Type of Report	○ Original
	☐ Revised
	Addendum 🔲
	☐ Preliminary
Date of Submission to MTC:	

Stage 1 Archaeological Resource Assessment of

333 King Street East
(Part of Block C [on the South Side of King Street East] and Part of Block
G [North Side of Front Street East] Town of York Plan),

City of Toronto, Ontario

Prepared for:

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Archaeological Licence P125 (MacDonald) MTC CIF P125-078-2011 ASI File 11SP-069

December 2011



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Stage 1 Archaeological Resource Assessment

of

333 King Street East

(Part of Block C [on the South Side of King Street East] and Part of Block G [on the North Side of Front Street East] Town of York Plan),

City of Toronto, Ontario

EXECUTIVE SUMMARY

The Stage 1 Archaeological Resource Assessment of 333 King Street East in the City of Toronto has been carried out in advance of an application for its proposed redevelopment. The assessment entailed consideration of the proximity of previously registered archaeological sites, the original environmental setting of the property, and its nineteenth- and twentieth-century development history. This research has led to the conclusion that there is potential for the presence of significant Euro-Canadian archaeological resources that may be impacted by site preparation or construction activities necessitated by the proposed redevelopment. Accordingly, this report recommends that a Stage 2 Archaeological Resource Assessment, involving the excavation of a series of test trenches, be conducted within the west portion of the north part of the subject property prior to any other form of land disturbance.



ARCHAEOLOGICAL SERVICES INC.

PLANNING DIVISION

PROJECT PERSONNEL

Project Manager:

David Robertson, MA

Senior Archaeologist & Manager, Special Projects

Project Director:

Eva MacDonald, MSc (P125)

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Field Director:

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1.0 PROJECT CONTEXT

1.1 Development Context

Archaeological Services Inc. was retained by First Gulf King Street Inc. to conduct a Stage 1 Archaeological Resource Assessment of the proposed residential redevelopment of 333 King Street East, located at the southwest corner of King Street East and Berkeley Street, extending south to Front Street East in the City of Toronto (Figure 1). The subject property encompasses approximately 0.352 hectare.

This assessment, required as a condition of site plan and rezoning applications, was conducted under the project management of David Robertson and project direction of Eva MacDonald (MTC CIF P125-078-2011), as required by the Ontario Planning Act. All activities carried out during this assessment were completed in accordance with the terms of the Ontario Heritage Act and the Ministry of Tourism and Culture's 2011 Standards and Guidelines for Consultant Archaeologists.

Permission to access the subject property and to carry out all necessary activities necessary for the completion of the assessment was granted by First Gulf King Street Inc. on October 27, 2011.

2.0 HISTORICAL CONTEXT

2.1 The Nineteenth-and Twentieth-Century Development of the Subject Property

The subject property comprises part of Block "C" on the south side of King Street East, and part of Block "G" on the north side of Palace or Front Street East, as shown on the Old Town of York Plan. This land was converted to Land Titles Qualified (LTCQ) in July 2003. It originally formed part of PIN 21091-0290, but this identifier has been changed to 21091-0310.

Surveys and Early Context

The land which comprises the former York Township was alienated by the British from the native Mississaugas by provisional treaty number 13, known as the "Toronto Purchase," dated at the Bay of Quinte on September 23, 1787. Due to certain irregularities contained in the original document, this purchase was confirmed by a second treaty dated August 1, 1805. Between 1784 and 1792, this part of southern Ontario formed a part of the judicial District of Montreal in the Province of Quebec (Anonymous 1891 vol. 1:32-35).

The first township survey was undertaken by Augustus Jones in 1791, when the base line was established. The name proposed for this tract of land was "Dublin Township." Two surveys for a town plot at Toronto had been made by Gother Mann and Alexander Aitkin as early as 1788. These plans were not used, and a new survey for the Old Town of York was undertaken by Alexander Aitkin in the summer of 1793. This plan consisted of just ten blocks, bounded by George, Adelaide, Parliament and Front streets. By the summer of 1797, the survey of the town had been enlarged and included land as far north as Lot (Queen)



Street, and westward to Peter Street (Winearls 1991:591; Firth 1962:11, 21).

At that time it was announced that York had been selected as the temporary capital of Upper Canada, and all government officers were required to relocate from the town of Newark (now Niagara-on-the-Lake) to the north shore of the lake. Some officials, such as William Jarvis, were reluctant to abandon the homes and property which they had improved in Niagara. Large blocks of land called "Park Lots" were set aside, which extended between Queen and Bloor streets. These Park Lots were granted to members of the Family Compact and to those who were friendly towards the government, partly as an incentive for them to move, and also as partial compensation for any losses which they might sustain thereby.

The original "Old Town" of York, laid out in 1793, only extended as far west as New or Jarvis Street. In June 1797, the survey of the town was extended further westward to York Street, and then to Peter Street by a second survey. The original northerly limit of the city was established at Lot or Queen Street. Peter Russell objected to this enlargement of the town. He felt that it would "be impossible to prevail upon the Inhabitants to build near each, and years might elapse in Consequence before the place would assume even the appearance of a Town." The inhabitants who did build houses would be thinly scattered, and expenses such as the maintenance of roads and sewers "would fall heavy upon those who shall have Houses even in this confined space." Russell predicted that York "might remain for ever an Ugly, Miry, unhealthy swamp." Russell recommended without success to Chief Justice John Elmsley that the "new town" could be surveyed and the land held in reserve by the government, and only extended westward "as the Population may call for it." A sketch map of this survey was compiled by surveyor John Stegmann in April 1801 (Robertson 1908:46; Firth 1962:43).

The Town and Township were re-named by Lieutenant-Governor John Graves Simcoe in 1792, either after the County of Yorkshire in England, or as a compliment to Prince Frederick, who was then the Duke of York (Gardiner 1899:216-217). Family tradition relates that the name "York" was suggested by Captain John Denison, an early brewer in the town, who is said to have told Simcoe that "No Yorkshireman would live in a place called Dublin." Simcoe asked Denison what would be a better name for the capital, to which Denison replied that he would settle in the new town if it was called "York." The name of the town reverted back to "Toronto" when the settlement was elevated to the status of a city in 1834 (Martyn 1980:28-30).

The town and township comprised part of the East Riding of York in the Home District which, between 1792 and 1800, was administered from Niagara. Unofficially, plans were forwarded for York as the capital of Upper Canada in the winter of 1796. However, it was not until February 1798 that it was selected as the "seat of Government on mature deliberation" by the Duke of Portland (Firth 1962:24, 47). On January 1, 1800, the Home District was elevated into a separate administrative district from Niagara. Following the abolition of the Districts in 1849, the Home District was succeeded by the United Counties of York, Peel and Ontario in 1850. Ontario and Peel were elevated to separate county status in 1851-1852 (Armstrong 1985:143).

In 1805, it was noted that the town "is much increased within the last two or three years, and several very good houses have been built by the different officers of government. Other public buildings, such as the



court house and House of Assembly, had not been fully completed. The gaol was a "tolerable building, and in a healthy situation." The town was "well furnished with every necessary convenience, and the market is well supplied." The private stores were "very respectable" but the prices "rather high." The streets were "tolerably uniform, and exhibit a handsome prospect from the lake." The society in York was "highly respectable, and its hospitality is experienced by every visitor" (Boulton 1805:43-45; Smith 1846:225).

The population of the Town increased gradually before the War of 1812, but showed a significant growth during the 1820s. In 1797, for instance, the total number of inhabitants within the town was estimated at 212 persons. Within the space of one decade, this number had doubled to 414. By 1824-1825, the town contained 1,679 residents. By 1834, when Toronto was incorporated as a city, the population had reached 9,254, and by 1845 this number had doubled again to 19,706 (Walton 1837:41; Smith 1846:193; Mosser 1984:7, 67, 157).

Land Use History

Town of York Plan Block C, South Side of King Street East (formerly Duke Street)

These lands comprise the north half of the subject property, otherwise identified at "Part 3" on the 2010 plan of survey prepared by Krcmar Surveyors Ltd.

Block "C" was originally patented by the Hon. John Small, probably on July 10, 1801. The abstract index does not refer to the date of this patent, but other nearby town lots owned by Small were patented on that date. In a list of land owners at York, compiled by the Surveyor General's office in December 1807, Small was noted as being the "owner" and "occupant" of this land (Robertson 1908:544).

Small (1746-1831) was a native of Circucester, in Gloucestershire, England, and born near the market town of Berkeley. He was a major in the local militia in England during the time of the Revolutionary War. Small was married in England to Elizabeth Goldsmith. He was appointed Clerk of the Executive Council in 1792, and Clerk of the Crown of Upper Canada in 1806. He arrived at the Town of Newark (Niagara-on-the-Lake) slightly later than the other government officials, in mid-April 1793. Small was granted a Park Lot in Toronto in September 1793, and he increased his land holdings through subsequent grants and purchases. Small appears to have been one of the first government officials to take up residency at York, and was named in the first "List of Inhabitants" in July 1797. Small held a variety of minor positions, such as justice of the peace (1796) and lieutenant-colonelcy of the York Militia (1798). He was involved in the famous duel with Attorney General John White, in defense of his wife's reputation, in early January 1800. White fell mortally wounded, and Small was charged with murder although he was acquitted at the trial. Mrs. Smalls' reputation was ruined, and as a result she was snubbed by the "ingrown" elite York society for years thereafter. Even Small himself was socially ostracized for a number of years; for example, Miss Elizabeth Russell in 1806 would only acknowledge Small "by a distant curtsey." Small was a subscriber towards the improvement of Yonge Street in 1801-1802, and also contributed funds for the building of new bridges over the Don River. He was a long-time parishioner at St. James' Church. In 1800 and 1801, he ran unsuccessfully for a seat in the House of Assembly. Small



was a subscriber towards the first fire engine for the Town of York in December 1802. He was a trustee of the York District grammar school. During the War of 1812, Small contributed to the war effort by becoming a member of the Loyal and Patriotic Society. He eventually recovered part of his social status amongst the members of the government, and by the 1820s he became moderately wealthy through the fees he was able to collect from his office and also from land speculation (Scadding 1873:84, 133, 138, 199-200, 246, 249, 385, 484, 509; Robertson 1894:95-98; Firth 1962:15, 101; Martyn 1978:25-26; Mosser 1984:3; Mealing 1987:721-722; McKenna 1994:69-71).

Small remained the owner of his land, which had not been subdivided, until the time of his death. Under the terms of his will, his widow Elizabeth (Goldsmith) Small held a life interest in his estate lands, and then after her death (or remarriage) the estate devolved upon their son, James Edward Small (Old York, Memorial of will, #8328GR).

James E. Small was born at York in February 1798. He was educated at the Home District Grammar School. During the War of 1812, he served as a midshipman on board the St. Lawrence. He acted as a second in the duel fought between Samuel Jarvis and John Ridout in July 1817. Small was charged with being an accessory to murder after the duel, but was acquitted. He was trained in the legal profession under William Warren Baldwin, and Scadding described him as "an eminent member of the bar." He was an attorney and a barrister, and was called to the bar in Hilary Term of 1821. He was married to Frances Elizabeth, the daughter of Thomas Ridout, in 1821. He was one of the subscribers towards the building of a new Don Bridge in 1822. One of his first important cases came in 1826, when he acted as counsel for William Lyon Mackenzie following the "Types Riot." He was commissioned as a Captain in the 1st Regiment of East York Militia in January 1826. Small was a bencher in the Law Society of Upper Canada, and commissioned as a magistrate in 1833. He ran for office in the various elections held between 1828 and 1844. Small was successful at the polls in 1834 when he defeated Sheriff W.B. Jarvis, and again in 1839, 1841, 1842 and 1844. He was also elected as an alderman for St. Davids' Ward in Toronto in 1836. He was known as a "Baldwin Reformer" in later years. Small was appointed Solicitor General for Canada West in 1842. He served as the vice-president of the York Auxiliary (Upper Canada) Bible Society between 1828 and 1846. He was made a Queen's Counsel in 1842, and served as solicitor for King's College during the 1840s. He was treasurer of the Law Society of Upper Canada in 1849. Small was appointed as a County judge in Middlesex in 1849. One of the magistrates in London noted that Small was "a better judge of a good dinner than he was of law." He often suffered from ill health, and his contemporaries noted that "his voice was weak and his constitution delicate." He died in London in May 1869 (Scadding 1873:84, 185, 396; Robertson 1894:98; Firth 1966:102; Armstrong 1976:724-725; Armstrong 1985:126, 129; Elliott et al. 1995:200).

This land was held by Small for a few years following the death of his father. In March 1834, he sold the entire block to his younger brother, Charles Coxwell Small, for £200. Mrs. Small had neglected to sign off her interest in this land at the time of the deed, and therefore in August 1837 she released her dower (Old York Memorial deeds #10854, 14515).

Charles C. Small was born at York in 1800. He was educated at the Home District Grammar School. He was educated in law, and was an attorney and barrister. He was called to the bar in Easter Term of 1824.



Small succeeded his father as Clerk of the Crown and Pleas in 1825. He was commissioned as a major in the 1st Regiment of North York Militia in November 1827, and later served as a colonel in the 4th Regiment of North York Militia. Small was a member of the Agricultural Society of York County. He appears to have been a sportsman, and it was noted in the local papers that he purchased a winning horse at the York Races in October 1828. Small was a justice of the peace at the Home District General Quarter Sessions of the Peace in the 1830s. He became an invalid in later life, and died in March 1864 (Robertson 1894:98; Firth 1966:285, 321; Campbell 1967:58; Martyn 1978:27; Armstrong 1985:126, 129; Elliott et al. 1995:214).

In July 1837, Small sold the easterly part of Block "C" to Dr. Christopher Widmer for £500. The parcel conveyed to Widmer was described as 1½ chains on the south side of King Street by 2½ chains on the west side of Berkeley Street, or 99 x 165 feet (30.18 x 50.29 m). It would appear that this land was sold as part of an exchange of land, in which Widmer acquired the corner of the lot at King and Berkeley, and Small was able to extend his holdings southerly all the way to Front Street and the bay shore (Old York Memorial deed #15419).

Widmer retained ownership of this land until his death, at which time it fell into the hands of his executors. His will named the executors as the Hon. Robert Baldwin, Adam Wilson, and Robert Gladstone Dalton (Old York Memorial deed #74255GR).

Confusion seems to have arisen over the northeast part of the subject property in part Block "C" in later years. Part of this land appears to have been over-lapped by the boundaries of the property to the east, which was covered by a deed from Charles Small to Christopher Widmer in 1838. The remainder of the subject property portion of Block "C" parcel had passed down through the estate of Charles Small's son, John. In July 1913, an Order was registered on title which established the boundaries of the Small land as being 116 feet (35.36 m) on King Street by a depth of 134 feet 5 inches (40.99 m), commencing 50 feet (15.24) west of Berkeley Street and running west (City deed #12694M).

Named in honour of his grandfather, John Small was born in Toronto in 1831, and educated at the Home District Grammar School and at Upper Canada College. Small was appointed the Taxing Master of the Court of Queen's Bench, also referred to as the Taxing Master at Osgoode Hall, an office that he held until 1882. Small was also noted in the city directories as a clerk in the Court of Queen's Bench, which may have been another title for his duties as "taxing master." He was elected as an alderman to Toronto City Council, and represented St. Lawrence Ward between 1877 and 1879. Small was elected to the House of Commons as a member for East Toronto, and retained his seat from 1882 until 1891. He also served as the Collector of Customs for the Port of Toronto between 1891 and 1909. He died in February 1909, after which time his widow, Susan, sold the house (Campbell 1967:292, 315; Martyn 1978:29).

The portion of the subject property remained in the possession of the Small estate until April 1926. At that time, the Toronto General Trusts Corporation and Rosa V. Rogers (spinster) acting as the executors of the estate of John Small, sold the parcel of property to Herbert B. and Catherine M. Ganton for \$8,500. It was described as 109 feet 6 inches (33.38 m) on King Street by a depth of 133 feet 8 inches (40.77 m), commencing 56 feet (17.07 m) west of Berkeley Street and running west (City deed #4116ES). Ganton sold the land to the Copeland Brewing Co. Ltd. in February 1944. An agreement was registered on title



between the City and Copeland in October 1945, as well as in September 1947, in regard to a wooden canopy that formed an encroachment (City deeds #20525ES, 22910ES, 26541ES).

This land, as well as the large property to the west that was bounded by the east side of Ontario Street, was sold by Copeland to the John Labatt Ltd. in July 1946 (City deed #24462ES). Labatts, in turn, sold it to Toronto Sun Publishing Ltd. in October 1973. The property was then described as part 1 on Plan 63R-583 (City deed #CT27832).

In August 1974, plan BA864 was registered on title, which confirmed the boundaries of Front, Ontario, King and Berkeley streets (City deed #CT182067). Agreements were later registered on title between the City of Toronto and the Toronto Sun regarding the redevelopment of this property (City deeds #CT989011, CT989012).

Town of York Plan, Part Block "C" South side of King Street East (formerly Duke Street) and Part Block "G" North side of Front Street East (formerly Palace Street)

These lands comprise the south half of the subject property, otherwise identified at "Part 4" on the 2010 plan of survey prepared by Krcmar Surveyors Ltd. While the bulk of this portion of the property consists of Block "G," it also includes a narrow strip along the south side of Block "C." For the history of the ownership of much of Block "C," see the discussion above. Title passed from the Hon. John Small in 1831, to his son James Edward Small, and then to Charles Coxwell Small in 1834. Block "G" was patented by Dr. Christopher Widmer on June 5, 1817. It measured 3/5 of an acre (0.24 ha).

Widmer (1780-May 3, 1858) was born at High Wycombe, England. He was educated as a surgeon during the late 1790s, and became a member of the Royal College of Surgeons in 1803. He became a surgeon's mate in the British army in 1804, and saw action on the Iberian Peninsula during the Napoleonic Wars. He came to Upper Canada in 1816, stationed at Montreal, York and Niagara, He retired on half-pay in 1817, and shortly thereafter established a successful medical practice at York. He was one of the founding members of the Medical Board of Upper Canada in 1819, and later served on the College of Physicians and Surgeons of Upper Canada. Widmer was a founding member of the York (Toronto) General Hospital in 1829. He was superintendent of the army medical department during the Rebellion of Upper Canada in 1837-1838. He served on the board of directors for the provincial lunatic asylum until 1853. He was appointed a justice of the peace for the Home District in 1822, a member of King's College Council in 1829, and a Director of the Bank of Upper Canada (1822-1857). He ran unsuccessfully for a seat on Toronto City Council during the 1830s. Politically, Widmer was a "Baldwinite," and was offered a seat on the Legislative Council in 1843. His first wife was a member of the wealthy Bignell family, who were lawyers and bankers in England, and through this connection Widmer accumulated an estate worth more than £50,000. Widmer was described as being a good dresser and, despite having a "sad countenance," was "an amazing favourite with the ladies." Rumors had it that Widmer's son by his second wife had been conceived some months prior to the death of his first wife. Widmer was "small and wiry, with an active springy walk," and prone to "profanity of utterance" which he attributed to his years of military service. Nevertheless he was remembered as being a kind man, and one of his contemporaries referred to him as being primus omnium in the Canadian medical profession (Canniff 1894:656-663; Romney 1985:



931-936).

In February 1838, Widmer sold a parcel of land to Charles Coxwell Small for £500. This parcel was described as 1½ chains on the west side of Berkeley Street by 2½ chains on the north side of Palace or Front Street East, or about 99 x 165 feet (30.18 x 50.29 m). The sale of land entered into between Small and Widmer appears to have formed an exchange of property. Widmer was thus able to acquire the corner of the block at King and Berkeley streets, and through his acquisition, Small was able to extend his grounds south to Front Street and the bay shore (Old York Memorial deed #15494).

Part of the land in Blocks "C" and "G" was sold by Small to Edward Goldsmith of Toronto "Esquire" for \$2,180. Upon the death of C.C. Small, the property fell under the control of his executors and administrators, Edward Goldsmith, John Small and Louise Eliza Ripley (City deeds #1585A, 8914GR, 12033GR).

In April 1870, Goldsmith and his wife, Eliza, sold part of the block to Richard and William Saulter of Toronto for \$2,805, who were described in the deed as "wood contractors" (City deeds #1585A, 1826A).

In June 1875, the Saulter family leased a parcel of land at the corner of Front and Berkeley streets to Thomas Seaborn, of Toronto "innkeeper" for a term of five years.³ This property measured 30 feet (9.14 m) along Front Street by 80 feet (24.38 m) along Berkeley. The lease on this land appears to have been assigned to John Kerr in 1877, and then re-assigned to James Robert Strathy of Toronto, a barrister. He surrendered the lease on the premises back to Saulter. This tavern lot was then leased to Francis McGarry of Toronto "innkeeper" at an annual rental of \$150 in September 1878 (City deeds #10988A, 469SE, 470SE, 471SE).

A second parcel of land within the subject property was leased by Richard Saulter to George Reid Sr. in September 1891 for a five-year period. This property was described as being 54½ feet (16.61 m) on the west side of Berkeley Street, commencing 131 feet ¼ inch (39.93 m) south of King Street and running south (City deed #2544R).

The Saulter family owned this land for a number of years, until after the death of Richard Saulter. In August 1901, his executors and administrators sold this land to Max and Jennie Clevonski Beber for

³ Seaborn (b. 1835) was a native of England. In 1881, his occupation was listed as "cabman." His household consisted of his Irish wife, Jane (b. 1836), and seven children who ranged in age from James—the eldest aged 20 years who was a brass finisher—to Jane, aged seven years. The family belonged to the Church of England (1871 Toronto Census, St. David's Ward, division C p. 23, film C9972; 1881 Toronto Census, St. Lawrence Ward, division A2 p. 86, film C13245).



¹ Edward Goldsmith may have been related to the Small family, perhaps being a cousin. The census listed one Edward Goldsmith, born in England ca. 1801. His occupation was noted as "vestry clerk." His household consisted of his wife, Elizabeth, aged 80 years (1871 Toronto East Census, St. David's Ward, division 1 p. 36, microfilm C9972).

² Richard Saulter (b. 1818 or 1823) and William Saulter (b. 1828 or 1829) were natives of Ireland. They were members of the Presbyterian Church. The census listed their occupations as "merchants." Their household consisted of three additional females, who were either their sisters or perhaps their children: Jennie (b. 1841), Emma (b. 1851) and Rachel (b. 1846), all natives of Ireland (1871 Toronto East Census, St. James' Ward, division B pp. 1-2, microfilm C9972; 1881 Toronto Census, St. James' Ward, division E2 p. 57, microfilm C13246).

\$6,750 (City deeds #18542R).

Beber (b. 1861) was a Russian Jew, who immigrated to Canada in 1882. The various census returns, city directories and other documents list his occupation as a "junk dealer." His wife, Jennie, was born in 1862. Their household consisted of five children, two daughters and three sons, who were born in Toronto between 1893 and 1900 (1901 Toronto East Census, division B3 p. 23).

During the next 20 years, there were several agreements and deeds registered on title which affected this land. This presents a complex chain of ownership documents.

In July 1903, Jennie Beber contracted to lease or sell part of the property containing 242-254 Front Street and 48-50 Berkeley Street to Jacob Mehr for \$9,200. In June 1907, the Bebers leased the premises known as 46 Berkeley and the "yard in the rear of 48 Berkeley" to Morris Heller. These addresses on Berkeley appear to be adjacent to the subject property, but 242-254 Front are within it (City deeds #24261R, 12819T).

Jacob Mehr (b. Dec. 1845) was a Russian Jew who immigrated to Canada in 1876. His wife, Rosa, was born in 1853. Mehr became a naturalized Canadian citizen in 1897. The census return listed his occupation as a "scrap metal merchant." His household consisted of his son, Harry (b. 1877), and daughter Mary (b. ca. 1881.) Mehr died in July 1919, and is interred in the Old Jewish Cemetery on Jones Avenue (1901 Toronto West census, Ward 3, division A9).

In February 1908, Jennie Beber deeded part of her interest in this land to Max Beber. In June 1909, Beber sold a one-half interest in this property to Jacob Mehr for \$10,000. The land was described as 169 feet 4¼ inches (51.62 m) on Front Street by a depth of 134 feet 3¼ inches (40.92 m) along Berkeley Street (City deeds #30828P, 15137S, 25112T).

In August 1910, Beber contracted to sell the remaining one-half interest in this property to Sam Wurtzel for \$11,500. The deed for this sale was registered on title in September of the same year. At that time, Sam Wurtzel transferred title to the property to Minnie Wurtzel (City deeds #25939T, 20777S, 41379P).⁴

The one-half interest sold to Mehr was further divided into one-quarter interests in October 1916, when Jacob Mehr conveyed part of this land to Hyman Mehr. Another trust deed executed by Jacob Mehr in April 1917 granted interest in this land to Samuel M. Mehr, Jacob and Rosa Mehr, Teresa Sapera and Sam and Minnie Pearson.⁵ In January 1918, the title to this property was the subject of pending litigation

⁵ Hyman or Henry Mehr was the son of Jacob and Rosa Mehr. He was probably born in Toronto in 1877. In 1911, he resided at 89 Carlton Street with his wife Sara (b. 1880) and three children: Harold (1904), Ethel (1907) and Helen (1910). The family employed one domestic, named Rose Shierfield. Mehr died in early April 1947, and was buried at Mount Sinai Cemetery. Teresa Sapera (b. 1871) was the daughter of Jacob and Rosa Mehr. She was married to Kassell Louis Sapera (b. 1869) and had five children, three daughters (Annie, Ethel and Florence) and two sons (Harry and Matthew), who were born in Toronto between 1893 and 1906. The family resided at 31 St. Patrick Street, and employed one domestic servant named Alice Wagman (1911 Toronto Census, division 17 ward 3



⁴ Little information is known about Sam and Minnie Wurtzel. He died intestate in Toronto on January 23, 1941 and she died testate on January 8, 1943.

in the court, involving all of the parties named in the 1916 and 1917 deeds. A judgment was delivered in this suit in September 1919. In March 1920, the executors of Jacob Mehr sold the half interest in this land to Samuel Wurtzel for \$11,000 (City deeds #69282, 44484½S, 44813S, 46632S, 47721S).

The one-half interest originally sold to Wurtzel in August 1910, was transferred to Minnie Wurtzel in September 1910. In October 1912 and March 1913, Minnie transferred interest in this land to Sam and Louis Wurtzel. In August 1914, Minnie and Louis Wutzel sold their share of the property to Sam Wurtzel. In January 1915, Sam and Minnie Wurtzel transferred the property to Harry and Rose Kornreich, who immediately flipped it back to Sam Wurtzel on the same day (City deeds #41379P, 36745T, 39023T, 38578S, 62694P, 16969"O").

This property then remained in the hands of this family for over 25 years. Samuel Wurtzel died intestate on Jan. 23, 1941, followed by his widow, Minnie, who died testate on Jan. 8, 1943. This land fell into the hands of Jennie Tuchverderber of Brooklyn, New York, and Annie Wurtzel, two of the children of the deceased. They then conveyed this property to Louis Wurtzel, of Toronto, "merchant" (City deed #22951ES).

In April 1946, Louis and Lillian Wurtzel (as executors of Minnie Wurtzel) sold this land to Frances Rotenberg, a "married woman." Rotenberg sold the property in November 1948 to Morris and Samuel Climans, carrying on in business as the Dominion Bottle Company. In January 1961, the land was sold by Climans to Berkeley Plumbing and Heating Supplies Ltd. (City deeds #23770ES, 28360ES, 53261ES).

In December 1987, this land was transferred to the Toronto Sun Publishing Corporation. Finally, in December 1998, the Sun Media Corporation transferred this property to SMC Nomineeco Inc. (City deeds #CT920980, CA580082).

Berkeley House

The north portion of the subject property is the site of "Berkeley House," which is unquestionably the oldest dwelling house within the Old Town of York (Plates 1-4). The land was first occupied by a Mr. George Porter, prior to the time that Block "C" was patented by John Small. Porter was a "former Sergeant of militia," who had occupied this spot perhaps as early as September 1793. He must have commenced construction of a residence on this site shortly thereafter, which he used "as a fishing hut." By August 31, 1795 a proper one-storey house stood on the site. On that date, Porter sold "my Logg House and Lot in the Town of York aforesaid" to John Small for \$50, "for which Sum I promise to shingle the House Complete, and that the sd. John Small shall have immediate Possession of the same to him and His Heirs forever." After the sale of this land, Porter continued to reside at York where, in July 1796, he petitioned the Executive Council for a farm lot in York Township, as well as an additional 300 acres (121.4 ha) and a "back Town Lot in York." Porter was granted the back Town Lot, but his petition

⁶ There is little information regarding Louis Wurtzel, who may have been a native of Buffalo. If this is the same person, he was born around 1888. In August 1914, he was married to Clara Engel, who was born in Romania around 1890 (*Ontario Vital Statistics*, Marriages for York County, 1914).



p. 17; 1911 Toronto Census, division 48 ward 4 p. 7.)

for additional land in the Township was "not recommended." In July 1797, Porter was enumerated as one of the residents "of the Don and Marsh," whose household totaled four inhabitants. Period maps and other documents indicate that Porter lived on Lot 5 on the east side of the Don River. In March 1799, his household contained five members. Porter may not have been a "friend" of the government—in February 1798, John Elmsley was "in treaty" for the purchase of "Porter's lot" but "the Dog asked so much for it that I was off." Porter's name is not found in the old records for the Town after this time (Cruikshank 1931:241; Cruikshank 1935:100-101; Firth 1962:223; Mosser 1984:5, 13).

It was discovered that, by accident, Porter had been granted land that had been intended for use as part of the Government Reserve. The house was allowed to remain standing, partly on account of Porter's "improvements," but also on account of the fact that the premises had been purchased by Small who was such an influential member of the government. For many years thereafter this intersection was known as "Small's Corner" (Middleton 1923:198).

Small subsequently enlarged the house. It is said that the house contained squared, white pine logs 60 feet (18.29 m) long. The central core of the house, once numbered 301 King Street East, comprised the original log structure built by Porter. During Small's lifetime, the house was used for meetings of the Executive Council before the construction of Government House had been completed. Small was also a gracious host, and it is said that "he would stand in the open doorway and call out to any acquaintances who might pass by 'come in, I have got a good dinner for you today'" (Robertson 1894:98; Martyn 1978:26).

Berkeley House was enlarged by Charles Coxwell Small in 1849. The "original section" was elevated, and a large gabled wing was added on either side. The house was now a full two storeys in height. The three sections of the house were connected by a rear wing on the south side, which "extended further east than the front section" which gave the house an odd appearance. The exterior of the structure was built out of bricks said to have been 18 inches (0.46 m) thick, and covered on the exterior in stucco. The house contained shuttered, Gothic style windows and doors, with bay windows in the rear connecting wing (Robertson 1894:98; Martyn 1978:27).

The house was described as being "large and rambling, with a somewhat quaint but stately appearance." It contained thirteen large rooms, but the dining room and drawing room in the west wing were "especially grand." Each of these rooms measured 18 x 45 feet (5.49 x 13.72 m), with arched fireplaces and marble mantelpieces. "The beautiful rosewood table in the dining room could comfortably seat twenty guests...a rosewood sideboard, equally massive, with lead-lined wine cellaret, was covered with large silver dishes." This furniture was imported from England. The house remained one of the social centres of the city during C.C. Small's lifetime. A ball was held at Berkeley House in February 1857, during which at least 20 dances were had: "the quadrille, polka, waltz, gallop, lancers, schottische, cotillion, and polka redowa." The walls were decorated with oil portraits of John and Elizabeth Small, as well as with other prints and pictures (Robertson 1894:98; Martyn 1978:28).

The house was altered in 1874, during grandson John Small's tenure. During these renovations, it was discovered that the massive squared timbers in the original section of the house remained in perfect



preservation.

During the 1890s, the house and grounds were enclosed by a picket or board fence, with a wide sidewalk along the King Street side. The northeast section of the grounds contained some ornamental trees. The grounds on the south side of the house contained three "ancient" pear trees, each planted by Major John Small at the birth of his sons. One of the trees remained standing when it was more than 90 years old, and each spring it was loaded with blossoms and bore fruit of good quality: "it is undoubtedly the most venerable pear tree in the city." The grounds on the south side of the house contained a wide lawn, with "thick asparagus beds," where the grandson John Small "used to shoot quail" in the mornings (Robertson 1894:98).

In around 1914, the house was divided into three separate residences, "each of a good size, but it was difficult to keep them occupied." The house stood vacant for a number of years, and was offered for sale before it was finally demolished in 1925 (Martyn 1978:29).

City Directories

The occupations of the subject property were traced through the various city directories between 1833 and 1880 on an annual basis (subject to availability of editions and publication gaps), and generally thereafter at five year intervals to 1998. Note that street names and numbering changed periodically during the late Georgian and Victorian periods. Front Street East, east of West Market Square, was known as Palace Street until 1871-1872. King Street was formerly Duke Street. Names that are in *italics* are the owners or occupants of parts of the subject property, although in the earliest period when "unnumbered" addresses were enumerated the occupants are known with less certainty. It should be further noted that the address numbers on King change between 1856 and 1861 and again in 1872. The present system of street numbering within the area was adopted in 1889.

- King Street East: (running east to west) Berkeley Street intersects; 1 & 3, Mrs. Elizabeth Small; 5, Doctor Widmer; 7, Patrick Connell (bakery); Ontario Street intersects. Palace (=Front) Street: Ontario Street intersects; house building by Dr. Widmer; Parliament Street (=Berkeley) intersects. Berkeley Street: no listing.
- King Street: (listed as Duke Street, unnumbered), Mrs. Elizabeth Small; Palace Street (unnumbered), Dr. Christopher Widmer. Berkeley Street (unnumbered): this directory notes several residents on this street but with no differentiation between the east and west sides of the street. Since contemporary maps show no other buildings within the area aside from those constructed by Small and Widmer, it seems quite probable that the names listed were on the east side of Berkley Street and therefore outside of the subject property.
- 1846 **King Street East** (south side, even): these numbers ran eastward from Yonge Street to the Don bridge. None of the names or addresses printed in this volume appear to correspond to those which were listed in subsequent directories; *James E. Small* was listed at number 211, north side, at the corner of Berkeley. **Palace Street**: (unnumbered), the Hon. Christopher Widmer (M.D). **Berkeley Street** (unnumbered): this directory notes several residents on this street but with no differentiation between the east and west sides of the street. Since contemporary maps showed no other buildings



	within the area aside from those constructed by Small and Widmer, it seems quite probable that the names listed were on the east side of Berkley Street and therefore outside of the subject property
1853	Assessment roll: King Street East (south side): <i>Charles C. Small</i> (Clerk of the Crown). Palace Street : the Hon. C. Widmer, age 60, surgeon. Berkeley Street : there are no residents listed for this street in the assessment roll for St. Lawrence Ward (McGrath 2005:128, 129).
1856	King Street East: Lane intersects; Thomas Patterson (carter); vacant ground; Alexander H. Manning (contractor); Charles C. Small; Berkeley Street intersects. Palace Street: Ontario Street intersects; Dr. Christopher Widmer (M.D.); Berkeley Street intersects. Berkeley Street: Palace Street intersects; rear premises, King Street intersects.
1861	King Street East: Lane intersects; 277, Thomas Patterson (carter); 285, William H. Smith (Manager, Provident Life Assurances and Beaver Fire Insurance Companies; vacant ground; 299, Charles C. Small (clerk of the crown); Berkeley Street intersects. Palace Street: Ontario Street intersects; unoccupied house; Berkeley Street intersects. Berkeley Street: Palace Street intersects; rear premises, King Street intersects.
1862	King Street East: Ontario Street intersects; 285, William H. Smith; 299, Charles Small (clerk crown, Osgoode Hall); Berkeley Street intersects. Palace Street: Ontario Street intersects; John Clarke (Captain 100 Regiment); Berkeley Street intersects. Berkeley Street: William Matthews (chandler); rear premises, King Street intersects.
1864	King Street East: Widmer's Lane intersects; vacant lots; 285, William H. Smith; vacant lots; 299, John Small (barrister); Berkeley Street intersects. Palace Street: Ontario Street intersects; 100, George Laidlaw (produce and commission); 102, Captain John Clarke (R. C. R.); Berkeley Street intersects. Berkeley Street: Palace Street intersects; rear of Small's premises; King Street intersects.
1866	King Street East: Ontario Street intersects; vacant lots; 285, George Laidlaw (produce merchant); vacant lots; private grounds; 299, <i>John Small</i> (barrister). Palace Street: Ontario Street intersects; Captain John Clark; private grounds; Berkeley Street intersects. Berkeley Street: Palace Street intersects; rear premises; King Street intersects.
1868-69	King Street East: Widmer Lane intersects; vacant lots; 285, George Laidlaw (merchant); vacant lots; 299, John Small (clerk); Berkeley Street intersects. Palace Street: Widmer Lane intersects; Captain John Clarke; vacant lots; Berkeley Street intersects. Berkeley Street: Palace Street intersects; private grounds; King Street intersects.
1870	King Street East: Ontario Street intersects; 285, George Laidlaw (grain merchant); 299, John Small (taxing clerk, Osgoode Hall); 301, Hiram Kimball (agent, Toronto Rolling Mill), Berkeley Street intersects. Palace Street: Ontario Street intersects; private grounds; Berkeley Street intersects. Berkeley Street: Palace Street intersects; rear premises; King Street intersects.
1871-72	King Street East: Ontario Street intersects; 285, George Laidlaw (grain merchant); 299, John Small (taxing clerk, Osgoode Hall); 301, M. T. Evans (manager, Copland & Co.) Berkeley Street intersects. Front Street East: 100, Thomas Nixon; Widmer Lane intersects; Widmer Hall, Mrs. Clarke; Berkeley Street intersects. Berkeley Street: Front Street intersects; vacant lots; King Street intersects.
1872-73	King Street East: Ontario Street intersects; 285, George Laidlaw (grain merchant); 299, John Small



(taxing clerk, Osgoode Hall); 301, Michael T. Evans (manager, Copland's Brewery); Berkeley Street intersects. **Palace Street**: Princes Street intersects; 74, Ann Miller (inn keeper); 86, Firstbrook & Son (lumber dealers); 98 William Gooderham (distiller); 100, Thomas Nixon (wool merchant); 102, Mrs. John Clarke; Berkeley Street intersects. **Berkeley Street**: Palace street intersects; rear premises; King Street intersects.

- King Street East: Ontario Street intersects; 287, G. Laidlaw (commission merchant); 301, John Small (taxing clerk, Osgoode Hall); 303, Michael Evans (brewer); Berkeley Street intersects. Front Street East: 172, Thomas Nixon (wool, hides, etc.); Ontario Street intersects; 174, Mrs. John Clarke; Berkeley Street intersects. Berkeley Street: Front street intersects; rear premises; King Street intersects.
- 1874 King Street East: Ontario Street intersects; 287, G. Laidlaw (commission merchant); 301, John Small (clerk); 303, Michael Evans (brewer); Berkeley Street intersects. Front Street East: Ontario Street intersects; 174, Mrs. H. M. Clarke (widow Captain J.); vacant lots; Berkeley Street intersects. Berkeley Street: Front Street intersects; King Street intersects.
- King Street East: here a lane ends; 287, G. Laidlaw (commission merchant); 299, John Small (clerk, Court of Queen's Bench); 301, John Duncan (T.&N. railway); 303, G. P. De Grassi (medical doctor) and William De Grassi (clerk); Berkeley Street intersects. Front Street East: Ontario Street intersects; 174, Mrs. H. M. Clarke (widow Captain J.); vacant lots; Berkeley Street intersects.

 Berkeley Street: Front Street intersects; King Street intersects.
- King Street East: 299, John Small (clerk, Court of Queen's Bench); 301, James A. Austin (book-keeper). Front Street East: Ontario Street intersects; 174, Mrs. H. M. Clarke (widow Captain J.); 190, John Smith (teamster); 192, Hy Johnston (teamster); R. & W. Saulter (coal and wood yard); 200, Seaborn's Hotel, Thomas Seaborn (proprieter); Berkeley Street intersects. Berkeley Street: Front Street intersects; Thomas Seaborn (hotel); 42, R. & W. Saulter. (coal and wood) King Street intersects.
- King Street East: 299, John Small (taxing master, Court of Queen's Bench); 301, James A. Austin (book-keeper). Front Street East: 190, John Smith (teamster); 192, Henry Jones (laborer); R. & W. Saulter (coal and wood yard); 200, Thomas Seaborn (hotel); Berkeley Street intersects. Berkeley Street: Front Street intersects; Thomas Seaborn (hotel); 42, R. & W. Saulter. (coal and wood yard).
- King Street East: 299, John Small (taxing master, Court of Queen's Bench); 301, James A. Austin (book-keeper). Front Street East: 190, John Smith (teamster); 192, Mrs. Sarah Edwards; Duke of Connaught Hotel, Francis McGarry (proprieter); Berkeley Street intersects. Berkeley Street: Front Street intersects; Duke of Connaught Hotel side entrance; 42, R. & W. Saulter. (coal and wood yard).
- King Street East: 299, John Small (taxing master, Court of Queen's Bench); 301, James A. Austin (book-keeper). Front Street East: 190, Charles H. Voute; 192, Mrs. Sarah Edwards; Duke of Connaught Hotel, Francis McGarry (proprieter); Berkeley Street intersects. Berkeley Street: Front Street intersects; Duke of Connaught Hotel side entrance; 42, R. & W. Saulter (coal and wood yard).
- King Street East: 299, J. Small (taxing master, Court of Queen's Bench); 301, J.A. Austin (book-keeper). Front Street East: 190, Hiram Marsh (engine driver); 192, Philip Hewett (blacksmith); vacant lots; Duke of Connaught Hotel, F. McGarry (proprieter); Berkeley Street intersects. Berkeley Street: Front Street intersects; Duke of Connaught Hotel side entrance; 42, R. & W. Saulter (coal

1885

yard).
King Street East: 299, J. Small (MP); 301, J.A. Austin (book-keeper). Front Street East: 190, Peter

Heywood; 192, John Kennedy; 194, Paul Kelley; 194½, Henry Kerrison; 196, John Miller; 196½, William Sinclair; 198, Ellis Mack; 200, F. McGarry (hotelier); Berkeley Street intersects. Berkeley Street: Front Street intersects; Hotel side entrance; 42, R. & W. Saulter (coal).

Street: Front Street intersects; Hotel side entrance; 42, K. & W. Saulter (coal).

King Street East: Private ground; 355, John Small; 357, Patrick Harris. Front Street East: 242, John J. Killackey; 244, John Kennedy; 246, Allan D.G. Hazle; 248, John Grandfield; 250, Thomas Kerfoot; 252, Charles Scott; 254, Robert Sawdon; 258, Francis McGarry (hotelier); Berkeley Street intersects. Berkeley Street: Front Street intersects; Hotel side entrance; 46, R. & W. Saulter (coal and wood).

King Street East: 355, John Small; 357, Mrs. Ellen Harris. Front Street East: 242, E.J.G. Johnston; 244, John Kennedy; 246, Alexander Henderson; 248, William Jamieson; 250, Frederick Moore; 252, Charles Scott; 254, Frank Pierpont; vacant lot; Berkeley Street intersects. Berkeley Street: Front Street intersects; House side entrance; 46, vacant.

1900 King Street East: 355, John Small; 357, Mrs. Ellen Harris. Front Street East: 242, William J. Thompson; 244, William C. Schrum; 246, George Foreman⁷; 248, John Spencer; 250 David McGill; 252, Edward D. Hill; 254, Daniel Kelly; vacant lot; Berkeley Street intersects. Berkeley Street: Front Street intersects; vacant lot; 44-46, vacant offices (2).

1905 King Street East: 355, John Small; 357, Mrs. Ellen Harris. Front Street East: 240-242, Firstbrook Box Co. (stables and yard), Matthew H. Mortson⁸; 244, John Gee; 246, Richard McBride; 248, William Little; 250, Charles B. Terry; 252, John Jobson; 254, Mrs. D. Smith (dress maker); Berkeley Street intersects. Berkeley Street: Front Street intersects; 46, Max Beber (junk); 48, Max Beber; 50, John Gerow; 54, McNally and Towell (tailors); King Street intersects.

King Street East: 355, Mrs. Susan Small; 357, James Greig. Front Street East: 240, Thomas Finn (cartage); 244, William Cairns; 246, Macedonians; 248, Macedonians; 250, John McGinn; 252, absent; 254, William Brown; Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, John Jobson; 40 vacant; 42, William Burleigh; 44, Joseph Coutland; 46, Max Beber (junk); 48, Max Beber; 50, James Kelley; 54, vacant; King Street intersects.

1915 King Street East: 355, William J. Ellis; 357, William Obie. Front Street East: 242, Alexander K. Primrose; 244, Alfred R. Fuster; 246, Macedonians; 248, Macedonians; 250, Macedonians; 252, Peter Metze; 254, Macedonians, Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, Nicola Trappoff; 40, Antonio Kirs; 42, Penea Petreo; 44, George Bell; 46, vacant; 48, Charles Goldberg (junk), Mitre Sotiroff; 50, John Jobson; 56, James H. Greenshields; King Street intersects.

1920 King Street East: 355, William J. Ellis; 357, vacant. Front Street East: 242, Peter Graham; 244,

⁷ The 1901 census return enumerates a George Forman (b. 1847) who was a married man and employed as an insurance salesman (1901 City of Toronto Census, East Ward 2 p. 12.)

⁸ The Ontario Vital Statistics contain record of Matthew Henry Mortson, born in Richmond Hill in 1866, and died in "York County" in July 1925 (Ontario Vital Statistics, Death Registrations 1925).

George Smith; 246, George Reid; 248, Andrew Swendra⁹; 250, William Welch; 252, Thomas Christie; 254, Michael Dubinski; Berkeley Street intersects. **Berkeley Street**: Front Street intersects; 38, James Cleves; 40, Alexander Mungy; 42, John Koski; 44, Chris Vanett; 46-48, Strauss & Rottenberg (junk), Hamilton Rag & Metal Co. of Toronto; 50, John Jobson; King Street intersects.

- King Street East: 355, vacant; 357, vacant. Front Street East: 242, Smith's Transportation Co.; 244, John Andersize; 246, Ezra H. Annis; 248, Mrs. Minnie Liberty; 250, Mrs. Esther Ealey; 252, Leopold Delette; 254, Albert G. Vaughan; Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, Harry Warren; 40, Mrs. Letitia Marinoff; 42, Thomas Botterill; 44, William Oaks; 46, Globe Rag & Metal Co.; 48, Saul Peczinek; 50, Mrs. Ellen Jobson; King Street intersects.
- King Street East: 355-357, Canadian Wrecking & Construction Co. Front Street East: 242, Thomas Christie; 244, McColliffe; 246, John Kelly; 248, William J. Kitchen; 250, Fred A. McCue; 252, Senat Desroches; 254, John A. Laws; Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, Harry Warren; 40, Fred J. Hopkins; 42, Antonio Pravda; 44, vacant; 46, Globe Rag & Metal Co.; 48, Saul Peczinek; 50, William Brand; King Street intersects.
- 1935 King Street East: 355-357, Dominion Salvage & Supply Co. Front Street East: 242, John Brolly, rear Beatty Brothers Transport; 244, Leo Fortier; 246, William Riley; 248, Mrs. Florence Zone; 250, Wilfred Benoure; 252, Samuel Maher; 254, Harry Stone; Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, Michael Wozny; 40, Henry Warren; 42, Samuel Wurpzel; 44, Obrad Sustran; 46, Globe Rag & Metal Co.; 48, Morris Barkowitz; 50, Frank Balinki; King Street intersects.
- 1941 King Street East: 355-357, Dominion Salvage & Supply Co. Front Street East: 240, vacant;
 Berkeley Street intersects. Berkeley Street: Front Street intersects; 38, John Koole; 40, Mrs. Mary E.
 Hawkshaw; 42, Samuel Wurtzel; 44, James Oldman; 46, Morris Barkowitz (junk dealer); 48, Morris
 Barkowitz; 50, Mrs. Ella Booth; King Street intersects.
- 1946 King Street East: no addresses listed on subject property. Front Street East: no addresses listed on subject property. Berkeley Street: Front Street intersects; 38, Harold B. Smith; 40, William J. Walker; 42, William P. Riley; 44, James Oldman; 46, Persin Iron & Metal Co.; 48, Walter Giles, George Gradelle; 50, Mrs. Margaret Rowan, Chester Cook; King Street intersects.
- King Street East: no addresses listed on subject property. Front Street East: no addresses listed on subject property. Berkeley Street: Front Street intersects; 38, Harold B. Smith; 40, John M. Thomson; 42, William P. Riley; 44, James Oldman; 46, Dominion Bottle Co. (br) yard, Dominion Metal & Waste Co. warehouse, Abal Salvage Co. warehouse, Peoples Plumbing Supplies warehouse; 48, Walter Giles; 50, Mrs. Margaret Rowan; King Street intersects.
- 1956 **King Street East**: no addresses listed on subject property. **Front Street East**: no addresses listed on subject property. **Berkeley Street**: Front Street intersects; 38-50, *Dominion Bottle Co.* (br) yard, *Abal Salvage Co.* warehouse, *Abal Plumbing Supplies* warehouse; King Street intersects.
- 1960 King Street East: no addresses listed on subject property. Front Street East: no addresses listed on

⁹ The Ontario Vital Statistics contain a record of the marriage of Andrew Adam Swendra (b. Buffalo 1882) to Miss Lillian English in York County in 1907 (Ontario Vital Statistics, Marriages 1907).

	subject property. Berkeley Street : Front Street intersects; 38-50, <i>Dominion Bottle Co.</i> (br) yard, <i>Abal Salvage Co.</i> warehouse, <i>Abal Plumbing Supplies</i> warehouse; King Street intersects.
1965	King Street East: no addresses listed on subject property. Front Street East: no addresses listed on subject property. Berkeley Street: Front Street intersects; 38-50, Dominion Bottle Co. (br) yard, Abal Salvage Co. warehouse, Abal Plumbing Supplies warehouse; King Street intersects.
1970	King Street East: no addresses listed on subject property. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.
1976	King Street East : 333, The Toronto Sun. Front Street East : no addresses listed on subject property. Berkeley Street : no addresses listed on subject property.
1980	King Street East: 333, The Toronto Sun Publishing Co. Ltd. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.
1985	King Street East: 333, The Toronto Sun Publishing Co. Ltd. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.
1990	King Street East: 333, The Toronto Sun Publishing Co. Ltd. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.
1995	King Street East: 333, The Toronto Sun Publishing Co. Ltd. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.
1998	King Street East: 333, The Toronto Sun Publishing Co. Ltd. Front Street East: no addresses listed on subject property. Berkeley Street: no addresses listed on subject property.

Historical Map Sources

Various nineteenth- and twentieth-century maps show the development of subject property (Figure 2). The property formed part of the urban estate of John Small, which was held by him and his descendants in unbroken succession from August 1795 until April 1926. The land had been occupied for a few years prior to the time of the Small purchase, and that fact gives this property one of the longest unbroken land use histories within the downtown city core.

Documentary evidence suggests that a log house may have occupied this land as early as 1793, but without a doubt the central core of "Berkeley House" was standing here by August of 1795. It is this structure that is depicted on nearly all of the city maps during the nineteenth century. These maps reflect the changes (rear enlargements) made to the house during the 1840s, but from that point until 1923 the footprint of the house is depicted as largely unchanged.

Williams' 1813 Sketch... and his 1814 Plan of the Town and Harbour of York show a pair of buildings on the west side of the subject property. An L-shaped structure, the main Berkeley House fronts onto King while a smaller outbuilding is located to its rear. A similar L-shaped building is shown on the 1818 Phillpotts' Plan of York, however, it appears to fall within the northeast part of the subject property. This



appears to be an issue of map resolution, and in view of the majority of the later sources, it would appear that the Williams plans are the more inaccurate of the maps of the early nineteenth century. The maps of the Old Town of York compiled during the 1820s and 1830s (Bonnycastle 1933; Chewett 1827) do not show any structures on the property, although these maps tend to show only major public buildings.

The 1842 Cane *Topographical Plan*... (Figure 2) shows a small building fronting on King within the subject property, while the main Berkeley House is located at the very southwest corner of King and Berkeley, outside the subject property limits. Towards the centre of the subject property is an unusually-shaped structure consisting of an east-west block with a wing extending north from its west end and a second wing running south from its east end. The building seems to define the northeast boundary of the garden that had been laid out in the northwest quarter and south half of the property. This was probably a combination of a formal landscape garden and kitchen gardens, which as noted previously where in existence from at least the late eighteenth century. A third building stood to the east of the east wing of the central structure.

The Dennis and Fleming *Topographical Plan...* and the *Boultons' Atlas* map (Figure 2) shows the new construction undertaken by Charles Small in the northeast quarter of the property, resulting in a massive expansion of the building complex such that the structure in the centre of the lot now formed the rear wing of Berkeley House, the main block of which now occupied most of the King Street frontage. The Boulton map further indicates that all of the buildings were of frame or roughcast construction, although written descriptions state that the exterior was brick covered by stucco. The west quarter and south half of the property continued to be formal garden areas.

The later *Goad's Atlas* maps (Figure 2) show few changes to the footprint of Berkeley House in the northeast quarter of the property between 1858 and 1923. Beginning circa 1875-1876, when the Saulter family acquired the Block "G" property and as shown on the Goad's map of 1880, the Berkeley House gardens were transformed into a coal and wood yard with a number of frame or roughcast structures related to the business. Other developments on this portion of the property include a pair of semi-detached houses at 190-192 Front, and the Seaborne's/Duke of Connaught Hotel at 200 Front. To the north of the 190-192 Front houses was a larger structure that was probably industrial in nature, possibly used for the manufacture of mill machinery. This building appears to have been used at a later date as the Firstbrook Box Company factory, and still later as a cartage office.

By 1884, the Front Street side of the property, east of the original semi-detached houses, was fully built up with row housing. These five new units, originally numbered as 194-198 Front, were accompanied by a range of outbuildings at the rear of their yards.

Between 1903 and 1910 a single brick duplex had been erected fronting on to Berkeley midway between King and Front. These were numbered 46, 48 and 50 Berkeley. They appear to have been partly residential, and perhaps also used as office space for the "junk yard" in the rear premises. Also during this period a new building that was somewhat cruciform in shape was built directly behind Berkeley House. This was undoubtedly the "stables" of the Firstbrook Box Company, which was first noted in the city directory of 1905. The old hotel that stood at the corner of Front and Berkeley streets was also modified during the 1903-1910 period. It is unclear whether the original building was totally demolished and



rebuilt, or if it was simply remodeled and subdivided into individual residential units. If this was the case, then the most northerly "ell" of the hotel was demolished and the structure was extended towards the north. During this period, the addresses along Berkeley Street were re-numbered to reflect the changes made to the hotel property. The directories show the addition of addresses numbered 38, 40 and 42 on the west side of Berkeley Street. These units remained residential until the late 1940s and early 1950s, when the premises were taken over by the Dominion Bottle Company and Abal Salvage and Plumbing.

Between 1923 and 1963, several structures were demolished. The first to be cleared from the site was Berkeley House, which was razed in 1925 or 1926. Sometime after that, the stables of ca. 1905 were demolished, as well as the old Firstbrook Box Factory building and most of the residential units.

The USB map of 1963 shows that the old residential buildings on Front Street had been demolished, and replaced by a large one and two storey "metal storage" building for Abal Salvage and Plumbing. The inner yard at the Abal property appears to have been an open area, and the map shows "scales" had been constructed at the rear or westerly side of numbers 44-46 Berkeley Street. The final clearance of all structures from the property appears to have taken place between 1965 and 1970.

3.0 ARCHAEOLOGICAL CONTEXT

3.1 Physiographic Setting

The urban core of the City of Toronto has been extensively modified over the past 200 years. The subject property lies within the Iroquois Plain physiographic region (Chapman and Putnam 1984), which is the former bed of glacial Lake Iroquois. In the Toronto area, the Lake Iroquois strand is situated approximately 4.5 kilometres inland from the current Lake Ontario shore. Below the strand, the Quaternary sediments are dominated by outwash sands typical of nearshore deposits. The balance of the plain, towards the modern lake shore, is dominated by fine sediments of silt and clay, typical of off-shore deposits, overlying till (Chapman and Putnam 1984; Gravenor 1957).

Glacial Lake Iroquois came into existence by about 12,000 B.P, as the Ontario lobe of the Wisconsin glacier retreated from the Lake Ontario basin. Isostatic uplift of its outlet, combined with blockage of subsequent lower outlets by glacial ice, produced a water plain substantially higher than modern Lake Ontario. Beginning around 12,000 B.P., water levels dropped stepwise during the next few centuries in response to sill elevations at the changing outlet. By about 11,500 B.P., when the St. Lawrence River outlet became established, the initial phase of Lake Ontario began, and this low water phase appears to have lasted until at least 10,500 B.P. At this time the waters stood as much as 100 metres below current levels. However, isostatic uplift was already raising the outlet at Kingston so that by 10,000 B.P., the water level had risen to about 80 metres below present. Uplift since then has continued to tilt Lake Ontario upward to the northeast, propagating a gradual transgressive expansion throughout the basin, flooding the mouths of the creeks and rivers that rim the basin (Anderson and Lewis 1985; Karrow 1967:49; Karrow and Warner 1990).



The forests which stood in this portion of the city, prior to nineteenth-century clearance, had become established shortly after 7,000 B.P. Under median moisture regimes and eco-climates the climax forest of the downtown Toronto region was likely co-dominated by hard maple (*Acer saccharum*) and beech (*Fagus grandifolia*), in association with basswood (*Tilia americana*), red oak (*Quercus rubra*), white oak (*Quercus alba*), shagbark hickory (*Carya ovata*) and bitternut hickory (*C. cordiformis*) (Hills 1958; Burgar 1993).

3.2 Previous Archaeological Research

In order that an inventory of archaeological resources could be compiled for the subject property and surrounding area, three sources of information were consulted: the site record forms for registered sites housed at the Ministry of Tourism and Culture (MTC); published and unpublished documentary sources; and files located at Archaeological Services Inc.

In Ontario, information concerning archaeological sites is stored in the Ontario Archaeological Sites Database (OASD) maintained by the MTC. This database contains archaeological sites registered within the Borden system. Under the Borden system, Canada has been divided into grid blocks based on latitude and longitude. A Borden block is approximately 13 kilometres east to west, and approximately 18.5 kilometres north to south. Each Borden block is referenced by a four-letter designator, and sites within a Borden block are numbered sequentially as they are found. The subject property is located in Borden Block AjGu.

No archaeological sites have been registered within the limits of the subject property. Ten sites have been documented within approximately one kilometer of the subject property's boundaries (Table 1), all of which are related to the nineteenth- and early twentieth-century development of the City of Toronto, although the Thornton Blackburn site has also yielded limited evidence of Late Woodland/Iroquoian activity.

Table 1: Registered Archaeological Sites within an Approximate 1km Radius of the Subject Property

Borden	Site Name	Cultural Affiliation	Site Type	Researcher
AjGu-16	Thornton Blackburn	Afro-Canadian	Residential	Smardz 1985
AjGu-17	St. James' Churchyard and Burying Ground	Euro-Canadian	Cemetery	Janusas 1985; ASI 1998, 2002
AjGu-35	Lindenwold/The Worts Estate	Euro-Canadian	Residential	ASI 1996
AjGu-41	First Parliament	Euro-Canadian	Public Building	ASI 2000
AjGu-46	Gooderham Windmill	Euro-Canadian	Industrial	ASI 2003
AiGu-54	Barchard Box Factory	Euro-Canadian	Industrial	ASI 2007
AiGu-64	Toronto Lime Kiln Works	Euro-Canadian	Industrial	Archeoworks2009
AiGu-65	Bright-Barber	Euro-Canadian	Residential	ASI 2010
AiGu-66	Smith-Barber	Euro-Canadian	Residential/Industrial	ASI 2010
AiGu-67	West Market Square Hotel	Euro-Canadian	Commercial	ASI 2011

A number of archaeological assessments have been carried out in the immediate vicinity of the subject property (e.g., Archeoworks 2008a, 2008b; ASI 2007a, 2007b, 2007c, 2008; HHI 2006). Given the highly



variable character of historical land uses and accompanying taphonomic processes, the findings of these assessments, and of any others in the area, are of no relevance to the current subject property.

3.3 The Predevelopment Landscape and Modelling Aboriginal Archaeological Resource Potential

Water is arguably the single most important resource necessary for any extended human occupation or settlement. Since water sources have remained relatively stable in southern Ontario after the Pleistocene era, proximity to water can be regarded as the primary indicator of archaeological site potential. Accordingly, distance from water is one of the most commonly used variables for predictive modelling of archaeological site location.

The Ministry of Tourism and Culture (MTC) Standards and Guidelines for Consultant Archaeologists (MTC 2011:17-18) stipulate that undisturbed lands within 300 metres of primary water sources (lakes, rivers, streams, creeks, etc.), secondary water sources (intermittent streams and creeks, springs, marshes, swamps, etc.), ancient water sources, and the shorelines of extant or former waterbodies are considered, at a generic level, to exhibit archaeological potential. A variety of other criteria that may indicate potential are also identified in the MTC document, however, they are not relevant to the subject property or cannot be reconstructed given the urban context in which the property occurs.

The generic MTC distance to water potential model has been refined for the City of Toronto, as part of the City's Master Plan of Archaeological Resources, currently in development. According to the *Interim Master Plan of Archaeological Resources for the City of Toronto* (ASI 2004), undisturbed lands within 250 metres of an extant or formerly mapped river or creek, or within 250 metres of the pre-development shoreline of Lake Ontario, have potential for the presence of precontact Aboriginal archaeological sites. In addition, this potential zone is extended to any floodplain lands, and to lands in close proximity to the Lake Iroquois strand (i.e., lands above and within 200 metres of the strand, or below and within 100 metres of the strand).

While no extant watercourses flow within this portion of the city today, early maps (Boulton 1858; Browne 1862; Cane 1842; Chewett 1827; Dennis and Fleming 1851; Phillpotts 1818; Williams 1813, 1814) show that the "Muddy York Reach" section of Taddle Creek, which drained into Lake Ontario, was located approximately 150 metres north and east of the subject property (Figure 3). Several of the early maps show the creek entrenched in a substantial ravine. This section of Taddle Creek was likely diverted into the city sewer system in the 1860s or 1870s and its ravine filled.

3.4 Property Inspection

A property inspection was conducted on December 2, 2011, under appropriate weather conditions, in order to document the existing conditions (Figure 3, Plates 4-8). The subject property consists of two asphalted parking lots, one accessed from King Street and the other from Front Street. The two lots are separated from one another by a concrete retaining wall. The grade of both lots is consistent with the



elevation of King and Front streets along their frontages, but the elevation of the north lot is in the order of three to four metres higher than that of the south lot. This is in keeping with the general decline in elevation proceeding southward from King Street.

4.0 ANALYSIS AND CONCLUSIONS

The evaluation of the possibility for the survival of any archaeological resources of potential cultural heritage value must take into account a number of taphonomic considerations in addition to the basic historical sequence of developments, demolitions, and general patterns of change in property use outlined in Sections 2.0 and 3.0.

4.1 Aboriginal Archaeological Resource Potential

The property falls within an area of general potential for the presence of precontact or early contact period aboriginal sites, given the former hydrology of the area and its potential influence on aboriginal land use patterns. However, in view of the character of urban development within the area, the potential for the recovery of aboriginal material on the subject property is essentially nil. Sites dating to the precontact and early contact periods have not survived the historical development activities that have removed or heavily altered all elements of the original topography.

4.2 Euro-Canadian Archaeological Resource Potential

The subject property originally formed part of the lands intended to make up the "Government Reserve," but it was inadvertently granted to a settler named George Porter. He immediately began construction of a log house, which he sold to John Small in 1795. This house, christened "Berkeley House" by Small, was one of the important early residences in the Town of York. Some of the initial meetings of the Executive Council of Upper Canada were held there while the first Government House was under construction. This building remained the home of the Small family, with various modifications and enlargements, until 1926 when it was finally demolished. The site of the house, which occupied the north portion of the subject property, was not further built upon.

The south half of the subject property was situated on land that was originally granted to Dr. Christopher Widmer in 1817. This land appears to have remained vacant and undeveloped until the late 1830s, when it was sold to Charles Coxwell Small. After that time, it formed part of the gardens of Berkeley House. This land was used for gardening by the Small family until the 1870s, when it was subdivided. After that time, several structures were built there which faced onto Front and Berkeley streets. These buildings were partly residential and partly industrial. There was also a hotel or tavern at the southeast corner. The late nineteenth and early twentieth century city directories clearly show that the socio-economic character of the neighbourhood was working class. Many of the residents were of Eastern European background—Russian and Bulgarian Jews, Ukrainians and Poles, as well as a number of "Macedonians." These last mentioned residential structures were remodeled at a later period, and were used for office, factory and

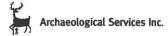


warehouse purposes. The rear premises or inner yard of the subject property was used for a number of years as a scrap metal and "rag yard." The most important, long-term industrial occupants of the subject property included the Dominion Salvage and Supply Co., the Dominion Bottle Co., and Abal Salvage and Plumbing.

Since the early 1970s, the subject property has been owned by the *Toronto Sun/Financial Post*, and used as two parking lots. The two lots are separated by a retaining wall that maintains a three-four metre difference in elevation between them, in keeping with the general decline in elevation between King and Front streets. This configuration would suggest that the original topography of the gardens behind Berkeley House was one of a gradual slope down towards the lakeshore, but that later development, most likely during the mid-twentieth century when the property was converted to parking lots, entailed massive grading operations on the south half of the property to establish a level grade across the surface of the lot. This work will have removed any remains of the earlier occupations within this portion of the subject property. This conclusion is consistent with the statements concerning the removal of archaeological potential ("disturbance") in the Ministry of Tourism and Culture's 2011 *Standards and Guidelines for Consultant Archaeologists* (MTC 2011).

The former location of Berkeley House on the north part of the subject property does not appear to have been intensively utilized since the demolition of the building in 1925 or 1926. Depending upon the depth of demolition and post-demolition grading operations, structural remains and deposits associated with the house may survive in this area. It is possible that the foundations and demolition rubble-filled basement of the house (assuming it had a basement) survive. These would most likely be associated with the circa 1849 expansion of the house on the part of Charles Small although the contents of any basement may be expected to be dominated by materials related to the final twentieth-century occupation and the subsequent demolition and grading operations. However, in the area to the west and southwest of the house (Figure 4) there is some potential for the survival of discrete, deeply-cut, yard features or undocumented structural features that could conceivably extend back to the initial George Porter-John Small occupation of the property in the 1790s through early 1800s. Any such remains would be of potential cultural heritage value; an evaluation consistent with the criteria outlined in the Ministry of Tourism and Culture's Standards and Guidelines for Consultant Archaeologists (MTC 2011) and so this portion of the property must be considered an area of archaeological potential.

¹⁰ While it was noted that the Williams plans of 1813 and 1814 show buildings within this portion of the subject property, there are some concerns with respect to the accuracy of the maps in terms of plotting the location of the Small house. This does not rule out the possibility that some structures did stand in this portion of the property during the earlier phases of its occupation.



5.0 RECOMMENDATIONS

Given the findings of the Stage 1 assessment research, the following recommendation is made:

1. The west portion of the north parking lot making up part of the 333 King Street East subject property, as generally indicated in Figure 4, exhibits potential for the survival of deposits/features that may be associated with the first intensive use of the property. This area should be subject to Stage 2 Archaeological Resource Assessment.

The most effective means to identify any areas of archaeological integrity within this zone of potential would be to excavate a series of test trenches using a backhoe equipped with a smooth bucket to sample any deeply buried soil horizons or expose any subsurface features that may be present. Additional hand exposure/excavation of significant archaeological features or deposits may be required as part of this process.

Notwithstanding the results and recommendations presented in this study, Archaeological Services Inc. notes that no archaeological assessment, no matter how thorough or carefully completed, can necessarily predict, account for, or identify every form of isolated or deeply buried archaeological deposit. In the event that archaeological remains are found during subsequent construction activities, the consultant archaeologist, approval authority, and the Cultural Programs Unit of the Ministry of Tourism Culture should be immediately notified.

6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

The following advice on compliance is provided:

- This report is submitted to the Minister of Tourism and Culture as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, RSO 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological field work and report recommendations ensure the conservation, preservation and protection of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Tourism and Culture, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.
- It is an offence under Sections 48 and 69 of the Ontario Heritage Act for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological field work on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the Ontario Heritage Act.
- Should previously undocumented archaeological resources be discovered, they may be a new



archaeological site and therefore subject to Section 48 (1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the Ontario Heritage Act.

- The Cemeteries Act, R.S.O 1990 c. C.4 and the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002. c.33 (when proclaimed in force) require that any person discovering human remains must immediately notify the police or coroner and the Registrar of Cemeteries, Ministry of Consumer Services.
- The documentation related to this archaeological assessment will be curated by Archaeological Services
 Inc. until such a time that arrangements for their ultimate transfer to Her Majesty the Queen in right of
 Ontario, or other public institution, can be made to the satisfaction of the project owner(s), the Ontario
 Ministry of Tourism and Culture, and any other legitimate interest groups.

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8.0 IMAGES



Plate 1: An early watercolor of Berkeley House showing the house as it appeared from Berkeley north of King. The east wing of the house is not located on the subject property.

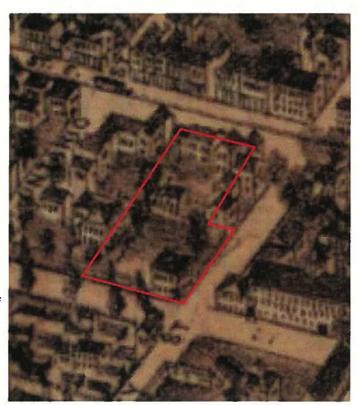
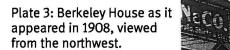


Plate 2: The subject property as shown on the 1876 *Bird's Eye View of Toronto* (Gross 1876). The approximate limits of the property are outlined. Berkeley House occupies the north portion of the property.



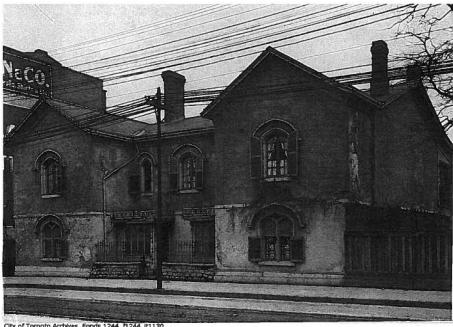


Plate 4: Berkeley House in 1917, viewed from the northeast.

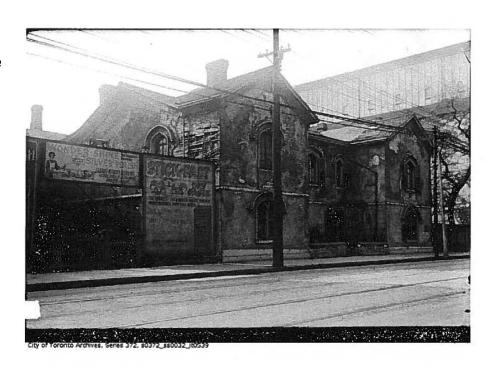


Plate 5: View north across the east portion of the south parking lot at the corner of Front and Berkeley.



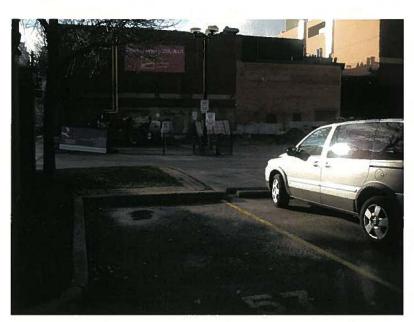


Plate 6: View west across the south parking lot at the corner of Front and Berkeley.



Plate 7: View northwest across the south parking lot from the corner of Front and Berkeley. Note the concrete retaining wall.





Plate 8: View south across the north parking lot on King Street.



Plate 9: View northeast across the north parking lot on King Street.



9.0 PROJECT MAPPING

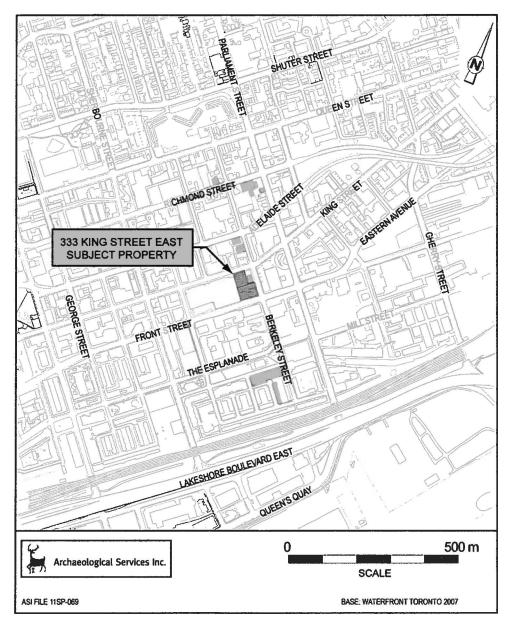


Figure 1: The location of the 333 King Street East subject property.

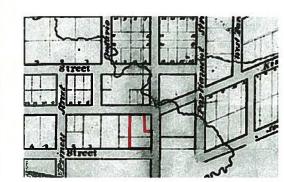
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Williams 1814



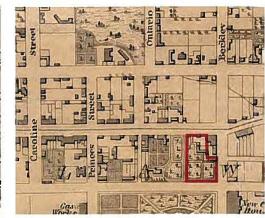
Philpotts 1818



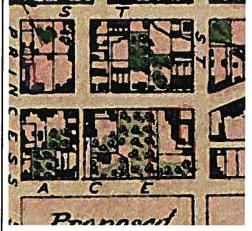
Chewett 1827



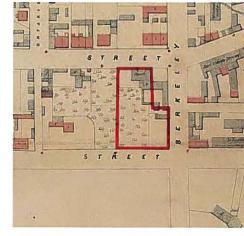
Bonnycastle 1833



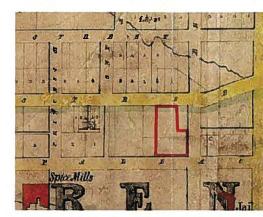
Cane 1842



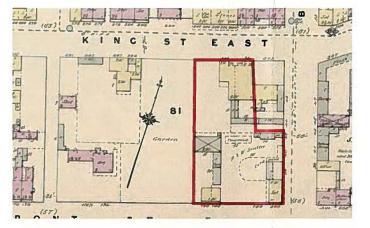
Dennis & Fleming 1851



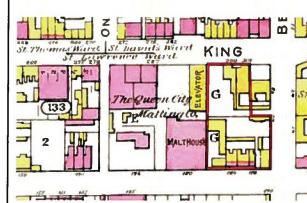
Boulton Atlas 1858



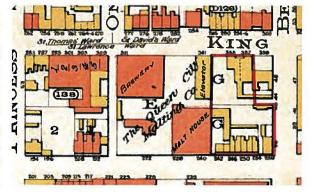
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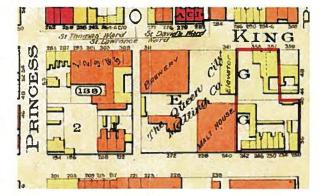
Goad's Atlas 1880



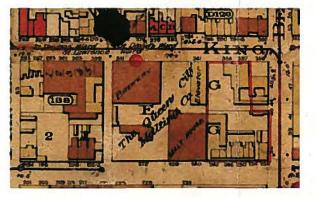
Goad's Atlas 1884



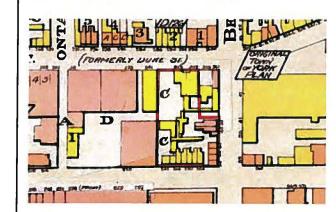
Goad's Atlas 1890



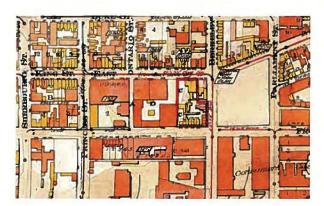
Goad's Atlas 1899



Goad's Atlas 1903



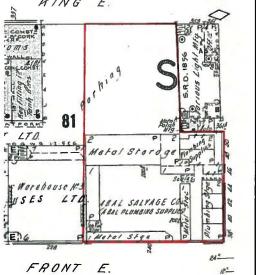
Goad's Atlas 1910



Goad's Atlas 1923

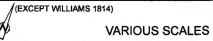


Metropolitan Toronto 1957



Underwriters' Survey 1963

APROXIMATE LOCATION AND CONFIGURATION OF THE SUBJECT PROPERTY



ASI PROJECT NO.: 11SP-069 DATE: NOVEMBER 2011 DRAWN BY: PRWP F LE: 11SP-069 FIGURE 2 AI

The nineteenth- and twentieth-century development of the 333 King Street East subject property.

Archaeological Services Inc.

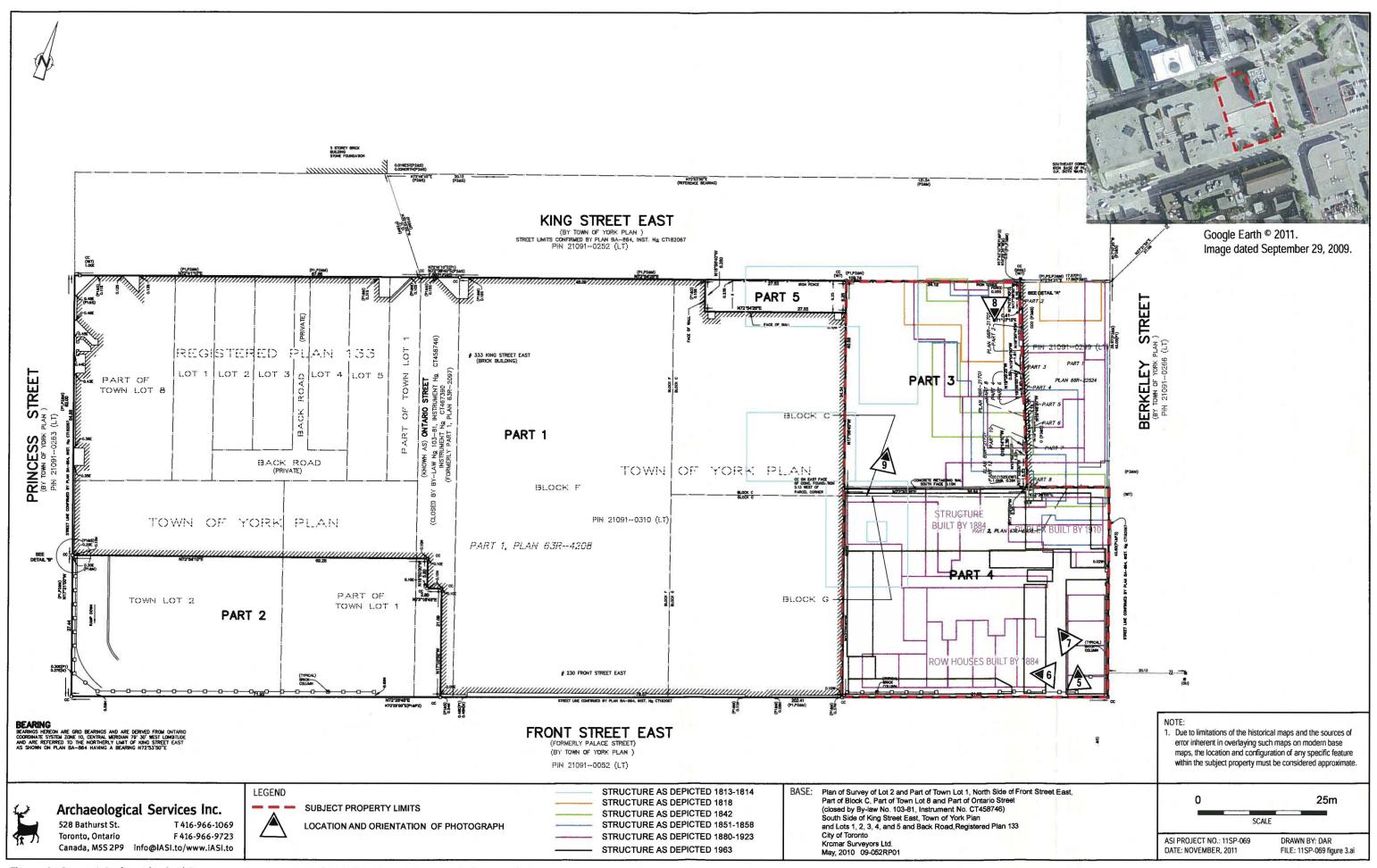


Figure 3: Stage 1 Archaeological Resource Assessment of 333King Street East—existing conditions.

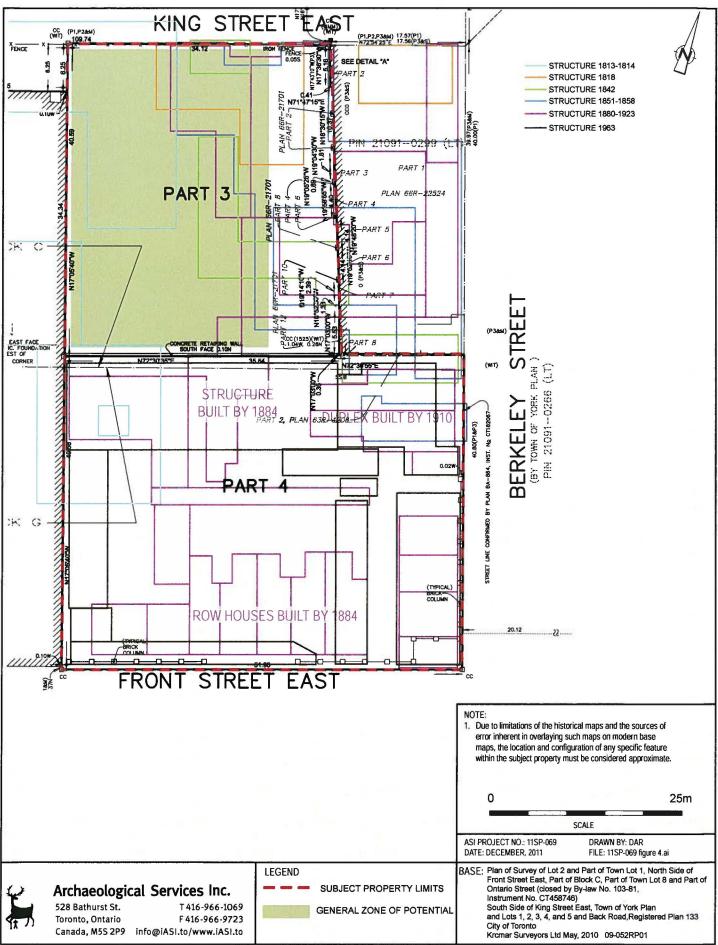


Figure 4: Stage 1 Archaeological Resource Assessment of 333 King Street East- identification of potential.