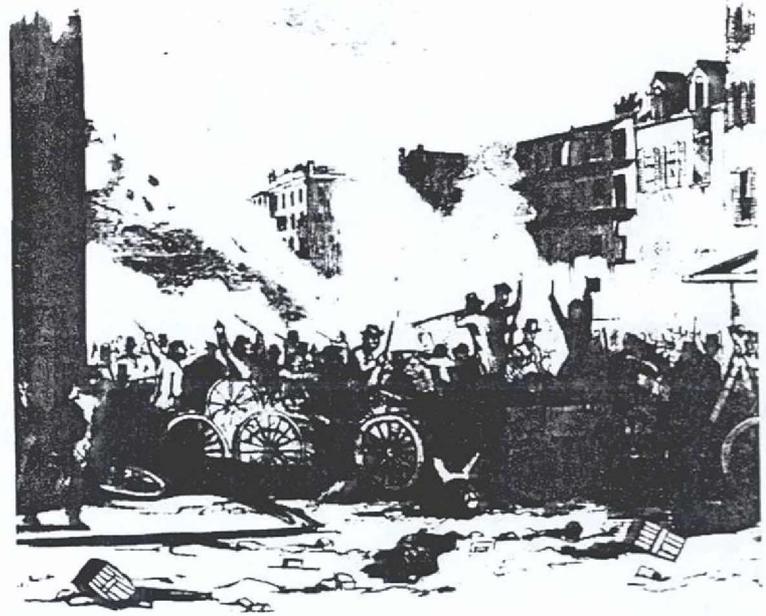


On July 4, 1857, a bloody riot erupted in the notorious "Five Points" neighborhood of New York City. Hundreds of people were drawn into the street battle. Clubs, stones and firearms left a dozen people dead and many more seriously injured.

"RIOTING AND BLOODSHED!" read the New York Times. "THE CITY UNDER ARMS!" The Times and other newspapers blamed the riot on the "wild, untrained natures" of the Irish immigrants and other "ignorant scoundrels" who lived in the Five Points.



From Frank Leslie's Illustrated Weekly. For Viewers Guide, No. 5, American Social History Project, Hohokus, N.J., 1987: 1.

A RESEARCH DESIGN FOR THE COURTHOUSE BLOCK  
INCLUDING  
AN END-OF-FIELDWORK SUMMARY REPORT

by

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ENVIRONMENTAL REVIEW

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NOTE: Figures 1-8 were taken directly from several in-progress reports submitted by HCI, Inc. to Edwards & Kelcey, Inc. between June 1991 and January 1992.

## I. INTRODUCTION

A Memorandum of Agreement (MOA) was executed on March 15, 1989 between the General Services Administration (GSA) and the Advisory Council on Historic Preservation (Council) regarding the Foley Square U.S. Courthouse and Federal Building Projects (Projects) in New York City, New York, concerning the proposed construction plans' impact on significant cultural resources.

This MOA was formulated in reaction to the potential for finding significant site remains evidenced in a report of documentary research issued in September 1989 and revised May 1990 by Historic Conservation and Interpretation Inc., entitled "A Stage IA Cultural Resource Survey of the Proposed Foley Square Project in the Borough of Manhattan, New York, New York." Since this time, extensive test, evaluation and salvage archeological excavations have been carried out on the remains of historic cultures as found in these sites. For a variety of reasons, an amendment to this MOA was executed in December of 1991 stipulating project requirements as refined by the successes of cultural research so far accomplished.

### A. Research Design

Historic Conservation and Interpretation, Inc. (HCI) has prepared a written research design documenting the testing, survey, and data recovery methods used to date and to be used to complete work on the Federal Building site and Courthouse

site. The research design was prepared in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and the Council's Treatment of Archaeological Properties and subsequent amendments (Advisory Council on Historic Preservation, 1980).

B. The Sites

This project consisted of two separate sites studied simultaneously by HCI. The study areas are called the Courthouse Block and Broadway Block and although only three blocks separated them, their profiles as archeological sites are so different that they were addressed by two entirely separate crews (see Figure 1). Thus is fitting that the narrative overview of our activities be treated separately.

The Courthouse Block is presented first because infield work has been concluded. What follows is a description of the field work completed on the Courthouse Block. First the reader is requested to refer to the documentary research report entitled "A Stage IA Cultural Resource Survey of the Proposed Foley Square Project in the Borough of Manhattan, New York, New York" by Ingle, Howson and Rutsch, September 1989, revised May 1990, in which details of the facts leading us to choose the methods to be used to carry out the research design were presented. In addition, the reader is



referred to "An Archeological Soil Boring Survey of the  
Foley Square Project, Borough of Manhattan, New York, N.Y."  
by Condell and Rutsch, January 1991. This report contains  
the findings of an in-ground boring survey conducted in  
December 1991 which were subsequently integrated into our  
program. The results reported our findings and  
recommendations as to how to proceed.

## II. HISTORY OF THE SITE'S EXCAVATION

The documentary research indicated that two types of potentially significant cultural resources might be present on the Courthouse Block project area--the remains of the eighteenth-century tanneries located near the former Collect Pond and the remains of the nineteenth-century Five Points neighborhood. A total of ten borings was made in various areas throughout the block to investigate the potential for the presence of these remains. The results of the borings showed that the Courthouse Block was not deeply disturbed by construction; disturbance extended to an average depth of 12.5 feet below grade. Since the amount of disturbance was minimal, we speculated that it was very likely that potentially significant remains of the tanneries and the Five Points neighborhood were buried on the project area. We reasoned that the remains of the tanneries were more likely to be present in the southern portion of the block along Pearl Street. The borings in this locale, in comparison with the rest of the block, uncovered wet soils beneath the disturbance. These wet soils are indicative of the marshy environment formerly surrounding the Collect Pond, which was the location of the tanneries. In addition, a sample of leather scraps was recovered from this portion of the block in a previously excavated boring, which seemed to be evidence that some tannery remains did, in fact, exist. The remains of the late eighteenth- and all of the nineteenth-century development of the Five Points

neighborhood were likely to be present throughout the Courthouse Block. These remains could include, and ultimately did include, features such as foundations, privies, wells, cisterns, and trash pits that contained significant deposits of cultural material. These remains will provide valuable insight into the lifeways of the poor and destitute of one of New York City's earliest slums.

HCI recommended that two archeological tests (Tests C and D) be made on the Courthouse Block to further investigate these potentially significant cultural resources (see Figure 2). One test (Test C) was located in the southern portion of the block and encompassed two of the building lots fronting Pearl Street near the corner of Cardinal Hayes Place. This investigation searched, in particular, for remains of the eighteenth-century tanneries. The second test was located in the southern half of the block in two of the building lots formerly on the western side of Baxter Street. This test specifically investigated the remains of the nineteenth-century Five Points neighborhood. However, it was suspected that remains associated with the upland activities of the tanneries may have existed at this locale, as well. Prior to excavation, supplemental documentary research of each building lot to be tested was completed. This research relied heavily on primary sources including deeds, censuses, directories, etc.

The major goal of the Stage IB survey is to determine the presence or absence of potentially significant cultural

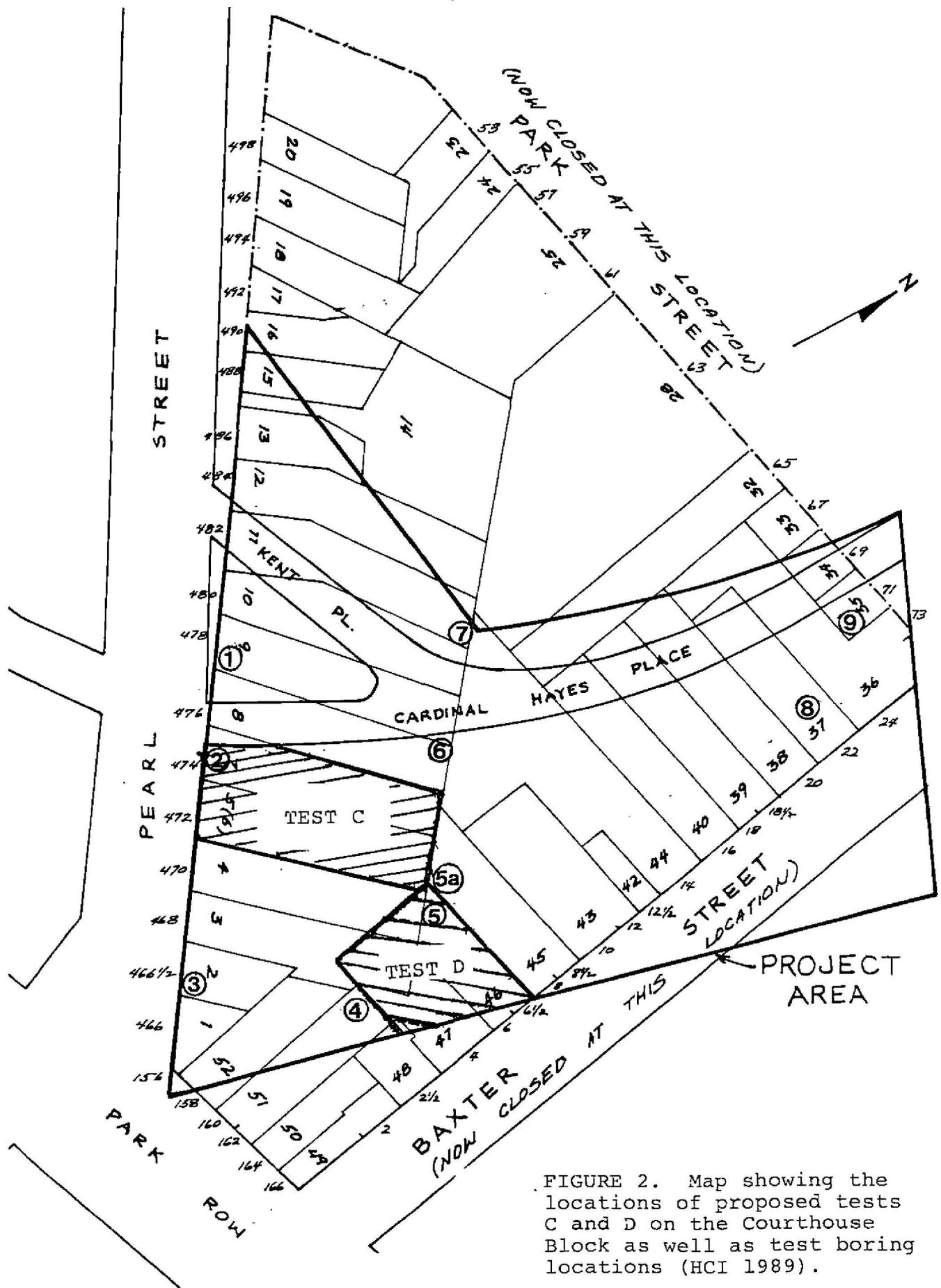


FIGURE 2. Map showing the locations of proposed tests C and D on the Courthouse Block as well as test boring locations (HCI 1989).

resources that might be buried on the project area's two city blocks. The research design of this proposed survey has been based on the results of HCI's two previous surveys of the project area--a Stage IA cultural resource survey and an archeological soil boring survey (see Ingle et al. 1989, revised 1990; Condell and Rutsch 1991).

## II. SCOPE OF SERVICES

The tasks to be performed as part of the Stage IB archeological survey will include the following: documentary research, infield investigation, artifact curation/cataloging, data analysis, and preparation of a final report.

### A. Documentary Research

Prior to the infield investigations, supplemental documentary research will be completed, which will focus specifically on the history of each proposed building lot to be tested. This research will stem from, but not duplicate, the documentation previously gathered as part of the Stage IA survey. Primary sources will be consulted to complete each lot's history and will include deeds, censuses, directories, and building records previously not examined. This data once collected will help us formulate a problem oriented research design to guide us in our infield testing methodology.

### B. Infield Investigation

HCI has been asked to make the test excavations at the Broadway Block and Courthouse Block concurrently. We agree to do just this.

1. The Broadway Block (to be presented in a separate research design)
2. The Courthouse Block

HCI proposes that 2 test excavations (Tests C and D) be made on the Courthouse Block project area. Test C will be located on two building lots formerly at 472 and 474 Pearl Street and Test D will be made on two lots formerly at 4 and 6-6> Baxter Street (now a closed street at this location). The results of the archeological soil boring survey have indicated that the Courthouse Block has not been deeply disturbed by twentieth-century construction. Therefore, it is possible that aboriginal remains and/or the remains of both the eighteenth-century tanneries located near the former Collect Pond and the nineteenth-century Five Points neighborhood could be buried on the project area. In fact, a sample of leather scraps associated with the tanneries was recovered from one of the borings excavated as part of the 1990 site contamination study.

Test C will specifically investigate the tannery remains and Test D will be searching particularly for remains of the Five Points neighborhood, which could include foundations, wells, privies, cisterns, trashpits, etc. However, it is possible that remains of either potentially significant resources could be found in both tests.

Tests C and D should be excavated in the same manner as the test on the Broadway Block. First, the fill will be removed, by a backhoe, from the cellar of the last building that was constructed on the lot. The foundation walls, if intact, should suffice in providing the necessary stability for deeper excavation. If the foundation walls are not intact, the initial excavation will be enlarged to encompass an area large enough to insure the safety and stability for deeper excavation. Next, the cellar floor will be removed by machine, at which point manual excavations assisted by machine will be made to search for and identify any features that might exist.

In addition, the results of the soil borings show that wet soil conditions are present in the area along Pearl Street. For this reason, a sump pump dewatering system will be ready for employment as it becomes necessary.

### C. Artifact Curation/Cataloging

For reasons of speed, accuracy, and cleanliness, HCI proposes to use wet-screening techniques on both blocks of the project area. This will require a city water permit, which will allow a small amount of water to be removed from a city hydrant. Once cleaned, the artifacts will be removed to HCI's laboratory where they will be catalogued and, for those requiring it, given initial conservation. They will then be analyzed and inventoried using a computer-programmed data recall system. The artifact analysis at the Stage IB survey will be limited to that work which will play a part in the evaluation of the site remains potential to meet the National Register criteria of significance.

Finally, artifacts will be boxed in a manner consistent with long-term museum storage requirements. Note: Long-term curation will not be HCI's responsibility once the collection has been placed in an acceptable repository. The artifacts that will go into a permanent study are those that are diagnostic of the culture by which they were employed. An acceptable repository for the artifact collection is currently being sought but remains a problem for all New York City archeological studies. Details of our quest for such a repository have been attached to this proposal. HCI agrees to maintain this collection until such time as a permanent and suitable repository is found. We again ask for assistance in solving this problem which is being encountered all over.

### D. Data Analysis/Report Preparation

All data collected in the course of this project will be analyzed and summarized for presentation in a final report, which will be the sole product of this work. The report will be professionally documented and appropriately illustrated; four (4) copies, each containing original photographs, will be submitted to E&K for the purpose of review. It will be E&K's responsibility to distribute copies to the appropriate reviewing agencies.

With our revised proposal accepted, we began the in-ground archeological survey portion of the research in May

of 1991. As proposed, we were completing this task a month later when we were able to issue a preliminary summary of our results on June 24, noting and describing the potentially significant cultural resources we had found and suggesting how further we might complete this evaluation (or Stage II work).

The survey portion of the investigation of cultural resources was rapidly being completed. This research was designed to answer the questions of whether potentially significant cultural resources were present at the site. Our test excavations provided the following results.

We found largely intact cellar walls, and courtyards within the site which were the remains of the Five Points tenements. Features such as fireplaces, stairways, and floors of several periods of 19th-century construction were present. In and below the floors of these cellars we found approximately thirteen features including trash deposits, wells, privies, and cisterns. In other urban sites, these features had proved to contain significant deposits of cultural artifacts representing and providing us with a picture of the cultures that used them.

We made several tests deep beneath the cellar floors of Lot 6 where a distinct well-stratified deposit of organic material including tree bark, leather scraps, burnt oyster shell, and layers of cattle horns were found. These all indicated we were in deposits related to the Colonial tanning industry which once stood on the site. We evaluated

all these features and strata deposits as potentially significant and suggested that each be examined more carefully to determine their exact nature.

We also requested authority to extend our Stage I testing to two new areas. These included two more lots on Pearl Street where documentation and our analysis indicated occurrence of the most intense tan yard development.

A second expansion included testing an area at the Five Points or most northern end of the block. These tests acted as a control on the Pearl/Orange Street tests and would show that all areas of the Courthouse Block had been searched (see Figure 3).

It was finally reported that we had, as requested by GSA, speeded up the testing phase by adding extra crew members and by processing artifacts on an overtime basis on weekends.

By June 30, we could report that we had speeded up work on the Courthouse Block by more fully investigating (test excavating) the many features we had discovered during previous test excavations. The remains recovered from these features suggested that rich deposits of historic artifacts lay in the approximately 15 features found. These deposits represent the last three centuries of use of Manhattan by Europeans. So while the testing had exposed the remains of the 19th-century city slum to public view, our deeper tests found abundant remains of the 18th-century tan yards and

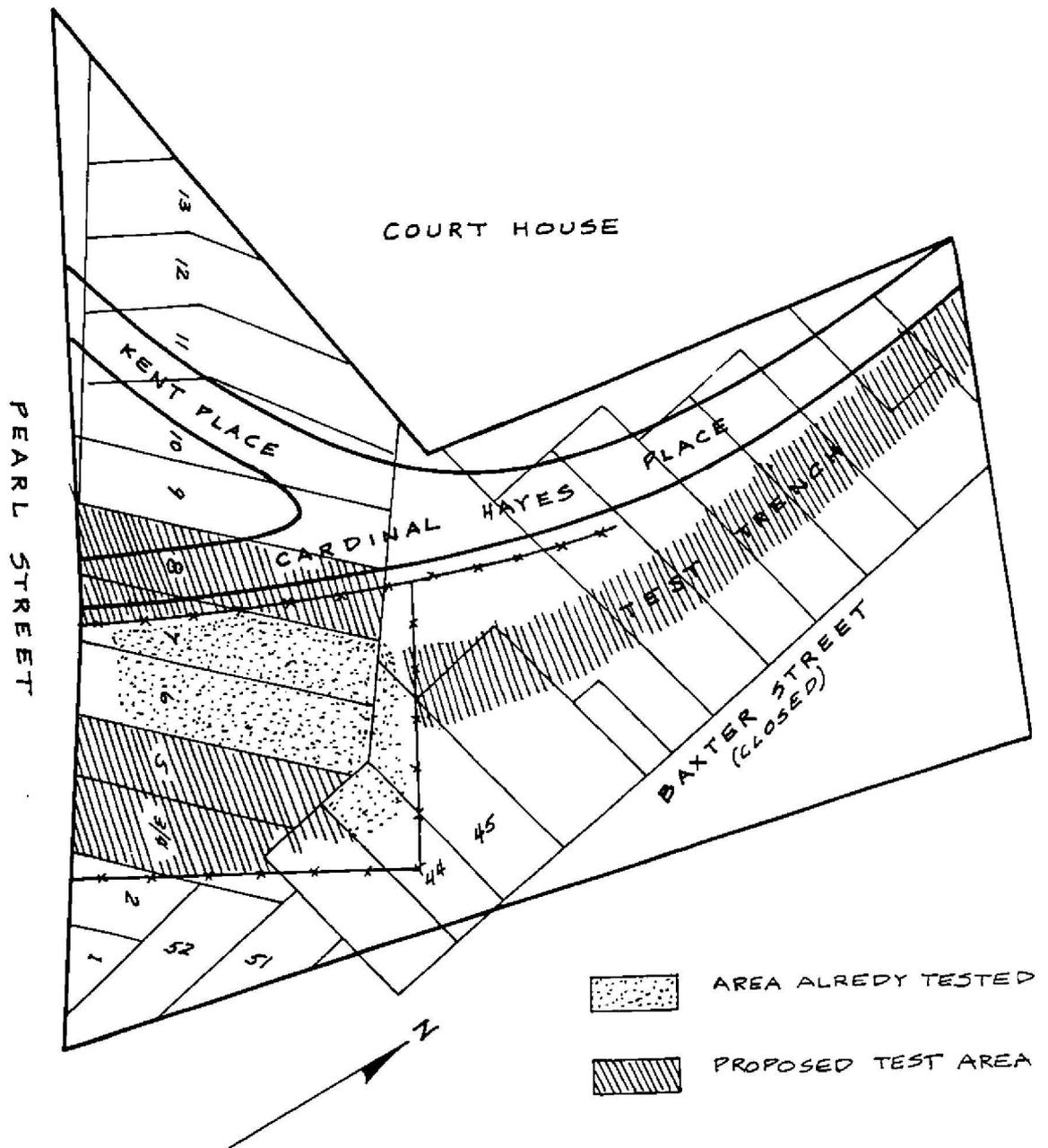


FIGURE 3. Map showing test locations and proposed test locations on the Courthouse Block as of as of July 16, 1991 (HCI 1991).

associated Colonial culture. There were some small indications of 17th century turning up as well.

The test data coupled with boring log records and historic documentation allowed us to formulate a hypothesis of the pre-industrial cultural landscape of the entire block. It appeared that the land sloped to the south and west, directions where marsh and peat bogs lined the shore of the collect pond and its eastern outlet stream. The deep tests made along Pearl Street contained substantial remains of tan bark, cattle horn, and leather scrap. We felt the need to expand these test excavations before we could safely locate and salvage the best tan yard site remains.

We also suggested that HCI open new test excavations at the northern end of the Courthouse Block or at the actual Five Points locale. This area was, according to our hypothesis, a sandy better-drained upland along the edge of the marshy pond. If we were to find the remains of the Indian Village of Weorpos or its predecessors on the Courthouse Block it would have been on this higher ground. This would have been consistent with placement of aboriginal period living sites in this coastal region.

The Historic Period remains also required testing at the northern end of the Courthouse Block because during the 18th century the area was closest to the slaughter house, which was the central feature of the entire neighborhood. Documentation also shows this area was the earliest to be developed. The 19th-century urban slum, named Five Points

after the unique convergence of the street grid, is the landmark of the area. Documentary history shows there is a variability in the ethnic and socioeconomic groups on each of the streets of the Courthouse Block. There appeared to be real differences in the development on larger and smaller lots, within the test area, which provided an opportunity to investigate this diversity. Finally, because the Five Point area's subsoils are elevated higher above the ground water, their sandy composition should drain better than at the Pearl Street end of the block. Testing here provided us a control or new perspective on the way the cultural landscape has changed over time and thus acted as a control on the other test areas.

In summary, we wanted to explain one last factor behind our desire to make additional tests. We had taken what we believed to be a logical philosophical position based on the testing results so far on the Courthouse Block. This is that we had revealed a significant site according to National Register criterion D and that as a consequence we advised that this archeological testing continue until a mitigation in the form of a data retrieval program had been completed. In the case of the Courthouse Block, how big a sample or what percentage of the block would it be necessary to excavate in order to be assured that a professional defensible mitigation had been carried out? We believed that with the data from the new test areas we would obtain the minimum amount of work necessary to define the

archeolgoical and historical significance by which the Courthouse Block appears to meet the criteria for eligibility to the National Register of Historic Places.

As a result of this progress we were asked by the Client to supply a proposal to physically carry this work forward. Meanwhile the site work had, with concurrence of the Client, continued unabated, with lab work being carried out on Saturdays by several crew members.

On July 16, we submitted the proposal for continued cultural resources work. It included a description of the proposed project and of the study area, a scope of services, and a budget for the timely completeion of those tasks.

At the request of our Clients (E&K) we adjusted our proposed test excavation locations in such a way that Cardinal Hayes/Kent Place could be left open for use of machinery necessary to deliver and install air conditioning units on the roof of the existing Foley Square Federal Courthouse. At the same time the tests we did propose were, in our opinion, adequate to obtain a sufficient sample of the Courthouse Block.

This proposal redefined the study area presented in our progress report of June 24, 1991. Figure 3 shows the area already tested as well as the proposed test areas.

By mid-July our test excavations had covered approximately 15% of the Courthouse Block study area. The testing we had accomplished revealed the following features (see Figure 4) which were then excavated first to determine

LOT NO.	FEATURE	SIGNIFICANT RESOURCE FOUND IN FEATURE	TEST EVALUATION	SALVAGE EXCAVATION
6	Backyard Privy Wood Line	1780 - 1825 Artifacts	Complete	Underway
	Backyard Privy Wood Line	1780 - 1825 Artifacts	Complete	Underway
	Backyard Privy Wood Line	1780 - 1825 Artifacts	Complete	Almost Complete
	Backyard Privy Stone Line	1780 - 1840's	Complete	Complete
	Cistern/Drywell	1700's	To be undertaken	
	School Sink	Late 1800's	Underway	
	Possible Trash Deposits	?	To be done	
7	Backyard Privy Wood Line	1780 - 1820	Complete	Underway
	Backyard Privy Stone Line	?	To be undertaken	
	Possible Trash Deposits	?	To be undertaken	
5	Backyard Privy Wood Line	?	Underway	
45	Cistern	1780 - 1820	Complete	Complete
	Backyard Privy Stone Line	1800	Underway	
34	Square Shell Deposit	?	To be undertaken	
	Square Brick Feature	?	To be undertaken	
	Square Dark Stain in Soil	?	To be undertaken	
46	School Sink/Privy	Late 19th Century	To be undertaken	
	Backyard Privy	?	To be undertaken	
3/4	Shell Midden	?	Underway	
	Deep Test (-10.0'to-14.0') Deep Test Tan Orange Layer with Tanning and Slaughterhouse Residues. Test will be 25' x 40'. Preparations for test almost complete.			

FIGURE 4. List of features found and work accomplished on the Courthouse Block as of July 16, 1991.

their significance and then, when their significance had been established, to recover them. We were operating under the rule that the optimum sample taken of the significant features would be 100% or as close to that as was practical.

The additional areas we asked to test would bring the total area tested to approximately 33 1/3% of the study area. We felt that by salvaging the features found in these test excavations our total testing and salvage program would be adequate to complete cultural resource research and mitigation in this study area.

The proposed tests were separated into three areas:

Test Area 1 - We proposed to finish testing Lot 7 and test Lot 8.

Test Area 2 - We proposed to finish testing Lot 5 and test Combination Lot 3/4.

Test Area 3 - We proposed to make a test trench from the Five Points (north) end of the block rather than test any specific lot completely. This test trench would not encroach on Cardinal Hayes Place or require its closing.

We also felt it necessary to remind the Client that our July 16 proposal did not include any support for post-excavation procedures. Instead we simply stated that approximately three hours for each hour spent in the field is needed to accomplish artifact cleaning and curation, research and data analysis, report writing and formulation and housekeeping details - packing and removing artifacts to a permanent storage facility.

On July 25 we were able to report the following infield accomplishments. We had continued to work at the Courthouse at an accelerated speed, adding crew members and working a six-day week. The initial exploration area had been tested, features recognized, sampled, evaluated and when containing significant cultural resources mitigated via data recovery. See Figure 5 for an update on our identification, testing, evaluation, and mitigation progress on each feature. (See Figure 6 for a plan view of the site excavations, lots, and features.)

On July 25 we were asked to reorganize our work proposal in such a way that our records would identify which test area or feature each crew member worked on and further which task on the site each hour of work represented. In addition, we were authorized to present our proposed work on a two-week basis with an additional two-week option to be put in force at the discretion of the Client.

The tasks and time schedule for the Courthouse Block were as follows:

1. The Courthouse Block
  - Task One - finish excavation in tested areas
  - Task Two - make additional tests

We had been authorized to proceed with the following tasks in the conducting of the cultural resource work on the Courthouse Block.

Task 1 - We proposed to complete the excavation of the features we had found and tested in the test areas on this

LOT NO.	FEATURE	FEATURE	INITIAL IDENTIFICATION OF SIGNIFICANT CULTURAL RESOURCES	TESTING	RESOURCE RECOVERY
6	A	School Sink	Early 20th Century	Completed	Underway
	B	Backyard Privy - Stone Lined	Artifacts 1780 - 1840	Completed	Completed
	C	Backyard Privy - Wood Lined	Artifacts 1780 - 1825	Completed	Underway
	D	Backyard Privy - Wood Lined	Artifacts 1780 - 1825	Completed	Underway
	E	Backyard Privy - Wood Lined	Artifacts 1780 - 1825	Completed	Completed
	F	Possible Trash Deposits	To be undertaken		
	G	Cistern/Drywell	Artifacts 1700's		
	I	Builders Trench Rear Bldg	Artifacts 1870's	Completed	Not Recommended
	J	Cess Pool Stone	Artifacts 1850's	Underway	
	K & L	Trash Pits, Coal	To be undertaken		
	M	Builders Trench - Feature J	Underway		
	T	Cistern, Brick (Feature J)	Underway		
	U	Drywell Brick	To be undertaken		
	V	Cistern Brick	To be undertaken		
Y	Rectangular Stain	To be undertaken			
Z	Cistern	To be undertaken			
7	N	Backyard Privy, Wood Lined	1780 - 1820	Completed	Underway
	O	Backyard Privy, Wood Lined	To be undertaken		
	P	Possible Trash Deposits	To be undertaken		
5	S	Backyard Privy, Wood Lined	To be undertaken		
45	G	Cistern	1780 - 1860	Truncated to Base	Completed
	H	Backyard Privy, Stone Lined	1780 - 1860	Underway	
46	R	School Sink Privy	Late 19th, early 20th century	To be undertaken	
3/4	W	Square Shell Deposit	To be undertaken		
	X	Wood Structure	To be undertaken		
	AA	Square Brick Structure	To be undertaken		
	AB	Square Dark Soil Stain	To be undertaken		
	AC	Brick Wall Segment	To be undertaken		

FIGURE 5. List of features found and work accomplished on the Courthouse Block as of July 29, 1991.

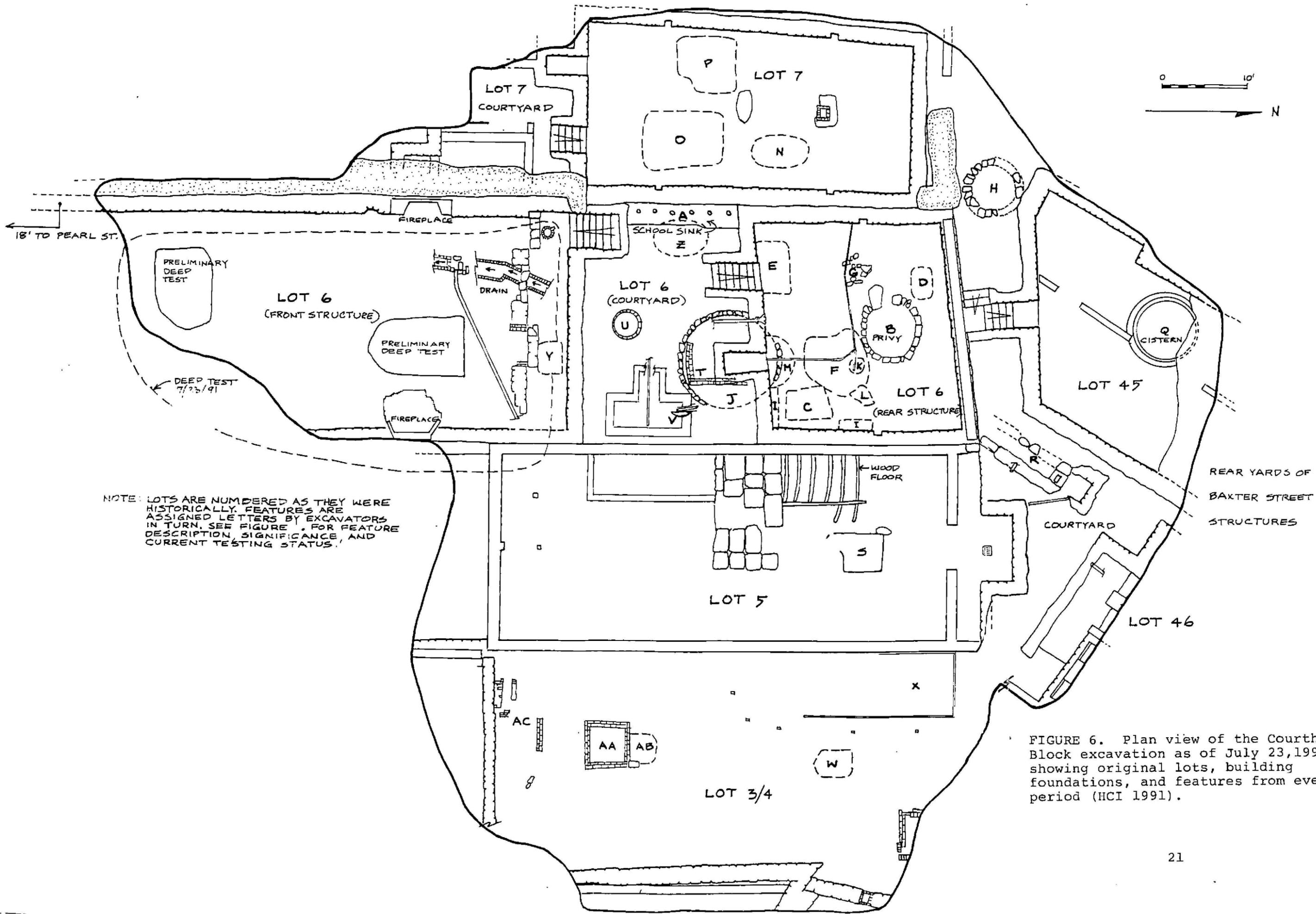


FIGURE 6. Plan view of the Courthouse Block excavation as of July 23, 1991, showing original lots, building foundations, and features from every period (HCI 1991).

block (see Figure 6). Our procedure was to: A) locate the feature, B) test excavate it and evaluate its significance, C) take a 100% sample of all significant remains. (See Figure 5 for progress graph on all features as of July 31, 1991.) We proposed to continue this procedure in the test areas.

Task 2 - Extend test area along Pearl Street into historic lots at the corner of Pearl and former Baxter Street (see Figure 7). These test excavations were made to verify stratigraphy, building outline, and the presence or absence of all cultural resources.

Again with our work cut out for us we set about excavating and studying the extremely complex and abundant site remains. On September 10, after six weeks of the hottest part of what has been evaluated as the hottest summer ever recorded in New York, we were able to report the following progress.

Our primary task was to finish the features already exposed and we could report we had completed work on a total of 24. This work included testing, evaluating, and mitigating all of the features and taking a 100% sample of cultural material from each. Another task was to expand our testing. These additional tests were made in Lots 5, 4, and 3. A total of 4 features were recovered in these lots. We also started the testing of the lots at the north end of the study area with additional features having been located.

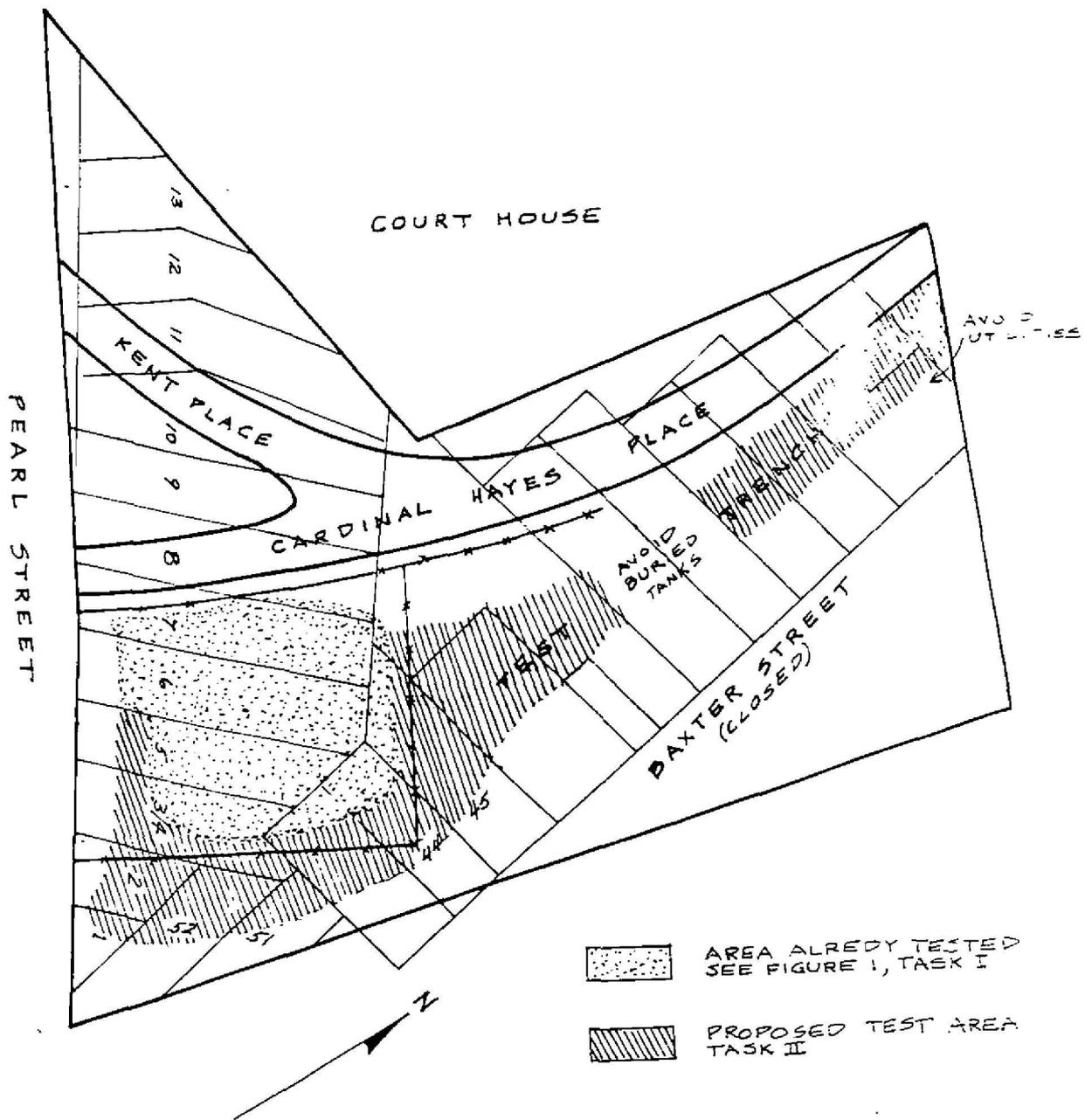


FIGURE 7. Map showing the Courthouse Block excavation results as of July 31, 1991 (HCI 1991).

We then proposed to test, evaluate, and excavate the 6 features not yet looked at in the earlier excavations and the 6 features found in the expanded test excavations. In addition we tested parts of Lots 7, 8 and 9 in Cardinal Hayes Place and on the traffic island at the Pearl Street end of Cardinal Hayes Place and Kent Place.

It was understood that this work would be done concurrently. A total of 3 weeks fieldwork was planned for this effort. In the meantime, a two-person crew had been working on the artifact collection, the remaining lab crew having been brought back into the field. Bags from the field have been placed in order on shelves. The artifact laboratory book was up to date. Curation where necessary was being carried out and some additional artifacts had been washed.

The flotation of samples had been set up, samples were being prepared for flotation and we planned to start this work by mid-September. As of September 10, a total of 757 catalog numbers had been issued on both sites. A total of 2357 bags had been brought to the lab. We roughly estimated the collection to total between 200,000 pieces +/- 50,000.

Although cultural resource work on the Courthouse site was being brought to completion at the request of the Client, we temporarily closed the site in early October and put all of our team's resources into fieldwork on the new finds in the African American Burial Ground on the Broadway site which we were concurrently investigating. At the time

of the start of this hiatus (October 17) we reported on our accomplishments as we buttoned up the exposed features with various sheets of plastic and/or small roofs of light timber and plastic.

The Courthouse Block work was broken down into the following tasks:

The completion of the salvage of features located in the initial excavations.

We were completing all work on four features, leaving four additional features to be started as soon as intensive work on the Broadway Block was completed.

The results of test excavations in the northerly end of the study block.

One feature was loated in this area and we had begun testing it.

Finally, test excavations had not commenced in the Cardinal Hayes Street triangle area as the fence had not been moved nor the backhoe ordered. We needed two weeks to complete the testing work on the Cardinal Hayes portion of the Courthouse site.

On November 14 we were able to reopen the Courthouse site undertaking continued work on the same complicated tasks we had been working on prior to shifting to the Broadway site.

We also requested and received an adjustment in the sites boundary fence so that we could test Lot 8 under present-day Cardinal Hayes Place. By November 24, we were able to report the following progress in achieving these goals.

Additional testing in the lots under Cardinal Hayes Place also commenced. We asked for an adjustment in the protective fence so that it would encompass rather than cut a house foundation. Test results lead us to hypothesize that Lot 8 contained late 18th-century house remains (possibly a bakery, shop, and dwelling) that were not disturbed by 19th-century development due to the lot's use as a lumber yard which did not see major construction disturbance. Once testing was completed, evaluations of the significance of the finds were to be made.

Lot 8 test area was located under today's Cardinal Hayes Street (see Figure 8). The site was different from any other we investigated at the Courthouse site. This was because the initial construction on the site in the late 1700s was not subsequently disturbed by construction of larger and more complex buildings. During the 1800s, the lot was used by a lumber yard which never had any buildings built on stone foundations.

The tests revealed four masonry structures and an alley on the lot. The first two structures each revealed the remains of a chimney. The chimney in structure two had several hearths in adjoining rooms. The third structure contained evidence of a bake oven replete with possibly early refractory bricks and a flue. This bakery was probably set up in August and September of 1793, when baker Tobias Hoffman bought two adjacent lots along Pearl Street, Lot 7 from Lott and Lot 8 from Orff (New York County Deeds

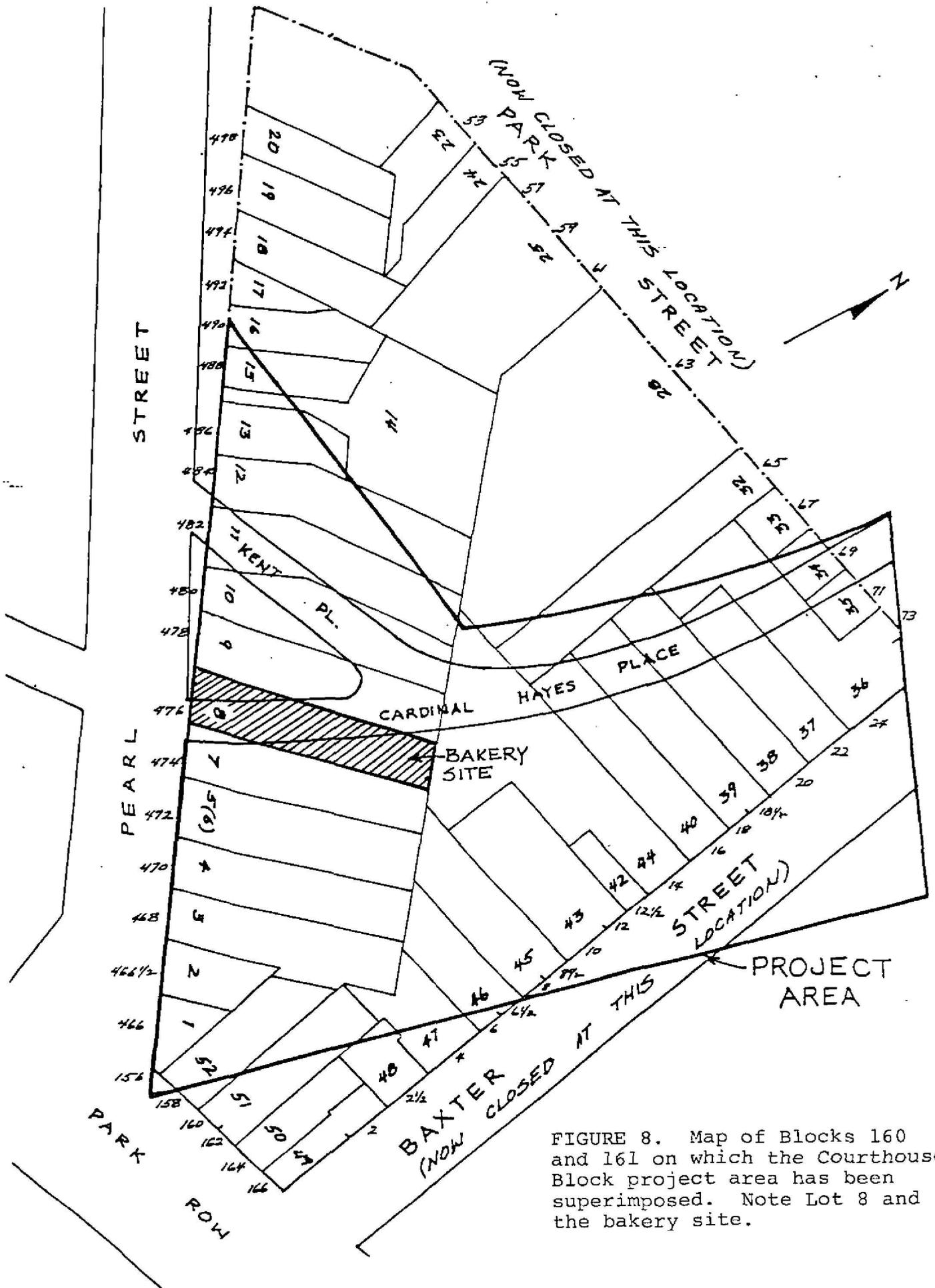


FIGURE 8. Map of Blocks 160 and 161 on which the Courthouse Block project area has been superimposed. Note Lot 8 and the bakery site.

49: 201, 203). The latter lot included a "dwelling house, bake house, and oven, and the foundation of the oven in the said bake house on stands" (New York County Deeds 40: 203). Tests in the alley also revealed indications of several features dated to this initial bakery era. We evaluated these remains as a potentially significant cultural resource. We recommended that additional excavations be done to completely reveal the cultural features present and collect diagnostic artifacts.

Excavation of features found earlier continued. Diligent work had seen this task carried to near completion. Several features proved to be extremely rich in artifacts of the mid- to late 1700s and therefore could not be completed under the current budget allowance. We included a request for a budget to complete this work.

The following list contains the significant features found in test excavations on Lot 8. It includes a description of the feature and our recommendation concerning each as a work proposal.

- |            |  |
|------------|--|
| Feature AP | A brick oven lined approximately 12' x 12' with refractory brick replete with a flue has been revealed. Deeper tests may reveal nature of "stands" mentioned in the documentation. |
| Feature AQ | Located in the alley is probably a wood-lined privy. Testing and cross section recording is planned.   |
| Feature AS | Consists of indications of a wood-lined structure backed by rammed clay. This may have been a cistern that was part of the bakery complex.   |

- Structure 2      South section - excavation 2 separate occupation levels.
- Structure 2      North section - excavation 2 separate occupation levels.
- Structure 3      Continue to remove the overburden and test the occupation surface.
- Structure 5      Continue to trowel occupation surface and test deeper.
- Alley             Remove overburden from occupation levels and continue testing.

The following list contains a description of all the features located on the rest of the Courthouse site which we evaluated as significant with our recommendations in the form of work proposals.

- Feature AH        Located on Lot 3/4 under the northern shelter is an oval stone-lined privy which has been excavated to ~5'. The feature should be completely tested and, if significant artifacts are found, fully excavated.
- Feature AL        Located in Lot 51 - a round stone-lined privy in which testing is only partially complete. We proposed to complete the testing and excavate the entire privy if it contains a significant deposit of cultural material.
- Feature E         In Lot 7 is a wood-lined privy that has been partly tested. We propose to complete the test and excavate any significant cultural material that may be found. A stone wall that collapsed in the feature has been removed.
- Feature AF        In Lot 7 is a wood-lined privy whose initial test was disturbed by rain water. Feature needs to be cleared, tested, and possibly excavated.
- Feature AG        In Lot 43 is a stone-lined privy in which significant deposits have been found. Component one dates from 1850 during the slum period and component two from 1830 before the slum period. We proposed to excavate the second half of this privy.

Feature AN        In Lot 37 is a stone-lined cistern. We propose to complete its excavation and draw cross section profiles.

Feature AC        Lot 44. Test to see if a possible privy feature is present. Feature AC is the only cultural deposit found in Lot 44.

Our client responded to these requests by granting us the support necessary to excavate the Bakery site.

Shortly after the new year, we returned to the Courthouse Site for the final phase of excavation. We were authorized to excavate the Bakery Site and other features within Lot 8. While the archeologists proceeded with the excavations, I authorized three members of the field crew to complete any remaining surveying, mapping, and photographing of the site as a whole. This was necessary as it was HCI's last chance to do so prior to the onset of construction. After seven working days, we discontinued excavations which had begun nine months earlier.

On January 20, 1992, we reported on our research accomplishments in "A Summary of the Archeological Investigations of Block 160 of the Foley Square Project," reproduced here in part (note see Figures 9a and 9b for feature details):

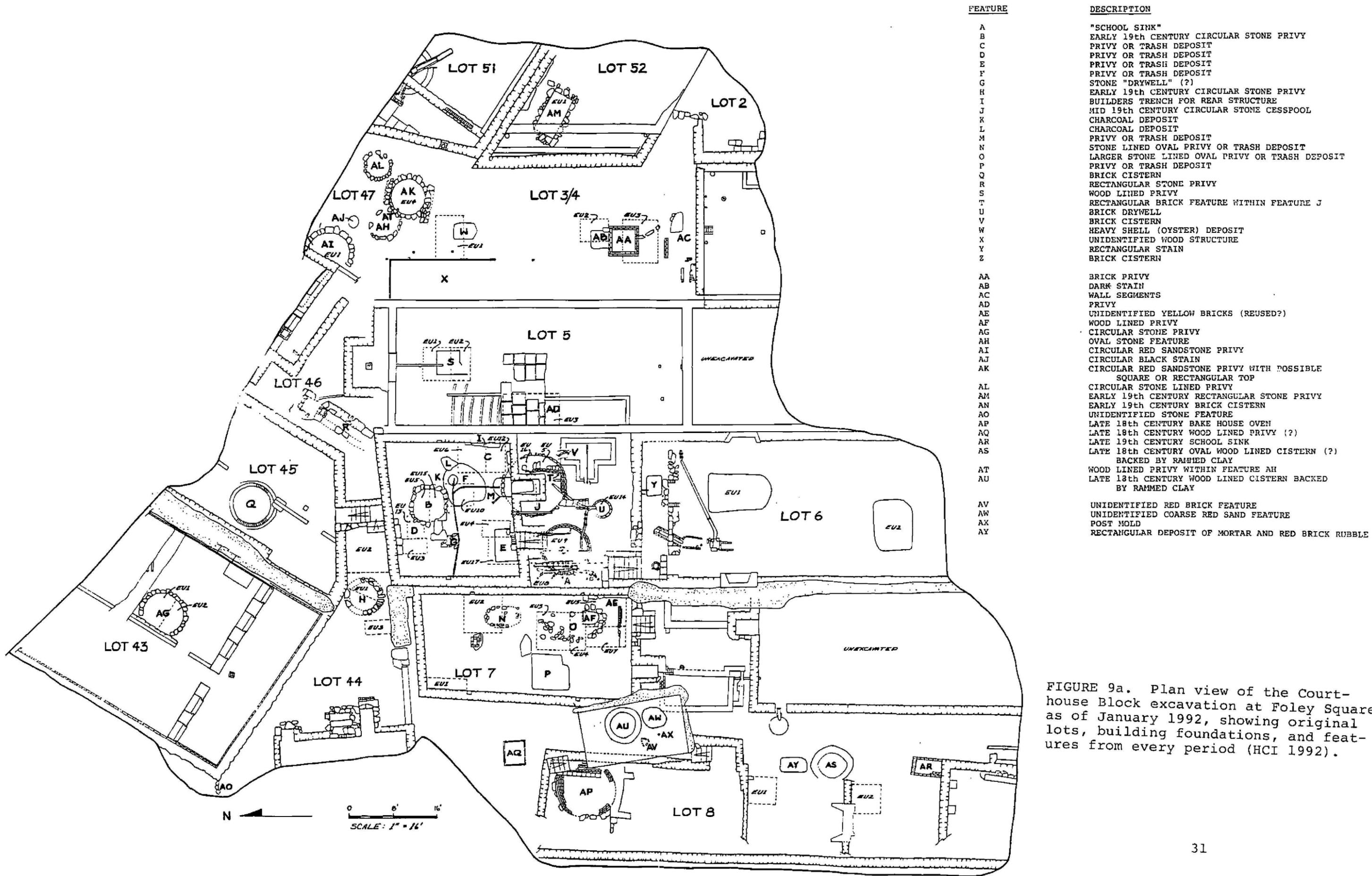


FIGURE 9a. Plan view of the Courthouse Block excavation at Foley Square as of January 1992, showing original lots, building foundations, and features from every period (HCI 1992).

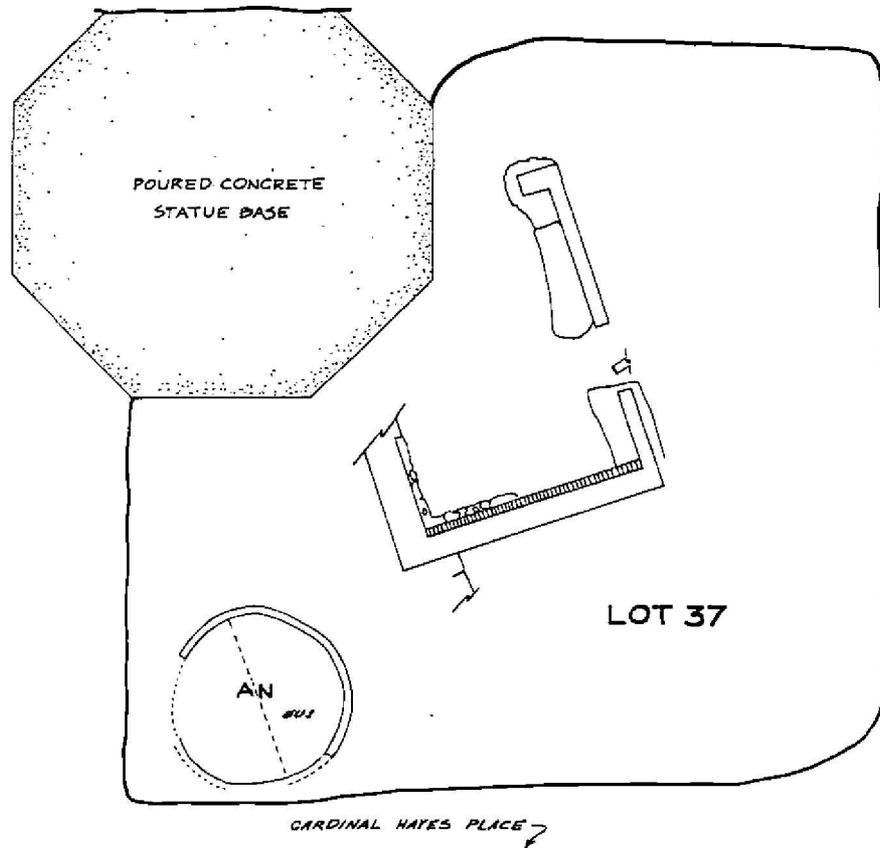


FIGURE 9b. Lot 37 of the Courthouse Block showing feature AN, an early 19th century brick cistern. This feature was located northwest of the Courthouse Block's main area of excavation (HCI 1992).

A total of fourteen city lots were investigated. Within the majority of these were found the truncated remains of a variety of backyard and courtyard features constructed for the on-site disposal of waste water and sewage. The earliest features date to the initial development of the lots in the late eighteenth century. Additionally, a variety of features from the second and third quarters of the nineteenth century are attributable to a period when the block was characterized by multi-family housing and tenements, and when the area was part of the Five Points section, New York's most notorious slum.

No in situ remains of the early eighteenth century tanyards were found within the project area. By-products and waste material from the industrial process, however, were uncovered in deep tests along Pearl Street, the southern end of the study area. Additionally, a number of the tests made during the course of the fieldwork have contributed to our understanding of how this locality was improved as land suitable for development and given a residential and commercial focus. The commercial aspects of the block's late eighteenth-century history is represented in the remains of a bakery found on Lot 8..."

Elsewhere in this report we will detail the curation, analysis and report writing tasks that will go into the research design that will be used to complete this report.

On January 24, 1992 the demolition of the Courthouse site was undertaken and on January 27, 1992 the official ground breaking was held.

The Federal, state and municipal governments have all promulgated guidelines which follow essentially the same basic scenario. Differences occur in New York City because of the nature of the complex urban environment. We found and responded to two such special New York requests set forth by archeologists Sharene Baugher and Daniel Pagano of the New York City Landmarks Commission.

These entail making a special soil boring study, a task we accomplished and reported on in January 1991. The second was hiring a historian to work in greater detail than had been covered in our Stage IA report on the lots and areas we were test excavating, which we did by hiring Richard Porter.

### III. METHODS EMPLOYED IN EVALUATING SIGNIFICANCE

When time is available, each stage of the procedure is recorded with a report which is critically reviewed and a proposal whose suggestions are reviewed and commented on. At the Courthouse site these periodic interstage reports and reviews did not occur. Because of the tremendous pressure to complete the job, short reports, sometimes only orally given, were used to monitor our progress and proposed work. Often work authorization was also given orally to be backed up by contract modification at a later date. However, no matter how the record reads bureaucratically, archeologically we held to a solid line of methodology based on our own and our colleagues' experience in urban archeology.

Everyone associated with the administration of the Courthouse site was dedicated to the same goal. This goal was to complete cultural resource procedures as required in the shortest time possible. Debates over the level of intensity and thus the time that research should take to meet the requirements gave way to working out ways to increase the speed of our operation by employing a larger crew for longer hours each day.

Although we have just presented a narrative of the field research on the preceding pages, it is important to clearly describe the methods we employed in this work. Often we accommodated the progress of the undertaking by dealing with individual parts of the site on an individual

basis. This at first may seem overly complicated but this is always the case where reaction to the needs of the client and the research are handled in ways that increase the speed with which the job is accomplished. The methods will be presented in a step by step form:

Stage IA has two parts that include:

The researching and analysis of the documentary record regarding the site's potential for containing significant cultural remains. The last portion of the Stage IA report contains recommendations for field testing to see if these potentially significant remains are present or absent.

Stage IB is the conducting of in-field archeological testing. The methodologies used are appropriate to the site and methods which have been tried and found successful in determining whether potentially significant remains are present or absent. The significance of a cultural resource is determined by whether it potentially meets one of the criteria for qualifying for the National Register of Historic Places. At times the evaluation is simple and obvious but often further fieldwork is necessary to study the remains in more detail. If so, a recommendation for a Stage II survey is made, which include our proposal for how this work will be carried out. As mentioned earlier many times, however, the Stage II process can be omitted because the site as revealed in the Stage IB work is found to meet the criteria for National Register acceptance. Stage II work, if employed, always entails two aspects, the first

being does the site meet any of the criteria for the National Register. We found site phenomenon were significant and eligible under criterion D of the National Register if they were at least 75 years old, examples of construction, or contained cultural material which would yield important information concerning the culture of the people who built, used, and filled them.

The second aspect of Stage II research is that we are required to find the dimensions of the site and locate them accurately on a site plan.

Our team did this by only excavating a portion of each feature we found. This allowed us to examine the feature or architectural element from top to bottom as well as to ascertain what cultural materials (artifacts) were present and in what stratigraphic organization the remains were deposited. If the remains so studied were found to be significant, we proceeded to Stage III work.

On the Courthouse site, significant cultural material, i.e., features, deposits or architectural remains were afforded Stage II or data retrieval work. We decided that should we define a feature as significant, we would attempt to retrieve a 100% artifact sample.

The following photographs are examples of the various types of features encountered during HCI's excavation of the Courthouse site (see Figures 10 through 13).

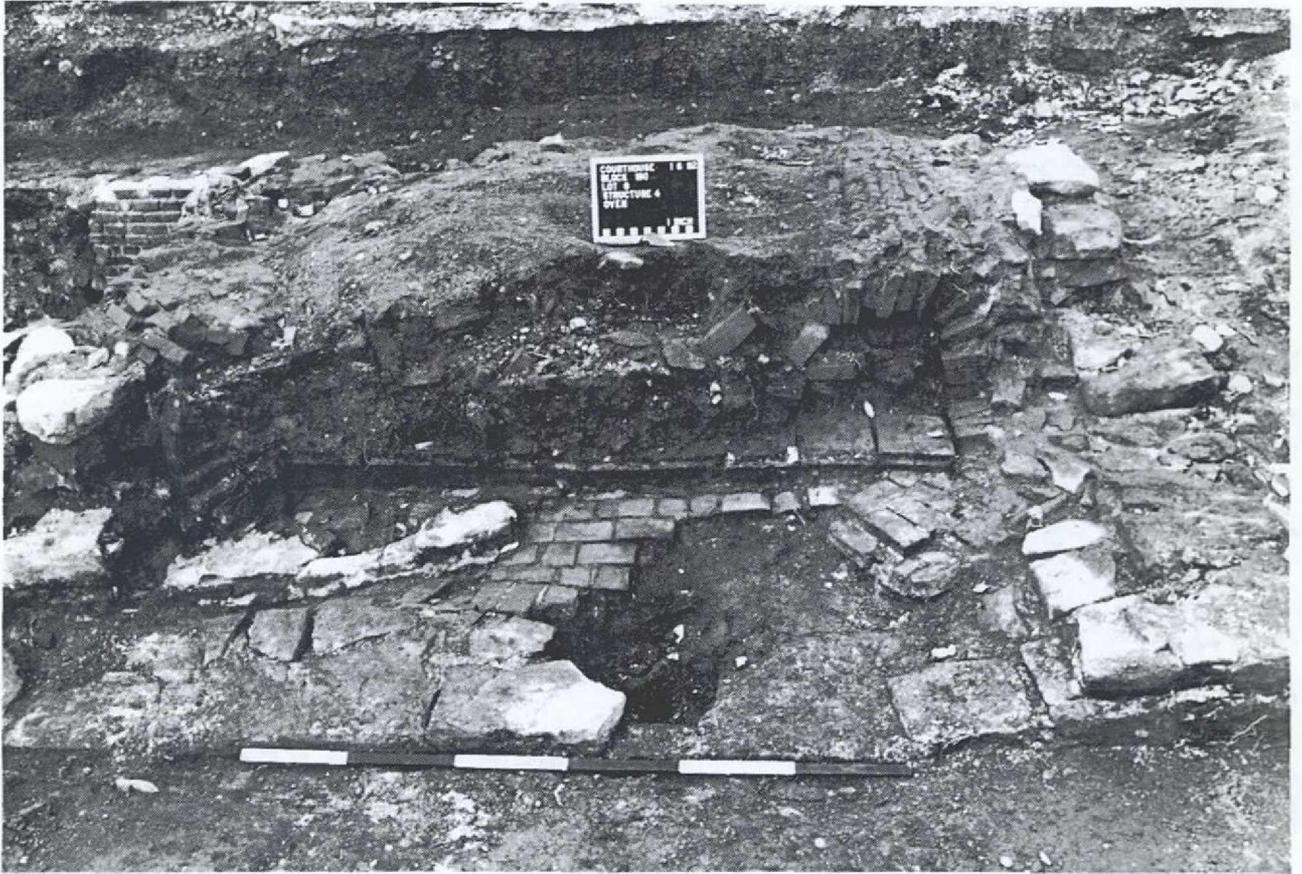


FIGURE 10. Photograph of what is believed to be the remains of a late 18th century bakehouse oven uncovered in lot 8 of the Court-house Block (Dennis Seckler, photographer, 1992).



FIGURE 11. Photograph of cross section AA of Feature J, a very large mid 19th century circular stone cesspool located in lot 6 of the Courthouse Block. It yielded a tremendous amount of cultural material (Dennis Seckler, photographer, 1991).



FIGURE 12. Photograph of Feature AM, an early 19th century rectangular stone privy located in lot 52 of the Courthouse Block. Note the deteriorated floor boards on the east half of the privy floor. They were set in concrete (Dennis Seckler, photographer, 1991).



FIGURE 13. Photograph of Features AU, AV, AW, AX located in lot 8 of the Courthouse Block, southeast of the bakehouse oven (see Figure 6a for descriptions). These features may be associated with the oven, a portion of which can be seen in the right foreground of the photograph (Dennis Seckler, photographer, 1992).

#### IV. RESEARCH DESIGN

We propose that the task of analysis of the collections and data that we have and will continue to gather concerning this site can be accomplished in several stages:

##### 1. Identification

Our research records a variety of types of material culture from past culture periods throughout the site's history. We will divide the overall time (approximately 1775 through 1925) into several historic periods reflecting the major periods of site occupation. For instance, the deposits dealing from 1775 through 1810 are from a preindustrial culture, while those from 1810 through 1860 or 1870 are from a culture which was a participant in the industrial revolution and subsequent formation of an industrial society. Each of the site's buildings, features, or artifact assemblages will ultimately be assigned to one of these historic periods.

##### 2. "How the Other Half Lived"

The title of Jacob Riis' book written about the Five Points neighborhood in the 1890s reflects our next task, which is to describe how people lived at this site during each period. The culture description will have a special focus in that we will draw it from the excavated material culture. We anticipate it revealing many aspects of

everyday life, including foodways, sanitation, occupation, housing and economic status.

### 3. Comparison

We will compare the material culture of the people who occupied this site between 1775 and 1925 with like phenomena from other sites of the same period, both in New York City and elsewhere in North America. The comparisons will be focused on the following research question: how does the material culture of this site compare with like material from sites known to be associated with people of very different economic status from those who resided on the Courthouse block?

### 4. Research Hypothesis

We pose the following hypothesis:

The composition of material culture was vastly affected by mass production techniques applied during the Industrial Revolution. At the same time, industrial publications and records become far more abundant and detailed. Therefore, we suggest that historic archeologists adjust the way they use these data sources in the quest for a more fruitful reconstruction of our culture history.

## V. CURATION

The artifact collection amassed during the archeological excavations on the Courthouse Block of the Foley Square project area will be processed according to professional standards at HCI's laboratory facilities in preparation for final long-term storage at a proper repository, the site of which is yet to be determined. The term "conservation" shall mean examination (action taken to determine the nature of properties of materials and the causes of their deterioration and alteration), restoration (action taken to correct deterioration and alteration), and preservation (action taken to prevent, stop or retard deterioration).\* The processing will consist of four stages: 1) initial assessment and treatment; 2) cleaning; 3) cataloging; and 4) analysis.

### 1) Initial Assessment and Treatment

The entire collection will at first be assessed for special conservation problems. Those artifacts threatened by rapid deterioration will undergo preliminary stabilization until final analysis and conservation. Specifically, organics such as wood, leather, and textiles will be initially cleaned and then frozen. Small metal finds such as coins, buckles, buttons, pins, etc. will be dry brushed and placed in desiccators to retard the corrosion process.

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\*Strategic Plan, American Institute for Conservation of Historic and Artistic Works, Washington, D.C., Feb. 1990.

It is necessary to be familiar with the environment from which artifacts have been recovered. This environment can set up a complex chemical and physical reaction to the make up of the artifacts. This can further complicate the processes of deterioration. To aid in understanding the environment of excavation, field notes should be reviewed.

Within complex environments, artifacts will deteriorate at predictable rates. Over time, artifacts reach a point of equilibrium. Artifacts deteriorate early on in burial and then as oxygen levels decrease over time, artifacts slow the rate of deterioration; finally reaching equilibrium.

At the time of excavation, artifacts are removed from the environment that they have been both physically and chemically aligned with. This rapid change after excavation into a very different environment (primarily one rich in oxygen), can then accelerate rapid deterioration. Due to these processes, it is necessary to conserve this material as quickly as possible.

## 2) Cleaning

All artifacts will first be separated by material type and then cleaned either by washing or dry brushing. Salination tests will be conducted on especially sensitive artifact types to establish whether dangerously high levels of chlorides (salt), which can cause rapid deterioration, are present. Desalination will be necessary on those artifacts with extremely high levels. In addition, please note that any textiles will be washed in a special manner

with water and a non-ionic detergent. They will be dried, as well as stored, between acid-free blotter paper. Lastly, ample time will be given to ensure the thorough drying of washed artifacts before they are packed for cataloging and analysis.

### 3) Cataloging

The first step to be accomplished in this stage will be the development of a computer program that will serve as the data base for the management of the collection. This program will be designed to meet HCI's needs in order to carry out the analysis of the collection. Next, the cultural material will be sorted into more specific artifact types and then inventoried, identified, described, labeled, and if appropriate, culled at this point. This information will then be entered into the data base and the artifacts will be stored for analysis.

### 4) Analysis

During this stage, all data will be analyzed in response to specific research questions. This data will not only be comprised of the information derived from the artifacts themselves, but also from the results of soil analysis, including flotation studies, as well as the analysis of the site's organic materials. In addition, certain features will be selected for further analysis and the artifacts from those features will be cross mended. Also at this time, the further stabilization or conservation of selected items will be conducted. Lastly, photographs,

drawings, charts, and graphs will be generated before the collection is packed for final long-term storage. The artifacts will be stored in acid-free paper boxes, polyethylene bags, or polyethylene boxes with a combination of acid-free tissue or ethafoam for support. These then should be stored in metal cabinets with baked enamel surfaces. Storage cabinets made of particle board or formica are not recommended because of their outgassing of such materials as ether and other solvents.

## VI. FINAL REPORT

The final report will undertake to accomplish two things. The first will be a description of the site and how it was excavated. This will include a detailed description of all artifacts recovered. This descriptive section will be followed by an analytical section in which will be presented research design questions, the methods employed to answer these questions, and finally the results.

These reports will contain professionally documented texts as well as original photographs, drawings, and interpretive graphics. The number of reports will be stipulated by GSA depending on the number of copies needed. The reports will comply with contemporary standards and to the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377.79). Again, the Memorandum of Agreement of March 15 mentions "...All final archeological reports resulting from the projects will be provided to the Advisory Council of Historic Preservation, the New York City Landmarks Preservation Office, and the New York State Historic Preservation Officer, The New York City University and public library systems, The National Park Service, and interested parties that participated in the consultation, and to the National Technical Information Services (NTIS)."

## VII. DEPOSITION OF COLLECTION

The question of a final home for the artifact collection and associated research data has been broached in the following way. At the request of John Jamison of the National Park Service we polled a number of universities and museums within the confines of New York City. Several had no desire to house collections. Some institutions already house artifact collections from previous excavations made in the city. They are basically reluctant to consider accepting additional collections unless they are sure of the size, nature or scope, and condition of the artifacts. After asking for this help, John Jamison contacted a number of institutions in New York State which had already proven themselves equal to the requirements for housing such repositories promulgated by the National Park Service, which none of the city institutions had yet done.

We attempted to give some basic statistics about the size of the Courthouse Block collection prior to completing excavation. We can do the same thing now that we know the final number of catalog numbers for the site which is . . . We are not able to give even the average number of artifacts as some catalog numbers represent more than one bag of artifacts.

We suggest that the first order of the day will be the processing of the artifact collection which will include culling a portion of the collected material culture. At the

same time we should continue to see a repository for the collection. The repository will have its own requirements such as using standardized storage boxes, cabinets and the like as well as other acquisitional prerogatives. These factors can only be arranged for in concert with the GSA and its advisors. The matter of a repository is summed up in the site's Memorandum of Agreement of March 15, 1992.

The GSA will survey appropriate institutions in New York City to determine whether any of them meet the Department of the Interior's requirements of "Curation of Federally Owned and Administered Archeological Collections" (36 CFR Part 79). The GSA will consult with the Council and LPC to determine the appropriateness of seeking a waiver from the Department of the Interior for these requirements should an acceptable New York City institution not be identified.

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NOTE: Significant portions of text taken directly from several in-progress reports submitted by HCI, Inc. to Edwards & Kelcey, Inc. between June 1991 and January 1992.