

Ownership of Archaeological Artifacts in Ontario

Presentation to Red Hill Creek Joint
Stewardship Board

Ohswegen, December 19, 2013



BONE PIT IN MEDONTE, EAST HALF LOT 18, CON. IX.
Sketch by Father Martin, 1855. See page 249.

(Rev. A.E. Jones 1908 *Old Huronia*, Fifth Report of the Bureau of Archives for the Province of Ontario, Toronto)

ARCHÆOLOGICAL REPORT

1899.

BEING PART OF

APPENDIX TO THE REPORT

OF THE

MINISTER OF EDUCATION

ONTARIO.

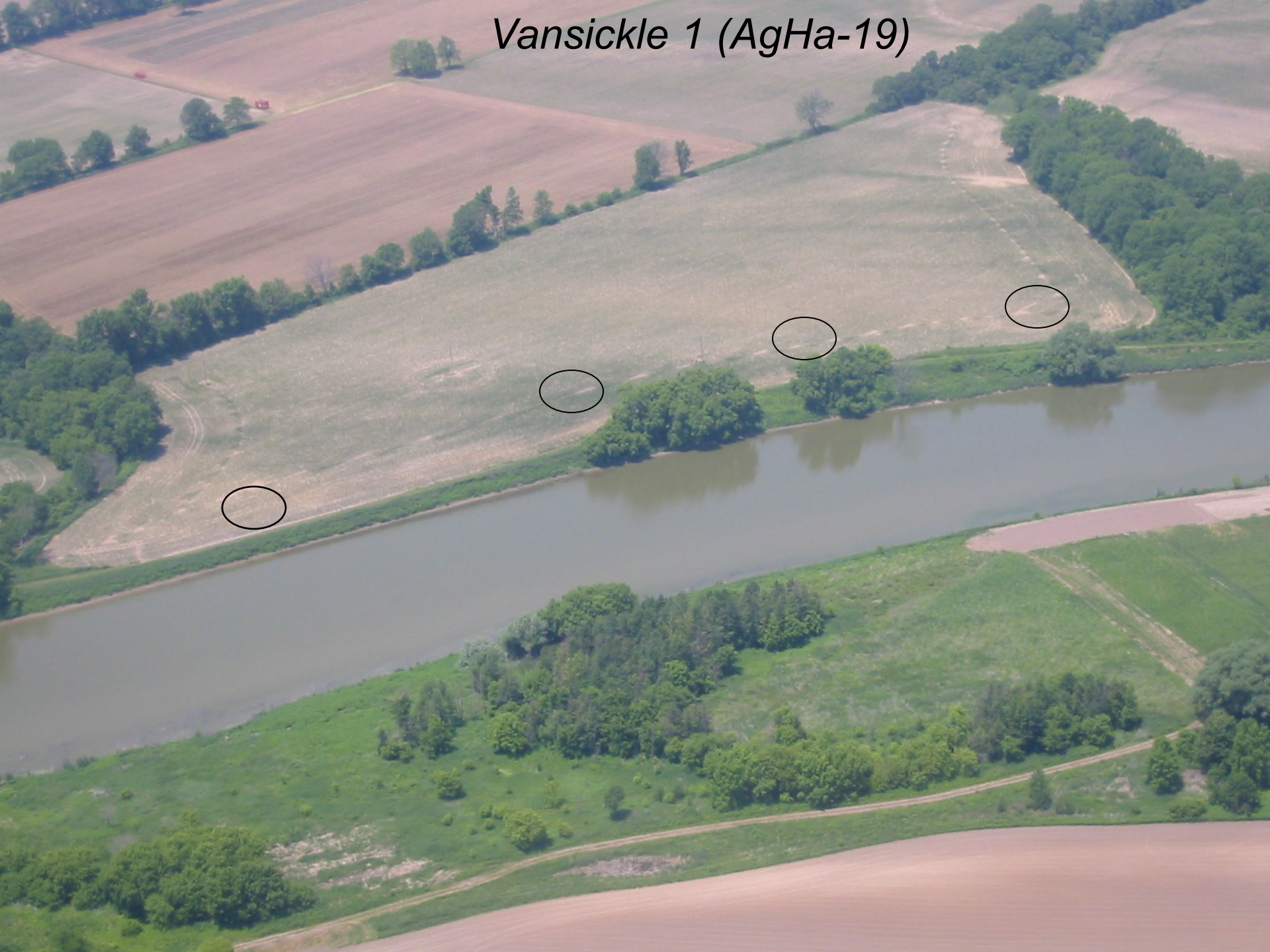
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TORONTO:
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1900.



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Archaeology in Ontario

- Licenced
- 95% development archaeology (CRM)
- 90% Aboriginal sites
- *Ontario Heritage Act* (1974) – licenced archaeologist acts as “steward” of artifacts for people of Ontario

CRM in Ontario

- Consulting industry (1980 – present) – over 70 licenced arch. consultants
- \$ 5M business per year
- 800-1000 new sites added to Ontario database every year (over 20,000 sites in database)

Ontario Ministry of Tourism, Culture and Sport -

<http://www.mtc.gov.on.ca/en/archaeology/archaeology.shtml>

Ontario Heritage Act

R.S.O. 1990

Artifacts may be held in trust

66. (1) The Minister may direct that any artifact taken under the authority of a licence or a permit be deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario.
2002, c. 18, Sched. F, s. 2 (43).

Terms and Conditions for Archaeological Licences

14. The licensee shall hold in safekeeping all artifacts and records of archaeological fieldwork carried out under this licence, except where those artifacts and records are transferred by the licensee to Her Majesty the Queen in right of Ontario or the licensee is directed to deposit them in a public institution in accordance with subsection 66 (1) of the Act.

Ministry of Tourism, Culture and Sport

Michael Chan

Minister, MTCS

Ministry of Tourism, Culture and Sport

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Archaeology – 416-325-4878

Archaeological Services Inc.

Dr. Ron Williamson

Chief Archaeologist and Managing Partner

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Toronto, ON M5S 2P9

416-966-1069

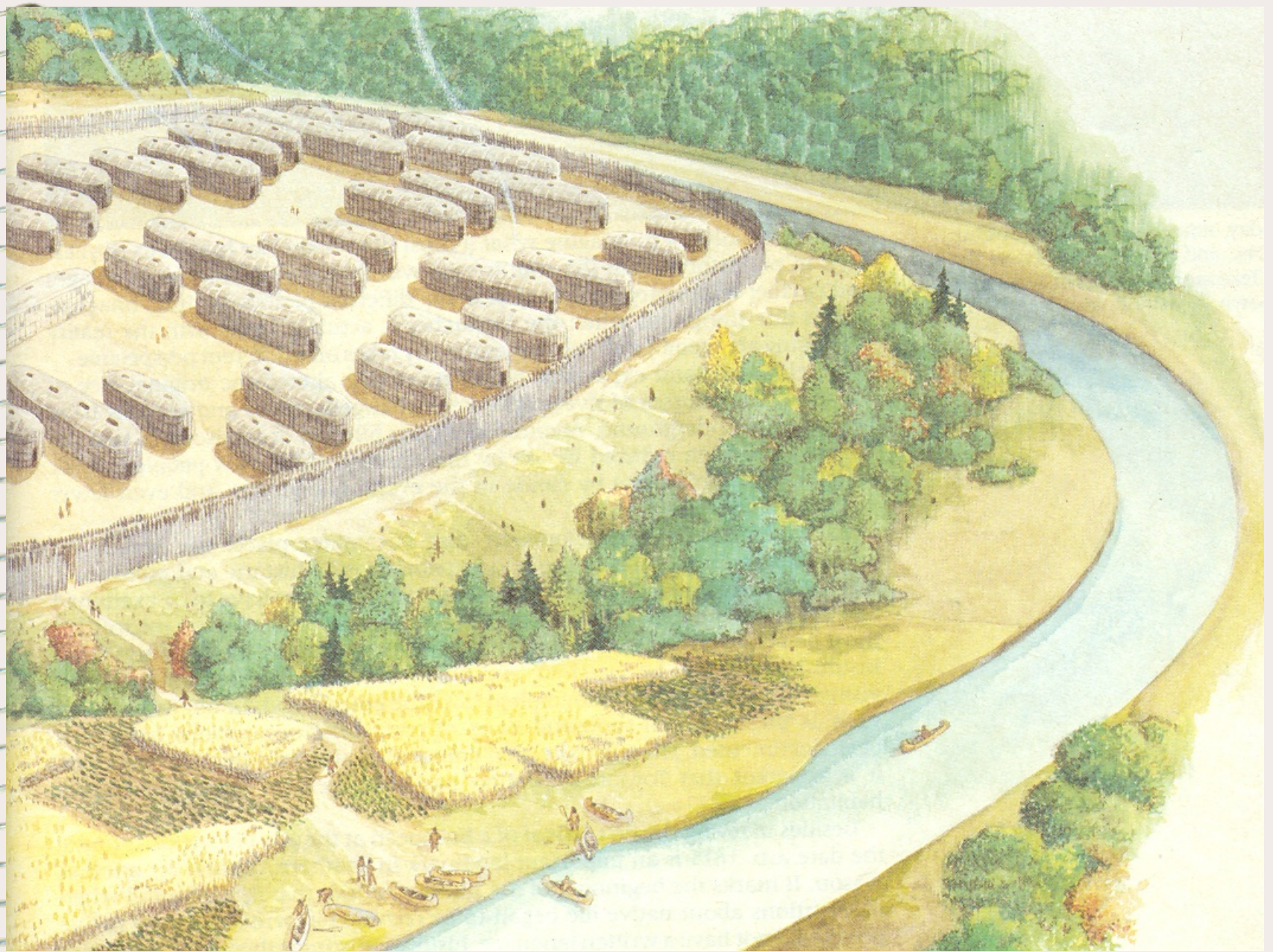
RWilliamson@iasi.to

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King's Forest Park site - 2004



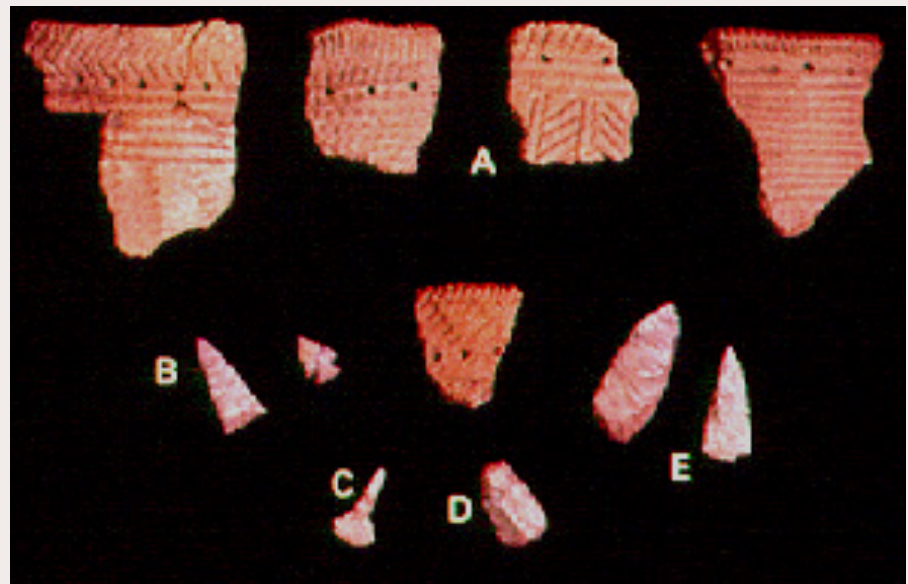
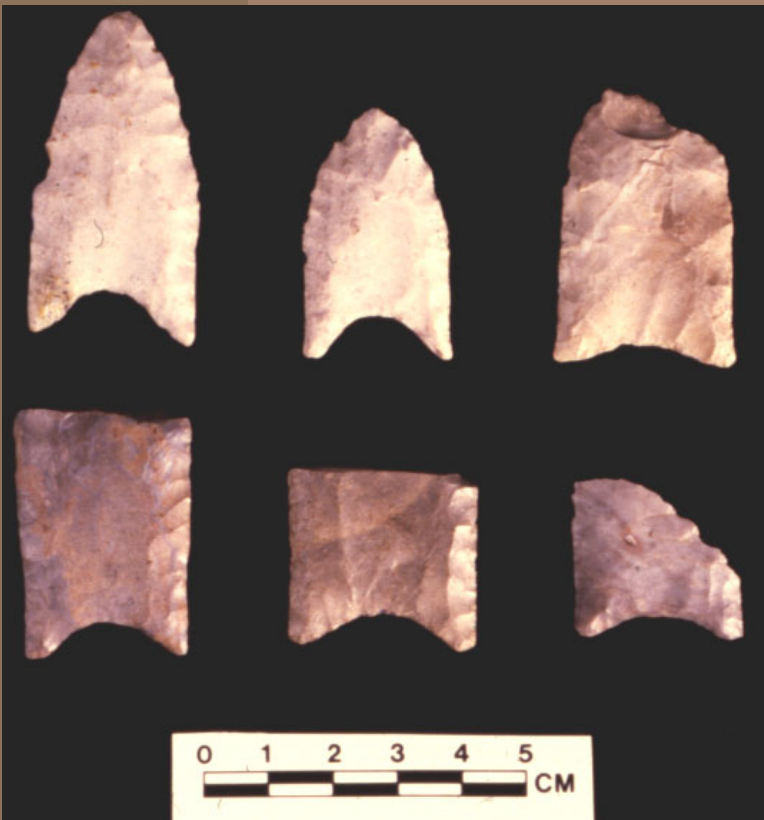


Recliner site –
Wayne Hill
consulting with
Archaeological
Services Inc. field
director Greg Braun
(2004)





Mount Albion West site - 2004



SIX NATIONS "IROQUOIS"
CONFEDERACY
GRAND RIVER COUNTRY
Ontario

NOTICE

THIS IS
Six Nations
LANDS

Any person who trespasses on Indian
Land is guilty of an offence and is liable
on summary conviction to a fine not exceeding
fifty dollars or to imprisonment for a term
not exceeding one month, or to both fine and
imprisonment.



Six Nations "Iroquois"
Grand River Council

Red Hill Valley =
ancestral Six
Nations land

Six Nations and
City of Hamilton
— joint
stewardship

Ownership of archaeological remains in Ontario

- Objects excavated under archaeological licence become property of Province of **Ontario**
- Only skeletal remains and associated funerary artifacts *in situ* = property of living descendants or closest **First Nation** (*Funeral, Burial and Cremation Services Act*, 2002)
- skeletal remains and artifacts in museums or private hands collected prior to *Ontario Heritage Act* 1974 = property of **museum or individual**

Ferris, Neal 2003 "Between Colonial and Indigenous Archaeologies: Legal and Extra-legal Ownership of the Archaeological Past in North America". *Canadian Journal of Archaeology* 27:154-190.



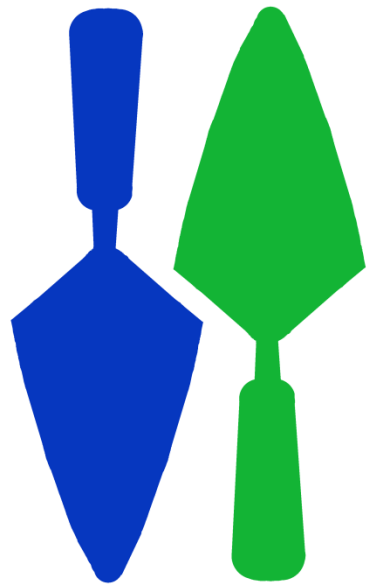
Centre for Sustainable Archaeology, McMaster University



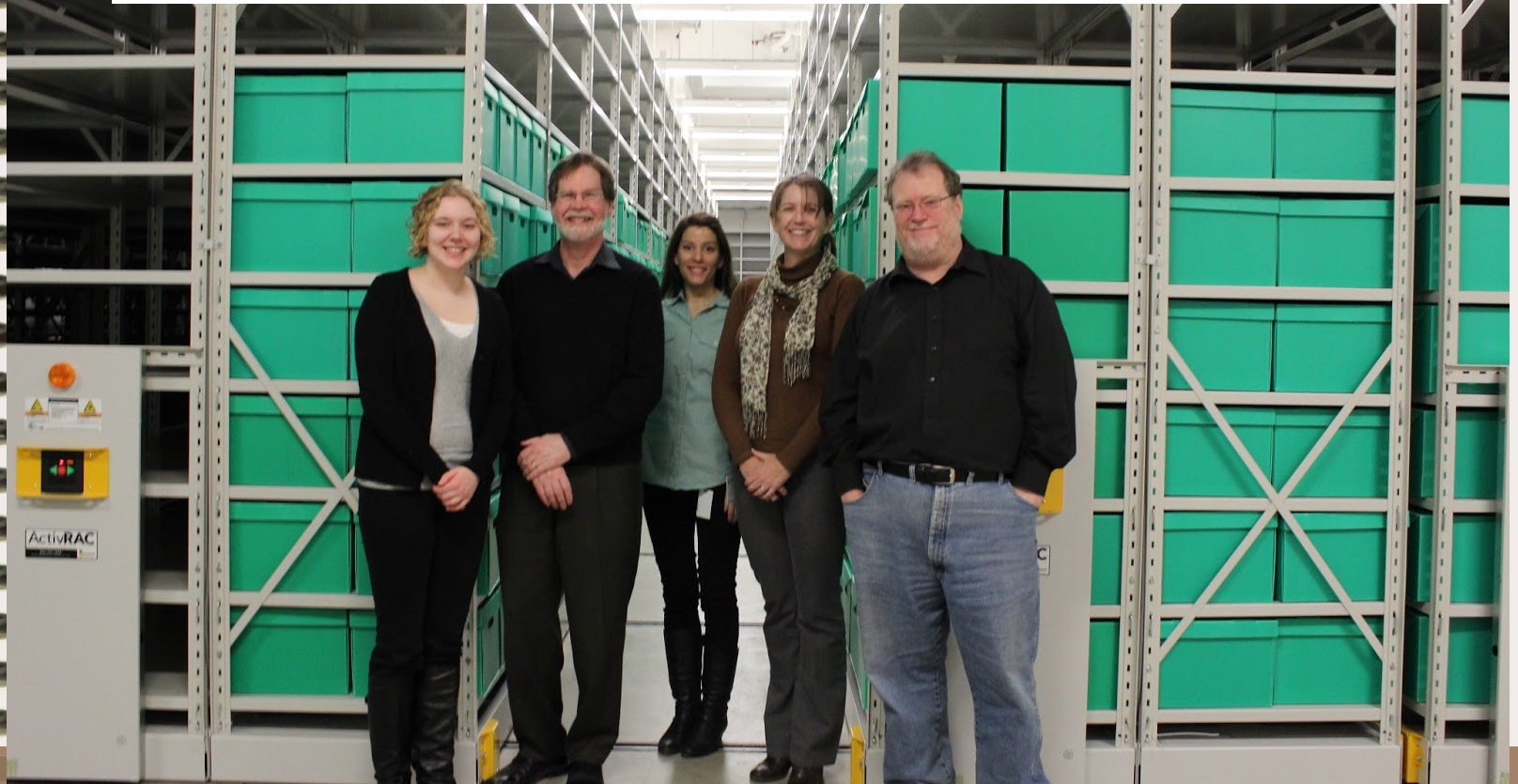
Dr. Aubrey Cannon,
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[http://
www.anthropology.mcmaste
r.ca/research-projects/
mcmaster-sustainable-
archaeology-centre](http://www.anthropology.mcmaster.ca/research-projects/mcmaster-sustainable-archaeology-centre)



CENTRE FOR
SUSTAINABLE
ARCHAEOLOGY
AT MCMASTER INNOVATION PARK









- \$300-550 per banker box in perpetuity storage
- \$150-\$350 per box for repackaging legacy collections
- 20 lb. per box



Artifact Transfer and Storage - Concerns

- Public institution (climate control; proper containers and protection; insurance; long-term care)
- Complete artifact collection vs. individual artifacts
- Accessibility – e.g., research or loans

Transfer of Archaeological Artifacts

1. Notify Minister of Culture or notify licenced archaeologist
2. Minister of Culture will notify licenced archaeologist or licenced archaeologist will notify Minister
3. Licenced archaeologist will be directed by Minister to contact receiving public institution and arrange transfer
4. Transfer agreement will be signed