

**Ontario Cemeteries Act Site Investigation
The Old Don Jail Burial Area
Proposed Draft Plan of Subdivision
Part of Lot 15, Concession 1 From The Bay, Geographic Township of York
and Part of Block U, Don Improvement Plan
City of Toronto**

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Ontario Cemeteries Act Site Investigation, the Old Don Jail Burial Area
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Part of Block U, Don Improvement Plan, City of Toronto

1 INTRODUCTION

Archaeological Services Inc. was retained by Bridgepoint Health to conduct a site investigation pursuant to Section 70 of the *Cemeteries Act (Revised)*, as per an order received on October 19, 2007 from Mr. Michael D'Mello, the Registrar of Cemeteries. The investigation took place within a proposed draft plan of subdivision on Part Lot 15, Concession 1, From the Bay, Geographic Township of York, and Part of Block U, Don Improvement Plan, City of Toronto (Figure 1).

On September 25, 2007, three grave shafts with human remains were partially exposed under an asphalt parking lot in the former northeast exercise yard of the Old Don Jail. The discovery was made within the context of a Stage 2 Archaeological Assessment of the Bridgepoint Health Master Plan (ASI 2007), one goal of which was to confirm whether burials had been made on the Old Don Jail property during its operation between 1864 and 1977 (ASI 2004). The discovery of human remains, therefore, was not unexpected, and representatives of the Toronto Police Service and the office of the provincial coroner did not elect to conduct forensic investigations after the discovery was reported to them.

The site investigation was conducted under the project management of Dr. Ron Williamson under professional archaeological license issued to Dr. Bruce Welsh (MCL CIF#P047-311-2007). Permission to access the study area and carry out all the activities necessary for the purposes of the investigation was granted by Bridgepoint Health on November 8, 2007.

This report outlines the study process and results of the site investigation.

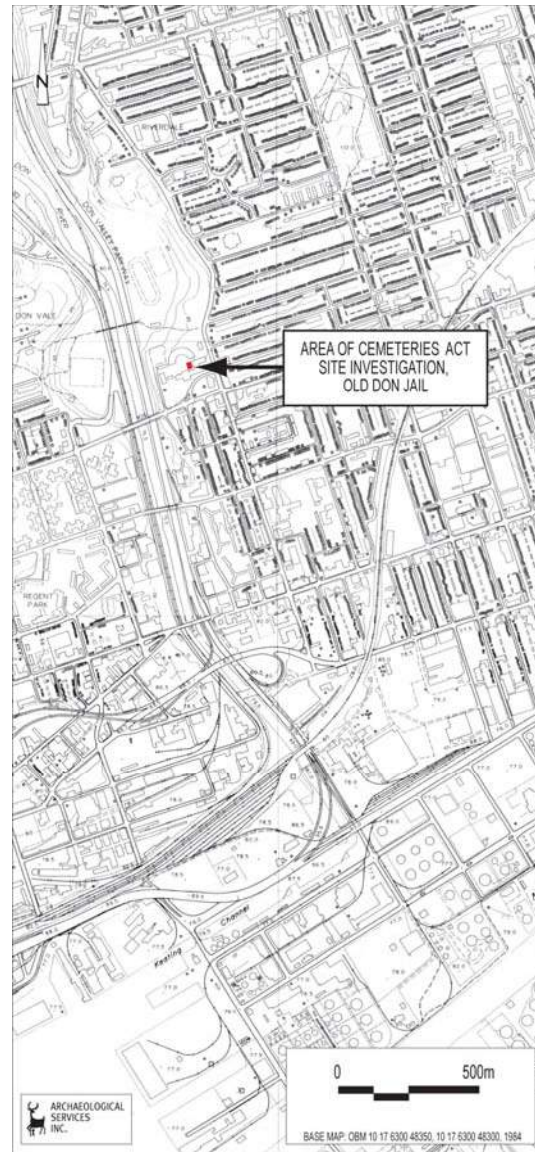


Figure 1. Location of Site Investigation.

2 FIELD METHODOLOGY

The goal of the site investigation was to confirm the extent to which burials were made in the former east exercise yard directly north of the Old Don Jail. The investigation builds upon the Stage 2 assessment of the Bridgepoint Health Master Plan, which confirmed that in situ human remains exist on the property. The assessment indicated that at a minimum, five burials were located along the west wall of the exercise yard (ASI 2007:9).

The former east exercise yard was redeveloped into a parking lot after the last remnants of the brick wall that lined the perimeter were demolished in 1986. The east section of that wall had been removed to facilitate the construction of the new Toronto Jail wing (1955-1958). A plan of the Toronto Jail property made in March of 1953 illustrated the location of the perimeter wall north of the Old Don Jail and labeled the east yard as the cemetery (Figure 2). At the time that the Stage 2 assessment was undertaken, no other information was available to detail precisely where the burials had been made within the yard. Therefore, a survey strategy was developed to systematically investigate the entire east yard for the possibility of encountering in situ human remains.

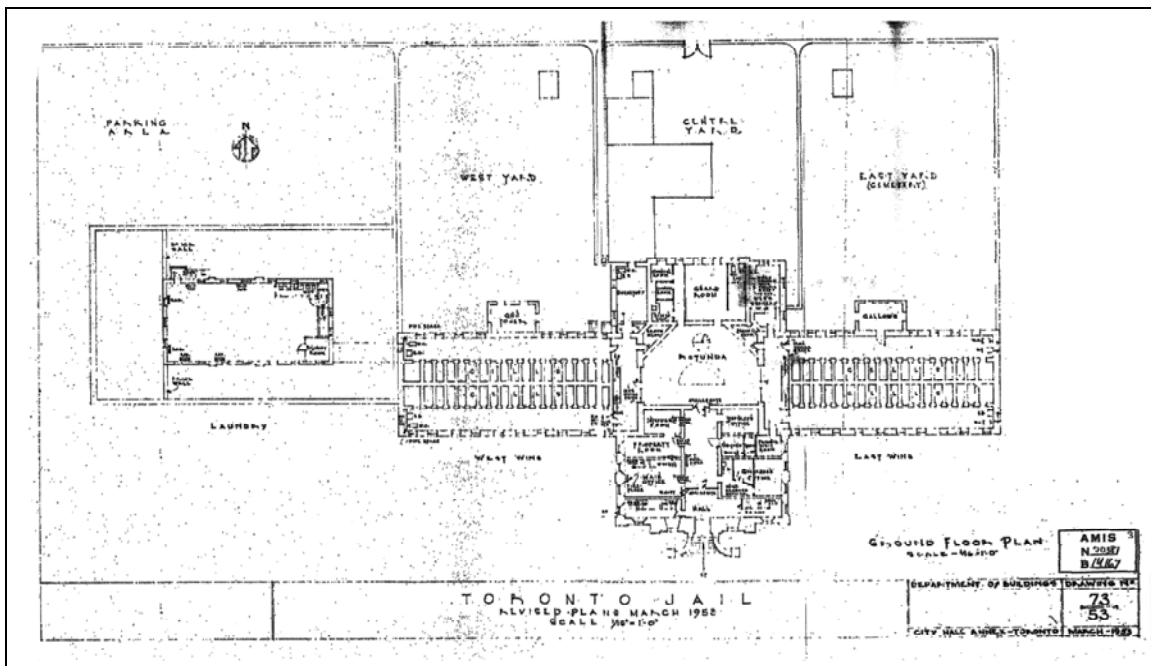
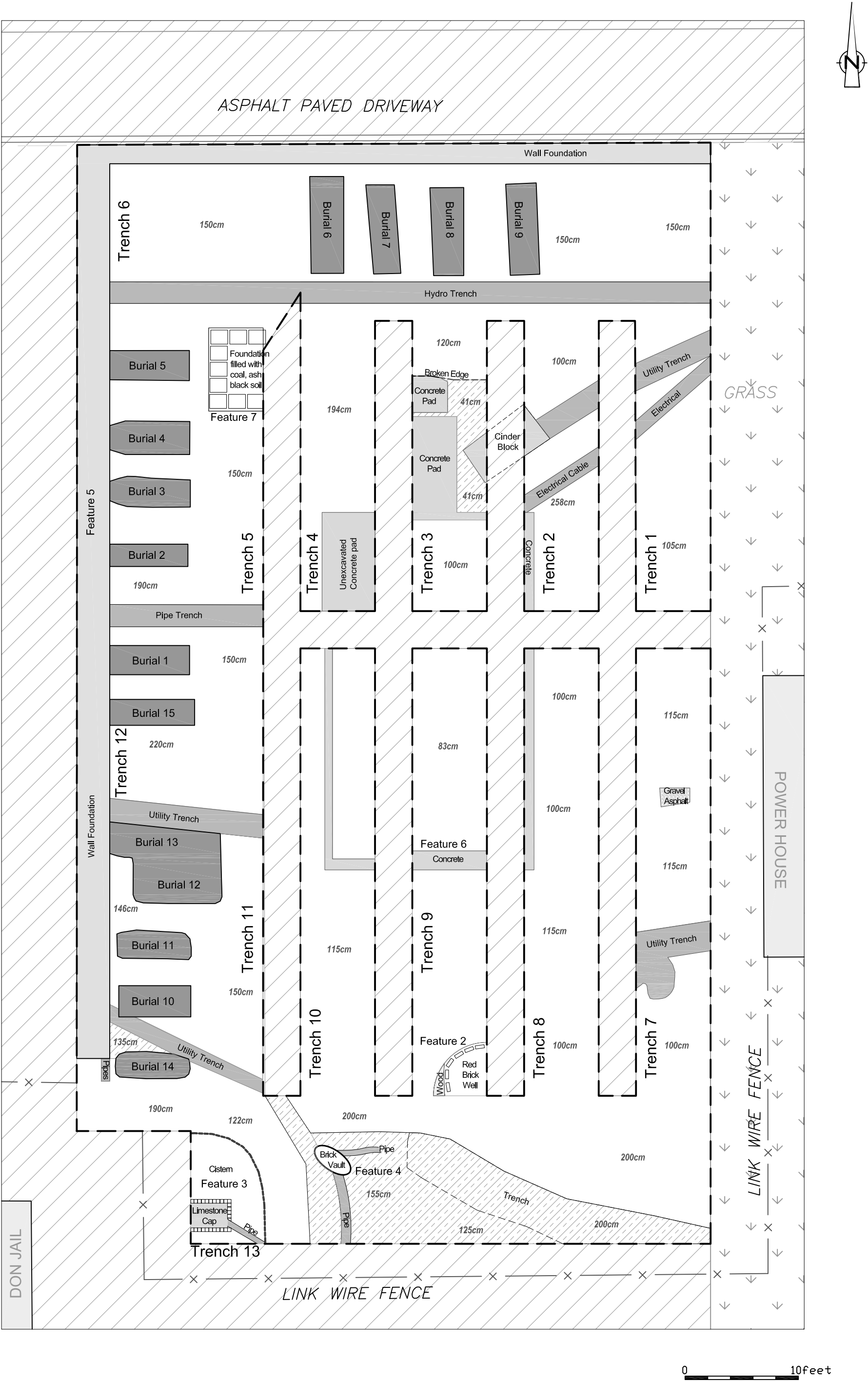


Figure 2. 1953 Plan of the Toronto Jail deposited with the Department of Buildings, Toronto City Hall Annex. Source: Ontario Realty Corporation.

Twelve trenches measuring 12 m long by 2 m wide were laid out in a north-south orientation, some of which were opened up during the Stage 2 assessment. To ensure a thorough investigation, those trenches not excavated to subsoil, many intervening baulks, plus the open space between the trenches and the chain link fence around the Old Don Jail were excavated to subsoil during the *Cemeteries Act* investigation (Figure 3).



Archaeological Services Inc.				0 10feet	
				0 5m	
				SCALE	
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Figure 3. Plan of Cultural Features in East Exercise Yard, Old Don Jail Site (AjGu-58).

Excavation involved the mechanical removal of the asphalt paving (0-6 cm), which had been saw cut, and the underlying granular (6-26 cm) in order to reveal the former surface of the east exercise yard. This grade was lowered systematically through the removal of soil by a backhoe equipped with a smooth bucket under the supervision of Ms. Eva MacDonald (Nov. 12-Dec. 14, 2007; Jan. 18-30, 2008), and Mr. Andrew Clish and Ms. Kristine Crawford (Jan. 8-11, 2008).

In general, throughout the yard, the granular parking lot bed overlay a layer of dark soil mottled with pockets of gray clay, coal ash, and brick demolition debris present to a variable depth between 34 and 86 cm below the asphalt surface. Some trenches in the south half of the yard further contained an intervening layer of displaced subsoil mixed with quantities of 2-inch granite chips ("clear stone") between the dark soil layer and natural subsoil. A buried topsoil layer 6 cm thick was only evident at a depth of 65 cm below surface in the south end of Trench 12, and at a depth of 86 cm in the area of the cistern exposed to the south of Trench 12.

Mechanical excavation was halted in numerous places where cultural features were observed. Non-burial features were cleaned by hand, photographed, and drawn at 1:100 scale as part of the overall plan of the trenches. Non-burial features are described in greater detail in Section 6 of this report.

Fifteen burials were documented in the east exercise yard of the Old Don Jail, with four burials interred along the north wall and 11 individuals buried along the west wall (Figures 3, 4). It should be noted that a feature originally designated Burial 1 during the Stage 2 assessment, and not investigated, was found during this study to be part of a utility trench. A burial designated number 16 in the field has been renamed Burial 1 in this report to avoid any confusion concerning the total number of interments in the east exercise yard.

The grave shafts were excavated in contiguous sections (Plate 1) measuring 12 feet wide by 25 feet long, which conformed to the size of a tent that was erected for the purpose of exposing the skeletal remains. The tents afforded protection from inclement weather and shielded the investigations from curious onlookers.

After the grave shafts were exposed by the backhoe, the surfaces were shovel-shined by hand until the point that coffin wood was exposed. The depth at which coffin wood was exposed in the grave shafts was variable as indicated on the plan of cultural features (Figure 3). The location of each burial was then recorded relative to a site datum (Figure 4; Plate 2) and the tent erected over the area (Plate 3).

After the burials were excavated and analyzed, the skeletal remains were covered with a piece of biodegradable burlap (Plate 4) and backfilled with the original soil by hand shovel. Once work within the trench was completed, the tent was removed, the area backfilled, and a new area opened for investigation.

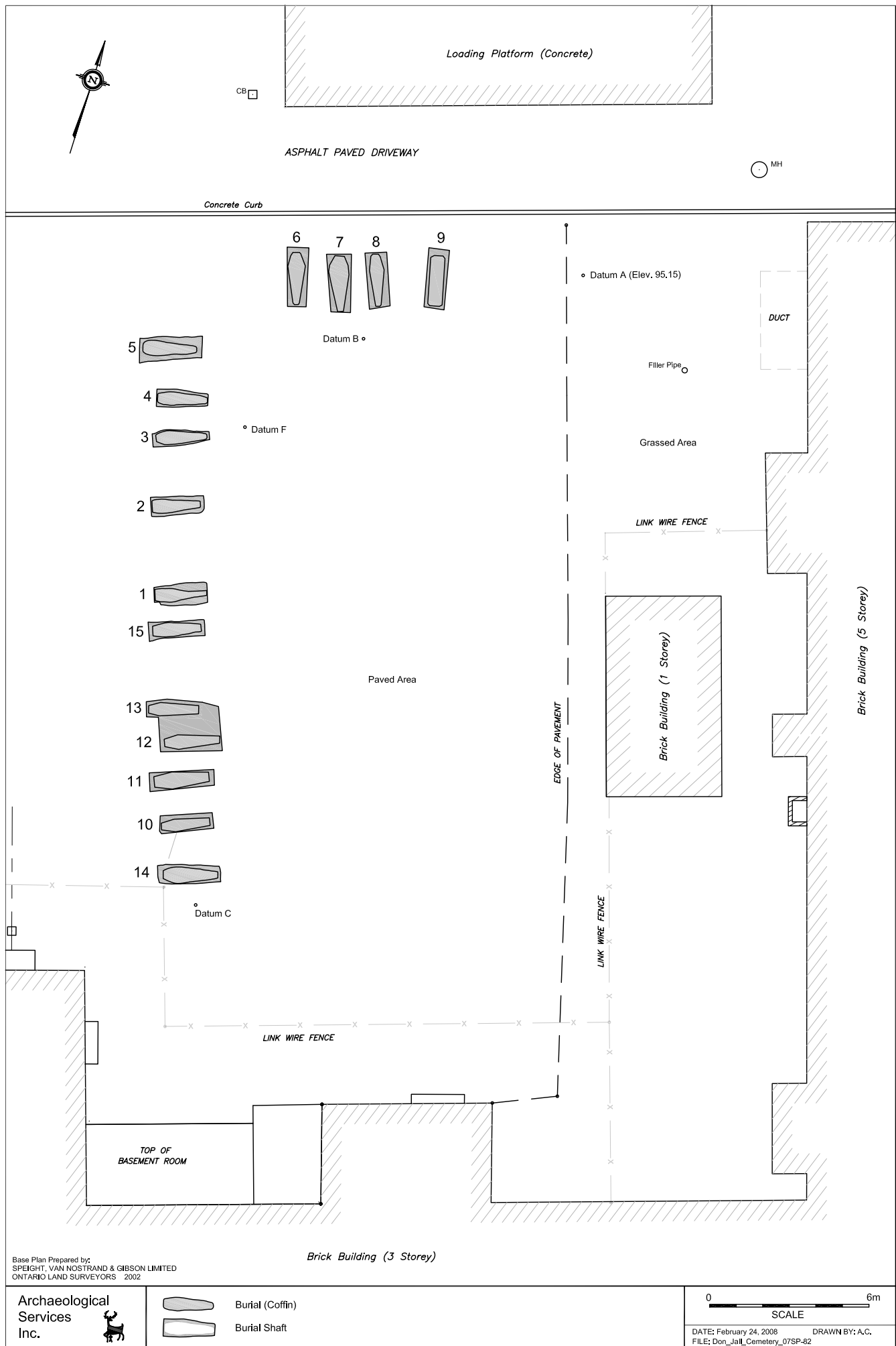


Figure 4. Old Don Jail Cemetery Plan.



Plate 1. Plan view of Burial 12 and Burial 13, looking west to wall of exercise yard.



Plate 2. Mapping the grave shafts in the south end of Trench 12.



Plate 3. Looking northwest to tent set up over burials discovered along the north wall. Note thick layers of gravel and dark soil fills below present grade.



Plate 4. Example of burlap material placed over each burial prior to backfilling.

3 BURIAL DESCRIPTIONS

3.1 Introduction

Once the tent was assembled over each working area, each grave shaft and coffin stain was mapped on graph paper and photographed with both digital and still cameras. Drawings were made in addition to photographs because drawings can often highlight and/or emphasize detail that photographs may not reveal. The burial was then pedestalled (Plate 5) by excavating approximately two feet around the coffin stain in each direction. Each burial was then carefully hand trowelled until bone was reached. The excavators then used wooden excavating tools and varying sizes of soft-bristled brushes to expose the skeletal remains down to the bottom of the coffin stain to ensure all artifacts and elements were identified (Plate 6).

Once the individual was completely exposed, a scale pencil drawing was done which included all skeletal elements, hardware, and associated artifacts. A series of overall and close-up photographs were taken with digital and still cameras. In some instances, buttons and coffin hardware were re-positioned for photo-documentation, however, all artifacts were replaced in their exact position and reburied with the individual. All clothing was left in situ. Detailed notes on burial position, associated artifacts, and preservation level were taken in addition to the completion of standard recording forms for measurements, sex and age determination, tooth presence, and pathological processes.

In accordance with the cemetery investigation, all skeletal elements were left in situ with the exception of the cranium and mandible. These elements were carefully repositioned, with the permission of the Registrar of Cemeteries, Mr. Michael D'Mello, in order to ascertain whether or not these individuals had any physical changes in the head and neck associated with judicial hanging, the criteria of which will be outlined below.

Each individual was measured in situ where possible using sliding calipers, spreading calipers, and soft tapes following the guidelines set out in *Standards for Data Collection from Human Remains* (Buikstra and Ubelaker 1994). Estimates were obtained where feasible; however, it was often impossible to obtain a measurement due to obstruction by other articulated elements or poor preservation. An overall height measurement was taken by using a portable anthropometer. These measurements were not used in estimating stature since living height and the length of skeletal remains are not always comparable, particular when elements are missing or have been disturbed. Indeed, the autopsy process had resulted in the disarticulation of some skeletal elements prior to interment. All pathological processes were recorded and photographed.



Plate 5. Pedestalling the burial.



Plate 6. Exposing the skeleton.

The sex of each individual was determined by pubic and cranial morphology, while age was determined by analysis of the pubic symphyses, the auricular surfaces, cranial suture closure, rib end analysis, and occasionally tooth wear (Buikstra and Ubelaker 1994). The pubic symphysis and auricular surface produce the most reliable results for age estimation, while cranial suture closure, sternal rib end, and tooth wear were used when other options were not available. Tooth wear (Bass 1987:287) is particularly problematic since these scoring systems were based on much older samples (i.e., pre-medieval British), with dramatically different eating habits than late nineteenth- and early twentieth-century Canadians.

In addition to standard analyses for sex, age, and pathological processes, each individual was examined for injuries related to judicial hanging. Archival research indicated that it was likely these burials were those of executed prisoners from the Toronto Jail. There is a relatively small body of literature relating to the physiological effects of judicial hanging but the consensus is that there is no single fracture that is exclusively characteristic of hanging, and it is possible that no skeletal damage will occur at all. Nonetheless, perimortem fractures of the cervical vertebrae, hyoid, and the area surrounding the foramen magnum, as well as dislocations of the cervical vertebrae are often highly suggestive of judicial hanging, particularly in this burial context (Galloway 1999; Roberts and Manchester 2005; Spence et al. 1999; Waldron 1996; Wallace et al. 1994). The presence of cranial autopsies (Plate 7) was also considered indicative of hanging in that at least before penal reform in the early twentieth century, full autopsies were performed on individuals.



Plate 7. Close-up of Burial 6 craniautomy.

The buttons and shoes of each individual, when present, were analyzed to determine if they would be able to provide an estimate of time of burial. Although there were many different types of buttons associated with the burials, none was able to establish a distinct, short time frame, in large part due to the fact that button materials have stayed relatively constant since the mid-nineteenth century (Ferris 1986). Five individuals were found with shoes which provided more distinct timelines based on shoe style, material, and construction. With the aid of Suzanne McLean, Collections Manager of the Bata Shoe Museum, each set of shoes was compared with other samples to determine an approximate function and time frame, which will be outlined below. Though timelines were established for each set of shoes, they should not be considered definitive, as prisoners may have been buried in outdated clothing and shoes.

Coffin shape and hardware were also examined and compared with contemporaneous cemeteries to determine if they would be able to give a time frame for each burial (ASI 2003; Woodley 1991, 1992). Every aspect of each burial was analyzed carefully in order to gain perspective on the identity of the individual.

3.2 Burial 1

The individual (Figure 5) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of a hexagonal-shaped wood coffin. Hardware found with the coffin included six iron swing bail handles painted black and placed in pairs at the ankles, hips, and shoulders (Plate 8); one white metal thumbscrew with a crown design; one escutcheon found in articulation with the thumbscrew that was too degraded to evaluate; and ferrous nails surrounding the perimeter of the coffin. The crown-shaped thumbscrew is identical to hardware found with a burial dated to 1881 at the Stirrup Court cemetery in London, Ontario (Woodley 1992:Figure 9d).

The individual was lying supine with the arms extended with the left hand resting on the left hip, oriented with the head to the west, and the feet were plantar flexed (the foot is bending away from the body). No remnants of clothing or shoes were found with this individual though small amounts of soft tissue and hair were preserved. The condition of the skeletal material was good although there was some exfoliation in the thoracic and pelvic regions. All elements were present and in articulation with the exception of the elements listed below. Based on analysis of the cranium and pelvis, the individual was probably a male with an age range of mid-twenties to early forties, with a mean of 29 years of age.

This individual was in overall good health with some minor pathology present. There was missing dentition in the maxilla and mandible as well as two chipped teeth. There was a constriction of the lumbar vertebrae and sacrum which could indicate that the individual did hard labour during his lifetime. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium as well as the absence of the first five cervical vertebrae, presumably removed during the autopsy. Though the cervical vertebrae were missing there is possible evidence of judicial hanging in the form of a fracture on the occipital bone. This fracture runs transversely from the foramen magnum to the left occipital condyle and appears to be perimortem (Plate 9).

BURIAL # 1 (formerly #16)

PLAN VIEW

DON JAIL

OTSP-82

Jan 11, 2008 / Jan 14-15

CF/JK/AH/KE

DRAWN BY JK



X : PIN FLAG

⌘ : THUMBSCREW & ESCUTCHEON

[: HANDLE

T : NAIL

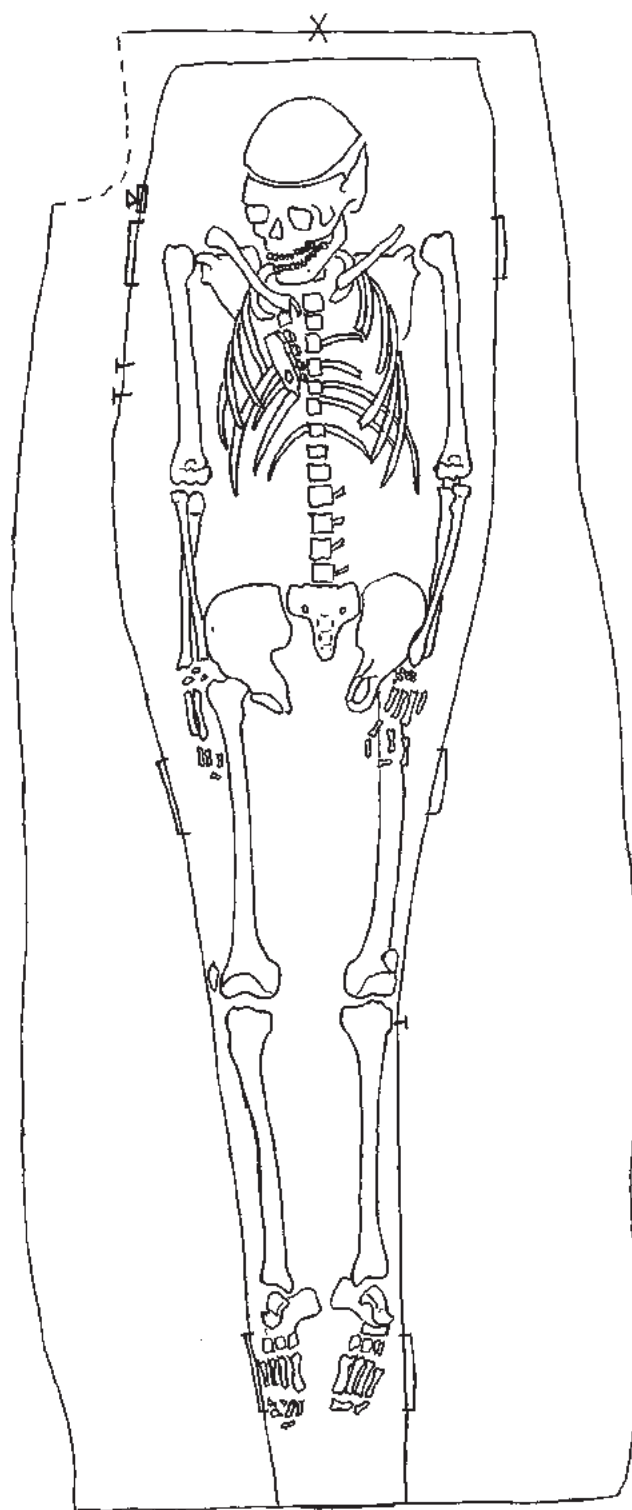


Figure 5. Old Don Jail, Burial 1 Plan.

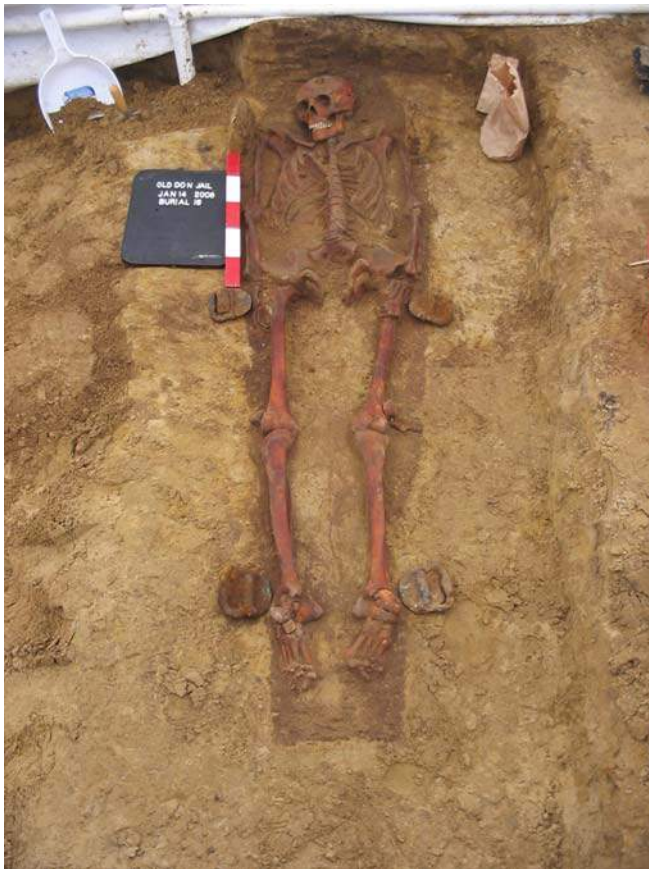


Plate 8. Burial 1, showing position of iron swing bale coffin handles.



Plate 9. Close-up of fracture on the occipital bone, Burial 1.

3.3 Burial 2

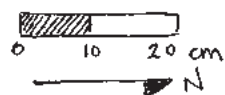
The individual (Figure 6) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of a broad hexagonal-shaped wood coffin. In addition to ferrous coffin nails, one piece of coffin hardware was found in the pelvic region (Plate 10). This was a copper-based three-point floral design, which, although degraded, appeared to be an ivy leaf, a common coffin hardware motif.

The individual was lying supine, oriented with the head to the west, with arms flexed at the elbow and hands placed over the pelvis and the feet were plantar flexed. All elements were present and in articulation with the exception of the elements listed below. The preservation was excellent, with soft tissue and hair remaining under the chin, potentially indicating that this individual had a beard. Based on analysis of the cranium and pelvis, the individual was probably a male with an age range of 30 to mid-40s, with a mean of 38 years of age.

This individual was found with four pieces of clothing-related items: two fabric-covered copper cuff-links at each wrist (Plate 11); one copper collar stud with plastic or resin on the exterior portion in the neck area; and one fabric covered metal button in the pelvic region.

The individual was in good health with the exception of the dentition: there were three teeth missing and three exhibited caries, with calculus on all teeth. No other pathology was observed. There was evidence of an autopsy in the form of a circumcranial cut of the calvarium with additional cuts below that cut creating a triangular section of the occipital. The first three cervical vertebrae were removed, presumably during the autopsy. There was a cut mark on the right lamina of the fifth cervical vertebra running transversely. No physical evidence for judicial hanging was observed, possibly due to the fact that the vertebrae that would most likely exhibit fractures were missing.

BURIAL #2
 PLAN VIEW
 DON JAIL
 07SP-82
 JAN 11, 2008
 CF/JK/AH/KC
 DRAWN BY JK



X : PIN FLAG
 ● : COLLAR PIN
 OO : CUFFLINKS
 O : METAL BUTTON
 ☼ : DECORATIVE COPPER PLATE

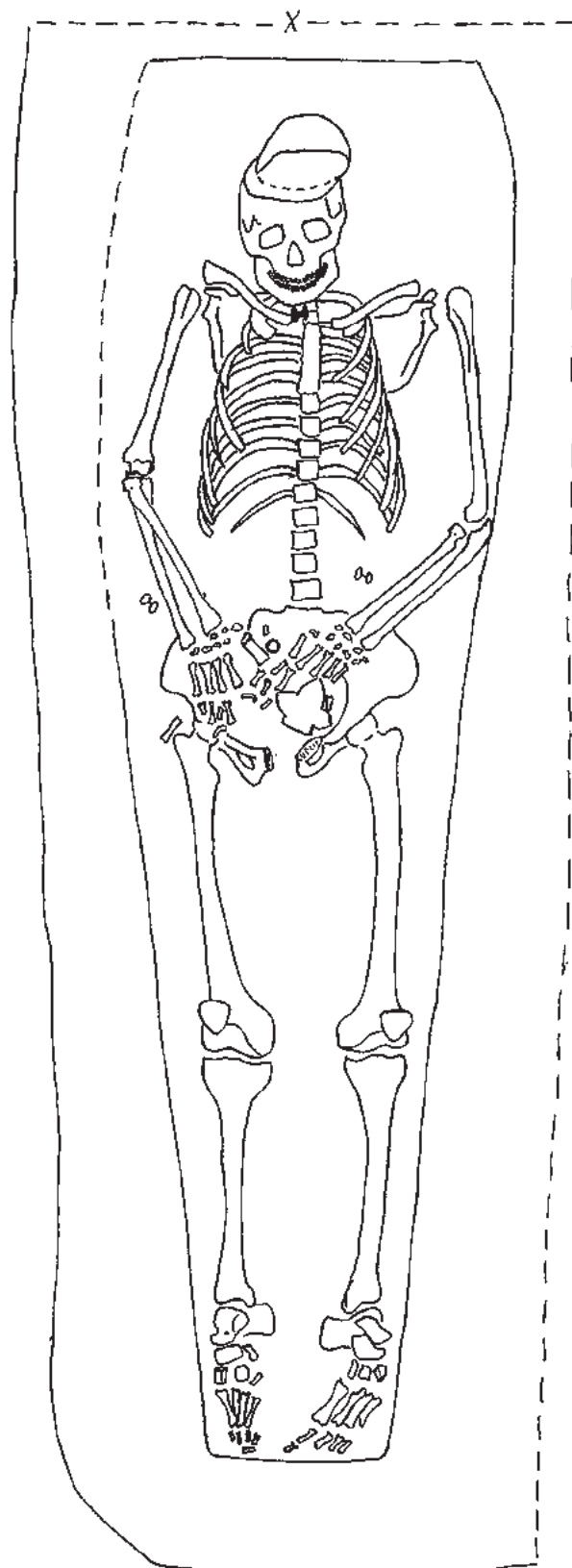


Figure 6. Old Don Jail, Burial 2 Plan.



Plate 10. Close-up of ivy motif coffin hardware in situ Burial 2.



Plate 11. Detail of fabric-covered cuff-link, Burial 2.

3.4 Burial 3

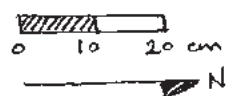
The individual (Figure 7) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of a hexagonal-shaped wood coffin. Hardware found with the coffin include: one copper diamond-shaped coffin stud on the sternum; two stamped tin coffin studs with a Rococo shell motif (Plate 12) at the right ankle and left shoulder; as well as two thumbscrews and escutcheons which were too degraded to determine a design. During the exposing of the burial, there was white flaking around the coffin wood possibly indicating that the coffin was painted a light colour.

The individual was lying supine, oriented with the head to the west, with arms flexed at the elbow and hands placed over the pelvis with the right hand resting on the left hand. The feet were plantar flexed with toes extended and resting on the shoe soles. All elements were present and in articulation with the exception of the elements listed below. As the pelvis was obscured by the individual's hands, analysis for age and sex was limited to the cranium alone. This individual was determined to be a probable male and the age range was determined to be between 17 and 35 with a mean age of 26, based on dental wear and suture closure.

Overall, the preservation of the individual was mixed; organic elements such as leather, soft tissue, hair, and fabric were evident but the thoracic area was quite poorly preserved. This individual was found with one fabric covered metal button below the left arm and remnants of black and pea green cloth in the upper thoracic region. A pair of flexible leather outsoles with no heel was found near the feet (Plate 13). The construction technique and slipper style indicate that they probably belonged to a pair of turned shoes, which were common between 1860 and 1880 (Suzanne McLean, pers. comm. 2008). The outsole would have been hand-sewn to a lightweight upper and the shoe turned right side-out for wearing (Stevens and Ordoñez 2005:12).

The individual was in overall good health with the exception of missing dentition and a carious lesion in the maxilla. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. The first cervical vertebra had a perimortem (at time of death) fracture on the lamina, possibly a result of judicial hanging (Plate 14). Poor preservation of the neck region meant that the other vertebrae were not examined.

BURIAL #3
 PLAN VIEW
 DON JAIL
 07SP-82
 JAN 24, 2008
 CF/JK/AH
 DRAWN BY JK



X: PIN FLAG

▬ : decorative coffin plate (floral design)

T = NAIL

◊ : DECORATIVE COFFIN PLATE (geometric design)

▲ : copious screw cap

● : cloth covered button (metal)

☒ : Thumbscrew & escutcheon

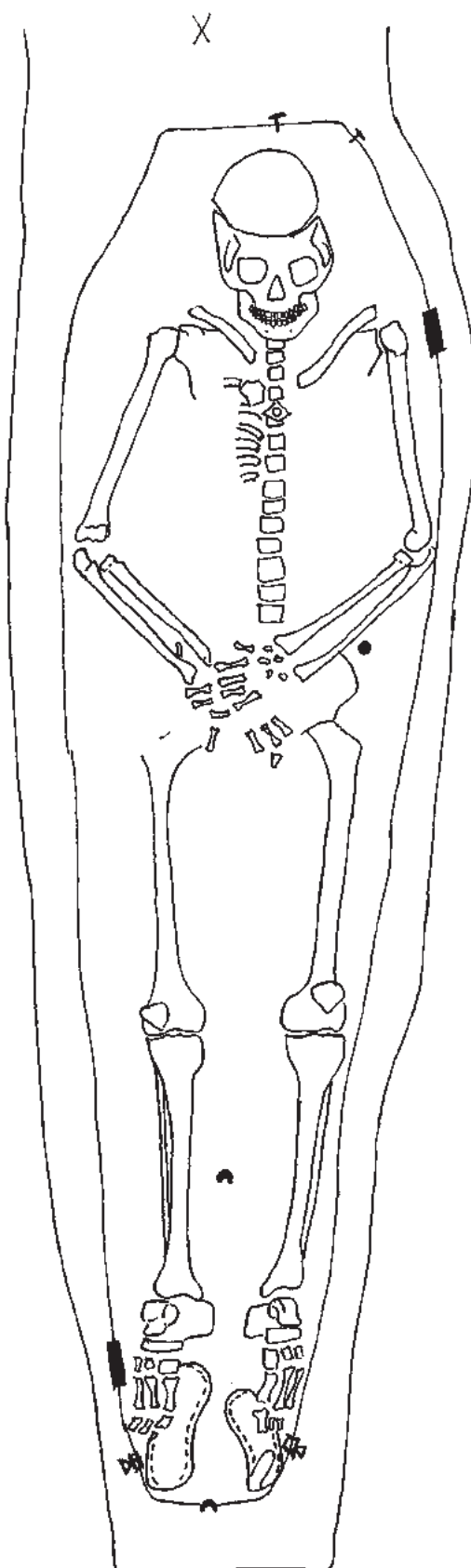


Figure 7. Old Don Jail, Burial 3 Plan.



Plate 12. Detail of Burial 3 coffin stud with stamped Rococo shell motif.



Plate 13. Slipper style footwear with Burial 3.



Plate 14. Perimortem fracture on the lamina of C1 vertebra, Burial 3.

3.5 Burial 4

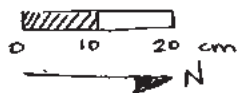
The individual (Figure 8) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of a hexagonal-shaped wood coffin. Hardware found with the coffin include: one diamond-shaped copper coffin stud at the foot end; one white metal thumbscrew with a rounded crown design with degraded white metal escutcheon located on the left side of the head; two stamped tin Rococo shells located at either side of the knees; and one triangular white metal thumbscrew with braid design and matching rectangular escutcheon located at the right foot (Plate 15). The latter is identical to hardware found in an undated burial at the Harvie cemetery (1825-1894) in North Dumfries Township (Woodley 1991:Plate XId).

No remnants of clothing or shoes were found with this individual. The individual was lying supine, oriented with the head to the west, with the right arm extended, the left arm bent across the torso and the feet were plantar flexed. There was a large dark grey soil intrusion encompassing the area around the cranium which may have been the cause of the disturbance of the cranial elements; almost all of the craniofacial bones were displaced, severely hindering the analysis of the individual.

The overall preservation of the skeletal remains was quite poor. The thoracic elements were missing entirely, although it is unclear if this was due to medical intervention or related to the disturbance. As a result of the poor condition of both the skull and pelvis, it was impossible to identify a sex for the individual. The age was estimated between 25 and 50 years old with a mean of 36 years based on dental wear and suture closures, although the presence of arachnoid fovea on the interior cranial vault would indicate that this individual was likely in the older end of the range.

Judging from the remaining elements, the individual was in good health with the exception of missing dentition, calculus, and a carious lesion in the maxilla. There appeared to be more wear on the left side than the right side of the mouth, potentially indicating a chewing preference or favouring a side as a result of the missing dentition. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium, though the cut was angled lower posterior to the parietals. The first few cervical vertebrae were undisturbed and there was a fracture of the odontoid process on the second cervical vertebra, which is strong evidence for judicial hanging (Plate 16).

BURIAL #4
 DON JAIL
 07SP-82
 JAN 25, 2008
 CF/JK/KC/AH
 DRAWN BY JK



X: PIN FLAG

T: nail

■ : decorative coffin plate (geo/floral design)

⌵ : thumbscrew & escutcheon

◊ : copious screw cap & plate

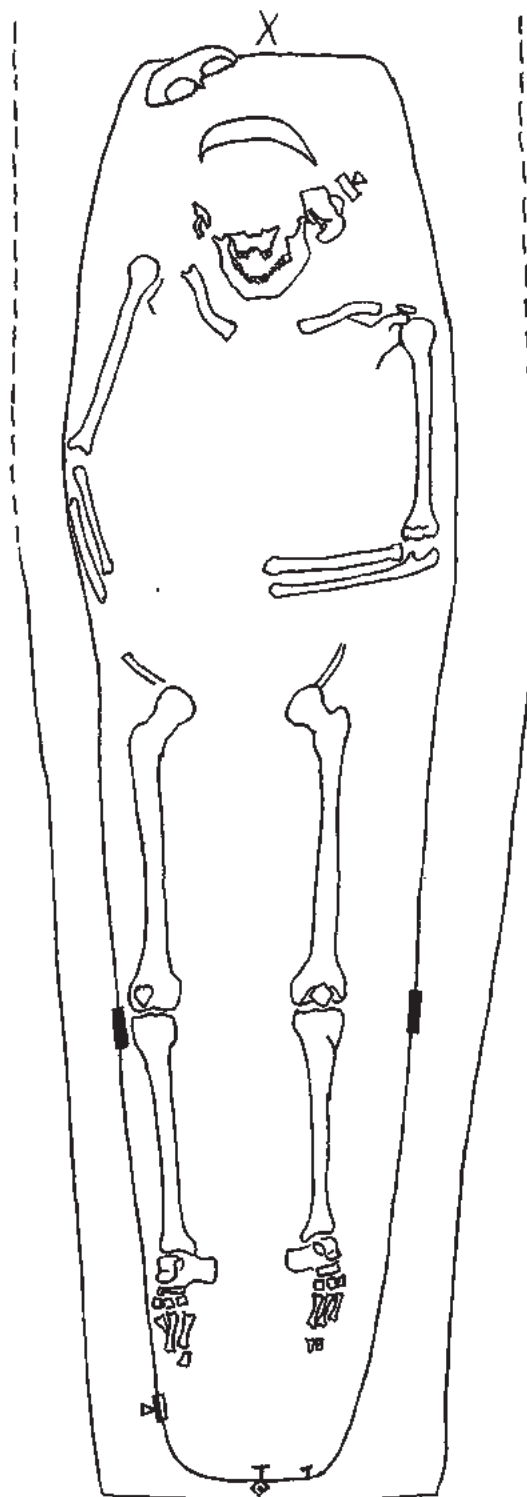


Figure 8. Old Don Jail, Burial 4 Plan.



Plate 15. Matching thumbscrew and escutcheon with braid motif, Burial 4.



Plate 16. Close-up of fracture of the odontoid process on the C2 vertebra Burial 4.

3.6 Burial 5

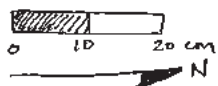
The individual (Figure 9) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of a broad hexagonal-shaped wood coffin. Coffin hardware includes: five stamped tin diamond-shaped coffin studs with a rose in the centre and leaves emanating outwards with two at the feet, two at the hips, and one over the sternum; one “starburst” stamped tin coffin stud; and one white metal thumbscrew which was too degraded to identify the design. The floral coffin studs (Plate 17) are noteworthy because they are unlike any other coffin hardware seen within this cemetery or in the other contemporaneous cemeteries researched for this report (ASI 2003; Woodley 1991, 1992).

The individual was lying supine, oriented with the head to the west, with the right arm bent across the torso and the left arm extended. The feet were plantar flexed. All elements were present in articulation but due to poor preservation, specifically in the thoracic area, certain elements were left unexposed. It was impossible to determine sex as the pelvis was too poorly preserved to be observed and the cranium exhibited sexually ambiguous features. Based on cranial sutures and dental wear, this individual was between 17 and 35 years with a mean of 26 years of age.

Small patches of black fabric were found on the lower half of the individual and a lighter brown knit fabric was found around the feet, potentially representing pants and socks respectively. At the left elbow there was a copper cross with a dark wood inlay and a small ring at the top, which was likely attached to a rosary. The cross is partially obscured by ribs that have collapsed on top of it.

From the observed elements, this individual appeared to be in good physical health with the exception of one missing tooth and dental calculus. The wear of the teeth is more pronounced on the left than the right, potentially related to the loss on the first molar on the upper right side. It is noteworthy that this individual presented extremely prominent nasal bones as well as a particularly short stature (approximately 143 cm). There was one possible healed parry fracture of the radius and ulna near the proximal end of both bones. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. A fracture on the laminae of the first cervical vertebrae and the complete fracturing of the odontoid process from the second cervical vertebra are strong indicators that this individual was judicially hanged (Plate 18).

BURIAL #5
 PLAN VIEW
 DON JAIL
 07SP-82
 JAN 22, 2008
 CF/JK/AH
 DRAWN BY CF



X: PIN FLAG

T: nail

▽: thumbscrew

—: decorative coffin plate (floral pattern)

⊕: crucifix/cross

⦿: copious screw cap (starburst pattern)

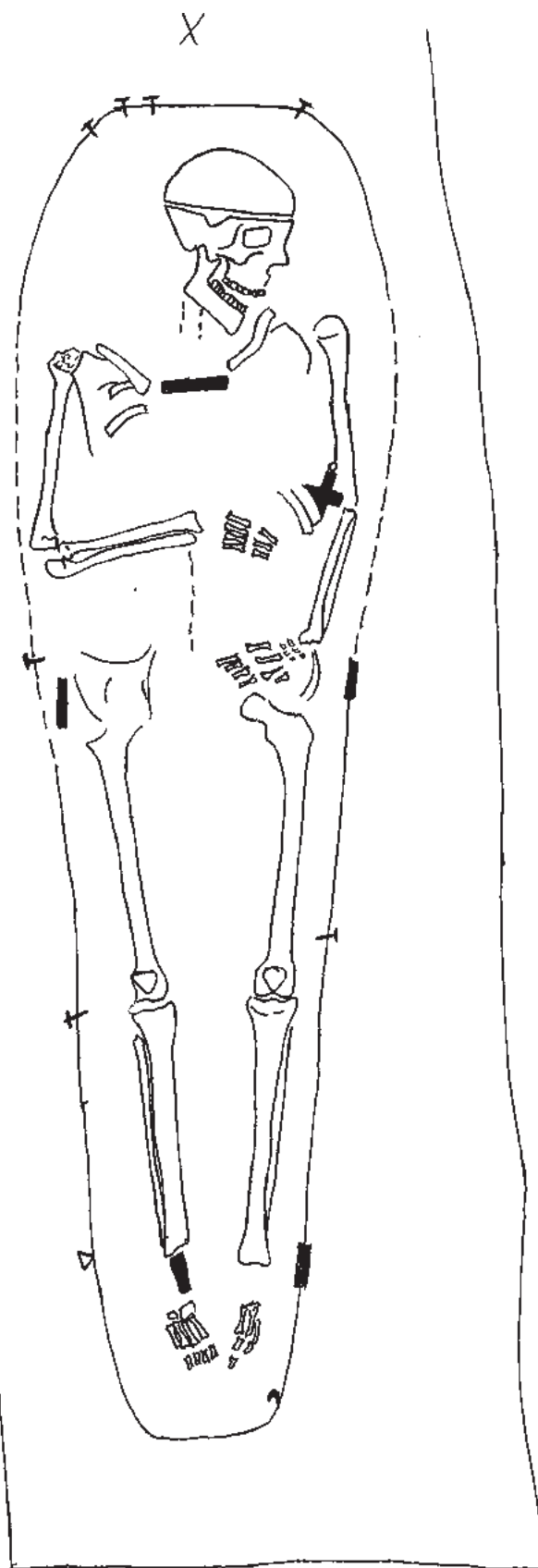


Figure 9. Old Don Jail, Burial 5 Plan.



Plate 17. Close-up of floral coffin stud, Burial 5.



Plate 18. Evidence of judicial hanging, Burial 5.

3.7 Burial 6

The individual (Figure 10) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a narrow hexagonal-shaped wood coffin. No hardware was found in association with this burial other than ferrous nails found around the coffin perimeter.

The individual was lying supine with his arms bent across his chest and his head oriented to the north. His right hand rested above the left on the ribs and vertebrae and the feet were plantar flexed. All elements were present and in articulation except for the left lunate which had moved to the left of the cranium. The overall preservation was very good. Based on the cranium and pelvic analysis this individual was likely a male between the ages of 21 and 57 with a mean of 35 years.

Three shell buttons were found in the pelvic region as well as one Prosser button at the left clavicle. Two pieces of ferrous metal on either side of the body just above the pelvis appeared to be badly degraded buckles.

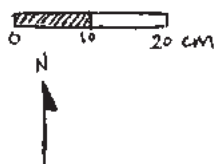
This individual was in overall good health, with the exception of several missing teeth, a large carious tooth in his mandible, and calculus. This individual had a circumcranial cut consistent with an autopsy. There was a fracture of the distal anterior portion of the body of the second cervical vertebra which could be interpreted as evidence for compression of the spine during judicial hanging (Plate 19).



Plate 19. Close-up of fracture in C2 vertebra Burial 6.

X

BURIAL #6
PLAN VIEW
DON JAIL
07SP-82
NOV 16, 2007 (coffin/shaft stain)
NOV 21, 2007 (skeleton)
AH/JK
DRAWN BY JK



- X: PIN FLAG
- T: nail
- : metal buckle
- : shell button
- *: glass fragment
- ⊕: agate button (4-hole)

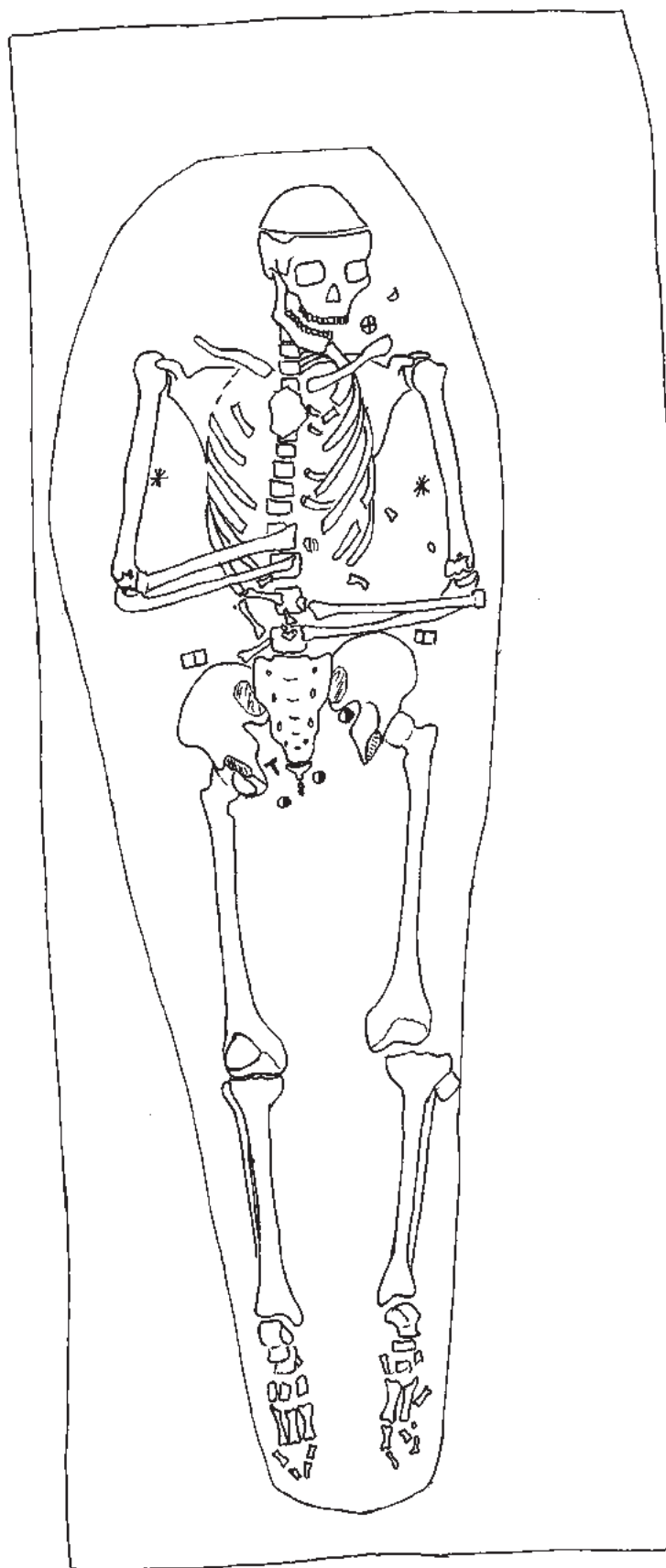


Figure 10. Old Don Jail, Burial 6 Plan.

3.8 Burial 7

The individual (Figure 11) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a broad hexagonal-shaped wood coffin. A large grey stain that contained rubble and other building debris intruded into the torso region. A rodent vertebra was found within this fill suggesting that the cause for the disturbance was rodent activity. This disturbance resulted in a disarticulation of the skeletal elements in the torso, pelvic, and upper left leg area.

Four pieces of identical copper hardware stamped with a floral bouquet design were found with the coffin (Plate 20). Two of these were at the ankles, one between the legs at the shins, and one on the left side of the face of the individual. Two 4-hole shell buttons were found in the sternum and clavicle area and two 2-hole shell buttons were found in the upper left thoracic region.

The individual was lying supine, with the head oriented to the north and the feet plantar flexed. Despite the disturbance, most of the major elements appear to be present. Based on the cranium and left side of the pelvis, it was observed that this individual was probably a male with an age range of 40 to 44 years, with a mean of 42.

From the observable elements, this individual was in good health though there was missing dentition, carious lesions, and calculus. Metal tooth fillings (Plate 21) indicate the use of some professional dental care during the individual's lifetime. This individual had a circumcranial cut consistent with an autopsy, with the cut curving upwards towards the occipital. The presence of a perimortem hyoid fracture and the misalignment of the first two cervical vertebrae are two possible indicators of a judicial hanging, however, there were no fractures of either the occipital or any of the cervical vertebrae.

BURIAL #7
 PLAN VIEW
 DON JAIL
 07SP-82
 NOV 27, 2007
 KC/JK
 DRAWN BY JK

0 10 20 cm



- X: PIN FLAG
- : shell button
- ⊗: shell button under sternum (2-hole)
- T: nail
- : decorative coffin plate (floral design)



Figure 11. Old Don Jail, Burial 7 Plan.



Plate 20. Close-up of coffin hardware Burial 7.



Plate 21. Evidence of professional dental care, lower jaw Burial 7.

3.9 Burial 8

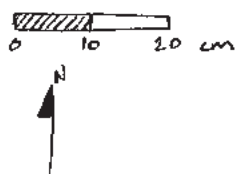
The individual (Figure 12) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a narrow hexagonal-shaped wood coffin. There was no hardware found in association with this burial.

The individual was lying supine with the arms crossed over the chest, with the head oriented to the north, and plantar-flexed feet. Based on the cranium and the pelvis, it was observed that this individual was probably a male with an age range of 23 to 66 years, with a mean of 32 years. With respect to clothing accompanying the burial, four 2-hole shell buttons were found along the left side of the vertebral column, and two 4-hole Prosser buttons were found on the right side of the upper thoracic.

This individual was in quite poor health. In addition to dental caries and missing dentition, this individual was suffering from an advanced case of venereal syphilis. This individual was in the tertiary stage of the disease, which results in the remodeling of bone and can also cause dementia. The frontal bone, nasal bone, and palate were affected by bone loss (Plate 22). The loss of the maxillary palatal bone resulted in tooth loss, which is most likely the reason why this individual required replacement dentition in the form of a gold and enamel bridge that capped both canines and replaced all four incisors. There were also changes on both clavicles, humeri, and on the right tibia. The left humerus exhibited some bone remodeling which could be related to a healed fracture. Since the injury was quite old, it was difficult to determine the cause of the remodeling.

It is noteworthy that this individual did not undergo a craniotomy, unlike the majority of the other individuals in the cemetery. There was a fracture on the distal end of the anterior portion of the third cervical vertebra which could be caused by judicial hanging (Plate 23).

BURIAL #8
 PLAN VIEW
 DON JAIL
 OTSP-82
 NOV 19, 2007
 KC/CF
 DRAWN BY KC



X: PIN FLAG
 T: nail
 ○: shell button (2-hole)
 ⊕: agate button (4-hole)
 ▨: unidentified metal

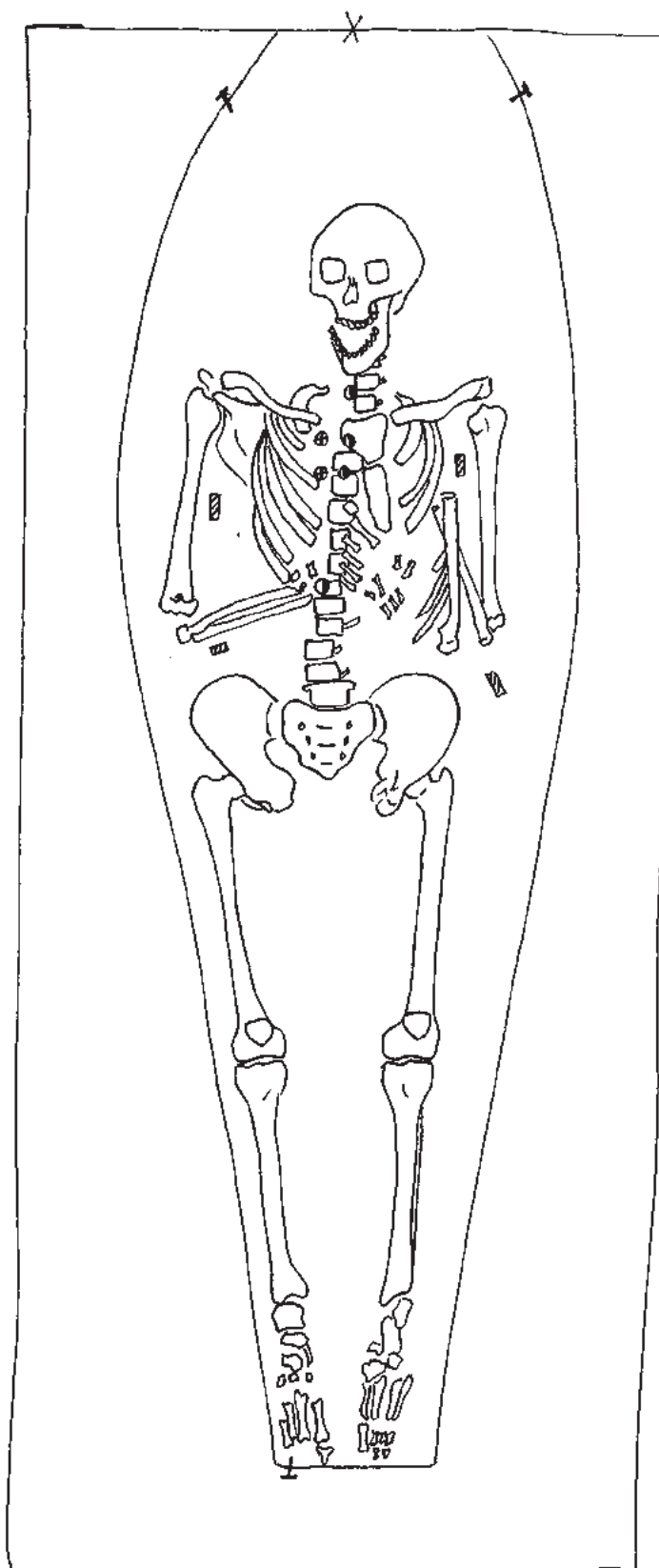


Figure 12. Old Don Jail, Burial 8 Plan.



Plate 22. Detail of bone remodeling in head region of Burial 8.



Plate 23. Close-up of fracture on C3 vertebra, Burial 8.

3.10 Burial 9

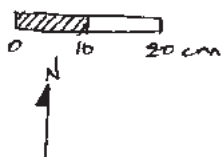
The individual (Figure 13) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the dark brown stain of an eight-sided, rectangular-shaped wood coffin, which is the only coffin of this shape within the cemetery. During the exposing of the burial, there was white flaking noted around the coffin wood, possibly indicating that the coffin was painted a light colour. Located over the pelvis was a badly degraded white metal name plate with an unidentifiable blue metal feature in the centre. Other coffin hardware included two triangular white metal thumbscrews with escutcheons in articulation located at the upper right shoulder and the lower left ankle. The thumbscrews exhibited a braid motif identical to coffin hardware found in Burial 4 (see Plate 15). Two 2-hole shell buttons were found, one on the manubrium and one in the upper thoracic region (Plate 24).

The individual was lying supine with arms completely extended, with the head oriented to the north, and plantar-flexed feet. Based on attributes in the cranium and pelvis, this individual was determined to be a probable male between the ages of 26 and 42, with a mean of 32 years.

This individual was in moderate health with lipping on the anterior bodies of the third to fifth lumbar vertebrae; sclerotic changes and pitting on the right temporal bone; as well as several missing teeth, carious lesions, crowding of the dentition of the maxilla and mandible. The upper right second incisor showed marked shoveling as well.

It is noteworthy that this individual did not undergo a craniotomy, which may suggest there was no autopsy performed. There is strong evidence to support that this individual was judicially hanged: the second and third cervical vertebrae were dislocated, the third cervical vertebra had a fracture on the left transverse process, the second vertebra had a fracture on the right transverse process as well as both superior articular facets, and the occipital had a fracture on the lateral portion of the rear of the left condyle (Plate 25).

BURIAL #9
 PLAN VIEW
 DON JAIL
 07SP-82
 NOV 23, 2007
 CF/AH
 DRAWN BY CF



- X: PIN FLAG
 ▨: unidentified metal
 ●: shell button (2-hole)
 ▢: thumbscrew & escutcheon
 ▽ thumbscrew
 ▭ escutcheon
 []: name plate

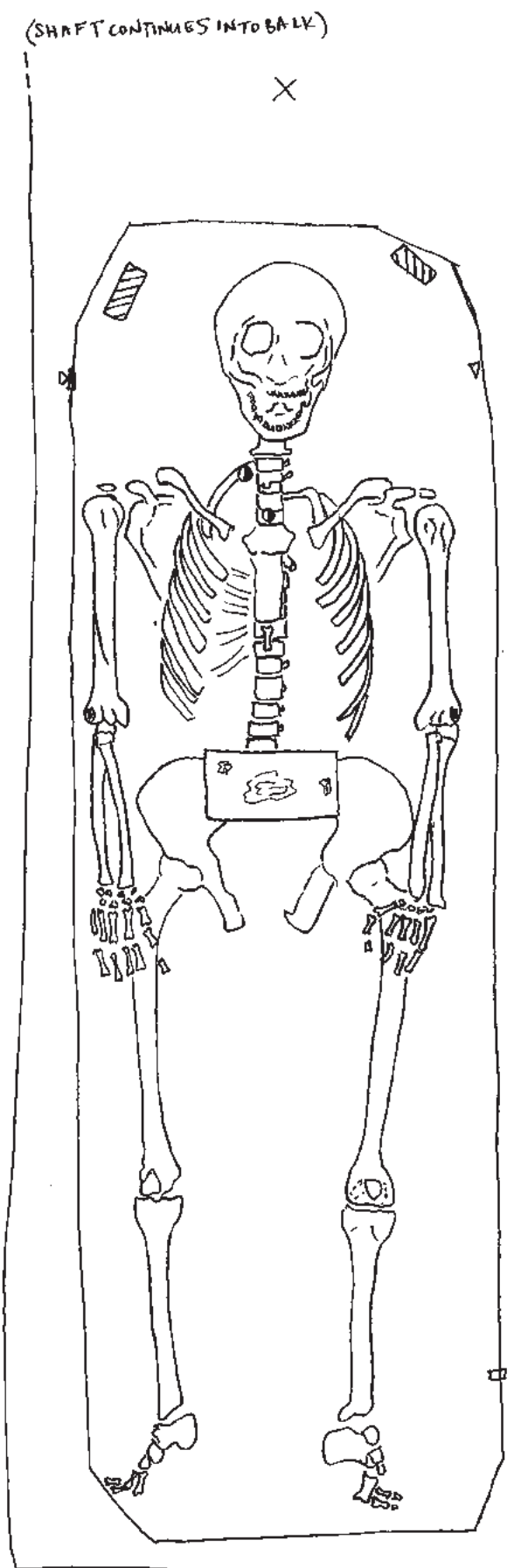


Figure 13. Old Don Jail, Burial 9 Plan.



Plate 24. Detail of button placement, Burial 9.



Plate 25. Close-up of evidence of judicial hanging on the cervical vertebrae, Burial 9.

3.11 Burial 10

The individual (Figure 14) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a sharp hexagonal-shaped wood coffin. Coffin hardware included one white metal stud at the left ankle and a white metal trefoil cross coffin decoration in the middle thoracic region. The diamond-shaped stud, with its round central flower, is identical to hardware found with a burials made in 1881 at the Stirrup Court cemetery in London, Ontario (Woodley 1992:Plate 9c).

The individual was lying supine with arms completely extended, head oriented to the west, and plantar-flexed feet. All elements were present and in articulation with excellent preservation. Based on the cranium, this individual was determined to be a probable male between the ages of 17 and 25, with a mean of 21 years of age.

The clothing on this individual was quite remarkable (Plate 26). The upper torso was covered in a well-preserved single-breasted, lapelled suit jacket with tails and three button holes on the left lapel; a waistcoat underneath the suit jacket; the upper portion of a pair of men's trousers covering the pelvis which were a different colour than the jacket and waistcoat; eight fabric covered metal buttons along the thoracic; and one 2-hole metal button in the pelvic region. This individual was also wearing shoes with leather uppers and soles with stacked leather heels, wood bottoms, and metal pins (Plate 27). The shape of the toe was a "duckbill" square-toe which is a very specific and fashionable style from the 1850s (Suzanne McLean, pers. comm. 2008).

With respect to observable physical attributes, this individual appeared to be in good health except for some lipping on the distal tibiae as well as missing dentition and calculus. The individual had not lost the upper left deciduous canine and the permanent upper left canine was posterior to that tooth, in the palate (Plate 28). Due to post-mortem damages, it was impossible to determine if the cranium had any cut marks associated with a craniotomy. A dislocation between the second and third vertebrae was observed. This could indicate judicial hanging but is not conclusive.

BURIAL #10
 PLAN VIEW
 DON JAIL
 07SP-82
 DEC 12, 2007
 KC/CF/JK
 DRAWN BY JK



- X: PIN FLAG
- T: Nail
- : black thread stitching
- ◈: white metal hardware & screw cap
- : cloth covered metal button
- : metal button
- ✕: white metal cross from coffin lid

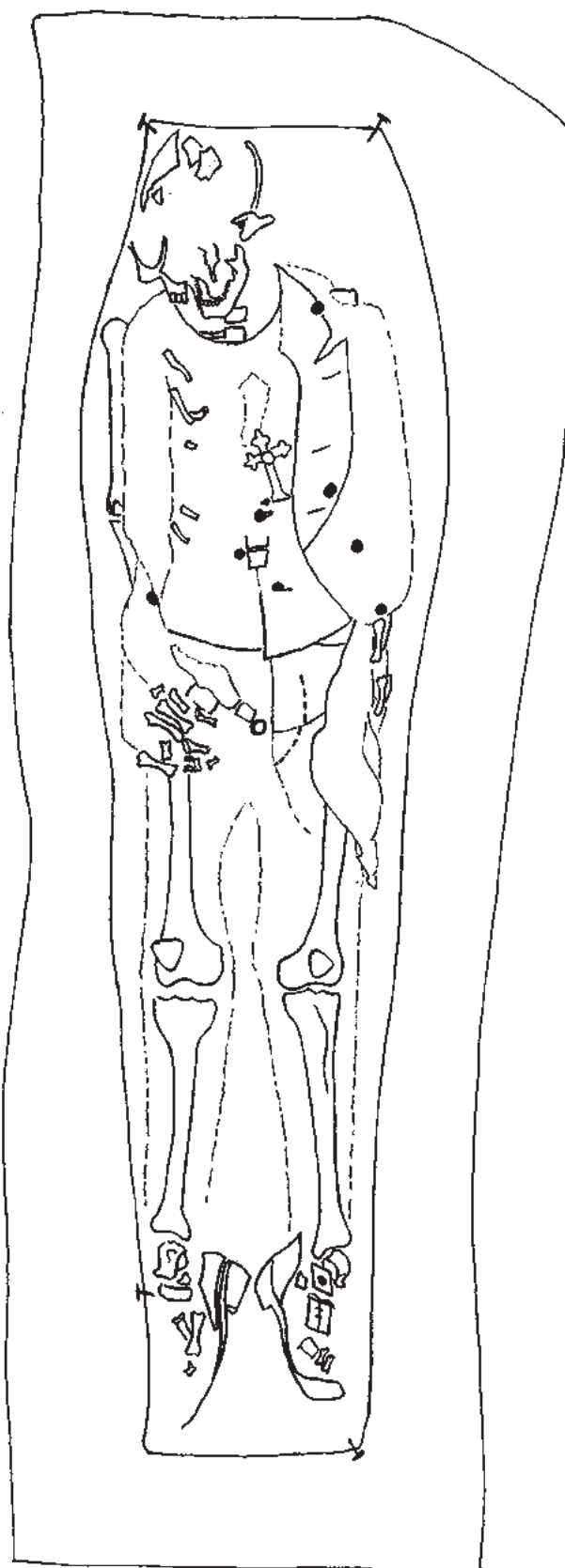


Figure 14. Old Don Jail, Burial 10 Plan.



Plate 26. Preserved clothing in situ, Burial 10.
Trefoil cross coffin hardware is evident on chest



Plate 27. Detail of square-toed shoes fashionable during the 1850s. Diamond coffin stud is visible upper right of photo.



Plate 28. Close-up of upper palate, Burial 10, showing the permanent upper left canine posterior to the deciduous tooth.

3.12 Burial 11

The individual (Figure 15) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a sharp hexagonal-shaped wood coffin. No coffin hardware was found in association with this burial. The individual was lying supine with the arms bent and hands over the pelvic area, head oriented to the west, and plantar-flexed feet. All elements were present, articulated, and in excellent preservation. Based on the cranium, this individual was determined to be a probable male between the ages of 45 and 59, with a mean of 50.7 years of age.

During the excavation, shoes were documented with the foot bones still inside. The footwear had thin leather uppers with thicker leather quarters to support the heel (Plate 29). These could possibly be cavalry style blunt-toe boots with a stacked leather heel that were most popular between 1870 and 1895 (Suzanne McLean, pers. comm. 2008). A light brown knit material was observed in association with the leather and foot bones, most likely socks. In the thoracic region, there were also remnants of a black fabric. There was one 4-hole bone button found on the left first rib; one 2-hole shell button found on the right first rib; one fabric covered metal button in the pelvic region; and two 4-hole Prosser buttons found on the sternum and the third lumbar vertebrae.

This individual was in moderate health with missing dentition and carious lesions; spurring on the left patella; severe lipping on the thoracic and lumbar vertebrae; and a fused node on the left side of the eleventh and twelfth thoracic vertebrae. These changes do not appear to be related to any kind of infectious process and are typical in an individual of this age. As well, this individual had arachnoid fovea in the interior cranial vault which is another indicator of advanced age. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. No evidence for judicial hanging was observed.



Plate 29. Detail of footwear in situ, Burial 11.

BURIAL #11
 PLAN VIEW
 DON JAIL
 07SP-82
 DEC 3, 2007
 KC/AH
 DRAWN BY KC



- X = PIN FLAG
- T = nail
- : bone & leather artifact
- ▣ : bone button
- : shell button
- : metal button
- ⊕ : agate button

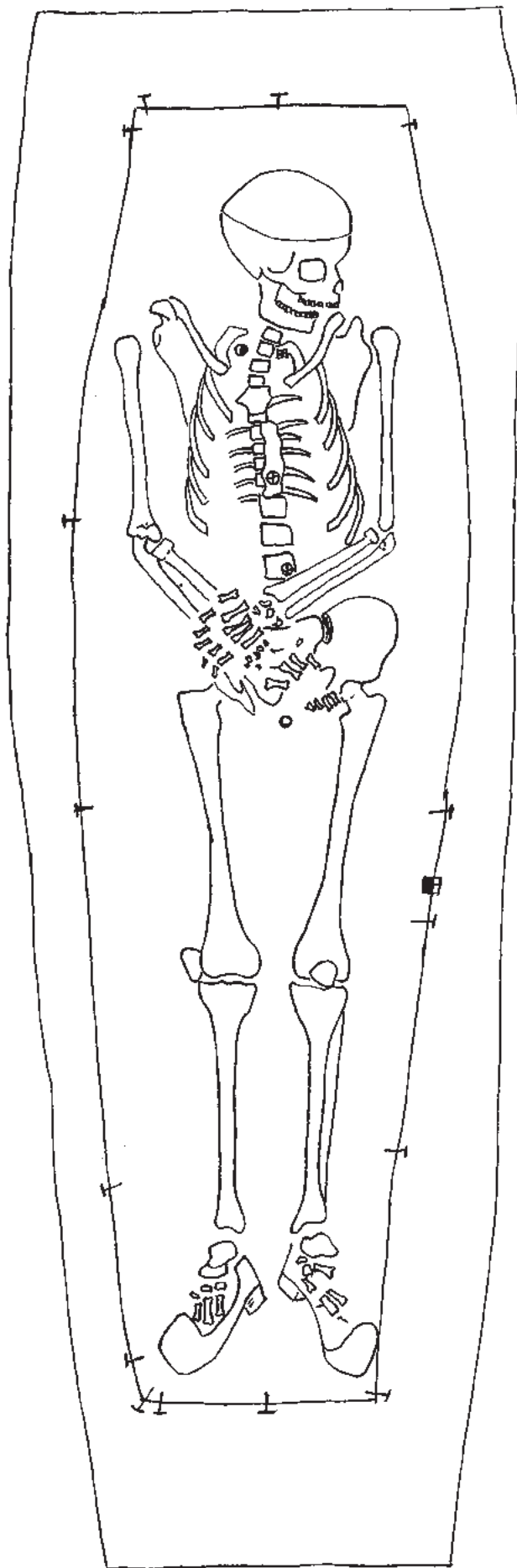


Figure 15. Old Don Jail, Burial 11 Plan.

3.13 Burial 12

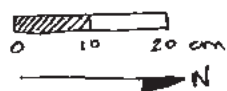
The individual (Figure 16) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a sharp hexagonal-shaped wood coffin. No coffin hardware was found in association with the burial.

The individual was lying supine with arms completely extended, head oriented to the west, and plantar-flexed feet. All elements were in excellent condition and articulated with the exception of the portions listed below. Based on the cranium and pelvis, this individual was determined to be a probable male between the ages of 20 and 34, with a mean of 26 years of age.

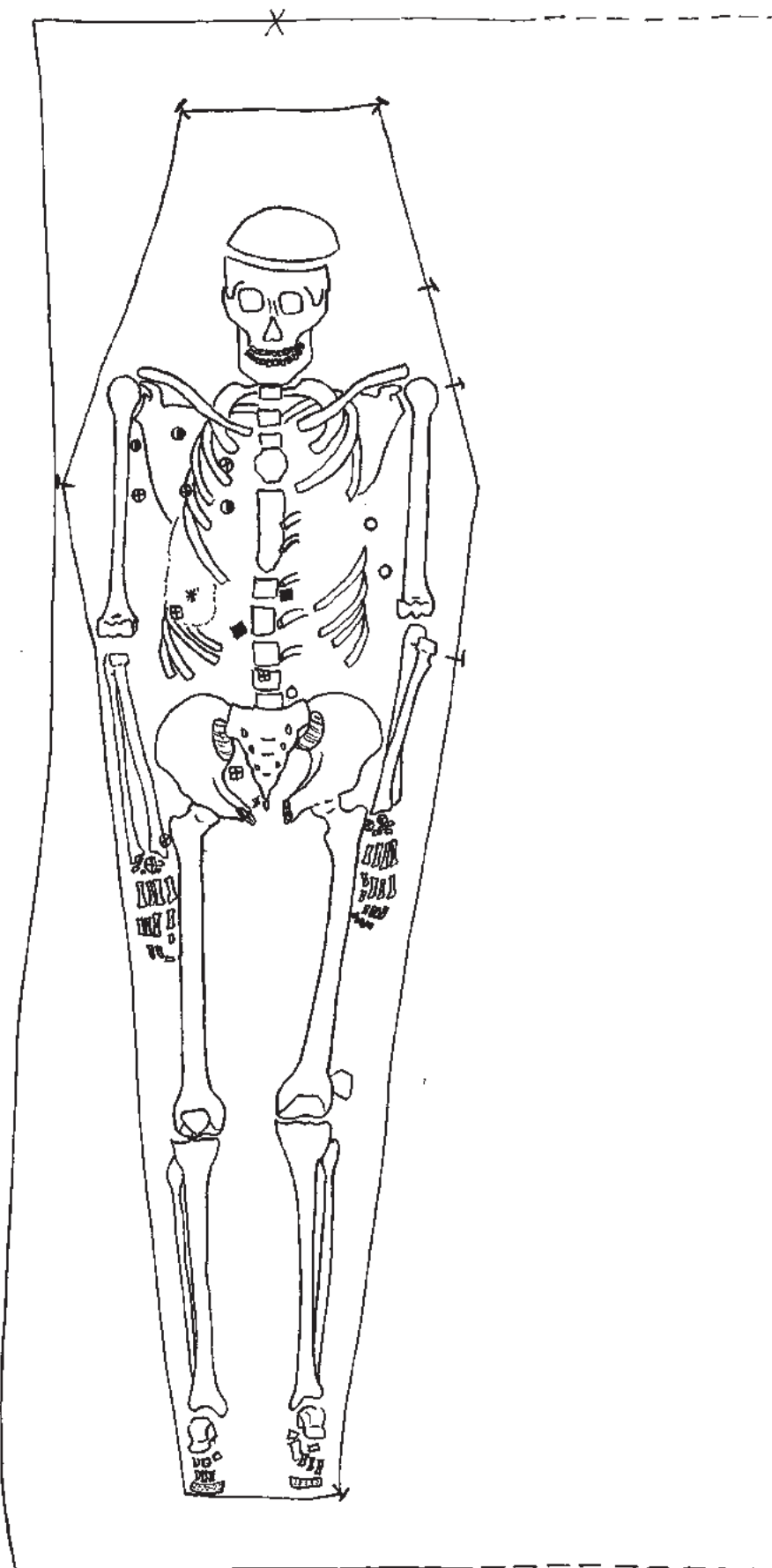
Several different styles of buttons were found, possibly indicating that this individual was wearing multiple items of clothing at the time of burial. They include: three 2-hole shell buttons on upper right shoulder and thoracic; one 4-hole bone button on the fourth lumbar vertebra; two 4-hole bone buttons on the pelvis and lower right thoracic; three 4-hole metal buttons in the left thoracic and lumbar; seven 4-hole Prosser buttons at the wrists and down the vertebral column; and two 2-hole Goodyear vulcanized rubber buttons with the writing "Goodyear's P=T N.R. Co" In addition to the buttons, one metal straight pin was found in the pelvic region. Thick leather shoe soles with no identifiable heel and felt lining on the insoles were found at the feet (Plate 30). These were likely utilitarian work boots that would have had a felt upper as well. The construction technique and gently rounded toe style could date the shoe to the late nineteenth or early twentieth century (Suzanne McLean, pers. comm. 2008).

This individual was in fair health with some porosity and sclerotic bone formation on the left distal femur and proximal tibia; dental caries; missing dentition; and calculus. Notably there was a maxillary supernumerary "peg" tooth in the incisal foramen on the right side, heavy shoveling on the upper and lower incisors, and minor shoveling on the canines (Plate 31). There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. There were cut marks in the cervical vertebrae and the neural arches were removed completely. There was no physical evidence of judicial hanging, likely due to the missing sections of the cervical vertebrae.

BURIAL #12
 PLAN VIEW
 DON JAIL
 07SP-82
 DEC 3, 2007
 CF/JK
 DRAWN BY JK



- X: PIN FLAG
- T: nail
- : shoe leather
- X: straight pin
- : shell button
- ⊞: bone button
- : metal button
- ⊕: agate button
- : plastic button
- *: glass fragment



grave shaft is
 continuous with Burial #13

Figure 16. Old Don Jail, Burial 12 Plan.



Plate 30. Detail of work boots with felt lining in situ, Burial 12.



Plate 31. Close-up of upper palate, Burial 12.

3.14 Burial 13

The individual (Figure 17) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a sharp hexagonal-shaped wood coffin. No coffin hardware or clothing was found in association with this individual.

The individual was lying supine with hands crossed over the pelvis, head oriented to the west, and plantar-flexed feet. All elements were present and articulated with good preservation. This individual was determined to be between the ages of 15 and 23, with a mean of 19 years old. This age estimate was based on the pubic symphyses as well as fusing epiphyses on the long bones (Plate 32). It was impossible to determine sex due to the youth of the individual.

This individual was in good health, though somewhat gracile in appearance. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. There was a dislocation between the second and third cervical vertebrae which could be evidence of judicial hanging though not conclusive.



Plate 32. Close-up of long bone epiphysis, Burial 13.

BURIAL #13
 PLAN VIEW
 DON JAIL
 07SP-82
 DEC 6, 2007
 KC/JK/AH
 DRAWN BY JK



X: PIN FLAG
 T: nail
 [hatched symbol]: unidentified metal

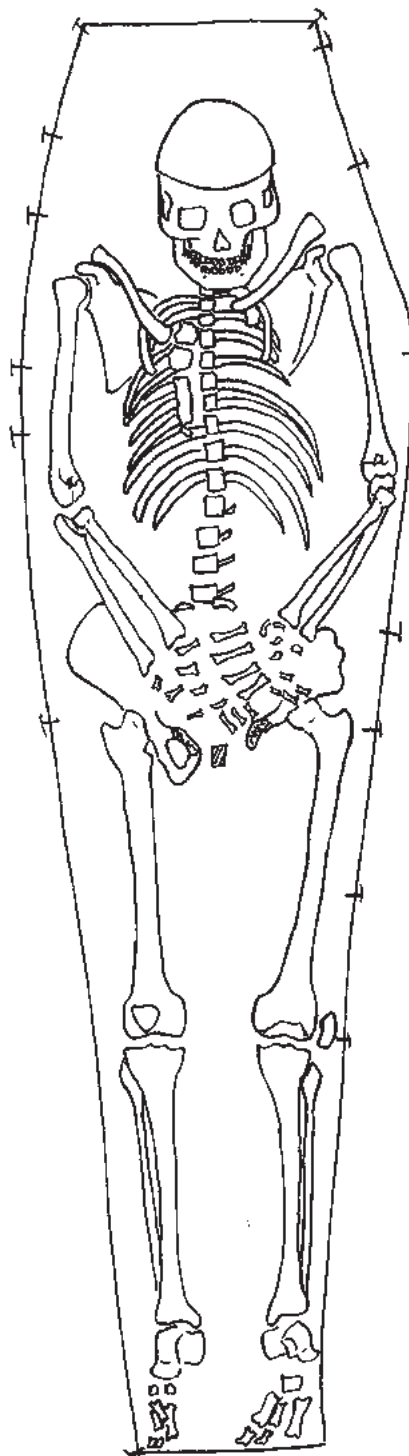


Figure 17. Old Don Jail, Burial 13 Plan.

3.15 Burial 14

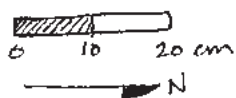
The individual (Figure 18) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a sharp hexagonal-shaped wood coffin. Coffin hardware included six stamped tin Rococo shell coffin studs (Plate 33), with two found at the ankle, two at the hips, and two at the shoulders. A white metal rectangular object in the middle thoracic may have been a name plate but was too degraded to identify.

The individual was lying supine with arms completely extended, head oriented to the west, and plantar-flexed feet. All elements were present and articulated with the exception of the elements listed below. All elements were moderately preserved, though the thoracic portion was covered in fabric obscuring the view of the skeletal material. Based on the dentition, this individual was determined to be between the ages of 17 and 25, with a mean of 21 years. It was impossible to determine sex from the observable elements.

A dark fabric was present in the thoracic region and a lighter fabric at the feet, most likely socks. Crossed over each other below the feet were a pair of leather uppers (Plate 34) with leather laces and a blunt toe in a style dating from approximately 1915 to 1930 (Suzanne McLean, pers. comm. 2008). The shoes were machine-sewn using a construction technique invented by Charles Goodyear that allowed the maker to sew the insole, upper, and welt together in one operation (Stevens and Ordoñez 2005:13).

This individual was in moderate health with missing dentition and dental caries; some ossification of the patellar tendon where it articulates with the tibial tuberosity; and a possible dislocation between the seventh cervical vertebra and the first thoracic vertebra. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium and the first five cervical vertebrae were removed, presumably during the autopsy. No physical evidence for judicial hanging was observed, possibly due to the fact that the vertebrae that would most likely exhibit fractures were missing.

BURIAL #14
 PLAN VIEW
 DON JAIL
 07SP-82
 JAN 9-10, 2008
 KC/CF/JK
 DRAWN BY JK.



- X: PIN FLAG
 T: nail
 ■: decorative coffin plate (geo/floral design)
 ▨: unidentified metal (coprons)
 □: possible name plate

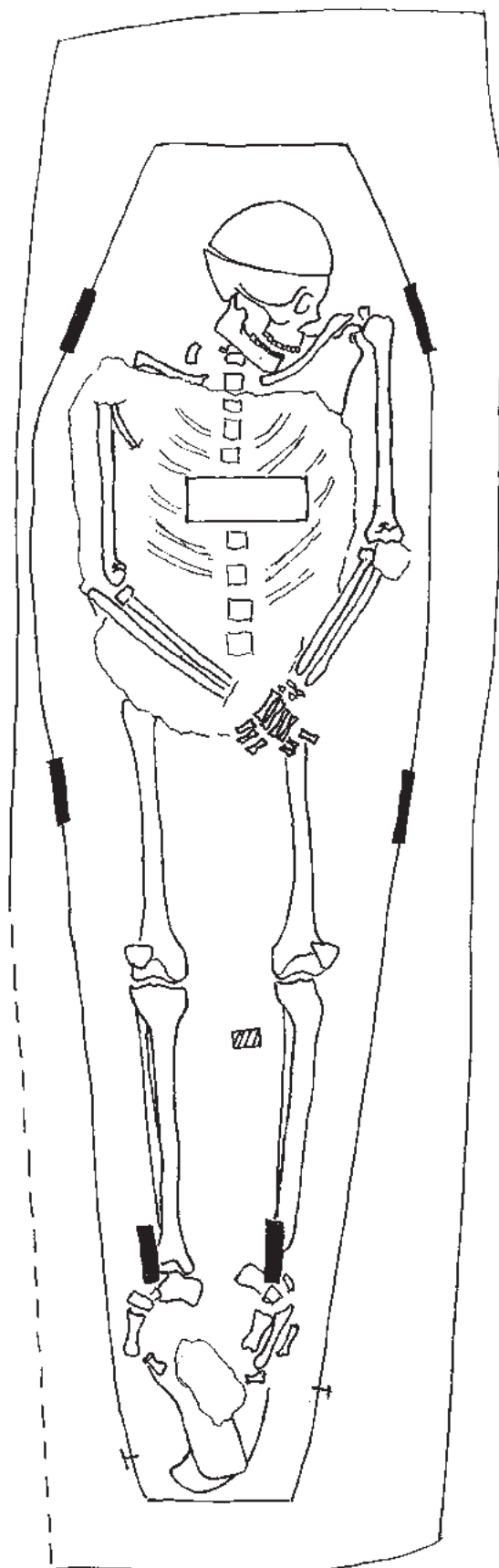


Figure 18. Old Don Jail, Burial 14 Plan.



Plate 33. Detail of Rococo shell coffin stud Burial 14.



Plate 34. Close-up of Goodyear welt on Burial 14 boots.

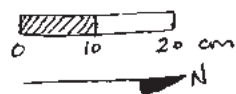
3.16 Burial 15

The individual (Figure 19) was buried in a rectangular-shaped grave shaft, as indicated by the change in colour and consistency of the subsoil. The grave shaft contained the very dark brown stain of a broad hexagonal-shaped wood coffin. The only coffin hardware comprised ferrous black-painted rectangular swing bail handles (Plate 35), with two located at the ankles and one near the right side of the head.

The individual was lying supine with the right arm completely extended and the left arm bent with the hand over the pelvis, head oriented to the west, and plantar-flexed feet. All elements were present and articulated and in excellent preservation. Based on the cranium and pelvis, it was determined that this individual was a probable male, between the ages of 33 and 49, with a mean of 43 years. There was no evidence of clothing found.

This individual was in moderate health with dental caries and missing dentition. Lipping was evident on the borders of the fourth and fifth lumbar vertebrae and on both condyles of the occipital bone. Severe bone growth at the head of the right humerus could have been the result of a rotator cuff injury, traumatic dislocation, or fracture of the humeral head (Plate 36). This injury would have likely caused reduced mobility in the right arm as well as discomfort. There was evidence of an autopsy in the form of a circumcranial cut that completely bisected the calvarium. There was a fracture on the left occipital condyle, which could indicate that this individual was judicially hanged.

BURIAL #15
 PLAN VIEW
 DON JAIL
 07SP-82
 JAN 11, 2008
 CF/JK/AH
 DRAWN BY JK



X: pin flag
 T: nail
 [: handle

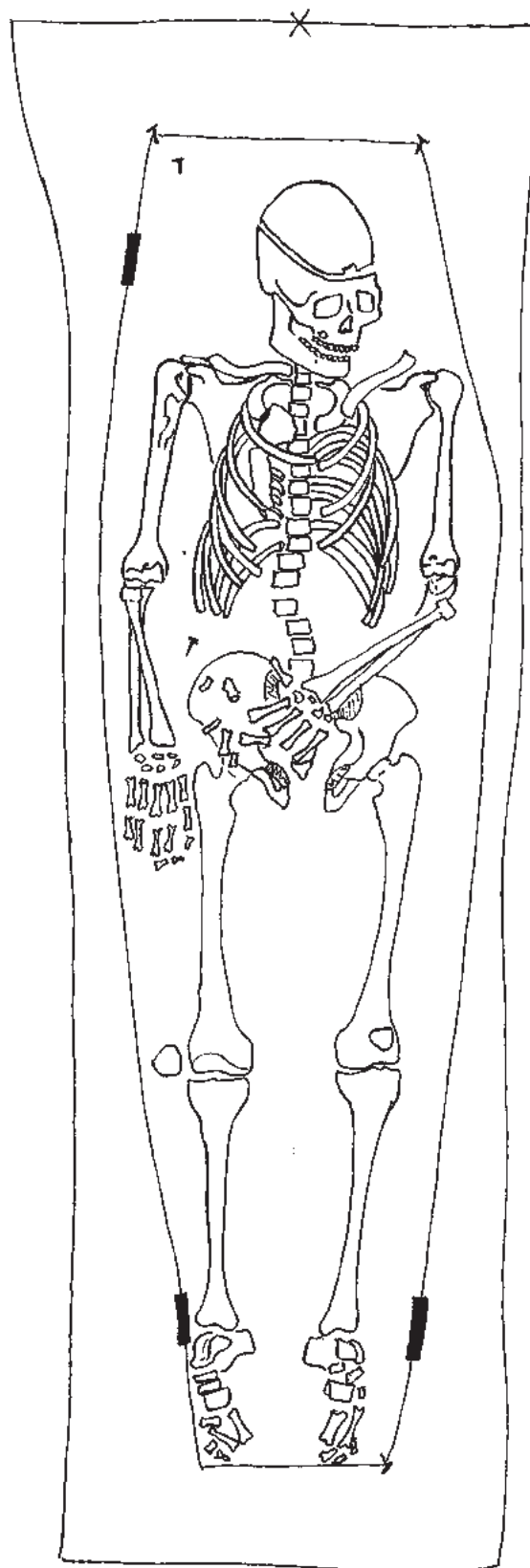


Figure 19. Old Don Jail, Burial 15 Plan.



Plate 35. Detail of simple rectangular coffin handle.



Plate 36. Close-up of bone growth on right humerus, Burial 15.

4 HISTORY

4.1 Brief Legislative Overview

The legislation that permitted felons convicted of certain crimes to suffer the death penalty had its roots in the legal reforms proposed by the chief justice of Upper Canada, Sir John Beverley Robinson. Under the criminal laws of England, which came into effect in the province under the administration of John Graves Simcoe, there were approximately 150 offences, which, upon conviction, could be subject to discretionary capital punishment (Oliver 1998:98).¹ It was Robinson's belief that these statutes did little to deter crime within Upper Canada. Therefore, his new legislation reduced the number of capital offences to 12 and the punishment could be applied uniformly in all cases of conviction. For example, under Robinson's reforms, coining and the removal of survey monuments were no longer deemed to be capital offences. Lesser crimes could be punished by life imprisonment or exile (Oliver 1998:98).

On February 13, 1833, Robinson's reform legislation was passed without amendments. It was called "*An Act to reduce the number of cases in which Capital Punishment may be inflicted; to provide for other punishment for offences which shall no longer be Capital after the passing of this Act; to abolish the privilege called benefit of clergy; and to make other alterations in certain criminal proceedings before and after conviction*" (3 William IV ch. 3). Under this legislation, capital offences included: high treason, murder, petit treason, rape, carnal knowledge of a girl less than 10 years of age, sodomy, robbery, robbery of the mails, burglary, arson, rescue of convicted murderers, and being accessory before the fact to any of the aforesaid capital offences (Stanton 1843:582-584). The legislation was slightly modified in 1837 under 7 William IV chs. 4 and 6, and again in 1841-42 under 4-5 Vic. chs. 24-27.

The 1833 statute also provided "that whenever any person shall be convicted of murder and executed therefore, the body of such murderer shall be delivered by the Sheriff, or his Deputy, and his officers, to a Surgeon, for the purpose of being dissected and anatomized" (3 William IV ch. 3 sec.20). Under English criminal law, specifically the "Murder Act" passed in 1752, a felon condemned under a capital offence and his/her family forfeited their rights to the body which became the property of the Crown to be dealt with "at pleasure." The felon was to be anatomized and could then be hung in chains, "but in no wise to be buried without dissection." Until 1832 in England, executed felons remained the primary source of legally available cadavers for medical dissection. Legislative reforms in that country in 1832 "presaged the end of gibbeting and anatomizing" (see 25 Geo. II ch. 37; Blackstone 1770:202; Gatrell 1994:23).

¹ The criminal laws of England, as they stood on the 17th September 1792, were officially declared to be the criminal law of Upper Canada on July 4, 1800. See 40 Geo. III ch. 1, "*An Act for the further introduction of the Criminal Law of England into this Province, and for the more effectual Punishment of certain Offenders.*"

Due to a lack of readily available specimens, legislation long continued to allow for the dissection of convicted felons in the interests of medical and scientific purposes. It is for this reason that several newspaper accounts of the hangings refer to autopsies being conducted by surgeons with medical students present following the formal coroner's inquest. As late as 1956, under the provisions of the criminal code of Canada (RSC 1955 section 650), it was necessary for an order-in-council to be issued by the executive council and approved by the lieutenant governor in order for William Fitton to claim for burial the body of his son, Robert, who was executed at the Old Don Jail.

4.2 The Men in the "Murderers' Graveyard"

During more than one century of existence as a penal institute, there were at least 35 felons who were convicted of capital crimes and then executed at the Old Don Jail (Table 1). Thirty-three of these men (92%) were convicted on murder charges, while the remaining two (8%) were convicted on charges of rape. However, there is archival and archaeological evidence for only 15 burials made between 1872 and 1930 in the northeast yard of the Old Don Jail, which the newspapers dubbed "Murderers' Row," (*Toronto Daily Star*, June 14, 1919), or the "Murderers' Graveyard" (Figure 20) because only convicted men hanged for their crimes were buried there.

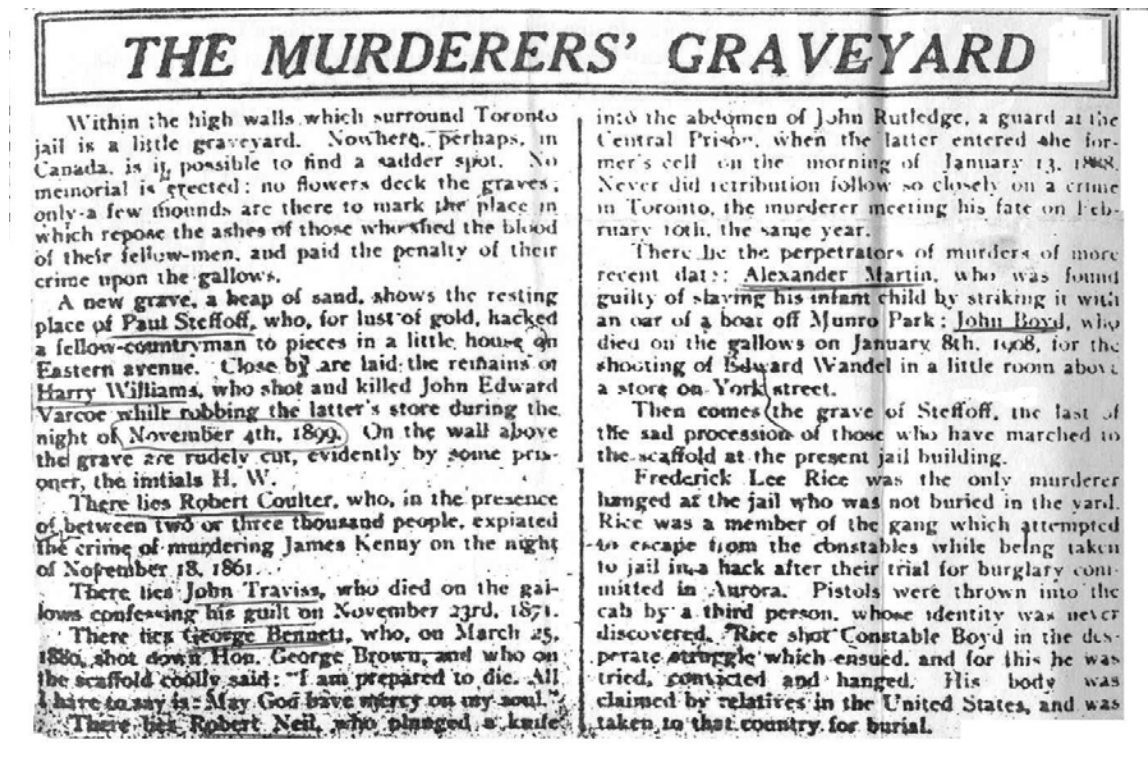


Figure 20. Inaccurate Toronto newspaper clipping about the Old Don Jail cemetery (Undated, possibly 1909).

Name	Date of Execution	Burial Location
Robert Coulter	June 1, 1862	St. James' Cemetery
John Traviss	February 22, 1872	Northeast yard, Don Jail
John Williams	November 30, 1877	Northeast yard, Don Jail
George Bennett alias Dickson	July 23, 1880	Northeast yard, Don Jail
Robert Neil alias Thompson	February 28, 1888	Northeast yard, Don Jail
Thomas Kane	February 12, 1890	Northeast yard, Don Jail
Henry Williams alias August Schmidt	April 14, 1900	Northeast yard, Don Jail
Frederick Lee Rice	July 18, 1902	Champaign, Illinois
Alexander Martin	March 10, 1905	Northeast yard, Don Jail
John Boyd	January 8, 1908	Northeast yard, Don Jail
Pavel Steffoff	December 23, 1909	Northeast yard, Don Jail
Jan Ziolkko	April 13, 1915	Northeast yard, Don Jail
Hassan Neby	January 3, 1919	Northeast yard, Don Jail
Frank McCullough	June 13, 1919	Northeast yard, Don Jail
Roy Hotrum alias Patsy Lewis	August 3, 1921	Hamilton Cemetery
William McFadden	August 3, 1921	Sarnia, Ontario
Frederick Davis	May 9, 1922	Northeast yard, Don Jail
Edward Stewart	March 24, 1930	Northeast yard, Don Jail
Abraham Steinberg	July 14, 1931	Little York Cemetery
John Brockenshire	September 23, 1931	Mount Pleasant Cemetery
Ewart G. Warren	February 3, 1933	St. John's (Norway) Cemetery, Scarborough
Michael Tkach alias Tach	April 3, 1933	Mount Hope Cemetery
Harry O'Donnell	May 5, 1936	Mount Hope Cemetery
Bill Petrukowich	October 4, 1939	Pauper's grave, not Don Jail
Joseph Dlugos	July 3, 1940	Mount Hope Cemetery
Hugh Alexander William Newell	February 12, 1942	Mount Hope Cemetery
Leslie Robert Davidson	June 29, 1948	Not Don Jail
Leonard Jackson	December 16, 1952	Mount Hope Cemetery
Valent Lesso alias Lenoff Suchan	December 16, 1952	Mount Hope Cemetery
Robert George Fitton	November 21, 1956	Rest Haven Memorial Gardens
Louis William Baldwin Fisher	June 27, 1961	Not Don Jail
Arthur Lucas	December 11, 1962	Prospect Cemetery
Ronald Turpin	December 11, 1962	Prospect Cemetery

Table 1. List of Men Hanged at the Old Don Jail, Date of Execution, and Place of Burial.

It should be noted that not only hanged men died at the jail. The surviving Toronto Jail registers (OA, RG 20-100-1) and surgeon's registers (OA, RG 20-100-10) noted in the remarks column "how discharged" that some inmates "died." Other inmates who were ill were transferred from the general jail population to the infirmary or, in more severe instances, to the Toronto General Hospital. Some of the patients transferred to the hospital died there. The jail registers further indicate that in some cases, a coroner's jury sat upon the body in order to deliver a verdict. However, it does not appear from the surviving records that any of these inmates were buried within the jail precincts. The bodies of such inmates were undoubtedly released to friends or family for burial, or if the body was not claimed it was probably buried in a common or pauper's grave. This supposition could be verified through a time consuming process of matching the names of deceased inmates found in the Toronto Jail register with the burial records for the various cemeteries in the city or beyond.

The first grave to be excavated in the yard was that of John Traviss. No specific location within the yard was given in a contemporary newspaper account, except that the grave was dug beside or very near the scaffold after his execution in February 1872 (*The Globe*, February 23, 1872). The next reference to a row of graves occurred in the newspapers in July 1880, following the execution of George Bennett.

Shortly afterwards the receptacle for the body, a plain, black coffin with silver ornaments was brought and the body was placed in it, and buried in the gaol yard shortly after two o'clock yesterday afternoon, just to the north of where lies Williams, which in turn lies in the same relative position where is marked on the wall 'J.T.,' which marks the last resting place of John Travis (*The Globe*, July 24, 1880).

Eight years later, the grave of John Traviss was stated to have been approximately five feet to the south of the position of the scaffold where Robert Neil was hanged in 1888. The name "J.F. Traviss" had been "rudely lettered on the brick wall...some of the letters having been disfigured, as if an attempt had been made to obliterate the name... He was buried where he fell when the hangman severed the rope" (*Toronto Daily News*, February 28, 1888). This same report states that "six feet further south on the wall is drawn a small square... placed there so as to indicate where George Bennett was buried... Adjoining this grave is the last resting place of John Williams" (*Toronto Daily News*, February 28, 1888).

Another city newspaper related very similar information.

On the brick wall, about four feet south of the gallows, there is a square scratched on it and in the square the letters 'J.T., 1872.' This marks the spot where John Travis was buried. About four feet further on towards the gaol there is a scratch on the wall extending from the ground up about four feet and terminating in an arrow point. This marks the last resting place of Williams, the wife murderer. About four feet further along the wall another arrow marks the spot where George Bennett, the murderer of Hon. George Brown, is buried. Neill's will be the fourth

grave to be marked with the same strange monument (*Toronto Daily Mail*, February 29, 1888).

The following presents information regarding the 15 men buried at the Old Don Jail.

4.2.1 John Traviss

John Traviss was charged with the November 1871 shooting murder of John (or William) Johnson which took place near Queensville in East Gwillimbury. He was tried and convicted in January 1872 (OA, RG 22-392), and was executed at the Don Jail on February 22, 1872 (NAC, RG 13). A contemporary newspaper reported that “after hanging an hour, the body was cut down and examined by the medical officers. The neck and face had then slightly changed colour, the hands were rather blue. An inquest was then held pro forma, the jury being sworn on the spot. Mr. A. Fisher acted as foreman. The body was buried within the precincts of the jail” (*The Globe*, February 23, 1872).

The newspaper went on to describe him as “a fine young man of about twenty years of age, strongly built, and over six feet in height. His face was not at all a bad one, he was bull necked, and his lower jaw was of considerable size, his mouth was straight and firmly set, and his whole appearance tokened determination and power” (*The Globe*, February 23, 1872). A later account also noted “he was one of the finest specimens of physical manhood ever seen in Toronto, being six feet two inches in his stockings” (*Toronto Daily News*, February 28, 1888).

4.2.2 John Williams

John Williams was convicted for the September 1877 murder of his wife, Ann Williams, which took place at Weston. Williams kicked his wife to death in a drunken rage. Williams was tried at the October assizes (OA, RG 22-392). He was executed at the Don Jail on November 30, 1877 (NAC, RG 13), and “after hanging about an hour, the body was cut down and placed in a coffin and then [transferred?] into the jail” (*The Globe*, December 1, 1877). A coroners’ inquest was held following the execution.

Williams was aged about 49 years, and the father of 14 children at the time of his death. He was described as “of medium height, sparely but apparently strongly built... in his carriage he inclines to stoop, and thrusts his head slightly forward.” The description continues, employing the terminology of a phrenological analysis.

His head is not an animal head, nor is it an intellectual head. His brow is rather broad, and of medium height; his eyes deep set, blue, by no means restless; they are not bold nor firm, nor yet are they looking in a certain steadiness; there is not much character in the mouth, which is large, nor is there that strength in the jaw which is found in men of strong animal natures. The countenance is not a particularly open one, nor yet is there anything in it to betoken a treacherous

nature. The whole front, with its moderately heavy moustache, greyish goatee beard, and tonsure of iron grey hair, is far from striking, and is rather that of a quiet, peaceable man, of ordinary mental caliber and of average physical vigour (*The Globe*, December 1, 1877).

It is interesting to note that in a later newspaper account, Williams was not listed among those buried at the jail (see Figure 20).

4.2.3 George Bennett alias Dickson

George Bennett was convicted for the March 1880 shooting of George Brown, publisher of the *Globe* newspaper. Brown did not succumb to his wounds until May 9, and Bennett was charged with murder the following day. Bennett was tried at the June assizes and convicted in July (OA, RG 22-392). He was executed at the Old Don Jail on July 23, 1880 (NAC, RG 13). Bennett was born in the United States, was aged about 32 years, Roman Catholic, and an engineer by trade. Bennett was hanged on the same scaffold upon which Williams had been executed three years earlier. A contemporary newspaper account of the event described it thus:

Reaching the platform, he walked boldly up to the railing, and brought his right hand containing a crucifix, round as far in front of him as the fact of his being pinioned just above the elbows would allow. With this hand he emphasized in a necessarily restricted manner his words... In about forty minutes the body was cut down and placed in a coffin, where the jury which had been sworn in viewed the body. There was no discolouration except just under the right ear, where the knot had been placed. Those medical men standing by who examined the neck considered that it was dislocated... Shortly afterwards the receptacle for the body, a plain, black coffin with silver ornaments was brought and the body was placed in it, and buried in the gaol yard shortly after two o'clock yesterday afternoon, just to the north of where lies Williams, which in turn lies in the same relative position where is marked on the wall 'J.T.,' which marks the last resting place of John Travis (*The Globe*, July 24, 1880).

The inquest was held under the supervision of Coroner Wright (AO, RG 22-5895). Dr. J.H. McCollum, the informant for death registration purposes, stated that the cause of death was "hanging" and (with some wit) noted that the "duration" was "quite sudden" (AO, RG 80).

4.2.4 Robert Neil alias Thompson

Robert Neil was committed to the Don Jail in January 1888, following his trial and conviction for the murder of Central Prison guard John Rutledge. It was rumoured at the time that Neil, based upon his own confessions, may have been involved in other murders as well. Minutes from his trial are extant (OA, RG 22-392). He was executed at the Old

Don Jail on February 28, 1888 (NAC, RG 13). Neil was aged about 19 or 20 years old (OA, RG 80). The weight required to “lift” Neil’s body on the scaffold was estimated to be 280 pounds. Following the execution, a coroner’s inquest was held on the body by Dr. W. Augustus Richardson, acting for the jail surgeon. In “the interest of science,” the body was operated upon by Dr. Richardson in the presence of students. The report indicated:

The body is that of a young man, apparently about 20 years of age, height 5 feet 7½ inches, well nourished. The face was slightly congested, other parts of the body normal in appearance excepting that a mark around the neck about the middle, encircling the neck about four inches...the mark was about ¾ of an inch in width, dark blue in colour. There were indentations such as would be produced by the strands of a rope. The epidermis was abraded over that part. There were no other marks of violence on the body. The tongue was not bitten, there was no escape of saliva from the mouth. There was no ecchymoses below the mark...The heart (right side) was intensely engorged with blood, the left side contained only a small amount of blood. The heart was normal, healthy, the blood was very dark in colour. The lungs were very much congested, the other viscera of the thorax apparently normal. There was intense congestion of the viscera of the abdomen, the inferior *vena cava* being very full of blood. Brain and meninges were moderately congested, the sinuses not being engorged. No extravasations were present in the substance of the brain. No marked congestion of the choroid plexus. I examined the neck & found no fracture or dislocation of any of the bones, no injury to the larynx, or hyoid bone. My opinion is that death resulted from cardiac and pulmonary apoplexy produced by hanging (AO, RG 22-5985).

According to a contemporary newspaper account, “the body, when taken down, was laid in a rough pine coffin stained black. There was no pillow, but the head rested on a pile of shavings. Contrary to the expectations of many who wanted to see it, the face was not exposed, the black cap being still on the head as placed there by the hangman. It was a solemn sight to see the body lying in the rough box with its prison garb and rough shoes” (*Toronto Daily News*, February 25, 1888). The coffin was provided by an undertaker named McCabe. Another newspaper account related that “the body was not buried yesterday [February 28, 1888], as Mr. Green was disappointed in securing the services of a clergyman to officiate, but it will be buried today. After the execution the grave was dug about twenty feet south of the spot that marked the gallows” (*Toronto Daily Mail*, February 29, 1888).

4.2.5 Thomas Kane

Very little is known about Thomas Kane, a Roman Catholic (OA, RG 80) who was committed to the Don Jail in November 1889, charged with the beating murder, while in a drunken fit, of his “wife,” Mary Kane. The victim was actually his sister-in-law, the wife of his deceased brother. Following his trial and conviction at the assizes in December 1889, he was returned to the jail in January 1890 (OA, RG 22-392). He was executed at the Don Jail on February 12, 1890 (NAC, RG 13). The weight considered

necessary to hang Kane on the “lift scaffold” was estimated to be 357 pounds. An inquest, including a cranial autopsy, was held following his execution. The physician who presided at the coroner’s inquest was Dr. Henry Grundy, the jail surgeon. The body was allowed to hang for half an hour before it was cut down and “then lowered into his coffin.” The post mortem was conducted about three hours after death:

Rigor mortis was slightly marked. The body was that of a muscular man, fairly well nourished. No marks of violence was visible on any part of the body excepting one. This was a circular bruise around the neck, this being lower in front and running up to behind the ears. On opening the cranium I found the veins full of dark blood, otherwise, the parts were normal. The brain weighed 3 and a half pounds... On opening the thorax, I found the lungs congested and the left ventricle of the heart filled with dark blood. On cutting down on the back of the neck I found none of the bones fractured. As a result of the post mortem examination I am of opinion that the cause of death was strangulation caused by the encircling of the neck by a rope, and that rope having been tightened or, in other words, by hanging by the neck until he was dead. I did not cut down on the cord (AO, RG 22-5985).

The *Globe* (February 13, 1890) reported that “at three the body was buried in the gaol yard.” Again it is interesting to note that a later newspaper article does not list Kane among those buried in the jail yard (see Figure 20).

4.2.6 Henry Williams

Henry (“Harry”) Williams (aka August Schmidt) was confined in the Don Jail in January 1900, after being convicted for the murder of John Edward Varcoe, a Queen Street grocer, during a robbery. Minutes from his trial are extant (OA, RG 22-392). He was scheduled for execution at the Old Don Jail on April 13, but since that day was Good Friday the sentence was respited until the following day (NAC, RG 13). Parts of the scaffold employed during Kane’s execution were used at the execution of Williams. The condemned man was aged about 40 years (OA, RG 80). An inquest was held following his execution. The physician who presided at the coroners’ inquest was Dr. Alexander Primrose.

The body was that of a well developed man, about 40 years of age. There was marked lividity about the face and neck, the pupils were dilated and equal. There was a lacerated wound, recently inflicted, about two inches in length, under the angle of the jaw on the left side of the neck. The organs of the thorax and abdomen were examined, they were markedly congested, the heart itself being greatly dilated and all the cavities being engorged with dark fluid blood. The organs otherwise being healthy. On examining the neck, I found a dislocation of the spine, consisting of a complete separation between the fifth and sixth cervical vertebrae, the ligaments being torn, and movement allowed between the vertebrae. The spinal cord at this point being completely pulpified. There was a

vertical fracture through the thyroid cartilage of the larynx. The brain presented a normal appearance. In my opinion the cause of death was dislocation of the spine and injury of the spinal cord due to hanging (OA, RG 22-5985).

The newspapers reported “the remains were interred in the jail yard” A newspaper article from about 1915 stated “on the wall above the grave are rudely cut, evidently by some prisoner, the initials H.W.” (*The Globe*, April 16, 1900).

4.2.7 Alexander Martin

Alexander Martin was confined in the Old Don Jail in August 1904, and tried and convicted in January 1905, for striking and drowning his eight month old baby son at Munro Park (Pfeifer and Leyton-Brown 2007:129). Minutes from his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on March 10, 1905 (NAC, RG 13). Martin was aged about 22 years (AO, RG 80), and the newspapers noted that Martin had gained weight since his confinement, and weighed about 185 pounds at the time of his death (*Toronto Daily Telegram*, March 10, 1905). The “Gaol Surgeon’s Journal” records that Martin was sick with a “cough” on February 1-2, 1905, and a cough mixture was prescribed as a treatment. Remarks note that he was allowed extra rations and was relieved from labour, being “condemned to execution” (OA, RG 20-100-10, Vol. J-2, pp. 11-12). An inquest, including a cranial autopsy, was held following his execution. Dr. Andrew James Harrington, the presiding physician, described the body as “well nourished and fat.” He further noted that:

The face was agonized and puffed. The eyes protruding and pupils dilated. The right more prominently than the left. Rigor mortis had not set in. No froth from nose or mouth. Tongue thickened and indented on under surface by lower teeth. Heart and great vessels greatly enlarged. Lungs collapsed. Abdominal organs healthy. No marks of violence evident only as noted. Encircling the neck from below upwards was a bruised line traversing from immediately below & behind the right ear towards and across the middle line of neck to point to angle of left jaw thence backwards two inches below left ear to middle of occiput. Brain somewhat anaemic. 2nd cervical vertebrae fractured. I am of opinion that death was due to strangulation (AO, RG 22-5985).

Accounts of the execution were published in the *The Globe* and *Toronto World* newspapers (March 11, 1905). The *Toronto Telegram* noted that “Martin’s body will be buried in the jail yard” (March 10, 1905).

4.2.8 John Boyd

John Boyd was a 38 year-old black native of the United States (OA, RG 80). He was convicted for the June 1907 murder of Edward A. Wandle, another black man who was a restaurant keeper, on York Street. The men had quarreled over a woman named Naomi

Card, and Boyd received a blow from Wandle. Boyd then purchased a revolver and, after being taunted by the victim, fatally shot Wandle. Boyd was tried and convicted for this crime at the November 1907 assizes (OA, RG 22-392). He was executed at the Old Don Jail on January 8, 1908 (NAC, RG 13). Following the execution, the body was allowed to hang for about a quarter of an hour before it was cut down.

An inquest was conducted by Dr. Gideon Silverthorn with the assistance of two other physicians (OA, RG 22-5985). The inquest concluded that “death was practically instantaneous. His neck was broken. There were no tremors and no strangulation. The heart ceased to beat 14 minutes after the drop. It was a good clean job. After the rebound there was no muscular movement. The body hung down straight.” During the drop it was found that the noose had slipped, and was pulled up under the prisoner’s nose. “A gash some inch and a half long was cut under the prisoner’s chin, and the knot, which was jerked up under his nose, cut a gash in the prisoner’s cheek at the lip side of the nose.” The body was then “handed over to the undertakers.” It was reported that “the burial would take place at two o’clock in the jail yard. The Rev. Mr. Vipond will read the burial service” (*Toronto Evening Telegram*, January 8, 1908; *The Globe*, January 9, 1908; *Toronto World*, January 9, 1908).

4.2.9 Pavel Steffoff

Forty year-old Macedonian labourer Pavel Steffoff (OA, RG 80) was convicted for the April 1909 hatchet murder of Vani (Evan) Simoff in the basement of a home on Eastern Avenue. The motivation for the crime was robbery, since he knew that Simoff possessed \$104 in cash. Steffoff confessed that he was possessed “by a very big devil” when he committed the crime (*Toronto World*, December 23, 1909; *The Globe*, December 24, 1909). Minutes from his trial are extant (OA, RG 22-392). Before his execution, authorities discovered that Steffoff was a fugitive from justice in the United States where he was wanted on murder charges in Indiana and in Erie County, New York (Pfeifer and Leyton-Brown 2007:149). He was executed at the Old Don Jail on December 23, 1909 (NAC, RG 13), and was “buried in the jail yard” (*Toronto World*, December 24, 1909).

4.2.10 Pasquale Ventricini

Pasquale Ventricini was convicted for the March 1910 murder of Raffael Fabbio on Manning Avenue. Ventricini stabbed Fabbio in a drunken fit, although he later claimed that “he was defending himself from assault. He did not know, he says, that Fabbio was acting as peacemaker or that he had stabbed him” (*Toronto World*, July 1, 1910). Minutes from his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on June 30, 1910 (NAC, RG 13). Ventricini was a native of Italy, a Roman Catholic, and aged about 45 years at the time of death (OA, RG 80). He was married and the father of several children (Pfeifer and Leyton-Brown 2007:153). According to a contemporary newspaper account, “Dr. G.G. Rowe conducted the usual inquest. The body was interred in the jail yard” (*Toronto World*, July 1, 1910).

4.2.11 Jan Ziolkko

Jan (John) Ziolkko was a 31 year-old “Russian Pole,” and a Roman Catholic (OA, RG 80). He was married and had one daughter, both of whom resided in Poland. He was convicted for the December 1914 murder of Bogrino (also spelled Bogio/Bogiro/Tony) Trendo during a robbery in Mount Pleasant Cemetery. Ziolkko and his accomplice, Tomas Cekoski, struck Trendo with a hammer following a quarrel. They removed \$75 from the body of the deceased man, before they buried him in the snow in a ravine near Moore Park (Pfeifer and Leyton-Brown 2007:183).

Minutes from his trial are extant (OA, RG 22-392). Ziolkko was executed at the Old Don Jail on April 13, 1915 (NAC, RG 13), while Cekoski was sentenced to life imprisonment. At the execution, it was reported that the jail surgeon Dr. Perry was “overcome with emotion” and “fainted.” The hangman estimated that a drop of 7 feet 4 inches was required for the execution, since Ziolkko was “a slightly built man.” The body was allowed to hang for about half an hour, after which it appears that a *post mortem* inquest took place. The newspapers reported that “Coroner Dr. Pickering attended to the jail surgeon’s duties during the few minutes Dr. Perry took to recover.” Ziolkko was “later buried in an unmarked plot to the north of the jail” (*Toronto Telegram*, April 13, 1915; *The Globe*, April 13-14, 1915).

4.2.12 Hassen Neby

Hassen Neby was convicted for the May 1918 murder in Weston of George H. Tucker, a C.P.R. bridge worker. Minutes from his trial are extant (OA, RG 22-392). Neby was executed at the Old Don Jail on January 3, 1919 (NAC, RG 13). Neby was a native of Albania, aged about 36 years (OA, RG 80). Following the execution, an inquest was held under the supervision of Coroner Pickering, which showed that “the spinal cord had been severed. The remains were buried in the jail yard” (*The Globe*, January 4, 1919).

4.2.13 Frank McCullough

Frank McCullough was convicted for the November 1918 murder of policeman and acting detective Frank Williams. Minutes from his trial are extant (OA, RG 22-392). McCullough was executed at the Old Don Jail on June 13, 1919 (NAC, RG 13). Newspaper accounts of his final day and the execution were published, the latter intended to serve as a “warning to other boys who start on the wrong path in life.” The report concluded with an account that “McCullough’s body was buried in the jail yard yesterday afternoon, a short service being conducted by the Rev. Bertram Nelles” (*The Globe*, June 13-14, 1919; *Toronto Telegram*, June 13, 1919).

4.2.14 Frederick Davis

Frederick Davis was convicted for the August 1920 rape and murder of eight year old Philip Goldberg at Sunnyside. Minutes of his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on May 9, 1922 (NAC, RG 13). Davis was aged about 46 years (OA, RG 80). As a person of interest to the police prior to his arrest, a physical description was published in the newspaper, describing Davis as “age 43, but looks younger, 5 feet 5 inches, 115 pounds... wears wig, one gold tooth” (*Toronto Daily Star*, June 24, 1921). Following the execution, a coroners’ inquest was held under the supervision of Drs. Clendenan and Parry. An account of the execution was published in the newspaper, which stated “the body was buried in the north-east yard of the jail” an hour after the inquest, “a short burial service being held” (*The Globe*, May 10, 1922).

4.2.15 Edward Stewart

Edward Stewart was convicted for the murder of John Freeland, a Gerrard Street butcher, during a robbery attempt. He was executed at the Old Don Jail on March 24, 1930 (NAC, RG 13). Stewart was a labourer, aged about 33 years (OA, RG 80). Following the execution, an inquest was held by Coroner Dr. Crawford. A brief account of the execution was printed in the newspapers. The death certificate for Stewart showed that a burial permit was issued to Sergeant L. Bentley of the Toronto Police, and that burial took place in the Toronto Jail yard. The burial took place under the supervision of funeral director A.W. Miles (*The Globe*, March 25, 1930).

4.3 Other Men Hanged But Not Buried at the Old Don Jail

4.3.1 Robert Coulter

Robert Coulter was convicted for the November 1861 axe murder of James Kenny, and was said to have been the first person executed at the “new jail” on June 1, 1863 (*Toronto Evening Telegram*, January 8, 1908). Coulter was aged about 35 years, Roman Catholic, and a carpenter by trade. He was the son of Patrick Coulter, and is said to have been born at sea. He was committed to the jail on March 2, 1862 and was named in the jail surgeon’s register book, suffering from rheumatism. The surgeon noted in the “remarks” column “Executed 1 June” (*Surgeon’s Register* volume J-1 p. 59, #169). A local newspaper reported that “after the body had been hanging for about half an hour, Dr. Ross pronounced life extinct, and it was cut down, placed in a coffin and conveyed to St. James’ Cemetery for interment” (*The Globe*, June 2, 1863). The burial registers at St. James’ Cemetery confirm that Coulter was buried there in an unmarked grave, lot 90 south grave section V (a “six odd foot lot”), which was purchased by his father the day before the execution. The £2 costs paid to the cemetery included payment for the grave (£1), placement of the body in a receiving vault (10/-) and a charge for the digging of the

grave (10/-). The funeral service was performed by the Rev. Mr. Osler (*St. James Burial Register*, interment #6439). It should be noted that one newspaper article mistakenly reported that Coulter was buried in the jail yard (see Figure 20).

4.3.2 Frederick Lee Rice

Frederick Lee Rice was convicted for the shooting death while in the custody of Constable William Boyd. Minutes from his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on July 18, 1902 (NAC, RG 13). The body of Rice was claimed by his family, and returned by train to Champaign, Illinois for burial (*The Globe*, July 18, 1902).

4.3.3 Roy Hotrum alias Patsy Lewis

Roy Hotrum was convicted for the murder of Leonard Sabine during a robbery. Minutes of his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on August 3, 1921 (NAC, RG 13). Hotrum was aged about 21 years (OA, RG 80). The newspaper accounts of the execution stated that Hotrum's body was claimed by his family for burial in Hamilton (*Toronto Globe*, August 4, 1921). Records from the Hamilton Cemetery show that Hotrum was buried in the Church of the Ascension section, section B, the north half of grave 267.

4.3.4 William McFadden

William McFadden was also convicted for the murder of Leonard Sabine during a robbery. Minutes of his trial are extant (OA, RG 22-392). He was executed at the Old Don Jail on August 3, 1921 (NAC, RG 13). McFadden was aged about 33 years (OA, RG 80). The newspaper accounts of the execution stated that McFadden's body was claimed by his family for burial in Sarnia (*The Globe*, August 4, 1921).

4.3.5 Abraham Steinberg

Abraham Steinberg was convicted for the murder of Samuel Goldberg, and executed at the Old Don Jail on July 14, 1931 (NAC, RG 13). Steinberg was aged about 50 years. The newspaper account of the execution stated that the body was released to his family and taken to "Little York" cemetery for burial (*The Globe*, July 15, 1931).

4.3.6 John Brockenshire

John Brockenshire was convicted for the murder of policeman Roy McQuillin, and executed at the Old Don Jail on September 23, 1931 (NAC, RG 13). Brockenshire was

aged about 22 years. The newspaper accounts of the execution stated that his body was claimed by his relatives, and buried at Mount Pleasant Cemetery (*The Globe*, September 24, 1931).

4.3.7 Ewart G. Warren

Ewart G. Warren was convicted for the murder of William Moore during a robbery, and executed at the Old Don Jail on February 3, 1933 (NAC, RG 13). Warren was aged about 26 years. The newspaper accounts of the execution stated that his body was claimed by his father, and buried at St. John's (Norway) Cemetery in Scarborough (*The Globe*, February 4, 1933).

4.3.8 Michael Tkach alias Tach

Michael Tkach was convicted for the murder of Fannie Robulock, and executed at the Old Don Jail on April 3, 1933 (NAC, RG 13). Tkach was aged about 30 years. The death certificate for Tkach showed that he was buried at Mount Hope Cemetery on April 3, 1933. The burial took place under the supervision of the O'Connor funeral home (AO, RG 80).

4.3.9 Harry O'Donnell

Harry O'Donnell was convicted for the November 1935 rape and murder of Ruth Taylor, and was executed at the Old Don Jail on May 5, 1936 (NAC, RG 13). O'Donnell was aged about 25 years, and a Roman Catholic. A coroner's inquest was held on the body after it was cut down. An account of O'Donnell's last day and the execution were published in the Toronto newspapers. After the inquest "the body was then released to O'Donnell's family, and buried in the presence of his relatives and his spiritual advisor, Rev. Father McKenna" (*The Globe*, May 5-6, 1936). Records from Mount Hope Cemetery show that O'Donnell was buried on the day of his execution in a single grave, section 22 grave 94 row 11, burial #22223.

4.3.10 Thomas Bryans

Thomas Bryans was convicted for the murder of Norman Ford, and executed at the Old Don Jail on June 30, 1938 (NAC, RG 13). Bryans was aged about 38 years. The newspaper accounts of the execution stated that the deceased wished to have his body claimed by the Salvation Army, for burial at Prospect Cemetery (*Globe and Mail*, July 1, 1938).

4.3.11 Bill Petrukowich

Bill Petrekowich was convicted for the murder of his ex-wife, Annie Gerozenic, and executed at the Old Don Jail on October 4, 1939 (NAC, RG 13). Petrekowich was aged about 29 years, and a member of the Russian Greek Orthodox Church. The newspapers carried an account of his execution, as well a photograph of the deceased (*Globe and Mail*, October 4-5, 1939; *Toronto Evening Telegram*, October 4, 1939; *Toronto Daily Star*, October 4, 1939). It was reported that if “his body is unclaimed, it will be buried in a pauper’s grave” (*Toronto Daily Star*, October 4, 1939).

4.3.12 Joseph Dlugos

Joseph Dlugos was convicted for the murder of Annie Mysian, and executed at the Don Jail on July 3, 1940 (NAC, RG 13). Dlugos was aged about 41 years, and had resided at 22 Wolseley Street. The newspapers carried an account of his execution (*Globe and Mail*, July 3-4, 1940; *Toronto Evening Telegram*, July 3, 1940), and further noted that “the Rev. Mr. Shuba claimed the body and conducted a brief burial service in an unnamed graveyard” (*Toronto Daily Star*, July 3, 1940). Records at Mount Hope Cemetery indicate that Dlugos was buried in a common grave, section 19 grave 112 range 15.

4.3.13 Hugh Alexander William Newell

Hugh Alexander William Newell was convicted for the murder of his Finnish wife, Aune Paalov, and executed at the Old Don Jail on February 12, 1942 (NAC, RG 13). Newell was aged about 27 years. The newspapers carried an account of his execution, as well a photograph of the deceased. It was reported that his remains were buried at Mount Hope Cemetery (*Globe and Mail*, February 12-13, 1942).

4.3.14 Leslie Robert Davidson

Leslie Robert Davidson was convicted for the murder of his wife, Margaret Meredith, and executed at the Old Don Jail on June 29, 1948 (NAC, RG 13). Davidson was aged about 29 years. The newspapers carried an account of his execution. It was reported that the body was left suspended about 45 minutes, at which time it was cut down and placed in a grey casket which was carried out by three men. The body was conveyed to an unnamed graveyard, and “as the hearse turned away from the jail driveway into Gerrard Street, a man tipped his hat” (*Globe and Mail*, June 29, 1948).

4.3.15 Leonard Jackson alias Fred Wilson

Leonard Jackson was convicted for the murder of policeman Edmund Tong, and executed at the Old Don Jail on December 16, 1952 (NAC, RG 13). Jackson was aged about 30

years. The newspapers carried an account of his execution (*Globe and Mail*, December 17, 1952). He was buried at Mount Hope Cemetery in a plain grey casket, “end to end” with Lesso (*Toronto Evening Telegram*, December 16, 1952).

4.3.16 Valent Lesso alias Lenoff Suchan

Valent Lesso was the other man convicted for the murder of policeman Edmund Tong, and executed at the Old Don Jail on December 16, 1952 (NAC, RG 13). Lesso was aged about 24 years. The newspapers carried an account of his execution, which claimed his last words were “it won’t hurt?” (*Globe and Mail*, December 17, 1952; *Toronto Evening Telegram*, December 16, 1952). He was buried at Mount Hope Cemetery in a plain grey casket, “end to end” with Jackson (*Toronto Evening Telegram*, December 16, 1952).

4.3.17 Robert George Fitton

Robert George Fitton was convicted for the rape of Linda Lampkin, and executed at the Don Jail on November 21, 1956 (NAC, RG 13). Fitton was aged about 22 years. The Don Jail records contain correspondence regarding his finger prints (letter dated July 10, 1956, AO microfilm MS2876). The newspapers carried an account of his execution (*Toronto Globe*, November 21, 1956). An order-in-council was issued by the executive council and approved by the lieutenant governor on November 22 that stated:

Pursuant to the provisions of Section 650 of the Criminal Code of Canada, R.S.C. 1955, after execution the body of Robert George Fitton be delivered into the care of his father, Mr. William Fitton, 107 East Lynn Avenue, Toronto, Ontario, to be interred in Rest Haven Memorial Gardens, Scarborough, Ontario, Section 3, Block D, Grave 140A, on the same day as execution, and that the aforesaid William Fitton be responsible for all expenses connected with the burial of the remains of the aforesaid Robert George Fitton, and that burial be carried out privately and without any public demonstration” (OA, RG20-100-5).

4.3.18 Louis William Baldwin Fisher

Louis William Baldwin Fisher was convicted for the rape of Peggy Bennett, and executed at the Don Jail on June 27, 1961 (NAC, RG 13). Fisher was aged about 24 years. The newspapers carried an account of his execution, which recorded that his last words were the prayer “The Lord is my Shepherd” (*Globe and Mail*, June 27, 1961; *Toronto Evening Telegram*, June 27, 1961; *Toronto Daily Star*, June 27, 1961).

4.3.19 Arthur Lucas

Arthur Lucas was convicted for the murders of a pimp and a prostitute named Thomas Crater and Carol Newman, and was one of the last two executions at the Old Don Jail on December 11, 1962 (NAC, RG 13). Lucas was aged about 54 years. The newspapers carried an account of his execution, as well as a photograph of the deceased (*Globe and Mail*, December 11, 1962). The newspaper account of the execution stated that “neither body was claimed, and the two murderers were buried side by side in a Toronto cemetery. At a brief ceremony beside the unmarked graves, Brig. Everitt spoke a few words” (*Toronto Telegram*, December 11, 1962). Records at Prospect Cemetery show that Lucas was buried in section 13, plot 415.

4.3.20 Ronald Turpin

Ronald Turpin was convicted for the murder of policeman Frederick Nash, and was one of the last two executions at the Old Don Jail on December 11, 1962 (NAC, RG 13). Turpin was aged about 29 years. The newspapers carried an account of his execution, as well as a photograph of the deceased (*Globe and Mail*, December 11, 1962). The newspaper account of the execution stated that “neither body was claimed, and the two murderers were buried side by side in a Toronto cemetery. At a brief ceremony beside the unmarked graves, Brig. Everitt spoke a few words” (*Toronto Telegram*, December 11, 1962). Records at Prospect Cemetery show that Turpin was buried in section 13, plot 416.

5 IDENTIFYING THE REMAINS

5.1 Introduction

In order to facilitate unbiased excavations and analyses, the members of the excavation team were not informed of the on-going results of the historical research. The historical research enabled the creation of a “profile” of each of the 15 individuals using evidence such as age, physical characteristics, and burial information (i.e., location of burial, use of casket, clothing, etc.). The historical profiles were then compared with the biological and archaeological data that had been collected in the field.

Several issues arise from the intention to match the names of the 15 men known to have been interred at the Jail with the 15 sets of skeletal remains. As indicated in Section 3.1, the collected living height information was not generally useful as most individuals had missing or disturbed vertebral elements. The historical records are often vague or incomplete, failing to contain the information needed for an accurate identification. For example, Thomas Kane, whose age is not present in any official prison documents, is only described in the newspapers as being “less than middle age” at the time of his committal (*The Globe*, November 18, 1889). This lack of information is problematic when attempting to identify specific individuals within a small population of mostly healthy adult males with a fairly limited age range (generally 20 to 40 years of age). Moreover, in the case of the men who were executed after 1905, access to the York County Coroner Investigations is restricted at the Ontario Archives under the Freedom of Information and Protection of Privacy Act because the records are less than 100 years old. Even in instances where this information was made available, the records often do not note anything that would be helpful in identifying individuals from their skeletal remains.

The order of burials within the cemetery (Figure 4) also does not aid in identification since the burials do not appear to have been placed in any kind of chronological pattern (e.g., south to north along the west yard wall). There were also conflicting media reports of which individuals were buried within the cemetery and which had been interred elsewhere, such as the undated “Murders’ Graveyard” article (Figure 20) that listed Robert Coulter as being buried in the yard. In fact, he is known to have been interred in St. James’ Cemetery. Conflicting newspaper reports regarding where John Traviss, John Williams, and George Bennett are buried in relation to one another complicate the issue of identifying those individuals. Although it is clear from the archival evidence that they were buried in close proximity to one another, the lack of clarity on whether Traviss is south or north of Williams and Bennett led the team to rely on other data to determine their positioning in relation to one another. Indeed, the comparison of the historical and archaeological data with the physical evidence of the skeletal remains suggests that the report that places Traviss north of Williams, who is in turn north of Bennett, is correct. Robert Neil is also reported to be in close proximity to the three men although his exact positioning is unclear (*Toronto Daily Mail*, February 29, 1888). Given these kinds of limitations, the personal identification of the remains should be considered provisional

with only a few exceptions. Further skeletal analysis at the time of disinterment along with chemical analyses of samples of the remains, however, could provide confirmations of these preliminary identifications.

5.2 Individual Identifications

Burial 1: It is possible that Burial 1 is the remains of John Boyd, executed January 8, 1908. The age range for the individual is consistent with Boyd's age at death variously described as 33 years (*Toronto Daily Star*, January 8, 1908) and 38 years (OA, RG 80). Boyd was described by the *Toronto Daily Star* (June 12, 1907) as "stout, robustly built, thick-chested and bulky," which matches the general appearance of the skeletal remains. The joints of this individual exhibited joint wear older than would be expected for someone of this age, which potentially could have been caused by his robust constitution. After his execution, the *Toronto Daily Star* (January 8, 1908) stated that Boyd was stripped of his clothing, which is consistent with the lack of fabric or buttons found with the burial.

Burial 2: Burial 2 may be the remains of Hassen Neby, executed January 3, 1919. There is a dearth of easily available archival information on Neby, which makes his identification more difficult. His age at death is an exact match for the age estimate obtained from the skeletal remains. This individual was missing the first three cervical vertebrae, which would mostly likely have been removed during the autopsy, which in turn is consistent with a news report from *The Globe* (January 4, 1919) that states that an inquest discovered that the spinal cord had been severed.

Burial 3: Burial 3 may be Henry Williams (aka August Schmidt), who was executed on April 14, 1900. Due to the relatively poor preservation of the skeletal remains in the thoracic and pelvic area, it was difficult to assess the age of this individual although judging from the tooth wear, he may have been approximately 40 years old. Moreover, although the simple construction of the shoes found with the remains are not precisely datable, they are consistent with the period in question.

Burial 4: It is possible that Burial 4 is Pavel Steffoff, executed December 23, 1909. His age at death of approximately 40 years (Pfeifer and Leyton-Brown 2007:148) is consistent with our approximate age of the skeletal remains. There is very little useful available archival material and his Coroners' Inquest records are restricted, therefore, this identification is very tentative.

Burial 5: It is probable that Burial 5 is Jan Ziolkowski, hanged April 13, 1915. Ziolkowski was reported to be a slightly built "Russian Pole" of 31 years of age (*Toronto Evening Telegram*, April 13, 1915), which fits with the small stature, prominent nasal bones, and age range of the skeletal remains. In the crook of the left arm of the skeletal remains there was a metal and wood cross (Figure 9); at the time of his execution, Ziolkowski was supposed to be carrying a cross and was presumably buried with it (*Toronto Daily Star*, April 13, 1915). Moreover, Ziolkowski was reported to be buried in a plain wooden casket a short

distance north of the jail (*Toronto Daily Star*, April 14, 1915) consistent with the fact that no pieces of coffin hardware were found in association with this burial.

Burial 6: It is possible that Burial 6 is Alexander Martin, hanged March 10, 1905. The skeletal remains indicate that this individual was somewhat older than Martin's 22 years of age but Martin was reported as "stout", approximately 183 lbs (*The Globe*, March 10, 1905), which can cause premature aging of the joints. As well, this burial has the appearance of a stout individual with a broad placement of the legs. An examination of the neck and vertebrae of the skeletal remains revealed a fracture of the second cervical vertebrae which matches precisely the Coroner's findings in the autopsy.

Burial 7: Burial 7 is possibly Thomas Kane, hanged February 12, 1890. This individual appears to be the same approximate height and rough age as Kane, who was described at the time of his committal as "a man less than middle age, about five feet nine, stout of build, full faced" (*The Globe*, November 18, 1889). As well, there were no fractures of the vertebrae noted, which is consistent with the Coroner's inquest. Yet, there is very little archival material that is helpful in identifying Kane.

Burial 8: This individual is almost certainly Fredrick L. Davis, hanged May 9, 1922. It was noted in court documents that he was 46 years old, which fits within the estimated age range for this burial. Prior to his arrest, the *Toronto Daily Star* (June 24, 1921) reported that he had a pre-existing fatal medical condition and wore a wig, all of which are consistent with the advanced tertiary syphilis observed in the skeletal remains. Furthermore, the maxilla of Burial 8 contained a gold and enamel dental bridge, and the *Star* also had reported that Davis had one gold tooth. There are no other skeletal remains in this cemetery that match that specific description. This individual notably did not have evidence of a cranial autopsy, which could reflect changing attitudes to physical punishment in the criminal justice system at this time in Canada (Strange 2001).

Burial 9: Directly east of Burial 8, presumed to be Frederick Davis, is Burial 9. Based on the physical evidence, proximity to Davis, and the rectangular coffin shape, which suggests a later date (Woodley 1991:47), it is probable that this individual is Edward Stewart, hanged March 24, 1930. His reported age at death was 33 years old (*Toronto Daily Star*, March 24, 1930), which fits perfectly with the estimated age range. As he was the last individual interred in the Old Don Jail cemetery, it seems likely that he would be the individual with the most modern casket. Similar to Burial 8, this individual did not undergo a cranial autopsy, which suggests again a more recent burial (Strange 2001).

Burial 10: It is possible that Burial 10 is George Bennett (alias Dickson), hanged July 23, 1880. Bennett's age at death of 32 years fits within the age range of the skeletal remains. The coffin of Burial 10 had silver hardware, which matches with reports that Bennett's coffin had "silver ornaments" (*The Globe*, July 24, 1880). As well, this individual was found with remnants of leather shoes that date to around the same time period. Although it was reported that Bennett carried a crucifix to the gallows, one was not discovered with this individual during excavation. It is possible that the cross was present but merely obscured by the clothing found on the torso.

Burial 11: It is probable that Burial 11 is John Williams, hanged November 30, 1877. Williams was the oldest, at the age of 49, of the 15 hanged men buried in the cemetery, and this individual was the oldest of the sets of remains, with an age estimate of 50 years old. The advanced age of this individual was particularly evident in the extreme wear on his teeth. The cavalry style boots that were found in association with this burial were common during Williams' lifetime.

Burial 12: It is probable that Burial 12 is John Traviss, hanged February 22, 1872. Traviss was noted in the *Toronto Daily News* (February 28, 1888) as being over six feet and approximately 20 years of age. This description matches the estimated stature and age of the skeletal remains, particularly since this individual had some epiphyseal lines in their final stages of closure, indicating a young adult. The identifications of Burials 10, 11 and 12 as Bennett, Williams and Traviss are most consistent with both the archival data for burial location (see Section 5.1) and the biological data.

Burial 13: Based on the physical evidence, it is probable that Burial 13 is Robert Neil, hanged February 28, 1888. Neil was the youngest individual at 19 years of age. There were unfused epiphyses on the long bones of Burial 13 indicating he was the youngest of the skeletal remains. Neil is reported to have been buried in a plain coffin close to the scaffold, which matches with the lack of hardware found in association with this burial (*Toronto Daily News*, February 28, 1888). The examination of the vertebrae also unfused epiphyses on the long bones correlates with the autopsy report, which noted no fractures of any of the bones.

Burial 14: It is possible that Burial 14 is Frank McCullough, hanged June 13, 1919. McCullough was in his mid-20s at the time of his execution, which is consistent with the age range for this burial. It was reported that McCullough was buried in a "nice casket" (*Toronto Daily Star*, June 14, 1919). Burial 14 featured tin Rococo shell hardware as well as a possible name plate. This burial had a pair of Goodyear welted shoes that date to the early twentieth century, and McCullough was reported to be wearing "black high shoes" at the time of his death (*The Globe*, June 14, 1919).

Burial 15: It is possible that Burial 15 is Pasquale Ventricini, hanged June 30, 1910. There is very little secondary source material about Ventricini other than that he was 45 years old at the time of his death (NAC, RG 13), which is consistent with the estimated age of the skeletal remains.

6 OTHER ARCHAEOLOGICAL FEATURES

Six non-burial cultural features (Figure 3) were documented in the east exercise yard as a result of the deep excavations necessary to investigate the burial area. Regrettably, no photographs are available of these features due to damage suffered to the roll of film used to document the non-burial features. Also, one possible feature (designated “Feature 1” during the Stage 2 assessment) was eliminated from the list after the soil stain disappeared during the investigation of burials along the north wall.

Feature 2 is a red brick well partially exposed 4 m north of the chain link fence in the south end of Trench 9 (Figure 3). The uppermost course of extant red brick is located 44 cm below the existing grade. Decomposing wood was found in association with the well lining but its function is uncertain. The full diameter of the feature is not known as it extended underneath the baulk between trenches 8 and 9; at a minimum it is 1 m wide. No artifacts were observed in the soil fill. Its proximity to the Old Don Jail suggests that it may be a water feature original to the building’s construction (1859-1863).

Feature 3 is a limestone cistern partially exposed between the ends of Trenches 7-12 and the chain link fence (Figure 3). The top of the cistern is located 114 cm below present grade and is comprised of a dressed limestone slab. The full diameter is not known but its projected diameter would be close to 6 m extending underneath the fence. A square box of two courses of yellow brick was constructed on top and was capped with a 6” thick slab of limestone, presumably to allow maintenance access into the cistern. A 5” red clay pipe leads into the vault. Its proximity to the Old Don Jail, suggests that it may be a water feature original to the building’s construction (1859-1863).

Feature 4 is a brick vault of undetermined function that was exposed to the east of the limestone cistern approximately 80 cm below present grade (Figure 3). At least two courses of mortared red brick were used to construct an arched vault. Two cast iron pipes lead into the vault from separate locations and at different depths. The feature probably is related, therefore, to some aspect of waste management in the Old Don Jail.

Feature 5 is the 1 m wide stone foundation for the red brick wall that enclosed the east exercise yard. It is present to varying degrees of completeness along the west and north perimeter of the yard.

Feature 6 is a concrete foundation for a building approximately 6 m wide and 10 m long. The top of the foundation is located 20 cm below present grade and was constructed by pouring concrete directly into forms measuring between 20 and 30 cm wide. No builder’s trench or interior features were documented. The foundation articulates with a 150 cm thick concrete pad in its northwest corner. A cinder block vault is located north of Feature 6 and may have facilitated services into the building as a trench with an iron conduit leads to the cinder blocks. Two other electrical service trenches were also documented leading to the foundation. No structure is documented in the location of Feature 6 either on the 1953 plan (Figure 2) or the series of Goad’s insurance plans for the city of Toronto

produced in the early twentieth century (ERA 2004:Figures 13, 15). The building, therefore, was probably constructed sometime in the late 1950s but removed from the property by the 1980s as it is not present on aerial photographs made prior to the demolition of the perimeter wall.

Feature 7 is a stone foundation for a 2 m square building. The uppermost course of extant stone is located 150 cm below present grade. The interior of the feature was backfilled with coal ash, greasy black soil, and corroded metal cans that were left in situ. A structure in the northwest corner of the exercise yard is illustrated in the location of the feature on the 1953 plan (Figure 2), but it did not exist at the time of the 1931 Goad's plan (ERA 2004:Fig. 15). Its function is unknown.

The complex of cultural features including the wall enclosing the east exercise yard have been registered in the Ontario Archaeological Sites Database as the Old Don Jail site (AjGu-58).

7 CONCLUSIONS AND RECOMMENDATIONS

1. The fifteen individuals found during this investigation were all hanged at the Don Jail between 1872 and 1930. As they were intentionally interred in the former east exercise yard, this burial area can be defined as an unapproved cemetery.
2. The burial area is currently used as a high-traffic parking lot for both the existing Don Jail and the Bridgepoint hospital complex. The redevelopment of the site will include re-using the old Don Jail as part of the new hospital for Bridgepoint. The area of the former east exercise yard is the site of a future hospital related building. Prior to the construction of such a building within the east exercise yard, the area will form part of a landscaped area associated with the new hospital. These fifteen individuals should therefore be disinterred and re-interred in a proper cemetery. It has been the custom since 1930 for those who die in custody at the Don Jail, whether judicially hanged or not, to be given a proper burial in a community cemetery, should relatives not claim their body.
3. As the names of the fifteen individuals are known, the Registrar of Cemeteries will decide, on the basis of privacy issues, whether to publish their names when publishing notice of the impending disinterment.

Given the improbability of any family members coming forward to claim the bodies or represent the interests of the deceased, Bridgepoint Health is willing to assume responsibility for reburial of the remains in a local cemetery.

4. Given the uncertainty regarding the identity of most of the burials, it is recommended that each set of remains be subject to further detailed age, stature and pathology analyses in order to provide the best possible opportunity for the positive identification of each individual. This would potentially allow for their re-interment as identified individuals.
5. In addition to the east jail yard wall (Feature 5), Features 2, 3, 4 may be related to the original Don Jail building (1859-1863) given the use of red brick and stone construction material and their inferred functions as water and waste management features necessary for the daily operations at the jail. Prior to any future impact, they should be subject to Stage 3/4 salvage investigation as per Ministry of Culture draft guidelines for consultant archaeologists (August 2006). Samples of feature fill should be screened through six millimetre mesh to facilitate artifact recovery. Representative plans and stratigraphic profiles must be recorded at an appropriate scale and a thorough photographic record maintained for each feature.
6. Cartographic evidence suggests that Features 6 and 7 post-date 1931. As such, the age of these features does not meet the criteria of significant archaeological resources as per Ministry of Culture draft guidelines for consultant archaeologists (August 2006).

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