



A Precious Resource for all Manitobans

Heritage Objects



Canadian Cataloguing in Publication Data

Main entry under title:

Heritage objects: a precious resource for all Manitobans.

Cover title.

Rev. ed. Previously published in 1987 in separate English and French eds.

Text in English and French with French text on inverted pages.

Title on added t.p.: Objets du patrimoine.

ISBN 0-7711-1457-5

1. Cultural property, Protection of -- Manitoba.
 2. Historic preservation -- Law and legislation -- Manitoba.
 3. Native peoples -- Manitoba -- Antiquities.
 4. Manitoba -- Antiquities -- Collection and preservation.
- I. Manitoba. Historic Resources Branch.

FC3361.H47 1996 971.27'01 C96-962002-OE

F1062.H47 1996

MG 4434



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Table of Contents

What Is a Heritage Object?	2
The Importance of Heritage Objects	3
We Are All Trustees	5
Stewards of the Past	6
Custody and Ownership Rights	6
Care and Treatment of	
Archaeological Collections	7
Human Remains	8
Report of Findings	9
Permit for Searching or Excavating	10
Export of Heritage Objects	10
What the Act Says	11

What is a Heritage Object?

Heritage objects are:

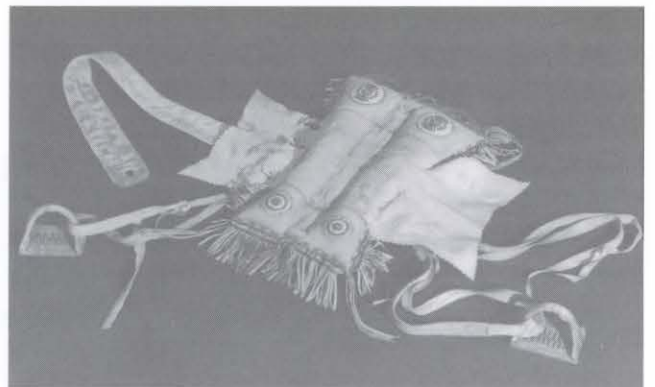
1. **Archaeological items** such as pieces of broken pottery, arrowheads, or stone and bone tools;
2. **Palaeontological specimens** such as dinosaur bones;
3. **Natural heritage objects** such as impressions of plants in siltstone; and
4. **"Designated" heritage objects.**

The first three categories are objects found on or beneath the land, or in or under the water. However, there are also significant heritage objects that never were part of an archaeological or palaeontological site. These could be historical items or documents illustrating important events, or associated with individuals or groups who contributed to Manitoba's history. Such objects have not been lost or discarded by their original owners and then "discovered" in an archaeological sense.

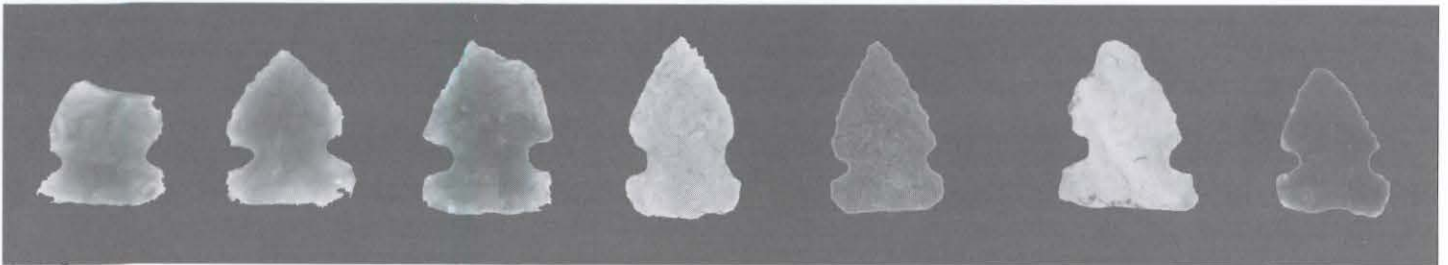
Items such as these, known as "moveable cultural property", may be protected by being "designated" as heritage objects. The protection and preservation of such designated heritage objects is primarily a matter of public awareness and education in order to encourage their proper care and retention in the province.



This partial skull of an extinct species of bison is another example of a palaeontological object.



This early Metis saddle could become a heritage object, if it were so designated by regulation.



These arrowheads are examples of archaeological heritage objects.

Designation of heritage objects is done by the Lieutenant Governor in Council via a regulation. A privately-owned designated heritage object remains the property of its owner, who retains the right to possess the

object and to transfer ownership of it. The owner and the minister responsible for *The Heritage Resources Act* may enter into an agreement regarding the study, housing, care and display of a designated heritage object.

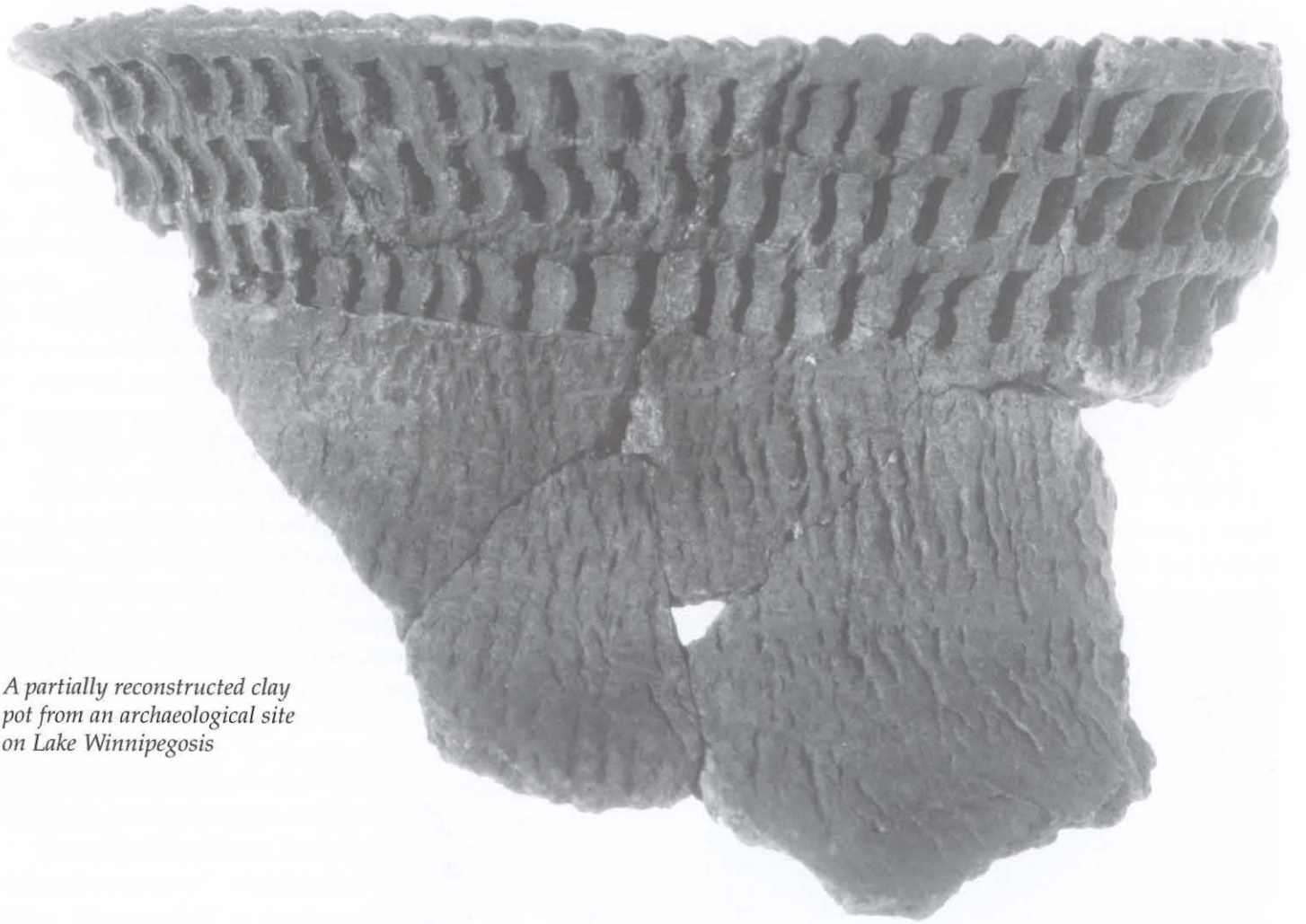
The Importance of Heritage Objects

Animal life has existed in Manitoba for more than 570 million years. Humans have lived in the province for at least 11,000 years. These enormous spans of natural and cultural history are revealed in the remains of ancient plants and animals and in artifacts found on or beneath the ground surface. Such fossils and artifacts are vital to the reconstruction of past life; they should not be regarded simply as curios or conversation pieces. Properly

collected and studied, they can yield valuable information about Manitoba's past. It is the information contained in fossils and artifacts that makes them important. Usually they are the only way to know much about ancient Manitoba. It is important to preserve and protect these objects because they link today's Manitobans to the province as it was centuries, millenia and millions of years ago.



Historic artifacts from Manitoba: (top) tobacco pipes, (bottom) a mouth harp, a square nail, a key, gun parts (a frizzen and a hammer), a handwrought nail and a fishhook.



A partially reconstructed clay pot from an archaeological site on Lake Winnipegosis

There is another *characteristic* of these heritage resources, in addition to their scientific, educational and cultural value, that is also notable; they are non-renewable. If heritage resources are lost, they are lost forever. They cannot regenerate like trees, fish or fur-bearing animals. Fossils are non-

renewable because the lifeforms, of which they are remains, are now extinct. Human lifeways – even those which existed a few hundred years ago – have changed. Our knowledge of the past is in the form of fragments: oral histories, archival manuscripts, historic objects, archaeological sites and specimens.

We Are All Trustees

If heritage resources are not managed carefully – if they are not preserved, protected and used in ways that will permit their maximum heritage and cultural value – then the information they contain will be lost for all time. Everyone must ensure these irreplaceable resources are preserved and protected. We owe it to the generations of Manitobans who have gone before and to ourselves, today, because tomorrow will be too late. We owe it to future generations of Manitobans, because to deprive them of records of their past will deprive them of knowledge of themselves and their province.



A stone pipe bowl.



Archaeologist Paul Speidel instructs a volunteer in excavation techniques at Fort Gibraltar I. (Photo courtesy of The Forks Public Archaeology Association)

Stewards of the Past

Manitoba needs amateur or “avocational” archaeologists and palaeontologists – people who field-collect, curate and study artifacts and fossils out of interest, rather than to make a living. These people have a love of and concern for preserving and sharing information with their communities, professionals and, in the long run, future generations. The combined efforts of amateur and professional archaeologists, for example, have led to reconstruction of the culture, history and lifeways of early Manitobans.

More than half of the archaeological sites scientifically excavated in southern Manitoba

were found and reported to professionals by conscientious citizens who recognized the importance of their discoveries. In rural Manitoba, archaeologists have found that on the average, one in five landowners has a collection of artifacts. It is well known that many heritage objects have been found but later lost, mislaid, destroyed or even removed from the province without ever being documented in any way. The result is a loss to all Manitobans. *The Heritage Resources Act* is designed to promote the effective use and management of the province’s rich cultural and natural legacy.

Custody and Ownership Rights

Because amateur archaeologists have played a vital role in providing knowledge about Manitoba’s natural and cultural history, their contributions and co-operation are very important. Therefore, *The Heritage Resources Act* separates the issues of **ownership** and **custody** of heritage objects. Under The Heritage Resources Act, archaeological, palaeontological, and natural heritage objects found **after the date of proclamation (12 May 1986)** belong to the Province – they are Crown-owned. This ensures that the Province has the appropriate authority and ability to preserve and protect such objects for the benefit of all Manitobans.

However, **the Act also explicitly provides for private citizens to retain newly-found archaeological, palaeontological, or natural history objects.** This provision is important because many amateur archaeologists in



Excavation in progress at Fort Gibraltar I. (Photo courtesy of The Forks Public Archaeology Association)

Manitoba assemble collections of artifacts in which they take considerable pride. These collections, properly catalogued and preserved, have formed the basis of numerous studies and publications that have expanded knowledge of the past. When such collections are turned over to museums or other repositories, they are readily available for viewing and study by the public.

The Act is designed to enhance the role of amateur archaeologists. To ensure this, provision has been made for individuals to retain their collections in trust for the Province on behalf of all Manitobans. If an object is found on provincial or municipal land, custody is retained by the finder, except in specified areas such as parks and special preserves. If an object is found on private land, custody is retained by the landowner. This means that if someone other than the landowner – for example, an amateur or professional archaeologist – finds an object on

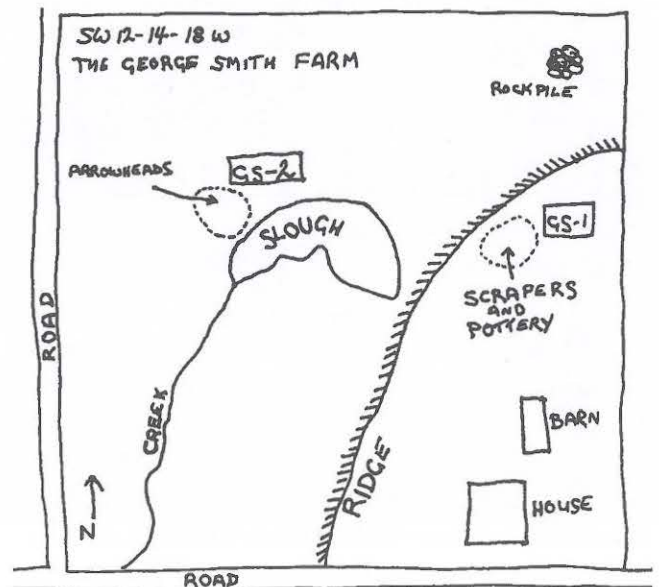
private land, he/she may acquire custody of the object, but only with the approval of the landowner. The finder or owner of a heritage object can give custody of the object to the Province. Custody can be transferred to any other person at any time and, upon the death of the custodian, will pass to his/her heirs, executors, or administrators, who then hold them in trust for the Province. And not only may provincially-owned heritage objects be left in the hands of individuals in trust; full ownership may be transferred by the minister to individuals or private institutions.

A person retaining custody of a heritage object holds that item in trust for the people of Manitoba. Such a situation implies that the holder of an object will ensure that it is kept in a safe place where it will not be damaged or destroyed. If desirable, the minister and the person holding custody may make a formal agreement regarding the protection and conservation of a heritage object.

Care and Treatment of Archaeological Collections

There are several things a collector should do to ensure his/her collection of heritage objects retain their importance and usefulness. None cost much money and all involve only small amounts of time and effort. The most important activity involves recording and reporting the precise location in which each artifact was found. Many collectors take pains to record the day on which an object was found, but not the location. The latter is a much more useful piece of information.

It is essential to locate on a map the place where artifacts were found. The best way is to place the site on a large scale map and then to draw another, larger map of the immediate area in which the objects were located. This map does not have to be a “work of art”, but such features as rock piles, shelter belts, roads,



A sketch map showing two locations where artifacts were found on George Smith's farm.

buildings, streams and sloughs should be drawn in so that the exact spot can be found. Of prime importance is a record of the quarter section, township and range. Many collectors find the 1:50,000 National Topographic Series (NTS) of maps quite useful for plotting the locations of sites. These can be obtained at nominal cost in Winnipeg from the provincial Map Sales section of Manitoba Natural Resources at 1007 Century Street, (204) 945-6666.

Because collectors usually know of more than one site, it is necessary to distinguish between them. They may be numbered or named; some inventive collectors have devised coding systems which include some indication of the sites' locations. Whatever scheme is used, site designations should be written directly on the map of the area.

Whatever system of site designation used, that number should be written directly on the artifact. Black or white ink is best, depending on the colour of the artifact. The number should be written as inconspicuously as possible and covered with clear nail polish, so that it won't rub or chip off as time passes. The site designation may be followed by another number that is unique to that artifact. Artifact numbers then can be entered into a

master catalogue, where notes about the artifact and/or its discovery can be made.

Artifacts must be carefully stored to ensure that the collection will be of value through the years. The key factor to proper storage is ensuring that the artifacts won't be lost or misplaced. A small box, a picture frame, or any other secure place will do. All of the information must be kept together; the artifact number will be meaningless if the site map has been lost.

The final step is to let a professional archaeologist know about the collection. Archaeologists need this information in order to study and write about the earliest residents of Manitoba. An archaeologist is only interested in the information that artifacts contain; he/she will not want to take away the collection. An individual's collection could play an important part in writing the history of Manitoba. Every person with a collection has a responsibility to the future to ensure that knowledge of the past is not lost forever. If an artifact that has rested in the ground for 400 generations can lose all value from careless handling in one generation, the necessity for reporting sites and handling artifacts properly is readily understood.

Human Remains

Since 1967, found human remains have been owned by the Province and their custody has rested with the Province. Human remains that are considered by the minister to have heritage significance and are found outside recognized cemeteries or burial grounds where there is some way to establish identity are the responsibility of the Department of Culture, Heritage and Citizenship. In 1987, the provincial Cabinet approved a *Policy*

Concerning the Reporting, Exhumation, and Reburial of Found Human Remains which details the procedures to be followed by persons who discover human remains, how these remains and any associated items buried with the person(s) are only to be removed by qualified personnel authorized to do the work, what analyses shall take place, and when the appropriate cultural groups shall be consulted.

Report of Findings

Many people find heritage objects accidentally, or they can deliberately search for them. If these items are shown to professional archaeologists, their significance can be assessed and the resulting information made public. Accordingly, anyone finding a heritage object or an item that is suspected to be one, or remains that are believed to be human, is required to report the discovery to the authorities responsible for administering

The Heritage Resources Act, the Minister and the Historic Resources Branch. If an object is discovered quite by accident, and it still appears to be in place in the ground, it should be left there and the Historic Resources Branch informed. Such a discovery could prove important to an understanding of local or provincial history. Human remains should never be disturbed, but rather reported immediately to the Historic Resources Branch.



Recovering heritage objects from the Lockport West Site.

Permit for Searching or Excavating

Archaeological sites are fragile resources often requiring careful and expert handling. Archaeologists have devised a wide range of methods and techniques to gather information from sites in an orderly and scientific fashion. Because careless collecting or excavating practices can destroy archaeological objects and sites, it is the Province's responsibility to ensure that heritage resources are handled properly by persons who are qualified to do so. Therefore, anyone who wishes to collect heritage objects or excavate an archaeological

site is required under law to obtain a permit from the Historic Resources Branch. This permit specifies the nature of the work to be done in light of the collector's or excavator's qualifications. Such permits also stipulate that the results of the investigation must be reported to the appropriate agencies. If all findings are reported, there exists opportunities to have new information organized, synthesized and presented to the public.

Export of Heritage Objects

One of the most serious obstacles to reconstructing Manitoba's past is the uncontrolled removal of heritage objects from the province. It is impossible to calculate how much of Manitoba's heritage will be lost forever because the objects and information associated with them are no longer available. Removal of heritage resources occurs when persons leave the province and take objects with them, or when they are sold to non-residents. Putting a price on heritage resources only encourages the unscrupulous to collect heritage objects in a careless and unscientific fashion and to sell them which, in turn, results in the loss of valuable information.

When heritage objects are provincially-owned, however, the Historic Resources Branch can legally insist that those objects originating in Manitoba must stay here. In other words, one of the major features of such ownership is that it provides a legal basis for the Province to monitor the removal of objects from Manitoba by requiring anyone who wishes to export an

object to apply for a permit. Also, one cannot legally sell a provincially-owned object without government approval – and it is the position of Manitoba Culture, Heritage and Citizenship that Manitoba's heritage resources are "not for sale". Even if the heritage object is privately owned, the information it contains may be of interest and value to all Manitobans. If the object is to leave the province, the Department should at least have the opportunity of documenting it. In this way, the information remains in the province even if the object does not.

The purpose of all these provisions is to ensure that concerns about private ownership and possession of heritage objects are dealt with fairly under the Act. Therefore, *The Heritage Resources Act* not only deals with difficult problems; at the same time, it protects the interests of all Manitobans who, in their own way, can help to preserve the province's heritage resources and contribute toward a fuller understanding of the past.

What the Act Says

Section 44

Ownership and right of possession – heritage objects.

44(1) Subject to subsections (2), (3), (4) and (5), the property in, and the title and right of possession to, any heritage object found by any person on or after the day this Act comes into force is and vests in the Crown, but

(a) where the heritage object is found on or under Crown land or municipal land, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water on Crown land or municipal land, other than such Crown land or municipal land as the minister may by regulation exclude from the application of this clause, it shall remain in the custody of the finder; and

(b) where the heritage object is found on or under private land, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water on private land, it shall remain in the custody of the owner of the land; unless the finder or owner, as the case may be, elects to give custody of the heritage object to the Crown.

Agreement for custody.

44(2) A person who retains custody of a heritage object under subsection (1) is deemed to be holding the heritage object in trust for the Crown, and the minister may on behalf of the Crown enter into an agreement with the person respecting the housing and protection of the heritage object and containing such other terms and conditions to be observed by the person in respect of the heritage object, including the length of the period of time during which the person is to retain custody of the heritage object, as the minister and the person may agree.

Transfer of custody.

44(3) The custody of a heritage object retained under subsection (1)

(a) is transferable, by the person who has the custody, to any other person at any time; and

(b) upon the death of a person who has the custody, passes to the heirs, executors or administrators of the person; and any transferee, heir, executor or administrator so receiving the custody is deemed to be holding the heritage object in trust for the Crown and subject to any agreement entered into under subsection (2) and to the provisions of this Part.

Waiver of Crown rights.

44(4) The minister may at any time, on behalf of the Crown, by order, waive any right of ownership of a heritage object that the Crown has under subsection (1).

Ownership of existing heritage objects.

44(5) A person or a municipality who or that, pursuant to provisions of The Historic Sites and Objects Act, became the owner of a heritage object before the day this Act comes into force, continues to be the owner thereof and to have the right of possession thereto on, from and after the day this Act comes into force, notwithstanding anything to the contrary in this Part.

Section 45

Ownership and right of possession - human remains.

45 The property in, and the title and right of possession to, any human remains found by any person after May 3, 1967, is and vests in the Crown.

Section 46

Report of findings.

46 Every person who finds an object that is or that the person believes to be a heritage object, or remains that are or that the person believes to be human remains, shall forthwith report the find to the minister and shall not handle, disturb or do anything to the object or the remains except in accordance with such requirements as the minister may prescribe.

Section 51

Destruction of heritage objects or human remains.

51 No person shall destroy, damage or alter any heritage object, whether or not the person is the owner thereof, or any human remains.

Section 52

Export of heritage objects.

52 No person shall remove a heritage object from the province, whether or not the person is the owner thereof, except pursuant to a heritage permit and in accordance with such terms and conditions as may be prescribed by the minister and set out in or attached to the heritage permit.

Section 53

Heritage permit for searching or excavating.

53 No person shall search or excavate for heritage objects or human remains except pursuant to a heritage permit and in accordance with such terms and conditions as may be prescribed by the minister and set out in or attached to the heritage permit.

Section 54

Issue of heritage permits.

54 The minister may issue any heritage permit required for the purposes of this Part, upon the receipt of an application therefor in a form approved by the minister, accompanied by such fee as the Lieutenant Governor in Council may by regulation prescribe and such information, particulars and documents as the minister may require.

More information concerning the heritage objects provisions of *The Heritage Resources Act* can be obtained from:

Historic Resources Branch
Manitoba Culture, Heritage and
Citizenship
Main Floor, 213 Notre Dame Avenue
Winnipeg MB R3B 1N3
Telephone: (204) 945-2118
Toll-Free: 1-800-282-8069 ext. 2118
Fax: (204) 948-2384

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Worth Sharing.**
