confusion amongst the American forces and ultimately to a British victory and an American withdrawal from Upper Canada.

The subject property encompasses part of 26, Concession 3 of Saltfleet Township (Figure 19) which was originally granted to William Gage in 1802. By 1875 the southwest corner of the lot, encompassing the monument site and 70 King Street West parcel, is owned by Mrs. Nash who had erected a structure further east, along the north side of King Street.

Several factors influence a property's potential for housing EuroCanadian sites. These include proximity to potable water, or area of early settlement, presence of well drained soils, and immediate access to an early transportation route. When these are taken into consideration the subject property demonstrates high potential for the recovery of EuroCanadian sites. This is due to the proximity Battlefield Creek, the historic site of the Battle of Stoney Creek, King Street (an historic thoroughfare) and a registered historic era archaeological site (Smith's Knoll Cemetery and Monument). Nonetheless and as noted previously, areas within the property that have witnessed extensive deep disturbance (i.e., building footprints, buried utilities) do not retain potential for harbouring intact archaeological deposits. The extent of deep disturbance in the undeveloped portions of the property and beneath the parking area had not yet been



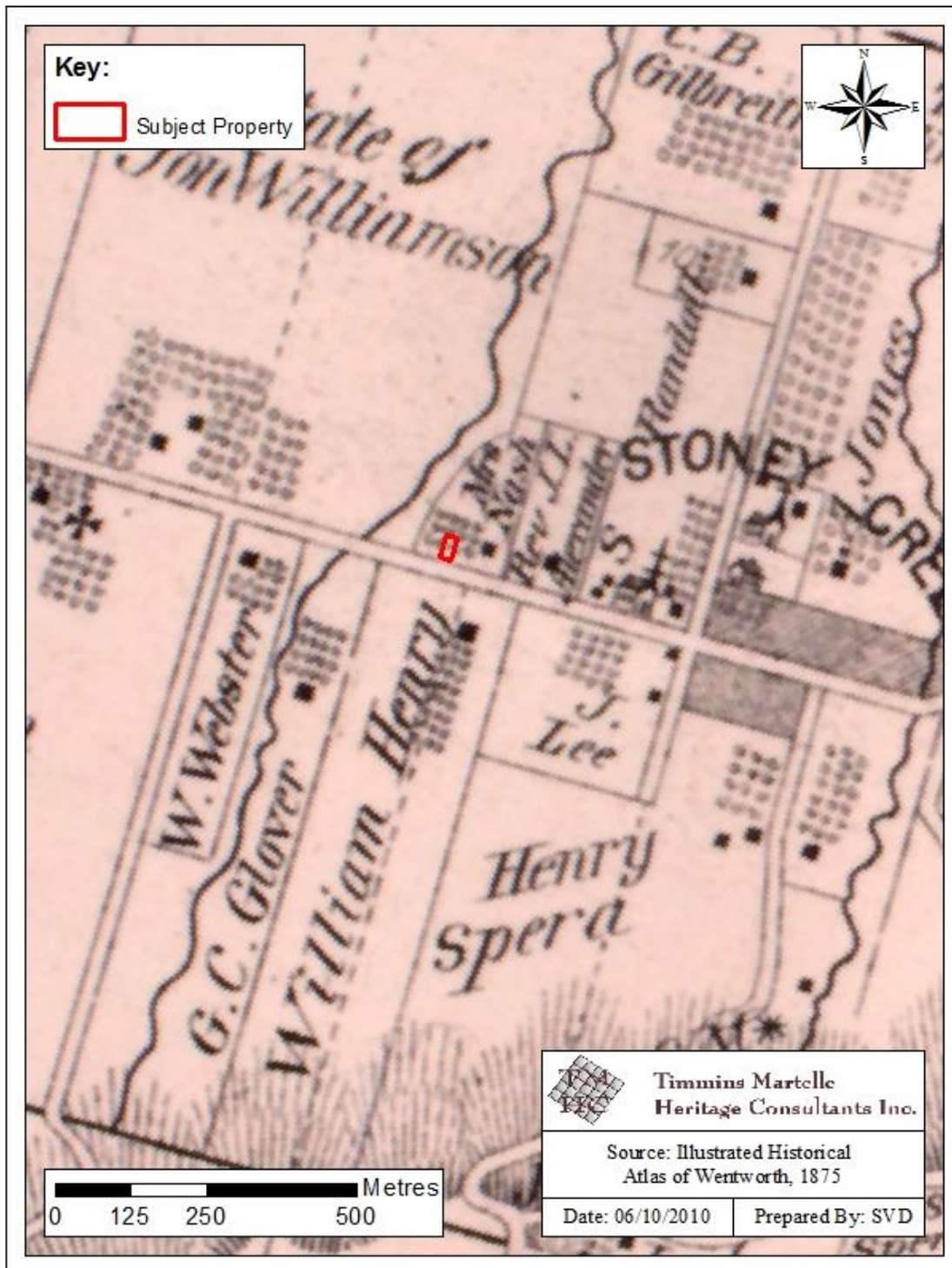


Figure 19: Location of the Subject Property on the 1875 Map of Saltfleet Township



confirmed at the time of assessment and so it was assumed that archaeological potential was retained.

3.6 Brief History of the Battle of Stoney Creek and Related Archaeological Investigations

Given that the subject property falls within the area known to have been the site of the historic Battle of Stoney Creek a more detailed historical review of the battle events was also carried out.

The War of 1812: General Background of Events Leading to the Battle of Stoney Creek

The War of 1812 (through 1815) between the British Empire and a then very young United States started in July of 1812 with an unsuccessful attempt by American armies to capture British posts in Upper and Lower Canada. On July 12, 1812 the American army commanded by General William Hull crossed the Detroit River with the aim of capturing Fort Malden and its dockyard. On July 17 the British overtook the trading post at Mackinac Island (Michigan). In August of the same year, Shawnee Chief Tecumseh crossed Detroit River with 100 British soldiers and Canadian militia and convinced local native tribes to ally with the British. With the news of the loss of the Mackinac post and the fear of being surrounded by tribes now allied with the British, American General Hull withdrew his forces from Canada and returned to Fort Detroit on August 8, 1812 (Latimer 2007:63-65). The British forces (300 soldiers, 400 militia, 600 native warriors) under the command of General Sir Isaac Brock advanced to Detroit and forced its surrender on August 16. Shortly thereafter Brock returned to Niagara where the American army was congregating near Lewiston, New York, under the command of General Stephen Van Rensselaer. On October 13 the Americans attacked the British fort at Queenston. The Battle of Queenston Heights, the first major battle of the War 1812, resulted in British victory. The British army suffered 20 dead, and 85 wounded (including Brock), while the American casualties are estimated at 60 dead and 170 wounded (Latimer 2007:76-83; Fryer 1986:149-156).

Following this, the Americans made renewed attempts to push further into Canada with the aim of establishing a base inland. The American campaign of 1813 included an ambitious attack on York (now Toronto), the capital of Upper Canada. The Battle of York began on April 27 when close to 1800 American troops under generals Dearborn and Pike raided the city, supported by gun fire from twelve American schooners. The lesser staffed British outpost under the direction of General Roger Sheaffe (Brock's successor) was attacked. After a short battle, the outnumbered British surrendered the town, which was later looted and burned by the Americans. The British retreated to Kingston, while the Americans left York on May 8th and returned to Fort Niagara (Latimer 2007:131-132).



Encouraged by this success, American General Dearborn decided that his next target would be Fort George (near present day Niagara-on-the-Lake), the headquarters of British forces in the Niagara region, located on the west bank of the Niagara River. The fort was under the supervision of General John Vincent who commanded the 1000 regular soldiers and 300 militia men who were stationed there. Anticipating an American invasion, Vincent split his forces into three groups and placed them along the banks of Niagara River where he suspected the Americans would begin their attack. The American forces began their assault on May 25 with a heavy artillery bombardment of Fort George. Two days later, on May 27, 1813, the Americans launched an amphibious attack, with four groups led by generals Scott, Parker Boyd, Winder and Chandler. The first American brigade commanded by Colonel Winfred Scott landed on the beach of Lake Ontario, west of the mouth of the Niagara River. The defending British Glengarry Light Infantry Regiment was shortly outnumbered and began to retreat toward the fort (Elliott 2009:2020-24). Scott's group was later reinforced by landing brigades led by Boyd and Winder. Sensing the danger of being outflanked and surrounded by a stronger enemy force, British General Vincent ordered an immediate retreat south along the Niagara River to Queenston. The battle at Fort George resulted in 52 British casualties (44 wounded and 262 missing), with American casualties numbering 40 (113 wounded).

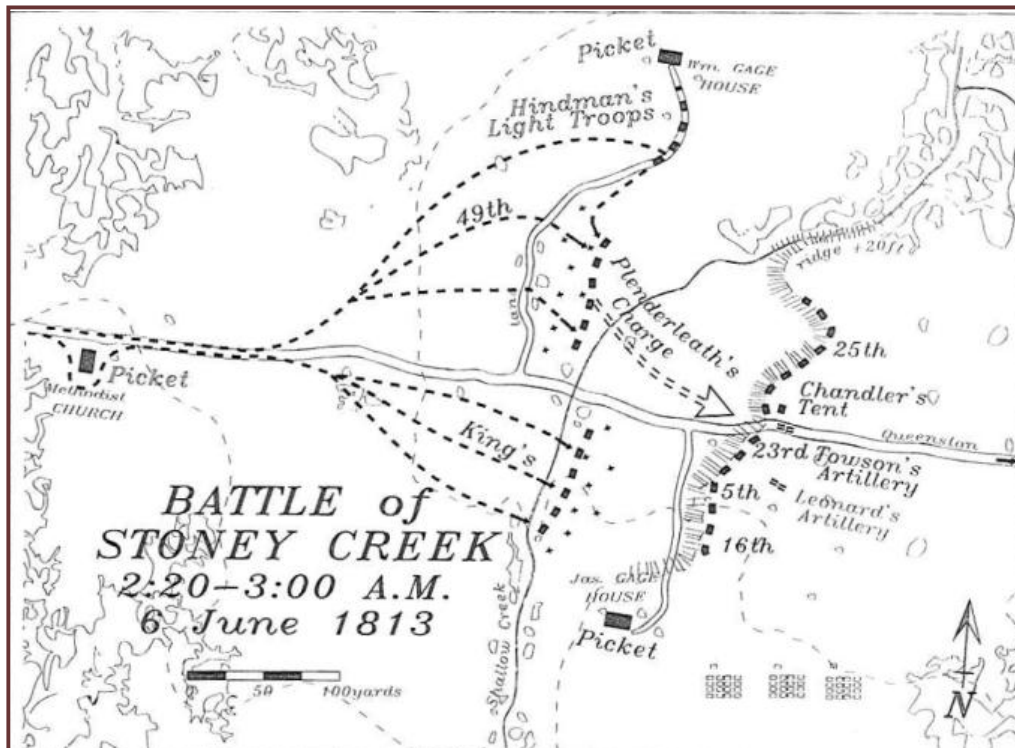
Battle of Stoney Creek (Figures 20 and 21)

After their defeat at Fort George, the British troops under the supervision of General John Vincent retreated to Burlington Heights (south of Hamilton). They were pursued by the Americans, led by General William H. Winder, an ambitious but inexperienced commander. His brigade was some 1,700 to 2,000 strong and included several infantry regiments, two regiments of artillery, supported by a company of light dragoons and riflemen (Elliott 2009:58). Being unsure of the British strength, Winder did not engage the British and halted his forces at Forty Mile Creek, where he was joined by additional forces led by General John Chandler.

On the 5th of June the combined American army of 3,400 encamped near the small hamlet of Stoney Creek. For their headquarters the Americans chose the frame house of James Gage (now in Battlefield Park). Chandler's plan was to march from Stoney Creek toward the lake, cross below Burlington Heights where the main British force was held up and prevent the British army from retreating to Fort York (Elliott 2009:79). Anticipating this, and knowing that the Americans outnumbered British forces by at least two to one, British General Vincent ordered a surprise night attack on the Americans. In the early morning of June 6, 1813 the attack was launched led by Lieutenant-Colonel John Harvey, Deputy Adjutant to General Vincent. Several initial attempts to break the line of defence were unsuccessful and the American troops, although surprised at first, gradually began to recover, firing back on the advancing British regiments. After some heavy losses, the British forces began to slowly withdraw. Unsure of the size of the attacking army and anticipating another frontal attack, General Winder ordered the Fifth infantry regiment to secure the left flank by moving south

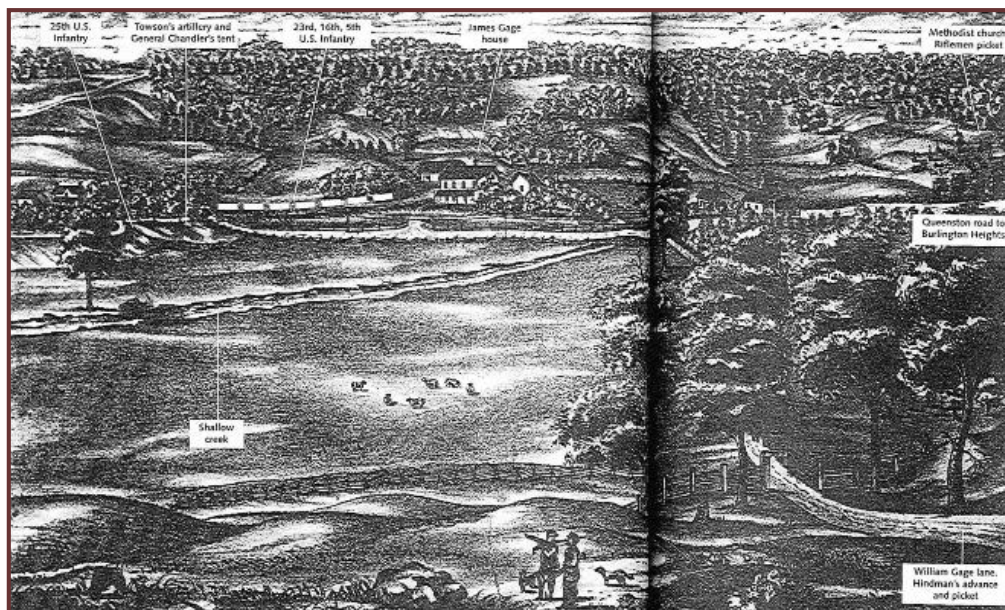


Figure 20: Map of the Battle of Stoney Creek, June 6, 1813



adapted from Elliott 2009:121

Figure 21: Reconstruction of the Battlefield on a Circa 1870 Drawing (looking south)



adapted from Elliott 2009:106-107



toward the James Gage house. This effectively opened a hole in the American defence line and left their artillery divisions without infantry support. At that moment, the commanding officer of the British 49th regiment, Major Charles Plenderleath, ordered his troops to attack the centre of American line along Queenston Road (now King Street) and seize the American guns. The unprotected American artillery was quickly overrun and captured. This, the fact that the majority of the American army was confused and dispersed by the surprise night raid (Elliott 2009:142), and the capture of both American commanding officers – Winder and Chandler - led to British victory. The lower ranking American officers decided to withdraw into the surrounding woods and eventually retreated first to Forty Mile Creek and then to Fort George, where they remained until their return to the U.S. in December of 1813. Although only a minor skirmish in the War of 1812, the Battle of Stoney Creek was a turning point in the 1813 American invasion of Upper Canada as the American armies would never again sweep the Niagara Peninsula.

The Battle of Stoney Creek has been commemorated and its related lands are now a National Historic Site. The designated site includes Battlefield Park, Smith's Knoll and the Stoney Creek cemetery (Parks Canada 2002). The park contains a large 30.5 metre tall stone tower monument commemorating the battle (erected in 1913; Figure 22) and the James Gage House ("Battlefield House"; Figure 23) which now serves as a museum. In 1999, the City of Stoney Creek relocated the Jackson-Nash house (Figure 24) to the park to allow for its preservation. Smith's Knoll Monument and Cemetery (Figures 10-15) is a memorial site containing a stone monument marking the location of human remains pertaining to the battle. The original commemoration took place in 1908 and the monument area was rehabilitated in 2000 following a related archaeological investigation (see below). Human remains, related and unrelated artifacts were unearthed by that work and the human remains were subsequently re-interred in the granite crypt at the memorial site (Parks Canada 2002). The Stoney Creek Cemetery (Figure 25) is a Methodist burial ground established in 1800 and contains the remains of both local residents and War of 1812 casualties; it contains a memorial to those killed (Figure 26).

History of Smith's Knoll and Previous Archaeological Investigations

The soldiers who died during the Battle of Stoney Creek are thought to have been buried in three general locations: in the Methodist Church Yard (now the Stoney Creek Cemetery at King Street and Centennial Parkway), on Smith's Knoll and on the battlefield, the latter in the event that their remains were not removed from the site where they had fallen. Smith's Knoll is said to be the site of the British takeover of the American artillery and the capture of American officers Winder and Chandler. There are descriptions of a subsequent mass grave burial here following the battle. Historical records are not decisive on the number of battle casualties or burials. James Fitzgibbon, the commander of the small company of the 49th British Regiment, reported 31 American bodies left behind on the morning of June 6, 1813. John Lee, from the 5th Lincoln Militia Regiment, personally counted 61 bodies from both sides, reporting their burials on June 6 (Elliott 2009:216).



Figure 22: Monument in Battlefield Park



Figure 23: James Gage House in Battlefield Park



Figure 24: The Relocated Jackson-Nash House



Figure 25: Stoney Creek Cemetery



Figure 26: Memorial in Stoney Creek Cemetery

Late 19th century sources suggest that formal burials were made at Smith's Knoll (where the American artillery was captured) and the Methodist Church Cemetery (now Stoney Creek Cemetery) (Elliott 2009:216-217; Parks Canada 2002:10-12). Accounts vary as to the number of interments at Smith's Knoll and although the exact number is not known it is estimated that the remains of anywhere from 24 to 40 individuals may be present. In the late 19th century a landowner farmer, Allan Smith, unearthed human remains and related military artifacts while ploughing atop what would later be named "Smith's" Knoll. By 1907 the Wentworth County Veterans Association were complaining that the site was being looted and the following year they purchased "Smith's Knoll" from Hiram and Lillian Smith who offered the site as a cemetery. On May 3 of that year the site was consecrated by the Anglican Bishop of Niagara as a "Soldier's Plot." Two years later a stone cairn (the Lion Monument) was erected. The existing American memorial stone was laid in 1972 and the date of the plot marker installation is not known. Title to the cemetery and memorial site was handed over to the City of Stoney Creek in 1993. The cemetery site was refurbished and rededicated at various points in its past, most recently in 2000 following archaeological work commissioned by the City of Stoney Creek. In 1995 and at the request of the Local Architectural Advisory Committee, the Ontario Heritage Foundation (now that Ontario Heritage Trust) provincially designated the site.

Knowledge and confirmation of the exact number of interments on Smith's Knoll has been complicated by the fact that the presumed burial site has been disturbed on numerous occasions between 1813 and 1910. Sometime around 1888 Peter Van Wagner, local historian and millwright, reported uncovering human remains at Smith's Knoll and shared this information with the Wentworth Pioneer and Historical Society. The remains of 40 bodies were said to have been found. It was later learned that Van Wagner had exhumed some 22 bodies on which he conducted pseudo-scientific examination (Elliott 2009:217-218, 292). It is not known if the remains were ever returned to the property. Additional disturbance occurred slightly later, sometime between 1894 and 1907, when an electric railroad was built beside the presumed burial area. Some disturbance can also be attributed to the erection of the Lion Monument and the refashioning of the park area in 2000, as well as modern episodes of road and residential construction peripheral to the current site.

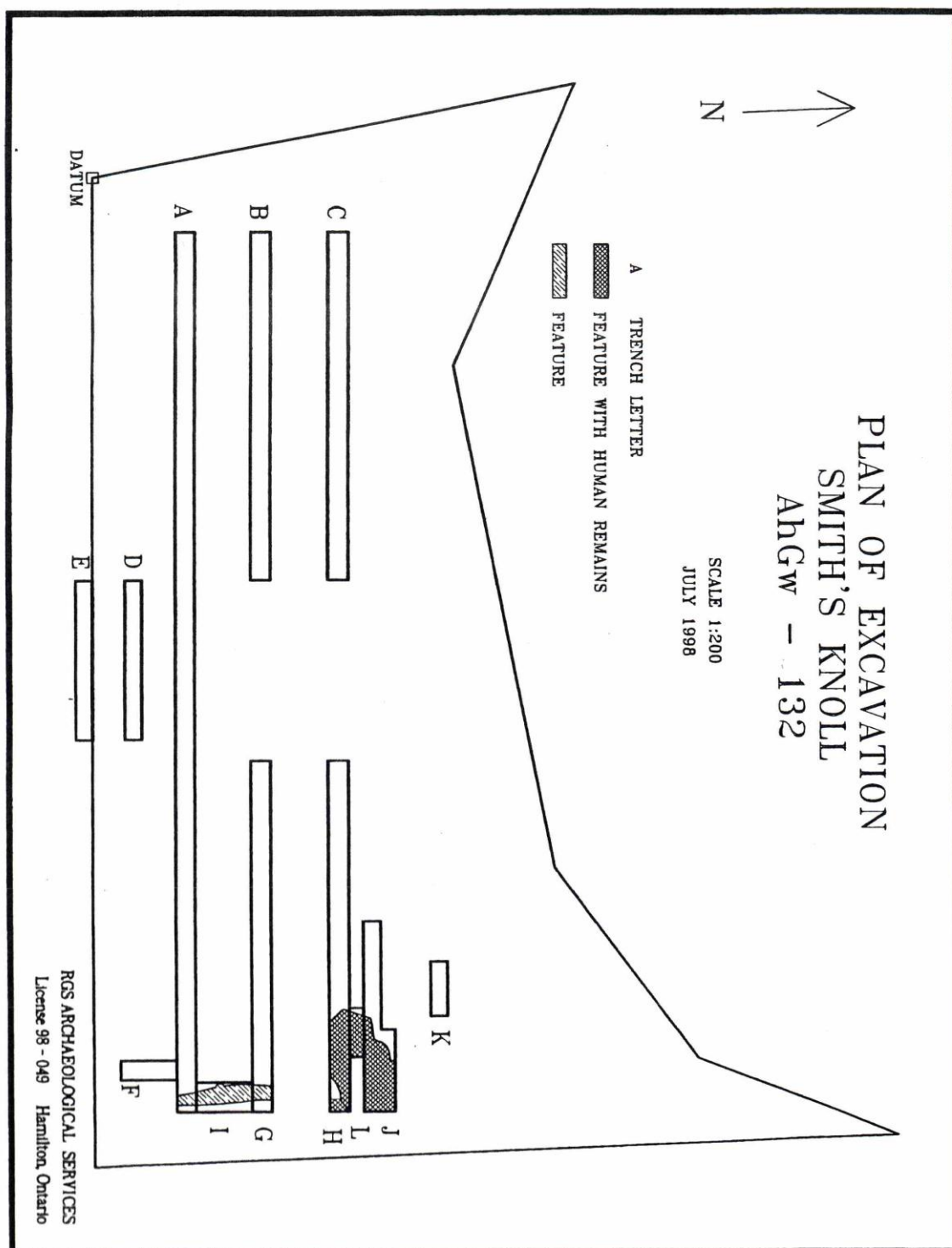
The best information on the human remains and archaeological resources within the memorial site come from 1998 and 1999 archaeological investigations carried out by RGS Archaeological Services and commissioned by the City of Stoney Creek as part of the park/memorial rehabilitation project. The archaeological consultant was hired to carry out a Stage 2 archaeological assessment of areas to be impacted by the proposed improvements with a main focus being the identification of any human remains that might be present. A series of test trenches excavated within the limits of the knoll parkette resulting in the identification of a large pit feature containing disarticulated human remains mixed with animal bones, domestic, and military artifacts. No *in-situ* (undisturbed) burials were found at that time. The 1998 work was summarized in a report entitled *Report Archaeological Assessment, Smith's Knoll Historic Cemetery AhGw-132* (RGS Archaeological Services 1998). A supplementary report on the 434 skeletal remains (representing 8 individuals) was also prepared by (then) Ph.D. candidate Clare McVeigh and is entitled *Human Bone Report, Smith's Knoll 1998*. Rosemary Prevac prepared another separate report on the animal bone. The latter is entitled *The Smith's Knoll Site (AhGw-132) Faunal Report* (November 1998) and reports the recovery of 209 animal bone fragments, the majority of which represent species typical of a 19th and early 20th century domestic occupation.

The 1998 test trenches did not reveal the presence of human remains in front or to the west of the Lion Monument (Figure 27). However, the extreme eastern ends of four east-west oriented trenches demonstrated the presence of subsurface features. These trenches were later expanded to open up slightly larger areas for more detailed investigation and mapping. For the purposes of orientation, it should be noted that the subsurface features were situated primarily to the east of the rectangular area delineated by the four "Soldiers Plot" markers and stopped short of the eastern property boundary.

In 1999 the archaeological consultant returned to the site to more fully delineate and examine the subsurface features containing human remains. A much larger area along the eastern property was opened up and this determined that the subsurface feature



**Figure 27: Map of the 1998 Test Trench Excavations at the Smith's Knoll
Monument and Cemetery Site**



containing human bone did in fact extend right to the property line (Figure 28), with *in situ* bone elements straddling the fence line. Therefore, the feature extends into the 70 King Street West property. The 1999 investigations were summarized in a report entitled *Report 1999 Field Work at Smith's Knoll Historic Cemetery for the City of Stoney Creek, Ontario* (RGS Archaeological Services 2000). The exposed human remains were found to consist of small sets of comingled and "piled" remains rather than full, articulated individual burials. Isolated bones were also recovered. The piling of remains likely relates to post-depositional events, many of which have already been described in the historical summary of Smith's Knoll. There are also accounts of farmers collecting bushel or fruit baskets full of human remains during ploughing and re-piling these at the edge of the field. Another account suggest that small pits were dug at the edge of the knoll to deposit bone collections, although this was discounted in the RGS 1999 report.

The human remains were found in what appeared to be disturbed fill soils, perhaps resulting from the levelling of the knoll for the construction of the monument. The fill contained a significant quantity ($n = 4,126$) of domestic artifacts dating, with the exception of military items, primarily to the 1860 to 1904 period. The RGS report attributes these artifacts to the Nash family's occupation of the parcel prior to the establishment of the cemetery.

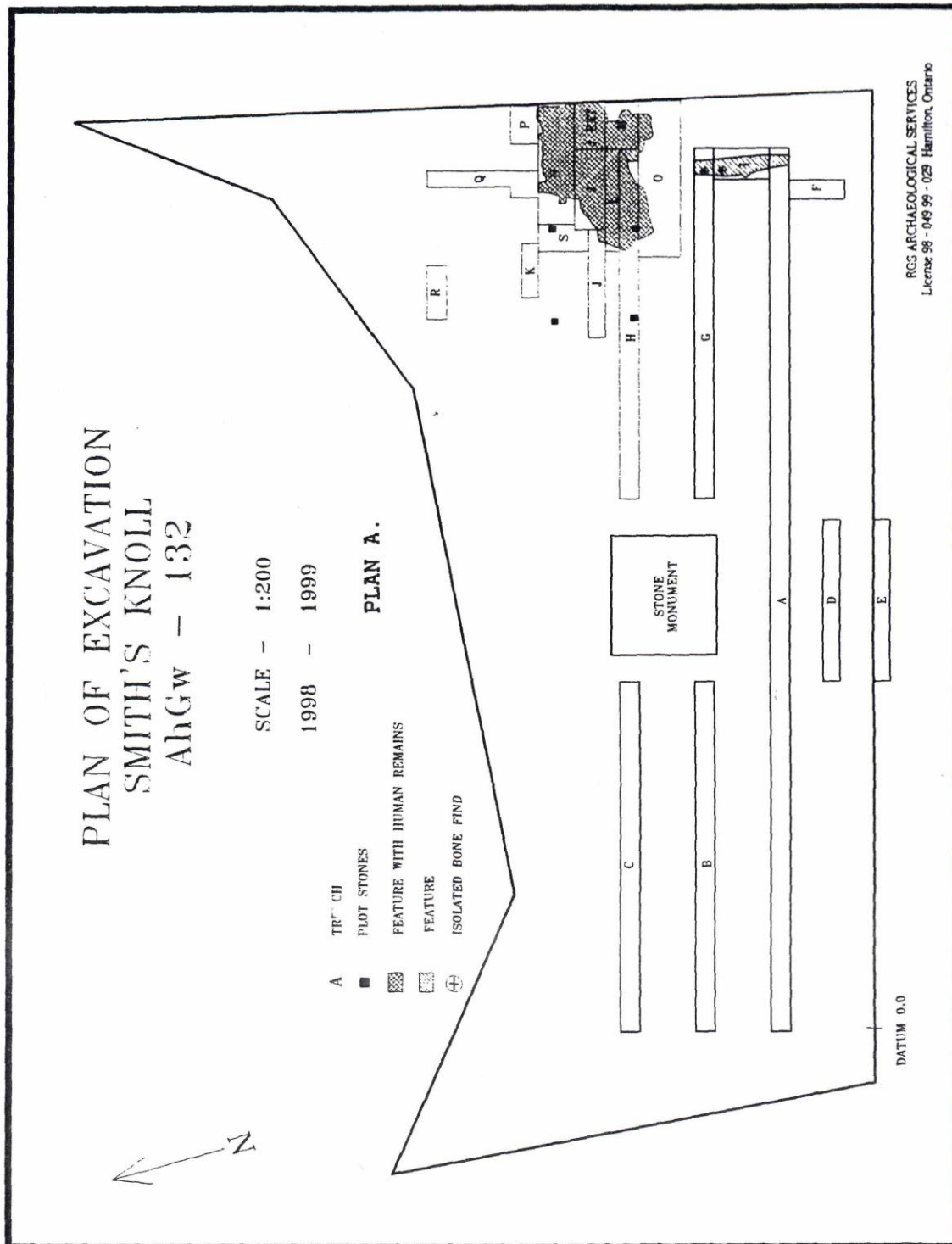
Dr. Maria Liston from University of Waterloo conducted an osteological analysis of the human remains from the site and concluded that they represented altogether portions of 24 individuals (770 individual elements), all male, and largely between the ages of 25 and 40 years old. Dr. Liston found evidence of traumatic and fatal injuries, including musket ball wounds and bayonet stab wounds (RGS 2000; Appendix D.2) that support a military association for the remains. The individual sets of remains are not complete, as only 9 skulls for 24 represented individuals were recovered. The RGS report indicates that only 15.6% of the anticipated number of remains for 24 individuals was recovered during the excavation, which raises questions about the whereabouts of the remaining bone elements. Following detailed analysis, the remains of 24 soldiers were interred in a newly constructed crypt (now on the property) during the ceremony held at Smith's Knoll on June 4, 2000 (Elliott 2009:227).

4.0 STAGE 2 ARCHAEOLOGICAL ASSESSMENT AND PRELIMINARY HUMAN REMAINS INVESTIGATION

The Stage 1 background research indicated that the property had potential for the discovery of archaeological deposits and, given this, a Stage 2 field assessment was recommended. Given the presence of prior disturbance on the property, as well as potential for human remains, a slightly altered approach to the Stage 2 fieldwork was carried out, recognizing that any of this preliminary archaeological work would minimally require demolition monitoring if not additional excavation. The intent of the preliminary work was to identify the existence of archaeological material, potentially confirm the presence of human remains and document soil profiles in various parts of the



**Figure 28: Map of the 1999 Test Trench Excavations at the Smith's Knoll
Monument and Cemetery Site**



property. It was thought that the collection of information regarding soil composition, stratigraphy and depth to any archaeological or human remains found would be essential for formulating a strategy for protecting any deposits from damage during the proposed building demolition and asphalt removal and any subsequent property improvements.

4.1 Standard Stage 2 Test Pit Survey

The grassed and bare ground portions of the subject property were test pitted using a five metre assessment interval (Figures 29 and 30), later intensifying in some areas. All test pits measured roughly 30 cm or shovel-width in diameter and, where possible, were excavated down through to subsoil. In most cases the test pits revealed the presence of deep deposits of fill (Figure 31), as also observed during the RGS excavations on the adjacent cemetery property. All soil was screened through $\frac{1}{4}$ " (6 mm) hardware cloth and, following this, the test pits were refilled with soil and capped with sod as best as possible. Prior to the initiation of this work, utility and services locates were obtained in an effort to avoid hitting buried lines during excavation work and to identify the areas where the installation of these may have caused significant deep disturbance. Because of the potential for discovering human remains, the Cemeteries Registrar was also contacted, in an effort to get clear direction with respect to the reporting process given any human remains identified would be considered part of a registered cemetery.

On October 5, 2010 all of the accessible areas of the property were test pitted including: the grassed lawn in the southwest portion of the property, the bare west side yard of the house, and the bare island forming the northern property boundary. Twenty-one test pits were excavated in the lawn, the deepest of which was 65 cm below sod. These documented the presence of some gravel fill (close to the road) and otherwise medium brown sandy loam fill soils over light yellow brown sandy subsoil. Three test pits were excavated west of the structure to roughly 40 cm in depth and contained medium brown clean sand fill over red/brown sandy loam subsoil. Three test pits were excavated in the island at the rear of the property and these showed relatively natural soil horizons consisting of 30 to 40 cm of medium brown sandy loam topsoil over light yellow/brown sandy loam subsoil. A tabular summary of our findings for each test pit is provided in Table 2. The location of the positive test pits is plotted in Figure 32.

While no human remains were noted during the Stage 2 test pitting, this activity resulted in several important observations:

- 1) the front lawn of the property contained a fill layer of significant depth, the same as that observed on the adjacent cemetery property; the fill at 70 King Street West seems to be thicker than on the adjacent land, as evidenced by a clear difference in grade along the fence line.



Figure 29: Test Pitting in Progress to the Rear of the Structure (looking south)



Figure 30: Test Pitting the Front Grassed Lawn (looking west)



Figure 31: Typical Test Pit in Front Lawn With Fill Soils



- 2) the soils immediately adjacent to the building were all interpreted as backfill from the construction of the house and both the footprint and its immediate environs should be considered significantly deeply disturbed; this was further confirmed by the excavation of a wider test pit (Figure 33) immediately adjacent to the building foundation for which a detailed profile was drawn (Figure 34).
- 3) 19th century domestic material was found to be scattered throughout the property and contained within the fill soils, as also noted during the RGS excavation on the cemetery site; of a total of 22 test pits excavated, 10 contained artifacts and these were scattered throughout the surveyed portions of the property.
- 4) precontact native chipping detritus was noted in two test pits, one situated in the rear of the property, near the east boundary and another along the west property boundary immediately opposite the cemetery; further intensification did not reveal more precontact material in either area yet this find is not inconsistent with what was observed during the cemetery testing where native artifacts were found intermixed with historic material.



Figure 32: Stage 2 Field Conditions and Results, Preliminary Unit Testing Results

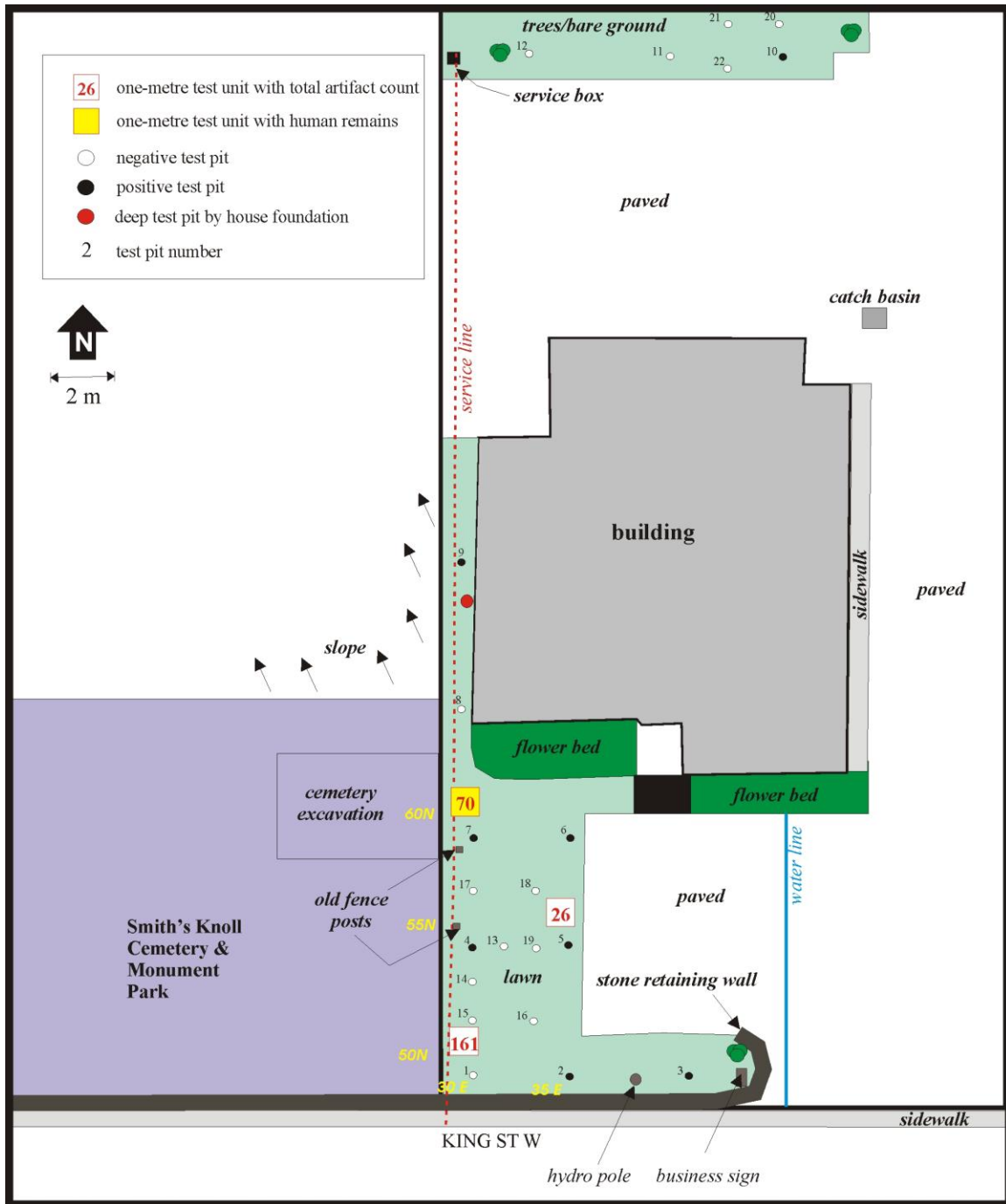


Table 2: Summary of Stage 2 Test Pit Results

Test Pit No.	Location	Max. Depth (cm)	Artifacts		Soils	Comments
			n	type		
1	lawn	35	0		gravel fill	completely disturbed
2	lawn	60	3	slag, coarse red earthenware, animal bone	sandy loam fill	
3	lawn	55	2	coal/clinker, coarse red earthenware	sandy loam fill	
4	lawn	42	9	glass, ceramic, chert flake	sandy loam fill	
5	lawn	30	1	window glass	sandy loam fill	
6	lawn	43	4	glass, wire nail, ceramic	sandy loam fill	
7	lawn	40	7	glass, clay pipe, cut nail, ceramic	sandy loam fill	
8	west of house	41	0		sand fill	contains cable line; disturbed building trench
9	west of house	22	1	wire nail	sand fill	disturbed building trench
10	north boundary	30	4	wire nail, nail shaft, chert flake	natural loam topsoil	
11	north boundary	35	0		natural loam topsoil	
12	north boundary	35	0		natural loam topsoil	
13	lawn	45	4	brick, coarse red earthenware, glass	sandy loam fill	
14	lawn	65	3	cut nail, animal bone, metal	sandy loam fill	
15	lawn	55	0		sandy loam fill	
16	lawn	56	0		sandy loam fill	
17	lawn	40	0		sandy loam fill	
18	lawn	35	0		sandy loam fill	
19	lawn	60	0		sandy loam fill	
20	north boundary	35	0		natural loam topsoil	
21	north boundary	35	0		natural loam topsoil	
22	north boundary	40	0		natural loam topsoil	
		TOTAL	38			

- 5) remnants of a former (original) metal post fence were noted east of the wrought iron fence along the west boundary (Figure 35); these mark where the fence line was during the 1998/1999 archaeological work at the site; since the excavation work at the cemetery site extended to that former fence line, part of the previously documented cemetery area is present within the 70 King Street West property, as now defined by the wrought iron fence line (Figure 32).



**Figure 33: Deep, Expanded Test Pit Excavated Adjacent to Building Foundation
(looking east)**



Figure 34: Profile of Deep Test Pit Adjacent to Building Foundation

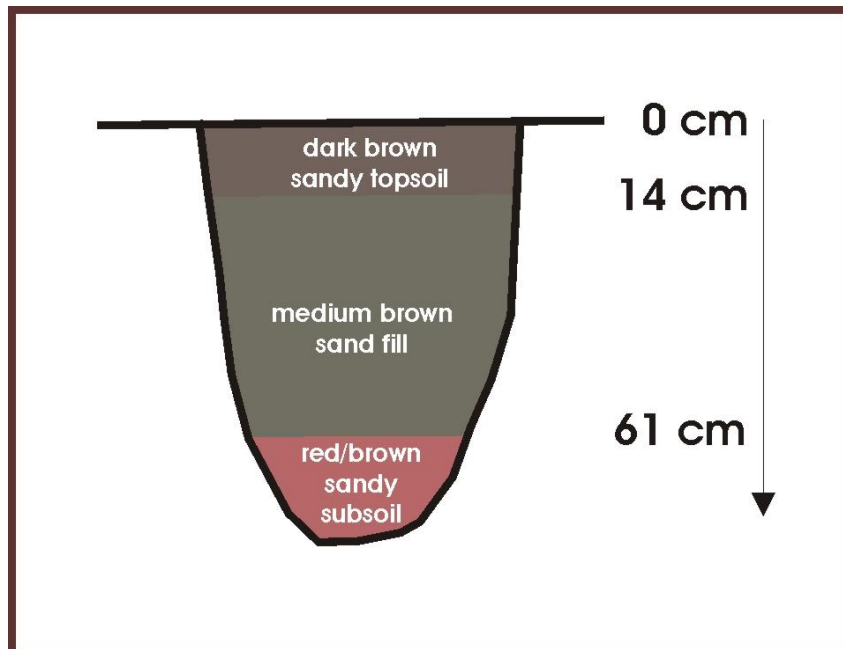


Figure 35: Old Steel Post Fence Remnants Along West Property Boundary

4.2 Intensified Testing and Soil Profiling

Preliminary and intensified testing was carried out on the front lawn area where there was the highest likelihood of the discovery of human remains given the immediate proximity of the burial feature excavated in 1998-1999. The intention of this was not to completely test the area as would be typical of a Stage 3 investigation but instead to confirm soil profiles, determine extent of prior disturbance and further attempt to establish whether human remains were present at the site. To facilitate this intensified testing we established a five-metre grid across the lawn using the triangulation method. The east-west and north-south transects ran parallel to the western and southern boundaries, respectively. Soils were screened through 6 mm hardware cloth.

Three one-metre units were excavated and placed strategically to collect various different pieces of information. A unit was placed along the western edge of the front paved parking area (grid designation 55N 35E:1; Figure 36) in order to document the soil profile adjacent to the parking lot, thereby establishing fill depths and depth of prior disturbance. It was thought that this information would help inform subsequent monitoring work on the property by determining at what level more intact or artifact-bearing soils might be present. A second unit was placed in the northwest corner of the grassed area (grid designation 60N 30E:1; Figure 37) across the fence from the 1998-1999 RGS test trenches that produced human remains. It was hoped that the excavation of this unit would help confirm the presence of the subsurface feature that is presumed to



Figure 36: Location of Unit 55N 35E:1 (far right by parking lot; looking northeast)



Figure 37: Location of Unit 60N 30E:1 (looking west)



straddle the fence line as well as document the presence of human remains. A third unit (designated 50N 30E:1) was excavated in the southwest corner of the lawn (Figure 38) in an effort to collect general information about the nature of the soils in that area.

In unit 50N 30E:1 in the southwest corner of the lawn (Figures 39 and 40), a 44 cm thick layer of mottled yellow brown sandy loam fill was noted, containing miscellaneous 19th century material, including ironstone and whiteware sherds, window glass, nails, glass and animal bone. Below this level is damp, light yellow/brown sandy clay subsoil. This unit lacked a distinct recent topsoil layer that was observed on the two northerly units, where the elevation is slightly higher. Unit 55N 35E:1 (Figures 41 and 42) contained a 19 cm thick layer of brown sandy loam topsoil (with window and bottle glass), over a 15 cm layer of the same fill material observed in the previously described unit and also occurring in 60N 30E:1. In Unit 55N 35E:1 the fill layer produced various pieces of 19th century material including whiteware, ironstone, nails, window and bottle glass. Beneath the fill layer in this unit was a roughly 18 cm thick lens of dark brown sandy loam soil that either represents an original soil surface or feature-like soil that might be related to the amorphous burial feature identified within the cemetery proper in 1998/1999. This interpretation is supported by the presence of early and mid-19th century material, including an 1833 coin, a white clay pipe stem, and two fragments of pearlware. Wet, light yellow/brown sandy clay subsoil was observed beneath this artifact-producing layer.

Unit 60N 30E:1 (Figures 43 and 44), excavated in the northwest corner of the lawn immediately across the fence line from the 1998/1999 human remains feature, showed evidence of the same general soil layers as described in the other units above (Level 1 – new topsoil; Level 2 – disturbed fill), although the disturbed fill layer appeared cut half way through the square by potential feature soils (dark brown sandy loam). Below Level 2 and the feature soils was the same damp, light yellow/brown sandy clay subsoil as observed elsewhere. At the interface of the subsoil and overlying layers, human remains were identified, in addition to some fragments of animal bone. The human bone elements included left and right talus (ankle) bones, three phalanges (toe bones) and two small fragments that could not be positively identified (Figure 45). The remains were not found *in situ* (i.e., in an articulated burial or intact grave shaft) but all are from within the same general area at the base of the unit. The human bone elements were left in the unit and covered in dirt. It should be noted that this unit also contains an underground service line just beneath the sod.

When unit excavation was completed all units were backfilled and covered back over with sod. Table 3 summarizes the findings for each unit by level.

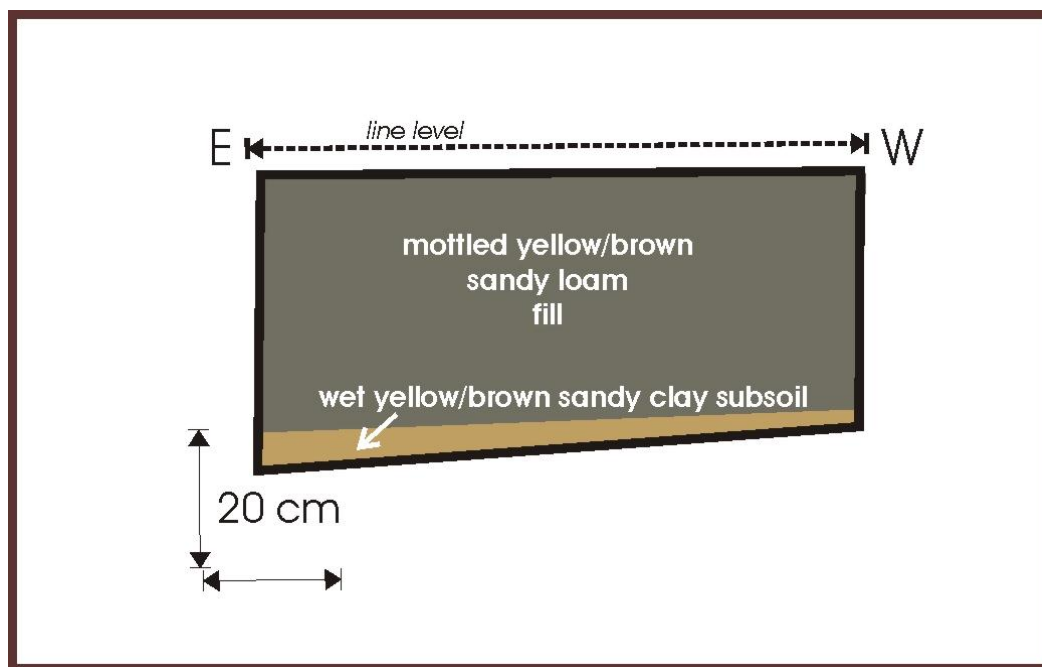


Figure 38: Location of Unit 50N 30E:1 (looking northwest)



Figure 39: Photograph of Unit 50N 30E:1 (looking south)



Figure 40: Profile of Unit 50N 30E:1 (south wall)

4.3 Recovered Artifacts

A total of 296 artifacts were recovered during the preliminary work, 38 from the test pits and 258 from the three one-by-one metre test units. The number of artifacts collected per individual test pit ranged from zero to 9, with 12 being negative for artifacts. Represented in the test pit artifact assemblage are structural remains ($n = 10$), kitchen-related items ($n = 8$), table ceramics ($n = 5$), miscellaneous glass ($n = 9$), personal items ($n = 1$) and miscellaneous material ($n = 3$). Two chert flakes (one Onondaga and one Ancaster) were also collected. The structural remains include seven nails (four wire, of which most are modern roofing nails; one shaft, two machine cut), two fragments of window glass and a small piece of red brick. The kitchen-related items include three pieces of bottle glass, three fragments of coarse red earthenware crockery and utility vessels and two fragments of animal bone (mammal, saw cut). The table ceramics include two fragments of undecorated ironstone and one each of undecorated pearlware, undecorated whiteware and edged whiteware (with a chicken's foot motif). The miscellaneous glass items include milk glass ($n = 2$), molten ($n = 4$) and unidentifiable glass ($n = 1$) as well as very thin fragments that are tentatively interpreted as chimney glass ($n = 2$). The single personal item is a white clay pipe undecorated bowl fragment and the remaining items include two pieces of slag/coal/clinker.



Figure 41: Photograph of Unit 55N 35E:1 (looking east)



Figure 42: Profile of Unit 55N 35E:1 (south wall)

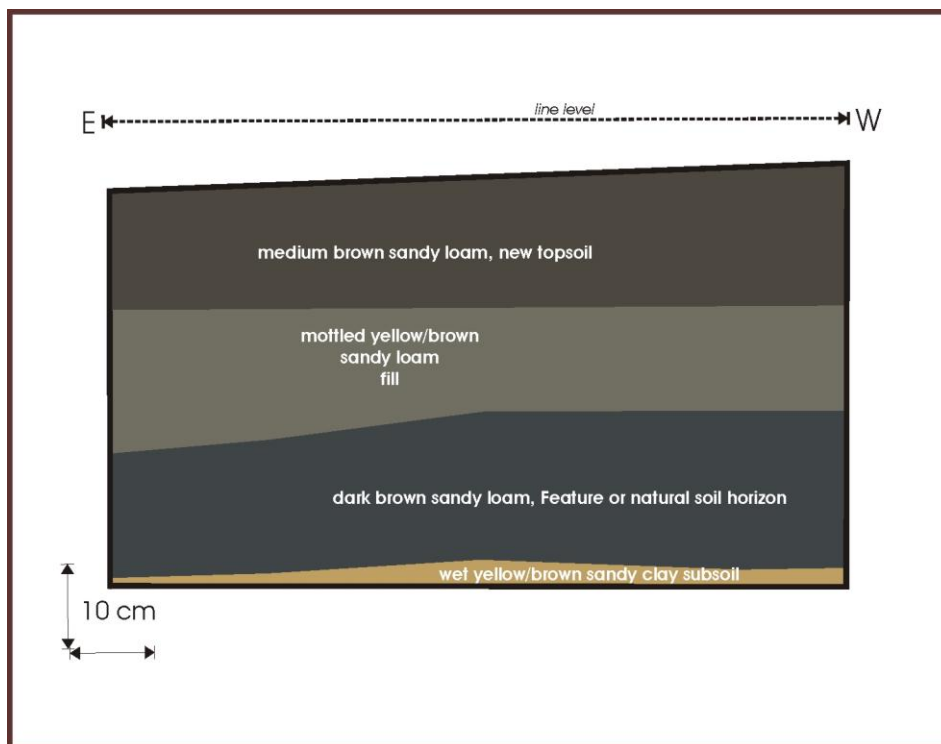
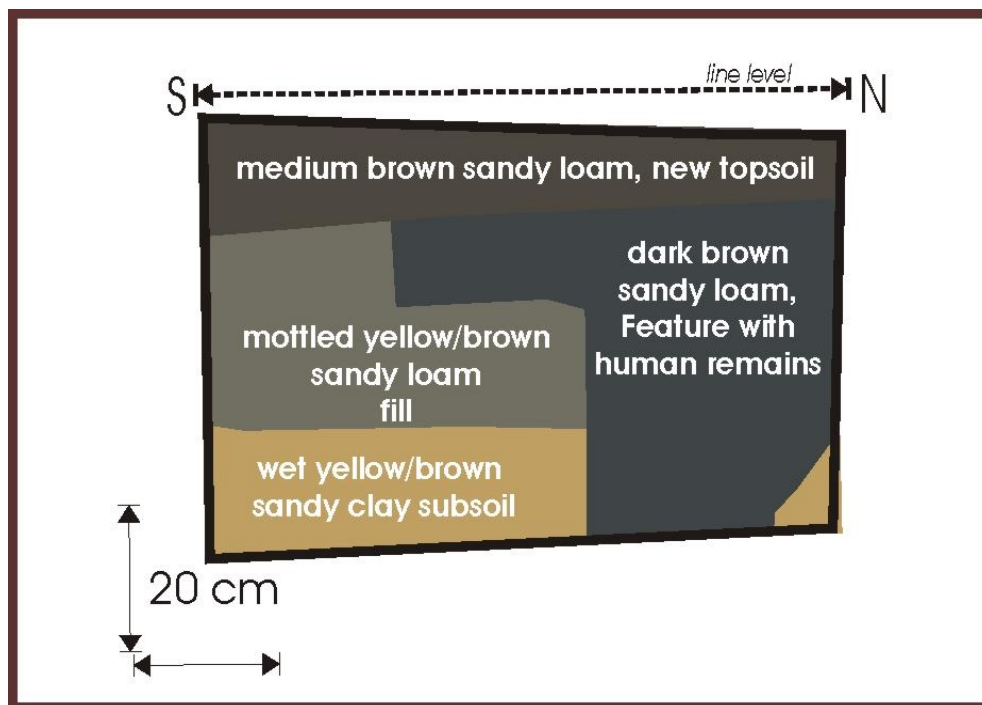


Figure 43: Photograph of Unit 60N 30E:1 (looking north)



Figure 44: Profile of Unit 60N 30E:1 (west wall)



**Figure 45: Photograph of Documented Human Remains
(phalanges and bone fragments on the left, talus bones on right)**



Of the 258 artifacts collected from the unit excavations 106 are structural remains (58 machine cut nails, 11 wire nails – some recent, 32 window glass, 4 nail shafts, one mortar fragment), 76 are kitchen-related items, 32 are fragments of table ceramics, two are personal items, 7 are miscellaneous metal, fencing, hardware and tack items, and 33 others are nondescript fragments of molten, milk and chimney glass. Two glass fragments show evidence of having been worked. The kitchen-related items include 57 fragments of bottle glass, 13 pieces of confirmed animal bone (largely mammal, many with saw cuts), three fragments of coarse red earthenware, two shell fragments and one portion of a glass mason jar sealer. The ceramics include 19 sherds of ironstone (3 with moulded decoration), 9 pieces of whiteware (one banded, one moulded, one blue transfer printed), three sherds of pearlware (one edged, one blue painted) and one piece of porcelain. The ceramic assemblage contains pre-1830 types, mid-century types and items likely dating to 1870 or later. The personal items include a white clay pipe stem and an 1833 coin. The coin has rough edges and is heavily worn. Although marked with 1833 it may represent a blacksmith's forgery. The other markings on the coin are very faint but based on what can be viewed as well as the size and shape of the date stamp, the coin is likely an Upper Canada Half Penny token. A portion of the hand plough on the dated face of these tokens is visible. If legible, the same face could be read to say "TO FACILITATE TRADE"

Table 3: Tabular Summary of Unit Excavations

Test Unit	Location	Max. Depth (cm)	Artifacts		Soils
			n	type	
50N 30E:1	SW lawn	50	161	misc. 19th century	
<i>Level 1</i>		44	128	ironstone, whiteware, window glass, nails, glass, animal bone	disturbed fill, mottled yellow brown sandy loam
<i>Level 2</i>		6	33	ironstone, whiteware, window glass, nails, glass, animal bone	light yellow/brown sandy clay subsoil
55N 35E:1	E lawn/parking lot	58	26	misc. 19th century	
<i>Level 1</i>		19	3	window and bottle glass	new topsoil; brown sandy loam
<i>Level 2</i>		15	14	whiteware, ironstone, nails, window glass, bottle glass	disturbed fill, mottled yellow brown sandy loam
<i>Level 3</i>		18	9	1833 coin, bottle glass, nails, pipe frag., pearlware	dark brown sandy loam, feature or original soil
<i>Level 4</i>		6	0		light yellow/brown sandy clay subsoil
60N 30E:1	NW lawn/cemetery	68+	70	human bone fragments, misc. 19th century	
<i>Level 1</i>		31	66	animal bone, glass, window glass, ironstone, porcelain, nails, etc.	new topsoil, brown sandy loam
<i>Level 2</i>		37	4	animal bone, bottle glass, ironstone, pearlware	disturbed fill, mottled yellow brown sandy loam
<i>Level 3 - Feature</i>	<i>cuts Layer 2</i>	25 +	n/a	human remains, animal bone (not collected)	possible feature/burial pit observed in 1998/1999
<i>Level 4</i>		10	0		light yellow/brown sandy clay subsoil

with the reverse marked by “HALF PENNY TOKEN UPPER CANADA” and showing the image of a sailing ship (Cross 2003:182).

A complete catalogue of the artifacts collected during our work appears in Appendix C, alongside images of a sample of representative artifacts from test pitting and each excavated unit and layer.



4.4 Reporting of Human Remains

After consultation with the Cemeteries Registrar, the Hamilton Police Service was contacted in an effort to arrange for their visit to the site to inspect the human remains discovery. On October 20th the unit containing the small bones and fragments was reopened and the remains re-exposed for examination. Detective Dan Galbraith and Detective Doug Jonovich of the East End Station – Division 20 attended the scene and were allowed to see the remains and provided with background information regarding the project and the cemetery on the adjacent property. The detectives consulted with the local coroner Dr. Porter by telephone. The Coroner's Office determined that they would not be invoking jurisdiction over the find as the remains were clearly over 50 years old. The site was released of forensic concern and an occurrence report was provided to Timmins Martelle Heritage Consultants Inc. and later forwarded to the City of Hamilton and the Cemeteries Registrar. The report appears in Appendix D.

Under the *Cemeteries Act*, upon the discovery of human remains the landowner must enter into negotiations with a representative of the deceased regarding plans for the long term disposition of the remains. Prior to this, certain pieces of information about the identified individuals and the location and extent of the burial site need be provided to the Cemeteries Registrar to assist in the preparation of the disposition and, prior to that, public notice of the find for the purposes of appointing an appropriate representative of the deceased. In the event that an individual's identity is known, family members may act as representative. If the identity of the remains is not known, a member of the clergy typically acts as representative. The appointed church official is typically one of the same religious affiliation of the person (if known) or of the closest church to the discovery site.

The requisite *Cemeteries Act* information is herein provided, based on existing historical documentation.

Identity: The precise identity of the individual(s) represented is not known. Only a small number of bones were identified, not representing a complete individual. They nonetheless likely relate to the existing burial pit on the adjacent property, as these lands are continuous. Given the geographic and historical context of the find, there is little doubt that the bones relate to a War of 1812 soldiers' burial. It has not been determined if the skeletal elements recovered are from one or more individuals, although the excavated portion of the burial feature to the west of our property demonstrated 24 individuals represented by random bone elements and no complete skeletal sets. If the remains are those of the soldier(s) they are likely those of one or more males between the ages of 25-40, the average age range recorded for the skeletal remains removed from the burial pit on the cemetery site.

Cultural Origin or Religious Affiliation: The remains are related to either American or British soldiers but determining ethnic origin is nearly impossible given the small number of bones found. The precise religious affiliation is impossible to ascertain without the



ability to know individual identity and in lack of formal burial treatments that might reflect different religious practices. However, the majority of British or American soldiers might have been followers of the Church of England. Nonetheless, it may be prudent to have multiple religious denominations represented in negotiations. In the event that local clergy is not willing to act as representative, local veterans and historical associations might be willing to participate.

Boundaries of the Burial Site: The precise boundaries of the burial site are not known, for several reasons. First, the nature of the burial site as documented on the adjacent property indicates that the area has been significantly disturbed and the remains displaced perhaps during several construction and land alteration events since the original burial in 1813. Since no intact graves have been documented, the location of remains is impossible to predict and the occurrence of isolated bones and bone fragments in natural and disturbed soils would be thought common in an area that has witnessed such disturbance. Pending further and complete, deep excavation of the subject property, the entire parcel at 70 King Street West (excluding the building footprint) should be considered to have potential for both isolated and more substantial, even *in situ*, finds of human bone elements or burials. The unit excavations confirmed potential burial pit feature soils extending from the west property boundary to the western edge of the parking lot at the front of the structure, encompassing virtually the entire front lawn. However, the same subsurface feature could extend beneath the parking lot, the street, and any adjacent lands to the east. It should be made clear, however, that any lands within the battlefield area that have not been deeply impacted have the same potential for housing isolated human remains and burials related to the War of 1812 casualties.

Further archaeological investigations could help define the exact limits of the burial feature and identify other areas of the property containing human remains. However, this activity would require extensive, deep excavations throughout the entire property. An alternative solution to this, if all parties are in agreement, would be to consider the entire property at 70 King Street West as cemetery and an extension of the same registered cemetery associated with the Smith's Knoll monument.

Details of the style and manner in which the human remains are interred: The remains are not considered to be *in situ* and do not appear to derive from an intact grave shaft. They originate from a soil deposit that extends into the property from adjacent lands and is associated with mixed 19th century artifacts. This soil deposit has not provided evidence of intact graves but instead mixed, jumbled masses of remains that have been moved about and are therefore not in their original context. The remains were discovered from this soil deposit at a depth of over 65 cm below the existing sod.

A description of any artifacts that, in the opinion of the investigator, form part of the burial site: There were no artifacts that were directly associated with the bone elements or that could be considered grave inclusions. Artifacts were recovered from the fill and feature soils in the unit but are considered incidental and likely derive from a mid-to-late



19th century domestic occupation on the same lot. They also are not considered to be in the original location and have likely be moved during landscaping and construction on the property.

Intention of Interring Human Remains: Historic records clearly indicate that a portion of Smith's Knoll was a formal (although initially unmarked) burial site for soldiers who died during the Battle of Stoney Creek. The recovered remains, as with the remains noted on the monument property to the west, have nonetheless been moved around somewhat so that their precise original location is not known.

Information Relevant to the Preparation of a Site Disposition Agreement:

The discovered remains relate to an existing, registered cemetery and historic site on the adjacent property to the west, containing Smith's Knoll Monument. As the original human remains finds and documentation would have also required reporting under the *Cemeteries Act*, it is assumed that a disposition agreement must already exist for the cemetery. However, given the age of the cemetery a formal agreement may not exist. The matter of whether the new finds at 70 King Street West require a new agreement, a revised agreement to expand the limits of the registered cemetery, or a different level of documentation is a matter to be considered by the Cemeteries Registrar.

5.0 INVESTIGATION TO ESTABLISH CEMETERY BOUNDARY

Following the completion of the preliminary investigation of the property a meeting was held to discuss next steps. Representatives from TMHC and the City of Hamilton met onsite with Cemeteries Registrar Michael D'Mello. After a brief discussion of the findings and a site tour, the Cemeteries Registrar requested that further unit testing be undertaken to better establish the limits of the "burial feature" or soil layer containing the human remains and confirm whether the feature extended across the eastern property boundary into the adjacent residential/commercial lot. It was thought that this information could be used in the consideration of whether and how the formal limits of the existing Smith's Knoll Cemetery could be expanded to encompass the human remains on 70 King Street West.

In order to carry out additional unit testing to establish a cemetery boundary it was necessary to remove the paved asphalt surface and underlying soils to permit hand excavation. On November 16, 2010 the demolition of the standing structure at 70 King Street west was initiated. Section 5.1 describes the archaeological monitoring of the building demolition and asphalt removal while Section 5.2 documents the results of further unit testing that took place after demolition and parking lot removal, in the spring of 2011.



5.1 Archaeological Monitoring of Building Demolition and Asphalt Removal

In the late fall of 2010, the City of Hamilton hired a contractor to proceed with the demolition of the standing structure, the removal of demolition debris and the parking lot surface. Timmins Martelle Heritage Consultants Inc. monitored this work both to ensure that no major disturbances occurred to the area known to contain human remains or other areas that were not extensively investigated previously and to collect better information about the soils and soil profiles alongside the house foundation and within the parking lot. Copper Cliff Metals and Wrecking Corporation was hired to carry out the demolition work. Prior to work commencing protective fencing was established around the periphery of the parcel (Figure 46). The asphalt was saw cut at the marked property boundary (Figure 47) to the east to facilitate clean and easy removal and all buried utilities were clearly demarcated with fluorescent paint.

The superstructure of the house was removed by machine and the debris was hauled off site (Figure 48). Once the superstructure was removed work around the house foundation began and proceeded with great care to ensure that there were no deep impacts to the surrounding soil. Impact to the surrounding soil horizons was minimal due to the fact that the house foundation was formed of cinderblock (Figure 49). The foundation blocks were carefully pulled into the basement of the house, leaving the “walls” of soil adjacent to the foundation intact. The soil profiles adjacent to the house were very clear following this exercise. A deep deposit of fill soils was observed along each foundation wall (Figure 50), with the soil being clean sandy loam fill similar to that documented in the deep Stage 2 test pit excavated to the west of the house.

Due to the fact that deep disturbances were prohibited and undesirable due to the documented presence of human remains on the property a decision was made to leave some of the building foundation in place, so as to minimize damage to surrounding soils. The cinder block foundation walls were removed to a point well below current grade and the concrete floor of the basement was broken up (Figure 51) to permit the drainage of water through it. Once the debris was removed from the basement the remnant portion of the foundation was backfilled with crushed tile stone (Figure 52). During the foundation removal a buried septic tank (Figure 53) was exposed, pumped free of its holdings and removed.

At the front of the house, adjacent to the lawn and where there were raised flower beds surrounded by stone retaining walls, even more care was taken with the machine as the nature of the underlying soils was not known. Once the topsoil layer was removed layers of geotextile and gravel were exposed (Figure 54) and both these and the stone retaining walls were pulled into the foundation and removed without damage to the underlying sandy loam soils.





Figure 46: Demolition of Structure in Progress (looking north)



Figure 47: Saw Cutting Asphalt at East Property Boundary (looking north)



Figure 48: Removal of Superstructure Debris From Within Building Foundation (looking northwest)

Photo-documentation of Demolition and Asphalt Removal



Figure 49: Close Up of Cinder Block Foundation and Intact Fill Soil Beside West Wall of Structure (looking northwest)



Figure 50: Fill Soils Adjacent to Foundation at Rear of the House (looking north)



Figure 51: Broken Up Concrete Floor of Foundation (looking north)





Figure 52: Overview of Partially Backfilled Foundation (background) and Surrounding Gravel Surface (looking southeast)



Figure 53: Septic Tank Removed After Pumping



Figure 54: Raised Flower Bed at Front of Structure Containing Topsoil Above Gravel and Geotextile (looking east)

Photo-documentation of Demolition and Asphalt Removal



Figure 55: Removal of Asphalt From Around Structure (looking east along front of building footprint)



Figure 56: View of Gravel Layer and Fill Soils Beneath Asphalt, Rear of Structure (looking southwest)



Figure 57: Concrete Slab Beneath Asphalt in Northeast Corner of Property, Extending Beneath Island (looking west)



The asphalt surrounding the house was removed with an excavator (Figure 55). This exposed a roughly 20 to 30 cm layer of gravel beneath the asphalt in most places (Figure 56). It was decided that the gravel layer would be left in place in order to protect the underlying ground surface. In the northeast corner of the property a roughly 7 by 6.5 metre concrete slab (Figure 57) was identified beneath the asphalt. The slab extended into the adjacent property to the east and beneath the topsoil and subsoil layers in the treed island in the south. This indicated that the precontact archaeological material identified in the island during Stage 2 test pitting was not *in situ*. It seems likely that the slab once served as a foundation for a shed, garage or other outbuilding that once stood on the property. A concrete encased wooden post (Figure 58) was also uncovered along the edge of the treed island in the same general area. The concrete slab was removed by machine and this revealed the presence of seemingly pristine sandy loam soils beneath.

All of the asphalt, concrete and demolition debris was removed from the site and the overlying gravel layer was left intact (Figure 59). The protective fencing was left in place.

5.2 Additional Unit Testing to Define Boundaries

Due to the early onset of wet and winter conditions in November of 2010, unit testing did not continue until the spring of 2011, when better weather and soil conditions were realized. However, the work was also delayed in the early spring of 2011 due to excessive rain; work was initiated once soils were dry. However, rain returned and the project was postponed periodically until appropriate conditions were realized.

The purpose of the additional unit testing was to determine, as best as possible, the spatial extent of the “buried feature” layer known to contain human remains. As previously discussed, the feature was identified within the cemetery proper (west of the current wrought iron fence) and in the grassed lawn area within the subject property at 70 King Street West. The original and main goal of the additional unit testing was to place units along the north and eastern boundary in order to determine if the “cemetery” crossed into the adjacent property (60 King Street West). This piece of information was deemed necessary for determining how the limits of the “cemetery” would be legally established.

When we returned to the property in May of 2011, the protective fencing was still surrounding the property and a new grid was established, with a datum point erected in the northeast corner of the property (Figure 60). Northing and Easting grid stakes were placed at five metre transects along the northern and eastern boundaries of the parcel (Figure 61). Along the eastern boundary and in the front parking area a machine was used to remove the compact layers of gravel and clay fill at the surface as these were impenetrable with a shovel (Figures 62 and 63). Following this, units were excavated at five metre intervals, but were nonetheless strategically placed to avoid underground



Figure 58: Concrete Encased Wooden Post Along Edge of Island at North Boundary



Figure 59: Gravel Surface Left Intact Following Demolition (looking southeast)



services and other obstacles. The soils within each one-metre unit were excavated by hand and passed through 6 mm hardware cloth. Units were excavated by observed soil horizons down to subsoil when present. When subsoil was not encountered at a reasonable depth, excavations continued until extensive deposits of sterile fill soils were confirmed. Deep test pits were excavated in the corner of units to assist with this. Artifacts were collected and bagged by one-metre provenience units and taken to the laboratory for processing. For each one-metre unit (named by coordinates of the southwest corner), artifacts belonging to the same class were grouped and given a single catalogue number. When excavation was completed, the squares were refilled with soil and recapped with sod (when present). Table 4 provides a tabular summary of unit characteristics for the squares excavated during this boundary testing. Figure 64 illustrates the results of the boundary testing.

Units Along the North Boundary (Figures 65 – 70)

Four units were excavated along the north property boundary (Figure 65) and these all shared a similar stratigraphic profile, with the only variation being in the upper fill layers. The surface layers in these units ranged from gravel (in the case where the unit was placed in the former paved parking area to the rear of the house) to topsoil (in the case where the unit was placed in the vicinity of the treed island). These units typically contained layers of clay and/or sand fill beneath the gravel. The two most westerly units contained a likely buried topsoil (dark brown sandy loam) beneath these fill layers and overlying lighter brown sandy loam subsoil (Figures 66 and 67). Unit 395N 190E:21 contained a clay drain that likely once connected to an eaves trough drain of the house or former garage (Figure 67). Unit 395N 195E:25, within the area once covered the concrete slab thought to represent a former garage, did not contain buried topsoil (Figure 69). The buried “feature” of concern was not identified in any of these units. Artifact recoveries were minimal, with a variety of modern and 19th century items collected from the sand fill and buried topsoil layers. An Onondaga chert flake was recovered from 395N 185E:16. The units along the north boundary ranged in depth from 34 cm to 103 cm.

Units Along the Eastern Boundary (Figure 71-76)

Six units were excavated along the eastern boundary. These ranged in depth from 24 to 84 cm. As noted earlier, layers of compacted gravel and clay fill were removed by machine prior to hand excavation. Within the eastern boundary units, these overlying fill layers were underlain by an extensive deposit of red/brown sandy loam fill. Some of the units showed evidence of what is presumed to be intact subsoil, although in the majority of them the sand fill deposit was deep and extensive, as catch basin drain to the northeast of the former house foot print the sand fill was at least 60 cm deep (Figure 72). None of the units along the eastern boundary generated evidence of natural soils or the “buried feature” known to contain human remains. Artifact yields in these units were low, ranging from zero to 13. The collected artifacts derived entirely from the sand fill layers and included predominantly mid-19th century material, although a worked Onondaga chert flake was also recovered.



Figure 60: Establishing New Grid Prior to Boundary Testing (looking northeast)



Figure 61: Grid Stakes Along North and East Property Boundaries (looking northeast)



**Figure 62: Mechanical Removal of Compact Gravel and Clay Fill Along Eastern
Boundary (looking north)**



**Figure 63: East Boundary Units After Removal of Gravel and Clay Fill
(looking north)**



Table 4: Tabular Summary of Units Excavated During Boundary Investigation

Unit	Location	Depth of Profile	Layers (top to bottom)			Artifacts	
			number	soil	thickness	n	Type
395N 185E:16	North Boundary	103 cm	1	gravel	30 cm		
			2	sand fill	40 cm	2	cut nail
			3	"topsoil"	18 cm	9	flake, red earthenware, ironstone, pearlware, edged whiteware
			4	subsoil	exc to 15 cm		
			TOTAL			11	
395N 190E:21	North Boundary	87 cm	1	gravel	10 cm		
			2	topsoil fill	20 cm		
			3	sand fill	12 cm	9	red earthenware, chimney and window glass, metal, pearlware, plastic, whiteware
			4	"topsoil"	21 cm		
			5	subsoil	exc to 34 cm		
			TOTAL			9	
395N 195E:21	North Boundary	34 cm	1	topsoil	18 cm		
			2	subsoil	exc to 16 cm		
			TOTAL			0	
395N 195E:25	North Boundary	50 cm	1	gravel	10 cm		
			2	clay fill	10 cm		
			3	sand fill	20 cm		
			4	subsoil	exc 10 cm		
			TOTAL			0	
390N 195E:25	East Boundary	56 cm	1	gravel	10 cm		
			2	clay fill	18 cm		
			3	sand fill	20 cm		
			4	subsoil	10 cm +		
			TOTAL			0	
385N 195:25	East Boundary near drain	84 cm	1	gravel	10 cm		
			2	clay fill	15 cm		
			3	sand fill	59 cm	1	ironstone
			4	subsoil	10 cm +		
			TOTAL			1	
375N 200E:21	East Boundary	54 cm	1	gravel	~ 20 cm		
			2	clay fill	10 cm		
			3	sand fill	44 cm	2	red earthenware, sponged whiteware
			4	subsoil	3 cm +		
			TOTAL			2	
380N 200E:21	East Boundary	75 cm	1	gravel	~20 cm		
			2	clay fill	~ 10 cm		
			3	sand fill	10 cm	13	printed pearlware, painted and printed whiteware
			4	sand fill	22+ cm		
			TOTAL			13	
370N 200E:21	East Boundary	52 cm	1	gravel	~ 20 cm		
			2	clay fill	~ 10 cm		
			3	sand fill	25 cm	11	red earthenware, bottle and chimney glass, utilized flake, flown and printed whiteware
			4	sand/clay fill	25 cm +		
			TOTAL			11	
370N 200E:1	East Boundary	28 cm	1	gravel	~ 20 cm		
			2	clay fill	~ 10 cm		
			3	sand fill	15 cm	10	window glass, painted and stamped whiteware
			4	sand/clay fill	13 cm +	2	bottle and window glass
			TOTAL			12	
370N 195E:21	Front of House	105 cm	1	gravel	~ 20 cm		
			2	mottled clay and sand fill	10 cm	13	red earthenware, faunal, bottle and window glass, sponged and printed whiteware
			3	sand fill	22 cm +		
			TOTAL			13	
370N 195E:1	Front of House	65 cm	1	gravel	~ 20 cm		
			2	clay fill	~ 10 cm		
			3	compact sand fill	20 cm	27	red earthenware, bottle and window glass, nails, painted, sponged, stamped, printed whiteware
			4	mottled interface	25 cm		
			5	subsoil	5 cm +		
			TOTAL			27	



Table 4: Tabular Summary of Units Excavated During Boundary Investigation (continued)

Unit	Location	Depth of Profile	Layers (top to bottom)			Artifacts	
			number	soil	thickness	n	Type
365N 195E:11	Front of House	38 cm	1	gravel	~ 20 cm		
	Former Parking Lot		2	clay fill	~ 10 cm		
			3	sand fill	30 cm	37	red earthenware, faunal, bottle and window glass, ironstone, wrought nail, printed whiteware
			4	subsoil	8 cm +		
			TOTAL			37	
365N 190E:18	Front of House	50 cm	1	gravel	~ 20 cm		
	Former Parking Lot		2	clay fill	~ 10 cm		
			3	sand fill	10 cm	68	brick, flake, red earthenware, faunal, bottle, chimney, milk, window glass, ironstone, wrought and cut nails, pearlware, stoneware, edged, flown, painted, sponged, printed whiteware, yellowware
			4	subsoil	15 cm +		
			TOTAL			68	
370N 190E:14	Front of House	44 cm	1	gravel	~ 20 cm		
	Former Parking Lot		2	clay fill	~ 10-15 cm		
			3	sand fill	10 cm	18	red earthenware, faunal, bottle and window glass, nails, pearlware, printed whiteware
			4	sand fill	15 cm		
			5	subsoil	15 cm +		
370N 190E:2	Front of House	73 cm	1	sod/gravel	~ 5 cm +		
	Bridges Grass and Former Parking Lot		2	sand fill	18 cm	36	clinker, red earthenware, faunal, bottle and window glass, spike, cut and wrought nails, clay pipe, printed whiteware
			3	buried "feature" layer	25 cm	11	roofing nail, flown whiteware, cut nail, chimney glass, red earthenware
			4	subsoil	15 cm +		
			TOTAL			47	
370N 190E:21	Front of House	75 cm	1	sod	~ 5 cm		
	East Edge of Grass		2	topsoil	17 cm		
			3	mottle clay and sand fill	35 cm	4	faunal, red earthenware, bottle glass, whiteware
			4	buried "feature" layer	10 cm	5	red earthenware, cut nail
			5	subsoil	8 cm +		
370N 185E:2	Front of House	70 cm	1	sod	~ 5 cm		
	Grass		2	topsoil	13 cm		
			3	intrusive lens with roots	8 cm	69	brick, faunal, bottle and window glass, ironstone, fence staple, cut and wire nails, painted porcelain, shell, flow, printed whiteware
			4	buried "feature" layer	30 cm	42	button, red earthenware, faunal, bottle, dish, tumbler and window glass, ironstone, majolica, cut nail, shell, edged and printed whiteware
			5	subsoil	20 cm +		
365N 185E:15	Front of House	80 cm	1	sod	~ 5 cm		
	Grass		2	topsoil	15 cm	3	window glass, whiteware
			3	clay/sand fill	20 cm	32	brick, clay drain, red earthenware, animal bone, glass, wire, cut nails, shell, utensil, edged, sponged and printed whiteware, yellowware
			4	buried "feature" layer	25 cm	60	brick, red earthenware, faunal, bottle, chimney, window glass, ironstone, cut nail, pearlware, projectile point, printed, sponged whiteware, sponged yellowware
			5	subsoil	10 cm +	0	
			TOTAL			95	



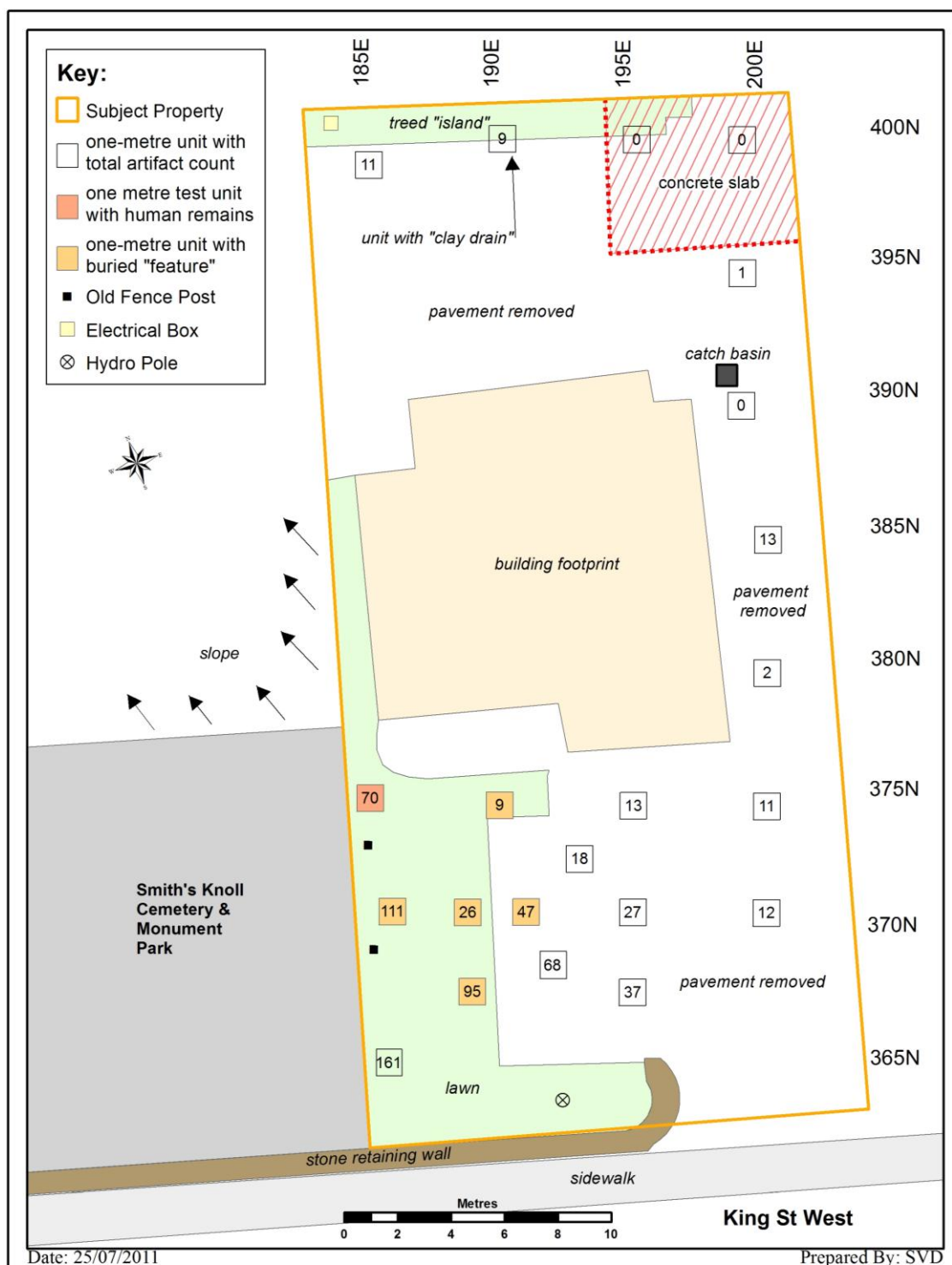


Figure 64: Results of Additional Unit Testing to Establish Boundaries





Figure 65: Unit Excavation Along North Boundary (looking northwest)



Figure 66: Unit 395N 185E:16 With Buried Topsoil Layer (looking east)

Unit Excavation Along North Boundary



Figure 68: Unit 395N 195E:21 (looking east)



Figure 69: Unit 395N 195E:25 (beneath former garage) (looking west)



Figure 67: Unit 395N 190E:21 With Clay Drain (looking north)

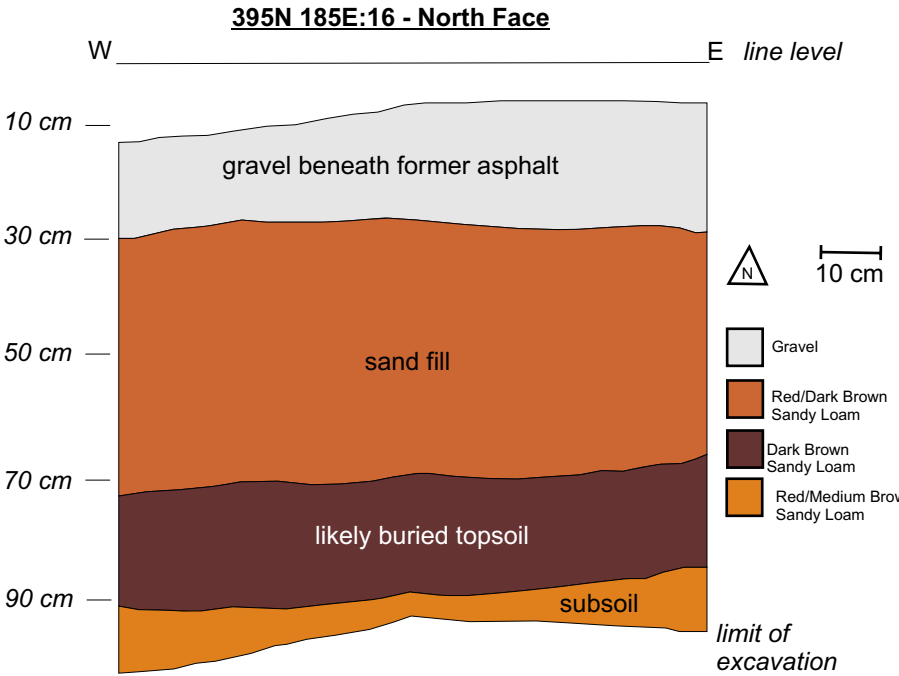


Figure 70: Profile of Sample North Unit With Buried Topsoil





Figure 71: Unit 390N 195E:25 With Deep Test Pit to Confirm Depth of Sand Fill (looking west)



Figure 72: Unit 385N 195E:25 Near Catch Basin (looking west)



Figure 73: Unit 375N 200E:21 (looking north)

Unit Excavation Along East Boundary



Figure 74: Unit 380N 200E:21 (looking west)

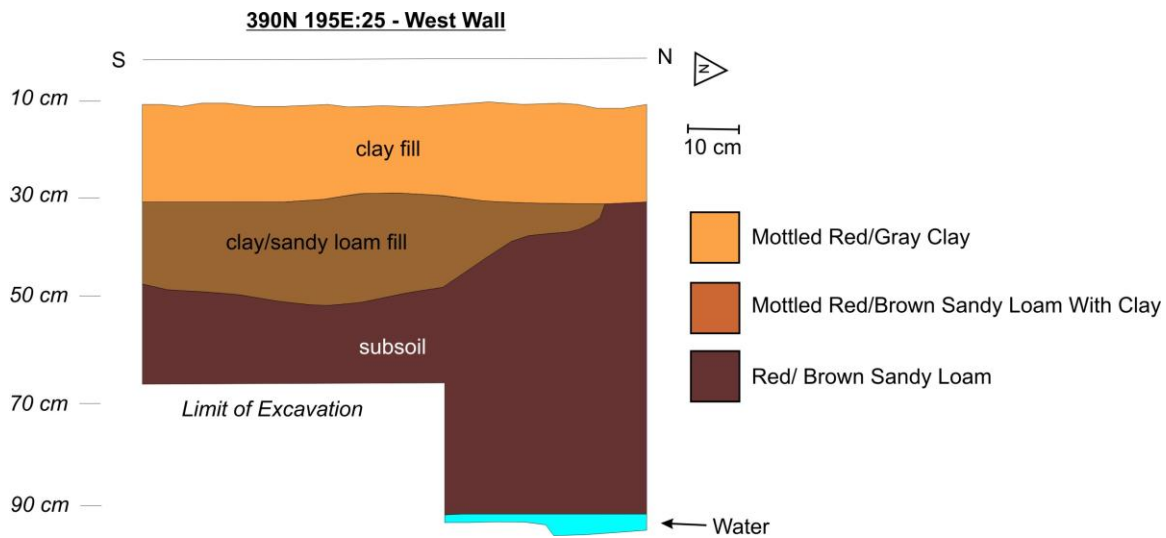


Figure 75: Unit 370N 200E:21 (looking west)



Figure 76: Unit 370N 200E:1 (looking west)



Figure 77: Profile of Sample East Boundary Unit*Units to the Front of the Building Footprint – Former Front Parking Area*

Because the testing of the northern and eastern boundary did not generate evidence of the “buried feature” known to contain human remains, we continued unit testing further west in from the east boundary and in order to better establish the spatial extent of the “feature.” Nine additional units were excavated in front (south) of the former building footprint. Five of these units were placed within the former paved parking area that once resided in front of the house (Figures 78-83). These units bore layers of gravel and, in some cases, compact clay fill at the surface and beneath these layers were deep deposits of one or more types of sand fill. The fill deposits were underlain in some areas by lighter brown sandy loam subsoil. The depths of units excavated in this area ranged from 38 cm to 105 cm. The unit at 370N 195E:21, at the edge of the house footprint, was completely composed of disturbed fill soils. Modern and 19th century material was collected from the units within the front parking area. These derived from the clay and sand fill layers. None of the units placed within the former front parking area generated evidence of the “buried feature” known to contain human remains.

Units in the Front Lawn (Figures 84 – 89)

Given that testing in the front parking lot did not reveal evidence of the “buried feature”, additional units were excavated to the west, to establish the eastern limit of the layer known to contain human remains. Two units were placed along the boundary of the lawn/parking area (Figures 84 and 85). Two additional units were placed in the grass (Figures 86 and 87). The units along the parking lot boundary contained a surface layer of sod, topsoil/gravel that was underlain by a deposit of sand fill. Beneath the fill layer was





Figure 79: Unit 370N 195E:21 (looking north)



Figure 80: Unit 370N 195E:1 (looking north)



Figure 81: Unit 365N 195E:11 (looking west)

Unit Excavation in Front Parking Lot



Figure 82: Unit 365N 190E:18 (looking south)



Figure 83: Unit 370N 190E:14 (looking west)

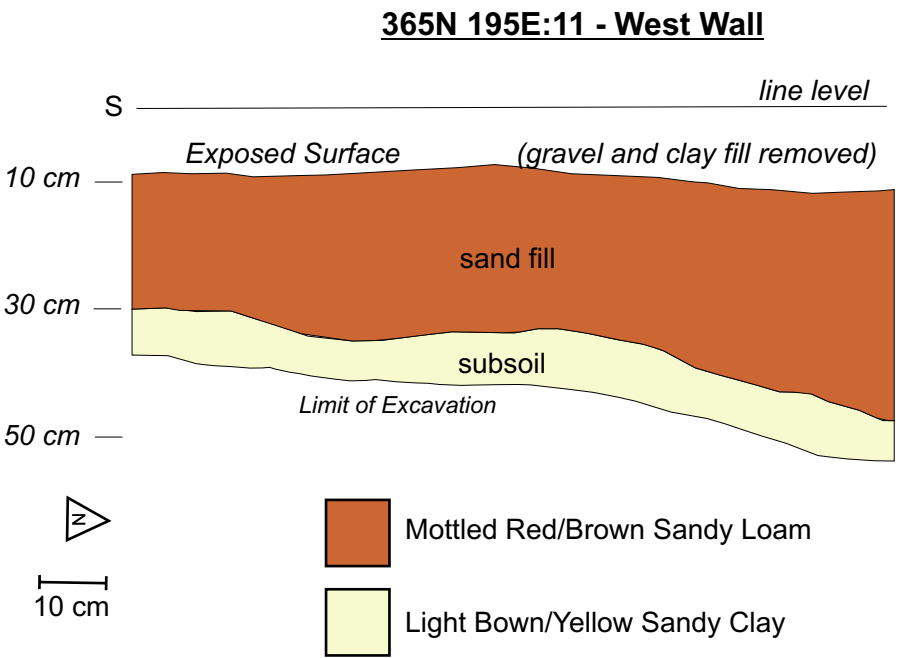


Figure 84: Profile Unit 365N 195E:11 (looking west)





Figure 85: Unit 370N 190E:21 (looking west)



Figure 86: Unit 370N 190E:2 (looking north)



Figure 87: Unit 365N 185E:15 (looking south)

Unit Excavation in Front Lawn



Figure 88: Unit 370N 185E:2 (looking east)

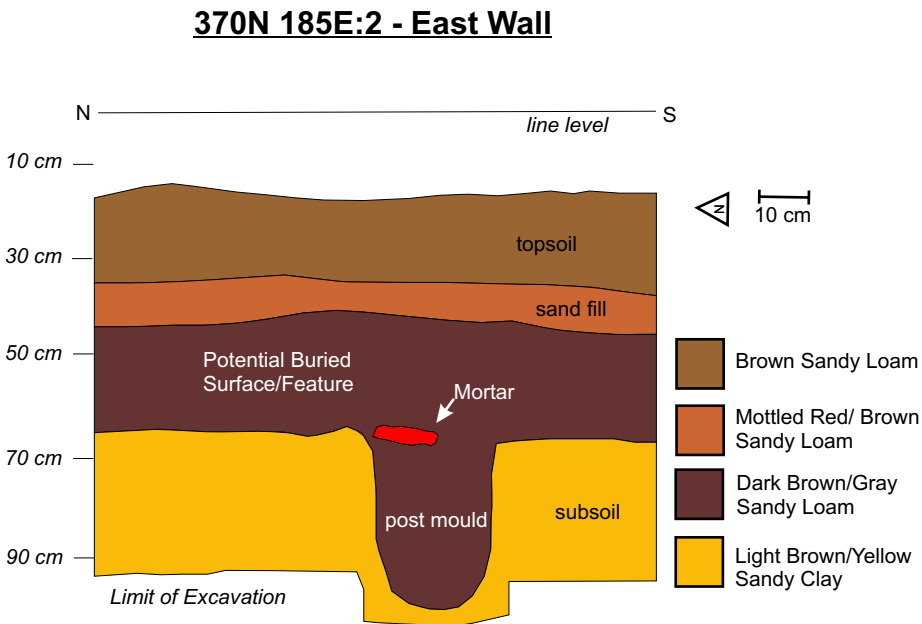


Figure 89: Profile of 370N 185E:2 (looking east)

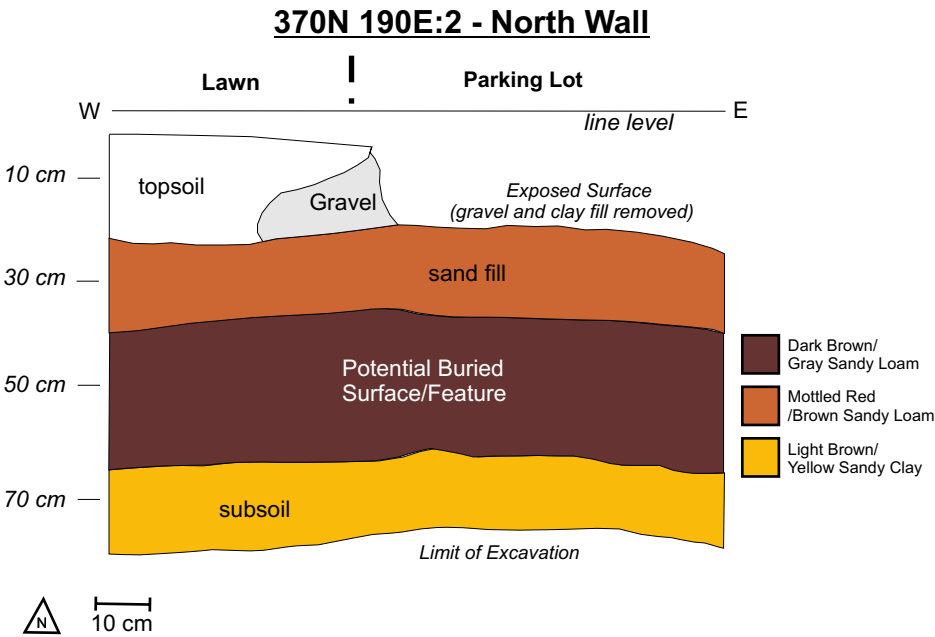


Figure 90: Profile of Unit 370N 190E:2 (looking north)



the “buried feature” consisting of dark brown sandy loam and clay. The two units excavated in the grass also contained the buried “feature” layer. Depth to the feature layer in these four units varied from roughly 25 to 60 cm below surface. The thickness of the feature layer was also variable (10 to 30 cm). Unit 370N 185E:2 also showed a post mould in the east wall profile (Figure 88). The units excavated in the front lawn generated significant quantities of artifacts, although all are considered to be out of their original context. The recovered material includes a small amount of modern items (roofing nail, wire) but is predominantly mid-to-late 19th century. Some precontact material was collected, including a side notched projectile point made from Onondaga chert. The artifacts collected from the buried feature layer include coarse red earthenware, faunal remains, bottle, chimney and window glass, modern wire and cut nails, various varieties of pearlware, whiteware and ironstone, clinker, porcelain, shell, and miscellaneous items. It should be reiterated that the artifacts recovered from the buried feature date later than the presumed War of 1812 human remains that are also contained in the same strata. For example, ironstone, machine cut nails, sponged whiteware and yellowware all significantly post-date 1812-1814; the occurrence of these items as well as incidental modern material (in this case a wire roofing nail), lends support to the previous interpretation that this soil horizon is a secondary deposit of more recent creation. No human remains were noted in any of the units excavated in or near to the lawn.

Summary of Additional Unit Testing

The additional unit testing indicated that a significant portion of the property contains fill soils and has been heavily disturbed by modern construction and land use. However, some areas are more significantly disturbed than others. The remnant grass lawn in the southwest corner of the property has witnessed slightly less alteration than areas to the north and east of the house and, although it still contains fill horizons, the buried “feature” layer known to contain human remains is present throughout much of it.

Summary of Artifacts Recovered from Additional Unit Testing

The additional unit testing yielded 484 artifacts; these are predominantly 19th century in origin although a few modern items are also present. One hundred and fifty-three items are structural in nature and include machine cut nails (n = 26), unidentifiable nails and shafts (n = 45), window glass (n = 69), wire (n = 4) and wrought (n = 3) nails, brick (n = 5) and a metal spike. Sixty-one glass items were recovered, including bottle/container glass (n = 43), chimney glass (n = 9), ornamental/dish glass (n = 2), tumbler glass (n = 3), milk glass (n = 1) and both molten and unidentifiable pieces (n = 1 and 2, respectively). The collection contains 51 miscellaneous items, including 25 pieces of faunal remains, one button, metal scrap (n = 3), shell fragments (n = 10) and single pieces of clay drain, clinker, plastic, white clay pipe, as well as a fencing staple and metal eating utensil. Four chert objects are also included in the miscellaneous category. These included four Onondaga chert flakes, one Onondaga utilized flake and a fragmentary



Onondaga chert projectile point. The latter object is a side notched tool with a straight base and reworked lateral edges. The tip is missing. The piece measures 31.1 mm in length, 21.7 mm (in width; at the shoulder) and 6.6 mm in thickness (maximum dimension presented); it has a bi-convex blade profile. The point is likely a heavily reworked Middle Archaic Brewerton point dating to circa 2500 and 3500 B.C. (Kenyon 1981).

By far the most well represented class of artifacts is ceramics (n = 219). The ceramic assemblage contains coarse yellow (n = 1) and red (n = 53) earthenware, stoneware (n = 1), yellowware (n = 3), porcelain (n = 1), pearlware, (n = 7), ironstone (n = 17) and majolica (n = 1), with whiteware representing 135 pieces. The ironstone fragments are plain and moulded (n = 4), whereas the pearlware sherds are printed (n = 1), edged (n = 1) and undecorated (n = 5). The decorated whiteware fragments are flow printed (n = 5), edged (n = 4), painted (n = 6), sponged (n = 7), printed (n = 23) and stamped (n = 3). With the exception of a few pieces of sponged, rockingham glazed yellowware (representative of the late 19th century) and decorated and undecorated pearlware (circa just prior to 1830), the majority of the ceramic tableware pieces date to the mid- to late-19th century (circa 1830 to 1880).

Although a significant quantity of artifacts was recovered it is important to note that the material is considered to be out of its original context as it was contained primarily within the clay and sand fill layers (n = 282) or within the buried “feature” layer which also contains presumed War of 1812 co-mingled human remains. The buried “feature” layer has been demonstrated to contain human bone, early-, mid- and late-19th century “domestic” artifacts in addition to some recent items. Within the additional test units excavated in the front lawn, wire nails and some late 19th century sponged rockingham glazed yellowware sherds were recovered within the buried feature layer. Appendix C provides images of a sample of artifacts recovered during additional unit testing.

6.0 SUMMARY AND RECOMMENDATIONS

The Stage 1 background review for the property at 70 King Street West in the former City of Stoney Creek indicated that the parcel had high potential for the discovery of archaeological sites as well as human remains relating to the War of 1812 burial site at Smith’s Knoll. A Stage 2 test pit survey documented 19th century artifacts throughout the property, as well as two precontact native lithic artifacts. Preliminary testing was carried out and consisted of the hand excavation of three test units in the lawn portion of the property, adjacent to a known human remains feature immediately west of the property within the Smith’s Knoll Cemetery and Monument Park. This revealed the presence of both disturbed fill soils and feature soils on the property and resulted in the collection of additional early-, mid- and late-19th artifacts as well as human remains. Seven human bones and bone fragments were noted and inspected by the Hamilton Police Service. The



Table 5: Artifacts Recovered From Additional Unit Testing

Artifact	Buried "Feature"	Buried Topsoil	Clay and Sand Fill	Other	TOTAL
<i>Structural Items</i>					
machine cut nails	12		8	6	26
nails, unidentified	12		28	5	45
nails, wire	1		1	2	4
nails, wrought			3		3
brick	2		2	1	5
window glass	18	2	26	23	69
spike			1		1
TOTAL	45	2	69	37	153
<i>Ceramic</i>					
coarse red earthenware	15	2	36		53
flown whiteware	1		3	1	5
whiteware	9	3	61	14	87
moulded ironstone	1	1	1	1	4
ironstone	4		7	2	13
majolica	1				1
edged pearlware	1				1
pearlware	1	1	3		5
edged whiteware	1	1	2		4
painted whiteware			6		6
sponged whiteware	1		6		7
printed whiteware	2		20	1	23
sponged/rockingham yellowware	1		1		2
coarse yellow earthenware			1		1
printed pearlware			1		1
stoneware			1		1
stamped whiteware			3		3
yellowware			1		1
porcelain painted				1	1
TOTAL	38	8	153	20	219
<i>Glass</i>					
chimney/lamp glass	5		4		9
bottle/container glass	14		20	9	43
dish/ornamental glass	2				2
tumbler glass	3				3
milk glass			1		1
unidentified glass			2		2
molten glass				1	1
TOTAL	24	0	27	10	61
<i>Other</i>					
faunal remains	3		20	2	25
buttons	1				1
misc. metal	1		2		3
shell	6		3	1	10
projectile point	1				1
chipping detritus	2		2		4
clay drain			1		1
coal/clinker			1		1
plastic			1		1
utensil			1		1
utilized flake			1		1
white clay pipe			1		1
fence staple				1	1
TOTAL	14	0	33	4	51
TOTAL	121	10	282	71	484



human remains discovery site has been released of forensic concern and is now subject to the provisions of the *Cemeteries Act*.

Additional testing was carried out to better establish the boundaries of the “feature” containing human remains and determine if it extended across the legal boundary of the property. To facilitate this, the standing structure on the property was demolished and the pavement removed so that additional units could be excavated in areas that were otherwise not accessible. This established that the human remains “feature” was restricted primarily to the lawn and its immediate environs as the remaining areas contained extensive deposits of fill.

Considering the provisions of the *Cemeteries Act* and Ministry of Tourism and Culture standards and guidelines regarding archaeological resources, we make the following recommendations with respect to the subject property, its documented archaeological material and human remains, as well as the City’s future plans for the property at 70 King Street West:

- 1) Given the documentation of human remains on the property and feature soils indicating a continuation of the Smith’s Knoll burial pit onto the subject property, the parcel should be considered a portion of the extant cemetery. Considering the unpredictability of burial locations or human bone element recoveries due to prior disturbances, there is likelihood for finding human remains throughout this property and on adjacent lands. Within this in mind, any below-ground alteration on the property has the potential to impact burials or fill soils containing isolated human remains. As such, such activities should be monitored by a licensed consultant archaeologist or preceded by additional archaeological testing and/or excavation.
- 2) Varied approaches for dealing with and/or preserving the discovered and potential additional human remains within the property exist. Further archaeological investigation and complete mitigation through excavation is one option, although this is time consuming and expensive. Alternatively, a strategy of opting for entire parcel preservation could be considered. It should be noted that the overlying fill soils and gravel beneath the parking lot do provide a natural protective barrier for the deeply buried human remains and feature soils. For this reason, it is recommended that these be left intact, if possible. The development of any potential protection strategy should be developed in consultation with the Cemeteries Registrar and the Ministry of Tourism and Culture.
- 3) The archaeological material recovered during this investigation is not considered to be *in situ* given that much of it was collected from fill soils and disturbed deposits created during the construction of the building and parking lot or earlier earth moving events. Some disturbance must have taken place in the 19th century as the War of 1812 remains are not in their original context as they are



disarticulated, comingled remains that are not associated with grave shafts *per se*. However, the archaeological material can assist in the dating of the disturbance events and the reconstruction of the land use and soil alterations. Further, the fill deposits still have potential to contain isolated human remains given that they were formed, altered and deposited in vicinity to the known cemetery. Therefore, any future archaeological work on the property should take this into consideration.

This report is submitted to the Ministry of Tourism and Culture, the City of Hamilton and the Cemeteries Registrar and provides baseline information to inform a protection plan for 70 King Street West. Both the Cemeteries Registrar and the Ministry of Tourism and Culture are asked to review this report and offer guidance to the City of Hamilton regarding their legal obligations under the *Cemeteries Act* as well as review potential options for the redevelopment and/or preservation of the new cemetery lands.

The Ministry of Tourism and Culture is asked to review the information presented herein, issue comment, and accept this report into the provincial registry. This correspondence should be forwarded to Debra Seabrook of the City of Hamilton, Community Services Department, Culture Division (debra.seabrook@hamilton.ca) and copied to Holly Martelle of Timmins Martelle Heritage Consultants Inc. (fax: 519-641-7220; hmartelle@tmhc.ca).

This report is submitted to the Minister of Tourism and Culture as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18. The report is reviewed to ensure that the licensed consultant archaeologist has met the terms and conditions of their archaeological licence, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.

Should previously undocumented (i.e., unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The Cemeteries Act requires that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries, Ministry of Small Business and Consumer Services. The Registrar of Cemeteries, Cemeteries Regulation Unit can be reached at (416)326-8404 or (416)326-8393.



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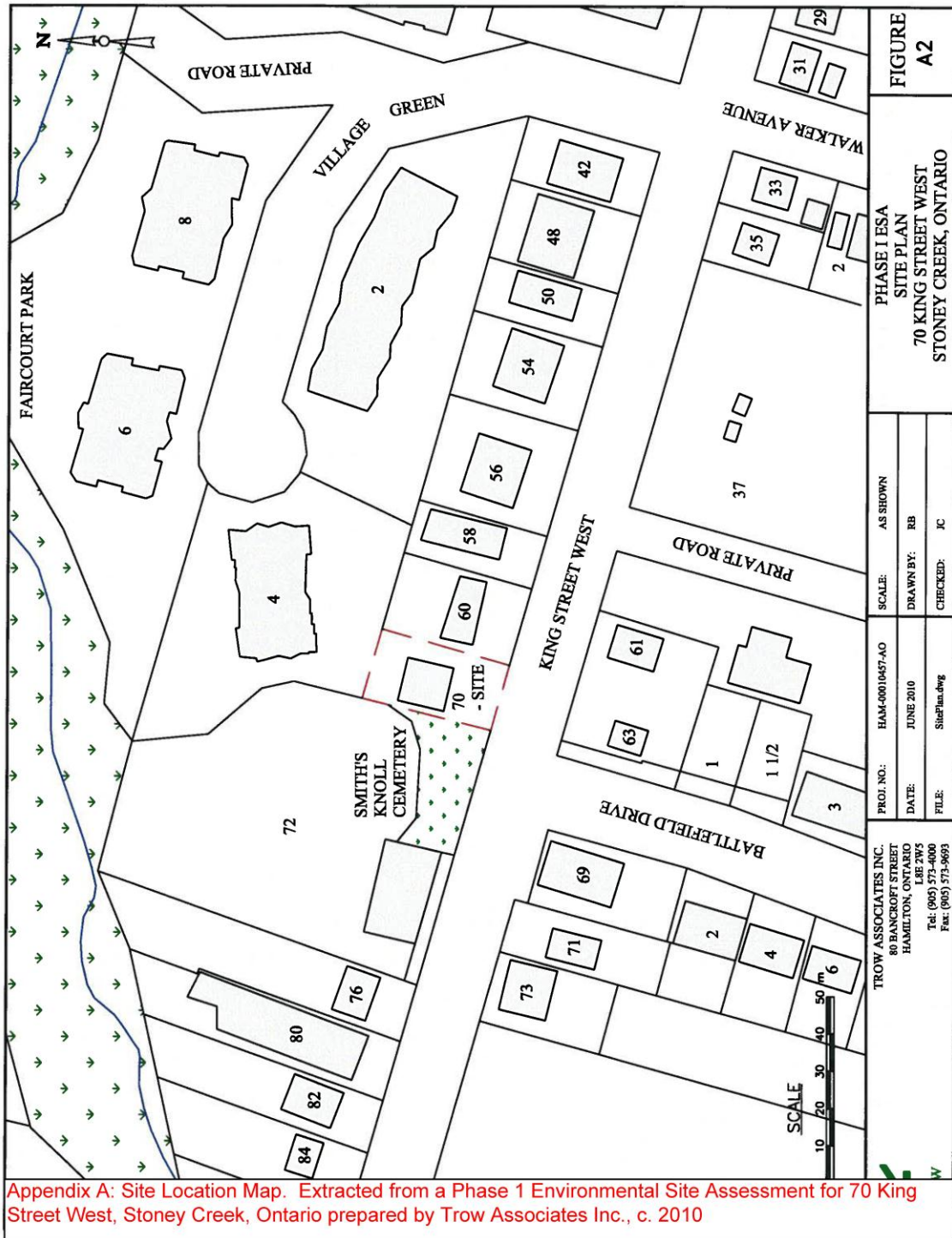
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Appendix A: Project Map





Appendix A: Site Location Map. Extracted from a Phase 1 Environmental Site Assessment for 70 King Street West, Stoney Creek, Ontario prepared by Trow Associates Inc., c. 2010



Appendix B: Photograph Orientations and Field Methods Mapping





Photograph Orientations – Stage 1-2 and Initial Unit Testing





Photograph Orientations Demolition and Additional Boundary Testing





Stage 2 Field Conditions and Assessment Methods



Appendix C: Artifact Images and Catalogue



Sample of Artifacts from Stage 2 Test Pits



A. coarse red earthenware, cat. 02; B. pearlware, cat. 15; C. modern wire (roofing) nail, cat. 27; D. machine cut nail, cat. 33; E. blue edged whiteware, cat. 08; F. Ancaster chert chipping detritus, cat. 26; G. Onondaga chert chipping detritus, cat. 06

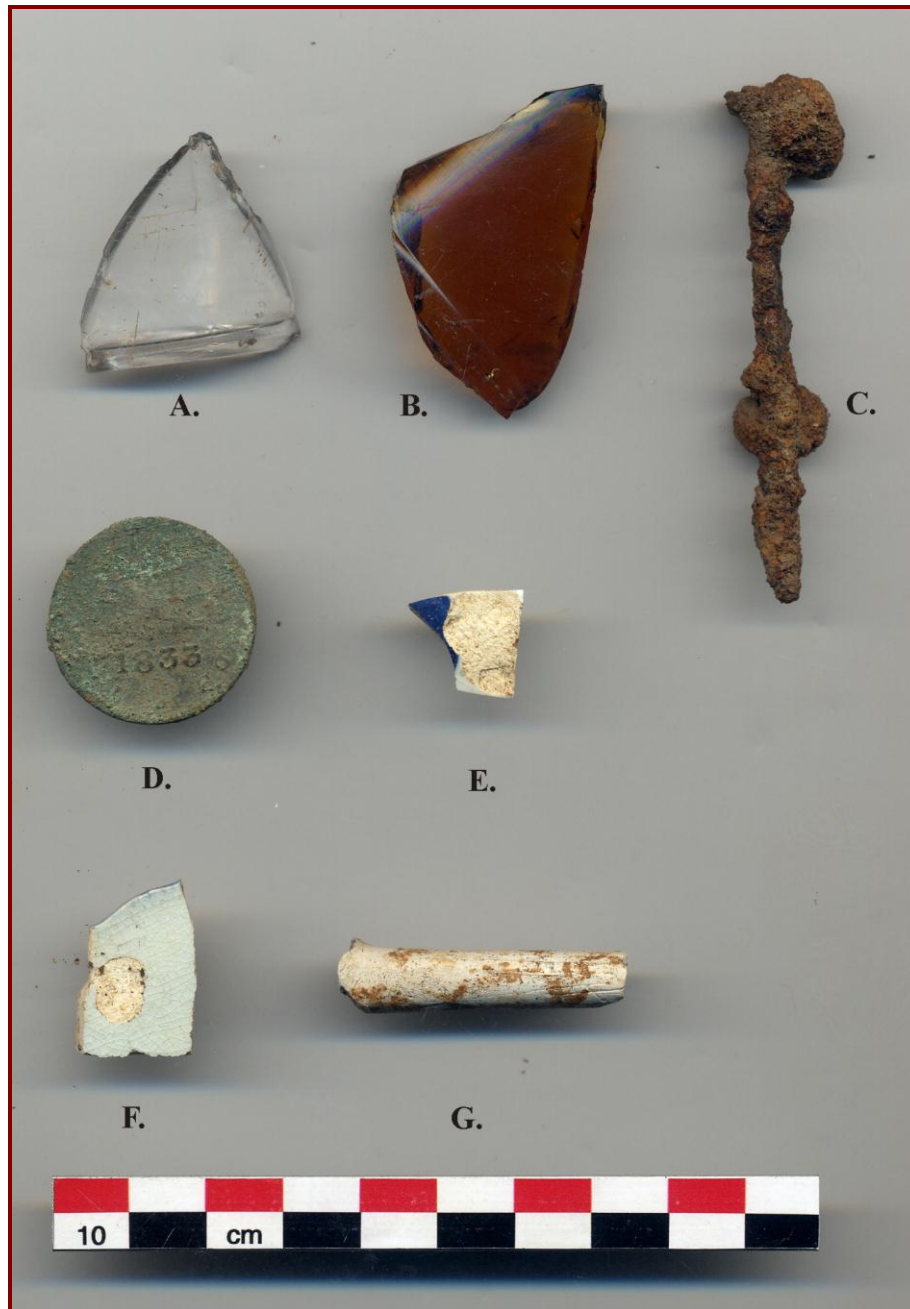
Sample of Artifacts from Unit 50N 30E:1



Level 1 – A. modern wire (roofing) nail, cat. 74; B. bottle glass, cat. 78; C. whiteware, cat. 84; D. ironstone, cat. 83

Level 2 – E. bottle glass, cat. 93; F. ironstone, cat. 101; G. bottle glass, cat. 97; H. milk glass, cat. 94

Sample of Artifacts from Unit 55N 35E:1



Level 1 – A. bottle glass, cat. 35

Level 2 – B. bottle glass, cat. 37; C. wire nail, cat. 40

*Level 3 – D. 1833 Upper Canada Half Penny Token, cat. 47; E. blue painted pearlware, cat. 49; F. blue edged pearlware, cat. 50; G. white clay pipe stem “W WHITE”
“...LASGOW”, cat. 51*

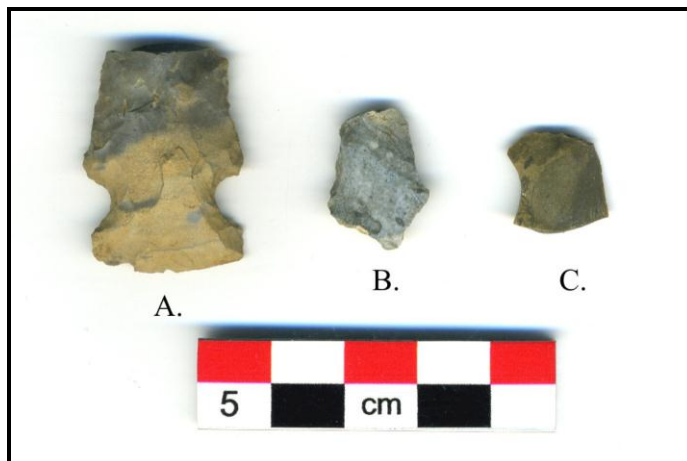
Sample of Artifacts from Unit 60W 30E:1



Level 1 – A. moulded ironstone, cat. 13; B. porcelain, cat. 60; C. bottle glass, cat. 58; D. coarse red earthenware, cat. 59; E. saw cut animal bone, cat. 61

Level 2 – F. bottle glass, cat. 70; G. pearlware, cat. 72; H. moulded ironstone, cat. 69

Precontact Artifacts from Additional Unit Testing



A. projectile point, cat. 295; B. utilized flake, cat. 171; C. flake, cat. 234

Ceramic Artifacts from Additional Unit Testing



A. ironstone, cat. 329; B. edged pearlware, cat. 312; C. moulded ironstone, cat. 251; D. sponged, rockingham glazed yellowware, cat. 301; E. printed pearlware, cat. 127; F. painted whiteware, cat. 155; G. painted porcelain, cat. 325; H. printed whiteware, cat. 261; I. sponged whiteware, cat. 153; J. stamped whiteware, cat. 333; K. pearlware, cat. 108; L. majolica, cat. 225; M. flow printed whiteware, cat. 257

Non-Ceramic Artifacts from Additional Unit Testing



A. wire nail, cat. 285; B. plastic, cat. 115; C. wrought nail, cat. 237; D. cut nail, cat. 117; E. wire nail, cat. 181; F. utensil handle, cat. 283; G. glass, cat. 111; H. ornamental glass, cat. 228; I. bottle glass, cat. 240; J. tumbler glass, cat. 226

AhGw-132 – Stage 2 and Preliminary Unit Testing Artifact Catalogue

Cat.	Context	Level	Depth	Artifact	n	Comments
1	Test Pit 2		0-60cm	slag	1	
2	Test Pit 2		0-60cm	earthenware, red	1	brown glaze
3	Test Pit 2		0-60cm	faunal remains	1	mammal; saw cut
4	Test Pit 3		0-55cm	coal/clinker	1	
5	Test Pit 3		0-55cm	earthenware, red	1	brown glaze
6	Test Pit 4		0-42cm	chipping detritus	1	Onondaga, burnt
7	Test Pit 4		0-42cm	milk glass	2	
8	Test Pit 4		0-42cm	whiteware, edged	1	blue; moulded; chicken's foot
9	Test Pit 4		0-42cm	glass, chimney	1	colourless
10	Test Pit 4		0-42cm	glass, bottle	1	colourless
11	Test Pit 4		0-42cm	glass, window	1	aqua
12	Test Pit 4		0-42cm	ironstone, undecorated	2	
13	60N 30E:1	1	0-30cm	ironstone, moulded	1	
14	Test Pit 5		0-30cm	glass, window	1	aqua tint; 1.9mm
15	Test Pit 6		0-43cm	pearlware, undecorated	1	
16	Test Pit 6		0-43cm	glass, bottle	1	colourless; partial machine finish
17	Test Pit 6		0-43cm	glass, undetermined	1	colourless
18	Test Pit 6		0-43cm	nail, wire	1	roofing nail
19	Test Pit 7		0-40cm	glass, molten	2	aqua tint
20	Test Pit 7		0-40cm	glass, bottle	1	olive
21	Test Pit 7		0-40cm	glass, chimney	1	colourless
22	Test Pit 7		0-40cm	white clay pipe	1	bowl fragment
23	Test Pit 7		0-40cm	nail, cut	1	
24	Test Pit 7		0-40cm	whiteware, undecorated	1	
25	Test Pit 9		0-22cm	nail, wire	1	roofing nail
26	Test Pit 10		0-35cm	chipping detritus	1	Ancaster
27	Test Pit 10		0-35cm	nail, wire	2	roofing nails
28	Test Pit 10		0-35cm	nail, undetermined	1	horseshoe?
29	Test Pit 13		0-45cm	brick	1	red
30	Test Pit 13		0-45cm	earthenware, red	1	brown glaze
31	Test Pit 13		0-45cm	glass, molten	2	1 colourless; 1 aqua tint
32	Test Pit 14		0-65cm	metal, miscellaneous	1	
33	Test Pit 14		0-65cm	nail, cut	1	
34	Test Pit 14		0-65cm	faunal remains	1	saw cut
35	55N 35E:1	1	0-19cm	glass, bottle	1	colourless; partial base; mould seam
36	55N 35E:1	1	0-19cm	glass, window	2	1 aqua tint, 1.3mm; 1 with red film, 1.8mm
37	55N 35E:1	2	19-34cm	glass, bottle	1	amber
38	55N 35E:1	2	19-34cm	whiteware, transfer printed	1	blue
39	55N 35E:1	2	19-34cm	glass, bottle	1	amethyst
40	55N 35E:1	2	19-34cm	nail, wire	1	
41	55N 35E:1	2	19-34cm	nail, cut	1	
42	55N 35E:1	2	19-34cm	nail, undetermined	1	



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43	55N 35E:1	2	19-34cm	glass, window	4	aqua tint; 2 burnt; all 1.7mm
44	55N 35E:1	2	19-34cm	whiteware, undecorated	2	1 burnt
45	55N 35E:1	2	19-34cm	whiteware, moulded	1	
46	55N 35E:1	3	34-52cm	nail, undetermined	1	
47	55N 35E:1	3	34-52cm	coin	1	copper/brass; "1833"
48	55N 35E:1	3	34-52cm	glass, bottle	1	colourless
49	55N 35E:1	3	34-52cm	pearlware, painted	1	blue
50	55N 35E:1	3	34-52cm	pearlware, edged	1	blue; scalloped edge; moulded
51	55N 35E:1	3	34-52cm	white clay pipe	1	stem fragment; "...LASGOW", "W WHITE"
52	55N 35E:1	3	34-52cm	whiteware, undecorated	3	
53	60N 30E:1	1	0-31cm	metal, fence staple	1	
54	60N 30E:1	1	0-31cm	metal, washer	1	
55	<i>discard</i>					
56	60N 30E:1	1	0-31cm	metal, wire	1	
57	60N 30E:1	1	0-31cm	shell	1	bivalve mollusk
58	60N 30E:1	1	0-31cm	glass, bottle	6	olive; 1 partial applied finish
59	60N 30E:1	1	0-31cm	earthenware, red	3	brown glaze
60	60N 30E:1	1	0-31cm	porcelain	1	
61	60N 30E:1	1	0-31cm	faunal remains	10	mammal; bird; 3 saw cut; 2 calcined
62	60N 30E:1	1	0-31cm	nail, cut	14	
63	60N 30E:1	1	0-31cm	nail, wire	9	
64	60N 30E:1	1	0-31cm	worked window glass	1	aqua bottle glass
65	60N 30E:1	1	0-31cm	glass, chimney	1	amethyst; 1 solarized
66	60N 30E:1	1	0-31cm	ironstone, undecorated	6	1 burnt
67	60N 30E:1	1	0-31cm	glass, bottle	7	aqua
68	60N 30E:1	1	0-31cm	glass, window	4	aqua; 1.8mm to 2.3mm
69	60N 30E:1	2	31-68cm	ironstone, moulded	1	floral
70	60N 30E:1	2	31-68cm	glass, bottle	1	olive
71	60N 30E:1	2	31-68cm	faunal remains	1	mammal
72	60N 30E:1	2	31-68cm	pearlware, undecorated	1	
73	50N 30E:1	1	0-44cm	glass, bottle	3	amber
74	50N 30E:1	1	0-44cm	nail, wire	1	roofing nail
75	50N 30E:1	1	0-44cm	miscellaneous hardware	1	
76	50N 30E:1	1	0-44cm	metal, fence staple	1	
77	50N 30E:1	1	0-44cm	nail, cut	41	
78	50N 30E:1	1	0-44cm	glass, bottle	3	green; modern
79	50N 30E:1	1	0-44cm	nail, undetermined	2	
80	50N 30E:1	1	0-44cm	faunal remains	1	mammal; saw cut
81	50N 30E:1	1	0-44cm	metal, miscellaneous	2	
82	50N 30E:1	1	0-44cm	ironstone, moulded	1	basket weave
83	50N 30E:1	1	0-44cm	ironstone, undecorated	7	2 burnt; 1 with partial black maker's mark "...NSTO..."
84	50N 30E:1	1	0-44cm	whiteware, undecorated	1	
85	50N 30E:1	1	0-44cm	glass, bottle	11	colourless
86	50N 30E:1	1	0-44cm	glass, window	15	aqua tint; 1.6mm to 2.1mm to 2.6mm; 3 burnt
87	50N 30E:1	1	0-44cm	glass, chimney	1	amethyst; burnt
88	50N 30E:1	1	0-44cm	glass, bottle	13	aqua



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89	50N 30E:1	1	0-44cm	glass, molten	24	3 colourless; 21 aqua
90	50N 30E:1	2	44-50cm	faunal remains	1	
91	50N 30E:1	2	44-50cm	shell	1	bivalve mollusk
92	50N 30E:1	2	44-50cm	mortar	1	
93	50N 30E:1	2	44-50cm	glass, bottle	1	cobalt blue
94	50N 30E:1	2	44-50cm	glass, milk	1	
95	50N 30E:1	2	44-50cm	glass, bottle	1	green; modern
96	50N 30E:1	2	44-50cm	glass, bottle	1	colourless
97	50N 30E:1	2	44-50cm	glass, bottle	3	amber
98	50N 30E:1	2	44-50cm	glass, bottle	1	olive
99	50N 30E:1	2	44-50cm	worked bottle glass	1	olive
100	50N 30E:1	2	44-50cm	whiteware, banded	1	grey/green panel
101	50N 30E:1	2	44-50cm	ironstone, undecorated	2	
102	55N 35E:1	2	19-34cm	ironstone, undecorated	1	
103	50N 30E:1	2	44-50cm	nail, cut	2	
104	50N 30E:1	2	44-50cm	glass, mason sealer	1	aqua
105	50N 30E:1	2	44-50cm	glass, bottle	2	aqua
106	50N 30E:1	2	44-50cm	glass, molten	6	aqua
107	50N 30E:1	2	44-50cm	glass, window	7	5 aqua tint, 2 colourless; 1.2mm to 1.4mm to 3.1mm; 4 less than 1.5mm, 3 greater than 1.5mm
				Total	296	



Additional Unit Testing Catalogue

Cat.	Context	Level	Artifact	n	Comments
108	395N 190E:21	3 - sand fill	pearlware, undecorated	1	
109	395N 190E:21	3 - sand fill	whiteware, undecorated	1	
110	395N 190E:21	3 - sand fill	glass, chimney	1	colourless; moulded rim
111	395N 190E:21	3 - sand fill	glass, undetermined	1	yellow
112	395N 190E:21	3 - sand fill	glass, window	1	aqua tint
113	395N 190E:21	3 - sand fill	earthenware, red	1	interior and exterior unglazed; hollowware
114	395N 190E:21	3 - sand fill	earthenware, red	1	exterior unglazed, interior missing
115	395N 190E:21	3 - sand fill	plastic	1	black "...NG HEARTH NIAGRA..." in red
116	395N 190E:21	3 - sand fill	metal, miscellaneous	1	
117	395N 185E:16	2 - sand fill	nail, cut	1	
118	395N 185E:16	2 - sand fill	nail, undetermined	1	
119	395N 185E:16	3 - "topsoil"	earthenware, red	1	1 surface unglazed, 1 surface missing
120	395N 185E:16	3 - "topsoil"	earthenware, red	1	1 surface brown glaze, 1 surface missing
121	395N 185E:16	3 - "topsoil"	ironstone, moulded	1	
122	395N 185E:16	3 - "topsoil"	whiteware, edged	1	blue
123	395N 185E:16	3 - "topsoil"	pearlware, undecorated	1	
124	395N 185E:16	3 - "topsoil"	whiteware, undecorated	2	1 burnt
125	395N 185E:16	3 - "topsoil"	chipping detritus	2	Onondaga
126	380N 200E:21	3 - sand fill	nail, undetermined	3	
127	380N 200E:21	3 - sand fill	pearlware, transfer printed	1	blue
128	380N 200E:21	3 - sand fill	whiteware, painted	1	blue, green and black; floral; hollowware
129	380N 200E:21	3 - sand fill	whiteware, painted	1	blue
130	380N 200E:21	3 - sand fill	whiteware, transfer printed	2	blue; Chinoiserie
131	380N 200E:21	3 - sand fill	whiteware, undecorated	1	hollowware
132	370N 195E:21	3 - sand fill	whiteware, sponged	1	blue; tight
133	370N 195E:21	3 - sand fill	whiteware, transfer printed	1	blue
134	370N 195E:21	3 - sand fill	whiteware, undecorated	2	1 with blue
135	370N 195E:21	3 - sand fill	whiteware, undecorated	1	hollowware
136	370N 195E:21	3 - sand fill	earthenware, red	1	interior and exterior unglazed; hollowware
137	370N 195E:21	3 - sand fill	faunal remains	1	
138	370N 195E:21	3 - sand fill	glass, window	4	aqua tint
139	370N 195E:21	3 - sand fill	glass, bottle	1	amber
140	370N 195E:21	3 - sand fill	chipping detritus	1	Onondaga
141	375N 200E:21	3 - sand fill	whiteware, sponged	1	blue; tight



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142	375N 200E:21	3 - sand fill	earthenware, red	1	interior brown glaze, exterior unglazed; hollowware
143	390N 195E:25	3 - sand fill	ironstone, undecorated	1	
144	370N 195E:1	3 - sand fill	nail, undetermined	2	
145	370N 195E:1	3 - sand fill	glass, bottle	1	amber
146	370N 195E:1	3 - sand fill	glass, bottle	1	colourless
147	370N 195E:1	3 - sand fill	glass, window	1	1 aqua tint, 1 colourless
148	370N 195E:1	3 - sand fill	glass, undetermined	1	green
149	370N 195E:1	3 - sand fill	earthenware, red	1	interior brown glaze, exterior unglazed; hollowware
150	370N 195E:1	3 - sand fill	earthenware, red	4	interior brown glaze, exterior surface missing; hollowware
151	370N 195E:1	3 - sand fill	earthenware, red	2	exterior unglazed, interior surface missing; hollowware
152	370N 195E:1	3 - sand fill	earthenware, red	1	interior unglazed, exterior surface missing; hollowware
153	370N 195E:1	3 - sand fill	whiteware, sponged	1	blue; tight
154	370N 195E:1	3 - sand fill	whiteware, stamped	2	red; mend; sponge stamped
155	370N 195E:1	3 - sand fill	whiteware, painted	1	red, green and black; floral
156	370N 195E:1	3 - sand fill	whiteware, transfer printed	3	blue
157	370N 195E:1	3 - sand fill	whiteware, undecorated	6	
158	370N 200E:1	4 - mottled interface	glass, bottle	1	amber
159	370N 200E:1	4 - mottled interface	glass, window	1	aqua tint
160	370N 190E:21	3 - clay/sand fill	earthenware, red	1	1 surface brown glaze, 1 surface missing; hollowware
161	370N 190E:21	3 - clay/sand fill	glass, bottle	1	aqua
162	370N 190E:21	3 - clay/sand fill	whiteware, undecorated	1	with blue
163	370N 190E:21	3 - clay/sand fill	nail, cut	1	
164	370N 190E:21	3 - clay/sand fill	faunal remains	1	
165	370N 190E:21	4 - buried "feature" layer	earthenware, red	1	interior grey glaze, exterior unglazed; hollowware
166	370N 190E:21	4 - buried "feature" layer	earthenware, red	1	interior brown glaze, exterior unglazed
167	370N 190E:21	4 - buried "feature" layer	earthenware, red	1	interior and exterior unglazed; hollowware
168	370N 190E:21	4 - buried "feature" layer	earthenware, red	1	exterior unglazed, interior surface missing
169	370N 200E:1	3 - sand fill	whiteware, undecorated	7	
170	370N 200E:1	3 - sand fill	glass, window	1	aqua tint
171	370N 200E:21	3 - sand fill	utilized flake	1	Onondaga
172	370N 200E:21	3 - sand fill	earthenware, red	1	1 surface unglazed, 1 surface missing
173	370N 200E:21	3 - sand fill	glass, bottle	1	amethyst
174	370N 200E:21	3 - sand fill	glass, bottle	1	aqua
175	370N 200E:21	3 - sand fill	glass, bottle	1	amber



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176	370N 200E:21	3 - sand fill	glass, chimney	2	colourless
177	370N 200E:21	3 - sand fill	whiteware, transfer printed	1	blue; geometric
178	370N 200E:21	3 - sand fill	whiteware, flow transfer printed	1	blue
179	370N 200E:21	3 - sand fill	whiteware, undecorated	2	
180	370N 190E:2	3 - buried "feature" layer	nail, undetermined	3	
181	370N 190E:2	3 - buried "feature" layer	nail, wire	1	roofing nail
182	370N 190E:2	3 - buried "feature" layer	nail, cut	1	
183	370N 190E:2	3 - buried "feature" layer	glass, chimney	3	colourless; 1 lip shard
184	370N 190E:2	3 - buried "feature" layer	whiteware, flow transfer printed	1	blue
185	370N 190E:2	3 - buried "feature" layer	whiteware, undecorated	1	
186	370N 190E:2	3 - buried "feature" layer	earthenware, red	1	interior brown glaze, exterior surface missing
187	370N 190E:2	2 - sand fill	white clay pipe	1	stem fragment
188	370N 190E:2	2 - sand fill	faunal remains	2	mammal
189	370N 190E:2	2 - sand fill	glass, bottle	1	olive
190	370N 190E:2	2 - sand fill	coal/clinker	1	
191	370N 190E:2	2 - sand fill	glass, window	7	aqua tint
192	370N 190E:2	2 - sand fill	glass, bottle	2	aqua
193	370N 190E:2	2 - sand fill	earthenware, red	1	1 surface brown glaze, 1 surface missing
194	370N 190E:2	2 - sand fill	earthenware, red	1	interior and exterior unglazed; hollowware
195	370N 190E:2	2 - sand fill	earthenware, red	1	exterior unglazed, interior surface missing; hollowware
196	370N 190E:2	2 - sand fill	earthenware, red	1	interior and exterior surface missing
197	370N 190E:2	2 - sand fill	whiteware, transfer printed	1	blue; hollowware
198	370N 190E:2	2 - sand fill	whiteware, undecorated	9	1 with blue
199	370N 190E:2	2 - sand fill	nail, undetermined	5	
200	370N 190E:2	2 - sand fill	metal, spike	1	cut
201	365N 195E:11	3 - sand fill	faunal remains	1	mammal; carnivore damage
202	365N 195E:11	3 - sand fill	glass, bottle	1	amber
203	365N 195E:11	3 - sand fill	glass, bottle	1	aqua
204	365N 195E:11	3 - sand fill	glass, bottle	1	amethyst
205	365N 195E:11	3 - sand fill	glass, window	2	aqua tint
206	365N 195E:11	3 - sand fill	earthenware, red	3	exterior unglazed, interior surface missing
207	365N 195E:11	3 - sand fill	earthenware, red	2	interior and exterior surface missing
208	365N 195E:11	3 - sand fill	earthenware, red	1	interior green glaze, exterior surface missing; hollowware



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209	365N 195E:11	3 - sand fill	earthenware, red	1	interior and exterior unglazed; hollowware
210	365N 195E:11	3 - sand fill	whiteware, transfer printed	1	blue
211	365N 195E:11	3 - sand fill	whiteware, transfer printed	1	black; floral; hollowware
212	365N 195E:11	3 - sand fill	ironstone, undecorated	4	
213	365N 195E:11	3 - sand fill	whiteware, undecorated	7	2 burnt
214	365N 195E:11	3 - sand fill	faunal remains	5	carnivore damage
215	365N 195E:11	3 - sand fill	nail, wrought	1	
216	365N 195E:11	3 - sand fill	nail, undetermined	5	
217	370N 185E:2	4 - buried "feature" layer	faunal remains	1	mammal; saw cut
218	370N 185E:2	4 - buried "feature" layer	shell	6	bivalve
219	370N 185E:2	4 - buried "feature" layer	earthenware, red	3	interior brown glaze, exterior surface missing; hollowware
220	370N 185E:2	4 - buried "feature" layer	whiteware, transfer printed	1	blue
221	370N 185E:2	4 - buried "feature" layer	whiteware, edged	1	blue; scalloped edge; moulded
222	370N 185E:2	4 - buried "feature" layer	whiteware, undecorated	6	
223	370N 185E:2	4 - buried "feature" layer	ironstone, undecorated	1	
224	370N 185E:2	4 - buried "feature" layer	ironstone, moulded	1	blue
225	370N 185E:2	4 - buried "feature" layer	majolica	1	turquoise
226	370N 185E:2	4 - buried "feature" layer	glass, tumbler	3	amethyst; moulded
227	370N 185E:2	4 - buried "feature" layer	glass, bottle	1	olive
228	370N 185E:2	4 - buried "feature" layer	glass, dish	2	colourless; moulded; mend
229	370N 185E:2	4 - buried "feature" layer	glass, bottle	4	aqua
230	370N 185E:2	4 - buried "feature" layer	glass, window	3	aqua tint
231	370N 185E:2	4 - buried "feature" layer	button	1	white glass; 4 holes; complete; piecrust design
232	370N 185E:2	4 - buried "feature" layer	metal, miscellaneous	1	cap
233	365N 190E:18	3 - sand fill	faunal remains	8	mammal; 1 saw cut
234	365N 190E:18	3 - sand fill	chipping detritus	1	Onondaga
235	365N 190E:18	3 - sand fill	nail, cut	1	
236	365N 190E:18	3 - sand fill	nail, undetermined	7	
237	365N 190E:18	3 - sand fill	nail, wrought	1	
238	365N 190E:18	3 - sand fill	glass, bottle	2	olive
239	365N 190E:18	3 - sand fill	glass, bottle	1	aqua



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240	365N 190E:18	3 - sand fill	glass, bottle	2	amber
241	365N 190E:18	3 - sand fill	glass, window	4	aqua tint
242	365N 190E:18	3 - sand fill	glass, chimney	1	colourless
243	365N 190E:18	3 - sand fill	glass, milk	1	"...S..."; cosmetic container lid
244	365N 190E:18	3 - sand fill	stoneware	1	black; hollowware; moulded dots; Jackfield?
245	365N 190E:18	3 - sand fill	earthenware, yellow	1	interior and exterior beige glaze
246	365N 190E:18	3 - sand fill	yellowware, undecorated	1	interior colourless glaze, exterior surface missing
247	365N 190E:18	3 - sand fill	earthenware, red	1	interior brown glaze, exterior surface missing
248	365N 190E:18	3 - sand fill	earthenware, red	2	interior and exterior unglazed; hollowware
249	365N 190E:18	3 - sand fill	earthenware, red	2	interior unglazed, exterior surface missing
250	365N 190E:18	3 - sand fill	brick	1	red
251	365N 190E:18	3 - sand fill	ironstone, moulded	1	
252	365N 190E:18	3 - sand fill	ironstone, undecorated	1	
253	365N 190E:18	3 - sand fill	ironstone, undecorated	1	burnt; flatware
254	365N 190E:18	3 - sand fill	whiteware, undecorated	1	hollowware
255	365N 190E:18	3 - sand fill	whiteware, undecorated	10	
256	365N 190E:18	3 - sand fill	whiteware, undecorated	1	scalloped edge; hollowware
257	365N 190E:18	3 - sand fill	whiteware, flow transfer printed	2	black
258	365N 190E:18	3 - sand fill	whiteware, transfer printed	2	blue
259	365N 190E:18	3 - sand fill	whiteware, edged	1	blue; hollowware; bud
260	365N 190E:18	3 - sand fill	whiteware, sponged	1	blue
261	365N 190E:18	3 - sand fill	whiteware, transfer printed	5	blue; 4 burnt; flatware
262	365N 190E:18	3 - sand fill	whiteware, sponged	1	blue; mend
263	365N 190E:18	3 - sand fill	whiteware, painted	1	green
264	365N 190E:18	3 - sand fill	pearlware, undecorated	1	
265	370N 190E:14	3 & 4 - sand fill	faunal remains	2	1 calcined
266	370N 190E:14	3 & 4 - sand fill	earthenware, red	1	interior and exterior unglazed; hollowware
267	370N 190E:14	3 & 4 - sand fill	earthenware, red	1	interior brown glaze, exterior surface missing
268	370N 190E:14	3 & 4 - sand fill	earthenware, red	1	1 surface unglazed, 1 surface missing
269	370N 190E:14	3 & 4 - sand fill	metal, miscellaneous	1	
270	370N 190E:14	3 & 4 - sand fill	nail, undetermined	1	
271	370N 190E:14	3 & 4 - sand fill	glass, window	2	aqua tint
272	370N 190E:14	3 & 4 - sand fill	glass, bottle	1	cobalt blue
273	370N 190E:14	3 & 4 - sand fill	whiteware, undecorated	2	hollowware
274	370N 190E:14	3 & 4 - sand fill	whiteware, undecorated	4	1 with blue
275	370N 190E:14	3 & 4 - sand fill	whiteware, transfer printed	1	blue



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276	365N 185E:15	2 - topsoil	glass, window	2	aqua tint
277	365N 185E:15	2 - topsoil	whiteware, undecorated	1	
278	365N 185E:15	3 - clay/sand fill	faunal remains	1	
279	365N 185E:15	3 - clay/sand fill	shell	3	bivalve
280	365N 185E:15	3 - clay/sand fill	earthenware, red	3	exterior unglazed, interior surface missing
281	365N 185E:15	3 - clay/sand fill	brick	1	red
282	365N 185E:15	3 - clay/sand fill	clay drain	1	
283	365N 185E:15	3 - clay/sand fill	utensil	1	spoon; stamped maker's mark
284	365N 185E:15	3 - clay/sand fill	yellowware, rockingham glaze	1	
285	365N 185E:15	3 - clay/sand fill	nail, wire	1	
286	365N 185E:15	3 - clay/sand fill	nail, cut	5	
287	365N 185E:15	3 - clay/sand fill	nail, undetermined	4	
288	365N 185E:15	3 - clay/sand fill	glass, bottle	1	aqua; partial folded finish
289	365N 185E:15	3 - clay/sand fill	glass, window	4	aqua tint
290	365N 185E:15	3 - clay/sand fill	whiteware, undecorated	2	
291	365N 185E:15	3 - clay/sand fill	whiteware, edged	1	blue
292	365N 185E:15	3 - clay/sand fill	whiteware, transfer printed	1	blue
293	365N 185E:15	3 - clay/sand fill	whiteware, sponged	1	blue
294	365N 185E:15	3 - clay/sand fill	whiteware, transfer printed	1	red; hollowware
295	365N 185E:15	4 - buried "feature" layer	projectile point	1	Onondaga; side-notched; tip missing
296	365N 185E:15	4 - buried "feature" layer	faunal remains	1	mammal; saw cut
297	365N 185E:15	4 - buried "feature" layer	glass, bottle	1	amethyst
298	365N 185E:15	4 - buried "feature" layer	glass, bottle	8	aqua
299	365N 185E:15	4 - buried "feature" layer	glass, window	15	aqua tint
300	365N 185E:15	4 - buried "feature" layer	glass, chimney	2	1 colourless, 1 amethyst tint
301	365N 185E:15	4 - buried "feature" layer	yellowware, rockingham glaze	1	sponged
302	365N 185E:15	4 - buried "feature" layer	earthenware, red	4	interior brown glaze, exterior surface missing
303	365N 185E:15	4 - buried "feature" layer	earthenware, red	1	interior and exterior unglazed
304	365N 185E:15	4 - buried "feature" layer	earthenware, red	2	1 surface unglazed, 1 surface missing
305	365N 185E:15	4 - buried "feature" layer	brick	2	red
306	365N 185E:15	4 - buried "feature" layer	nail, undetermined	9	
307	365N 185E:15	4 - buried "feature" layer	nail, cut	4	
308	365N 185E:15	4 - buried "feature" layer	ironstone, undecorated	3	



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		layer			
309	365N 185E:15	4 - buried "feature" layer	whiteware, undecorated	2	
310	365N 185E:15	4 - buried "feature" layer	whiteware, sponged	1	blue; tight
311	365N 185E:15	4 - buried "feature" layer	whiteware, transfer printed	1	blue
312	365N 185E:15	4 - buried "feature" layer	pearlware, edged	1	blue; moulded; flatware
313	365N 185E:15	4 - buried "feature" layer	pearlware, undecorated	1	
314	370N 185E:2	3 - intrusive lens with roots	faunal remains	2	1 calcined; mammal
315	370N 185E:2	3 - intrusive lens with roots	shell	1	clam
316	370N 185E:2	3 - intrusive lens with roots	brick	1	red
317	370N 185E:2	3 - intrusive lens with roots	glass, bottle	7	aqua tint; 3 burnt
318	370N 185E:2	3 - intrusive lens with roots	glass, bottle	1	amethyst
319	370N 185E:2	3 - intrusive lens with roots	glass, window	22	aqua tint
320	370N 185E:2	3 - intrusive lens with roots	glass, molten	1	colourless
321	370N 185E:2	3 - intrusive lens with roots	nail, undetermined	5	
322	370N 185E:2	3 - intrusive lens with roots	metal, fence staple	1	
323	370N 185E:2	3 - intrusive lens with roots	nail, wire	2	
324	370N 185E:2	3 - intrusive lens with roots	nail, cut	6	
325	370N 185E:2	3 - intrusive lens with roots	porcelain, painted	1	fugitive rim line; overglaze
326	370N 185E:2	3 - intrusive lens with roots	whiteware, flow transfer printed	1	black
327	370N 185E:2	3 - intrusive lens with roots	whiteware, transfer printed	1	blue
328	370N 185E:2	3 - intrusive lens with roots	whiteware, undecorated	2	flatware
329	370N 185E:2	3 - intrusive lens with roots	ironstone, undecorated	1	hollowware
330	370N 185E:2	3 - intrusive lens with roots	ironstone, moulded	1	flatware
331	370N 185E:2	3 - intrusive lens with roots	ironstone, undecorated	1	
332	370N 185E:2	3 - intrusive lens with roots	whiteware, undecorated	12	2 burnt
333	370N 200E:1	3 - sand fill	whiteware, stamped	1	red
334	370N 200E:1	3 - sand fill	whiteware, painted	1	green
335	370N 190E:2	2 - sand fill	nail, wrought	1	



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336	370N 190E:2	2 - sand fill	nail, cut	1	
337	380N 200E:21	3 - sand fill	whiteware, undecorated	4	
338	370N 190E:14	3 & 4 - sand fill	pearlware, undecorated	1	
339	370N 185E:2	4 - buried "feature" layer	nail, cut	6	
340	365N 190E:18	3 - sand fill	whiteware, painted	1	blue
			Total	484	



Appendix D: Police Report on Discovery of Human Remains



Occurrence Details

Hamilton Police Service

Printed: 2010/10/20 10:54 by 800

Report no:	10327085
Occurrence Type:	Sudden Death - Found Human Remains [8506.0040]
Occurrence time:	2010/10/05 00:00 - 2010/10/20 00:00
Reported time:	2010/10/20 08:13
Place of offence:	70 KING ST W, STONEY CREEK, ON (Area: AREA2, Beat: 2422, ESZ: 242203)
Clearance status:	New
Summary:	
Remarks:	

Involved persons:

- GARDNER, JANET / Reporter; Witness / Gender: Female (584 OXFORD ST E, LONDON, ON Canada (Voice) (519) 641-7222)
 - TIMMINS MARTELLE HERITAGE CONSULTANTS INC / Other / 584 OXFORD ST E, LONDON, ON Canada (Voice) (519) 641-7222
 - SWEFNFY, JOHN / Reporter / Gender: Male (584 OXFORD ST E, LONDON, ON Canada (FAX) (519) 641-7220)
-

Involved addresses:

- 70 KING ST W / Dispatch address; Occurrence address / STONEY CREEK, Ontario (Area: AREA2, Beat: 2422, ESZ: 242203)
-

Involved officers:

- Dispatcher / MORRISON, J. / #105344 / ON/HAMILTON / Police civilian / COMMUNICATION SERVICES
 - Dispatched officer; Investigator / JONOVICH, D. / #800 / ON/HAMILTON / Officer / DIV 2 CIB TEAM D
 - Dispatcher / OSIKA, L. / #002698 / ON/HAMILTON / Police civilian / COMMUNICATION SERVICES
-

Reports:

General report

Occurrence:	10327085 Sudden Death - Found Human Remains [8506.0040] @2010/10/20 08:13 (70 KING ST W, STONEY CREEK, ON (Area: AREA2, Beat: 2422, ESZ: 242203))	
Task:	T100283973 [Followup - Open] Due: 2010/10/27 08:34 #800 JONOVICH, D. ->#800 JONOVICH, D. [Med] 10327085 Sudden Death - Found Human Remains [8506.0040] @2010/10/20 08:13 (70 KING ST W, STONEY CREEK, ON (Area: AREA2, Beat: 2422, ESZ: 242203))	
Author:	#800 JONOVICH, D.	Report time: 2010/10/20 08:41
Entered by:	#800 JONOVICH, D.	Entered time: 2010/10/20 08:41

Remarks:

Narrative:

On 20 Oct 2010, writer received the following email and was advised by D/Sgt DULLOCK that Divisional Detectives would be tasked with the report for Found Human Remains.

----- Original Message -----

Hello,

Timmins Martelle Heritage Consultants Inc (Timmins, Ontario) carried out an archaeological assessment at 70 King Street West in Stoney Creek on October 5 and 7. This is part of the Smith's Knoll 1812 War Memorial and Cemetery where human remains were identified in 1998/99.

A few small fragments of human remains were identified during our work. Under the Cemeteries Act we are required to have the police and coroner attend the scene and file a report. We will be at the site on Wednesday, October 20. I was hoping to contact you so that we can arrange a time to meet on site to facilitate the reporting process. Cemeteries Registrar Michael D'Mello has been contacted and is aware of the situation.

If you could please get back to me later today so we can arrange a time it would be appreciated. This is also a publicly sensitive issue so we are trying to maintain a "low profile" for the project. Thanks for your assistance in this.

best,

John Sweeney,

Senior Archaeologist

-----End-----

Writer contacted SWEENEY for details. SWEENEY advised that the site was located at 70 King St W, Stoney Creek and the remains were confirmed as Human by his company's staff Osteologist. Writer contacted the Coroner, Dr. PORTER, to advise of the reporting and of the appointment to meet SWEENEY at the site at 10:00am this date. Dr. PORTER advised the writer to do a preliminary investigation and report back if the Coroner will be required to attend.

Writer attended the site at 70 King St W, Stoney Creek and met with Timmins Martelle Heritage Consultants Inc staff John SWEENEY, Senior Archeologist and Janet GARDNER, Staff Osteologist and Archaeologist. Writer was advised that the City of Hamilton had recently acquired the property located at 70 King St W to assess whether the current Smith's Knoll 1812 War Memorial site should be expanded. SWEENEY was tasked with conducting preliminary explorational digs to determine further fossils. One such dig located approximately 2 feet from the east fence line of the War Memorial resulted in 7 bones and bone fragments determined by GARDNER as human remains. SWEENEY advised that several other bones/fragments found were easily determined as animal in origin. Writer observed the bones and bone fragments as laid out by SWEENEY and GARDNER.

GARDNER explained to the writer, her conclusions of the found remains. Of the 7 bones: 2 were determined as being that of human ankle bone; 3 were determined to be toe bones; and 2 small bone fragments were undetermined as their exact human origin. GARDNER advised it was unconfirmed as to the exact dating of the 7 bones found, however her assumption is that they could be dated to the era of the War of 1812. GARDNER bases her assumption on her experience as an Osteologist and Archaeologist, the state of decomposition of the bones and the close proximity of the remains found near previous excavations dated to that era.

Writer reported to Dr. PORTER the findings. Dr. PORTER advised that the Coroner's Act covers jurisdiction to found remains less than 50 years old and the Cemeteries Act covers jurisdiction to remains determined to be historic in nature i.e. greater than 50 years old. As such, and based on the writer's investigation into the matter, the Coroner's Office would not be invoking jurisdiction in the found human remains incident and Dr. PORTER would not be attending.

The conclusions of this report are that the Found Human Remains by Timmins Martelle Staff are historic in nature, likely dating to the era of the War of 1812. As such, the remains are not considered under the Coroner's Act and police investigation into the matter is concluded. Report for information purposes only.

Concluded: Solved (Non-criminal)

cc. Dr. PORTER, the Coroner

cc. John SWENEY, Timmins Martelle Heritage Consultants Inc.

General Occurrence Report

Hamilton Police Service

Printed: 2010/10/20 10:49 by 800

Occurrence: 10327085 Assist Other Agency @2010/10/20 08:13

Author: #800 JONOVICH, D.

Report time: 2010/10/20 08:41

Entered by: #800 JONOVICH, D.

Entered time: 2010/10/20 08:41

Remarks:

On 20Oct2010, writer received the following email and was advised by D/Sgt BULLOCK that Divisional Detectives would be tasked with the report for Found Human Remains.

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best,

John Sweeney,

Senior Archaeologist

-----End-----

Writer contacted SWEENEY for details. SWEENEY advised that the site was located at 70 King St W, Stoney Creek and the remains were confirmed as Human by his company's staff Osteologist. Writer contacted the Coroner, Dr. PORTER, to advise of the reporting and of the appointment to meet SWEENEY at the site at 10.00am this date. Dr. PORTER advised the writer to do a preliminary investigation and report back if the Coroner will be required to attend.

Writer attended the site at 70 King St W, Stoney Creek and met with Timmins Martelle Heritage Consultants Inc. staff John SWEENEY, Senior Archeologist and Janet GARDNER, Staff Osteologist and Archeologist. Writer was advised that the City of Hamilton had recently acquired the property located at 70 King St W to assess whether the current Smith's Knoll 1812 War Memorial site should be expanded. SWEENEY was tasked with conducting preliminary explorational digs to determine further fossils. One such dig located approximately 2 feet from the east fence line of the War Memorial resulted in 7 bones and bone fragments determined by GARDNER as human remains. SWEENEY advised that several other bones/fragments found were easily determined as animal in origin. Writer observed the bones and bone fragments as laid out by SWEENEY and GARDNER.

GARDNER explained to the writer, her conclusions of the found remains. Of the 7 bones: 2 were determined as being that of human ankle bone; 3 were determined to be toe bones; and 2 small bone fragments were undetermined as their exact human origin. GARDNER advised it was unconfirmed as to the exact dating of the 7 bones found, however her assumption is that they could be dated to the era of the War of 1812. GARDNER bases her assumption on her experience as an Osteologist and Archeologist, the state of decomposition of the bones and the close proximity of the remains found near previous excavations dated to that era.

Writer reported to Dr. PORTER the findings. Dr. PORTER advised that the Coroner's Act covers jurisdiction to found remains less than 50 years old and the Cemeteries Act covers jurisdiction to remains determined to be historic in nature i.e. greater than 50 years old. As such, and based on the writer's investigation into the matter, the Coroner's Office would not be invoking jurisdiction in the found human remains incident and Dr. PORTER would not be attending.

The conclusions of this report are that the Found Human Remains by Timmins Martelle Staff are historic in nature, likely dating to the era of the War of 1812. As such, the remains are not considered under the Coroner's Act and police investigation into the matter is concluded. Report for information purposes only.

Concluded: Solved (Non-criminal)

cc. Dr. PORTER, the Coroner

cc. John SWEENEY, Timmins Martelle Heritage Consultants Inc.

APPENDIX E: UPDATE ON ANALYSIS OF HUMAN REMAINS IN SMITH'S KNOLL CRYPT



The City of Hamilton has been working with human remains experts at McMaster University to collect more and better information about the skeletal elements that were recovered during the 1990s archaeological work on the property and that were later reinterred in the crypt that now stands within the cemetery parcel. The following letter details the preliminary results of that analysis. The current, preliminary analysis data is included here as a supplement since it contains findings that are slightly different from the original osteological analysis that is summarized in this report.



August 12th Summary of Progress and Key Findings on the Bone Fragments from Smith's Knoll

Megan Brickley

There are many more identifiable fragments than indicated in the original report and we have currently recorded and catalogued 1360. We have also undertaken very basic recording of 527 bone fragments which cannot be identified to a particular skeletal element and from which no significant information can be obtained. It is now clear that the total count of identified bone fragments will be over 2000.

Cataloguing has currently stopped to allow me to ensure that all loose ends can be tied up prior to the start of the new academic year, and ensure that information gathered to date can start to be transferred to the database being created. Recording work will resume in the first week of September with input from three graduate students Laura Lockau (who will be doing her dissertation on the trauma and who has already worked on cataloging) and Madeline Mant and Rebecca Gilmore (two new PhD students undertaking research on other projects). Mara (Ana-Maria Dragomir) the undergraduate student who has worked with me over the summer will spend a number of days working with the students new to the project to ensure consistency in recording, before moving to collating all the recorded information into the database. Mara is being issued with a new contract to cover the work that she will do between September and December.

Final selection of samples for isotopic analysis will take place at the end of August.

Age at Death

Over the summer work on skeletal fragments that could assist with age determination was prioritized. A number of pieces of equipment were booked before it was apparent that there would be far more than 770 fragments recorded, and so priority was given to work on skeletal fragments that might be analyzed in this way. Information on estimating age at death is the most complete research undertaken and results are not likely to change significantly from those that I can provide now. Using epiphyseal union as well as the auricular surface (which was used previously) our results provide more detailed and extensive results than those previously available. Table 1 indicates the previous findings and Table 2 shows the new findings.

Age Range	Number
25-29	3
30-34	4
35-39	4
40-44	3
45-49	1
Total	15

Table 1. Results from the report by Dr. Liston on age at death

Age Category	Approximate Range of Age at Death	Number
Adolescent	16-20 years	5
Young Adult	21-34 years	8
Mature Adult	35-44 years	4
Total		17

Table 2. Results from latest analysis of age at death

Of the five individuals in the adolescent category at least two would be aged at the lower limits of this category. Work on the images obtained from Micro-CT scans is not yet complete and so the figures in Table 2 may change slightly, but numbers will only increase. Through recording far more of the bone fragments available and using epiphyseal fusion, we have been able to increase the numbers slightly, and demonstrate that many of the individuals buried at Smith's Knoll were fairly young. The techniques used are less open to dispute than those applied previously.

Trauma

No analysis of data on trauma has been undertaken. It is possible to say that in amongst the bone fragments there are clear examples of bayonet, sword and firearms injuries. Both bayonet and firearms injuries were identified in the original report. A number of firearms injuries to the cranial bones were identified in the report by Dr. Liston, one to a scapula (shoulder blade) and one to the ilium (pelvic bone) but nothing further is said on this and it is likely example 3 discussed below.

We have not yet catalogued the scapulae or cranial bones, but we have completed recording the pelvic bones. There are three pieces of iliac crest (almost certainly from 3 different individuals) with firearms injuries. With assistance from staff at Fort George it has been determined that two of these were caused by buckshot which was loaded with a musket ball. One example has just buckshot injuries clearly visible (example 1), one has trauma caused by both buckshot and a musket ball (example 2) and the third just a musket ball (example 3). All individuals were shot in the buttocks from behind and in two cases it is clear the shot was fired upwards, so the individual who fired was likely positioned below the individual who was shot. Initial discussions with staff from Fort George suggest that at least two of those injured were very close to the person who shot them. Experimental work is required to full test and explore the various possibilities, and there are plans to carry out this work in the fall.

Other pathology

No final findings can be presented yet, but it would appear that a number of the individuals had low level pathology or trauma that was at fairly advanced stage of healing when they died. Most pathological changes recorded to date are very non-specific. Recent work has demonstrated that this type of change in bone can be caused by a wide spectrum of trauma and pathology. However, given what is known about the individuals buried at the site, previous trauma is a strong possibility for many of the changes recorded. This could have come from injuries (interpersonal disputes would likely have occurred) and a whole range of accidents, e.g. related to moving across difficult terrain or just undertaking domestic tasks. A few of the changes seen are most likely linked to infection. In each case the bone was not in initial stages of new bone formation, but rather a more advanced stage (either healing or low level chronic stage). There were also possible pathological changes such a bone formation at muscle insertion sites that likely formed as a result of trauma to various joints. This type of injury could be sustained while getting around on foot and other activities undertaken. Not having complete individuals really does limit what can be said about this type of injury and disease.

Likely Final Findings

It is likely that the type of differences seen in the report produced at the end of this study will reflect the broad pattern seen in the new figures available for determination of age at death. Numbers are likely to go up slightly, with more cases of the various things analyzed being found, and evidence for additional individuals being obtained. It is also likely that information provided will be a bit clearer, and at least for the next few years less open to dispute.