

## ABSTRACT

In the United States archaeological sites located on private property generally have no protection at all. The concept of private property gives landowners the right to control sites they own largely as they see fit, and unfortunately irreplaceable elements of America's heritage are being destroyed at an alarming rate. Once an archaeological site has been disturbed or destroyed, the context of the site can never be reconstructed and valuable information on America's cultural heritage is lost forever.

This study is an examination of a set of archaeological sites in Maryland located on private property. It is hoped that data compiled on these sites can provide a general guide as to what is happening to sites located on private property in Maryland and possibly a larger geographic region. This study is also designed to reveal if any of the sites researched are good candidates for protection strategies such as the use of preservation easements. The final element of this study is an attempt to gauge landowner interest in protecting sites.

It is hoped that knowledge gained through this study will help illuminate the status of archaeological sites located on private property and increase public awareness and appreciation of sites in Maryland and the region.

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EVALUATING ARCHAEOLOGICAL SITES  
ON PRIVATE PROPERTY

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EVALUATING ARCHAEOLOGICAL SITES ON PRIVATE PROPERTY

By

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# Chapter 1: Introduction and Methodology

## A. Introduction

In many countries, archaeological sites are protected by law whether they are located on private property or on state-controlled lands. In the United States only archaeological sites located on federal, state, or locally held lands are regularly afforded some form of protection. The first law passed in the United States concerning site protection, the Antiquities Act of 1906, was established to control looting and vandalism on public lands. The National Historic Preservation Act (NHPA), passed in 1966, greatly expanded the federal government's ability to preserve historic resources. Section 106 of NHPA forced government agencies to consider their impact on archaeological sites on federal lands or on projects with federal involvement. The National Register of Historic Places, authorized under NHPA, is the Nation's official list of cultural resources considered significant and worthy of preservation. The National Register is part of a national program to support public and private efforts to identify, evaluate, and protect our historic and archaeological resources. Being listed on the National Register, however, affords little actual protection for archaeological sites or other historic properties. In 1979 ARPA, the Archaeological Resources Resource Protection Act, was enacted to strengthen the penalties for looting archaeological sites on public land and placed management responsibilities on federal agencies.

Even though these federal laws exist, sites located on private property in most areas of the United States generally have no protection at all. The deeply held concept of private property in the United States gives landowners the right to control sites they own largely as they see fit. Given this situation, irreplaceable elements of America's heritage are being destroyed at an alarming rate.

In Maryland there are eighty-two archaeological sites listed on the National Register. Thirty-eight of the eighty-two are owned by either a federal, state or local agency and are

afforded some protections through NHPA or other state and local preservation regulations. Forty-four of the eighty-two sites are located on private property and continue to be threatened.

This study is an examination of the forty-four archaeological sites in Maryland located on private property listed on the National Register. These forty-four sites will be evaluated for site characteristics, site ownership, current site conditions, and any protections that may currently exist for each site. Data on the forty-four sites will be compiled to provide a *general* guide as to what is occurring to sites on private property and possibly reveal some trends. Four of the forty-four sites located in Frederick County will be further evaluated and the site owners will be contacted in an attempt to determine landowner's attitudes on preserving sites. The Frederick County landowner's attitudes will be used as a guide to gauge possible landowner participation of site protection strategies for the remaining forty sites.

By identifying significant archaeological resources on private property and researching the potential for preservation efforts this project speaks directly to the goal of preservationists to encourage heritage resource protection. By reaching out to landowners to gauge attitudes towards archaeological site preservation, informing them of the significance of resources located on their property, and educating them on potential benefits of preservation, this project will help increase public awareness and appreciation of Maryland's archaeological heritage.

## B. Methodology

The first research task for this study was to gather data on each of the sites by using the Maryland Historical Trust's archaeological site files. These site files included the National Register forms as well as articles and other information related to the sites. These files were gleaned for data including site descriptions and previous research completed at each site. Information on current site ownership was compiled using Maryland's

Environmental Resources and Land Information Network (MERLIN). MERLIN, an internet interface of geographic information created by the Maryland Department of Natural Resources, is designed to show natural geographic data and parcel information including property ownership. Information on site ownership is important to this study since specific types of site owners, such as a development company, may represent a higher threat to the development and possible destruction of a site. MERLIN also provides aerial images which were used to determine site conditions; for example, if the site is in an agricultural field or has been developed. The latest images available on MERLIN however are from 1998. Site condition information therefore is not considered current, as development of a property could easily have occurred in the intervening ten years. Some of the sites contain existing protections, such as county-held easements, and this information was obtained by contacting state and county officials familiar with the sites. The overall site data was compiled into a comprehensive chart (See Appendix 1) to provide a *general* guide as to what is happening to sites on private property and possibly reveal some trends.

Further research using Maryland Historic Trust's site files was conducted on the four archaeological sites on private property in Frederick County. A questionnaire was sent to the owners of these four sites, Biggs Ford, Amelung Glass Factory, Noland's Ferry I, and Shoemaker Village III, to solicit landowner's attitudes towards preservation and to inform them about the benefits of site preservation. The results of the questionnaires were compiled and examined to assess the Frederick County landowner's attitudes toward preservation and to help gauge landowner attitudes for the other forty sites. While this part of the research is not comprehensive, the four sites in Frederick County appear to be a good combination of sites that represent the forty-four sites fairly well.

The following chapter provides background information on archaeological site protection in the United States including the various federal, state and local laws that protect archaeological sites. Also included is a discussion on private property rights in the United

States and how this has affected site protection and a description of some of the preservation options for sites on private property.

Chapter three is the discussion of the research on the forty-four Maryland National Register sites on private property. Chapter four contains the results of research on the Frederick County sites and Chapter five consists of the conclusions.

## Chapter II: Background

### A . Archaeological Site Protection in the United States and Other Countries

Archaeological sites represent thousands of years of evidence of the development of civilization. Contrary to historical documents, which come to us through human filters, archaeological sites contain the pure and unaltered material remains of a culture.

Archeological sites are also irreplaceable and finite and once destroyed can never be replaced. Natural forces such as erosion, human activities such as looting, and institutional activities such as land development are some of the major causes of archaeological site damage. Looting, an age old factor in protecting archaeological sites, stems from the general public's fascination with the past. Increasingly, high monetary values in antiquities are also a factor.<sup>1</sup>

Protecting archaeological sites has been a goal of most countries and is generally grounded in law. Many nations in the Mediterranean region, such as Greece, as well as Central and South America have strict controls over archaeological resources. In Greece, all antiquities on land and sea are the property of the State. Anyone finding antiquities must report them to the authorities and strict penalties exist for not doing so. Illegal excavations and looting may bring prison terms and fines.<sup>2</sup>

In contrast, laws in the United States that regulate archaeological resources typically only apply to federal or state owned lands. Approximately two-thirds of states have laws

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<sup>1</sup> Sherry Hutt, Elwood L. Jones and Marin E. McAllister. *Archaeological Resource Protection*. (The Preservation Press, National Trust for Historic Preservation. Washington, D.C. 1992), 14.

<sup>2</sup> Indiana University Bloomington "Making Archaeology Teaching Relevant in the XXI Century." [http://www.indiana.edu/~arch/saa/matrix/cra/cra\\_intro.html](http://www.indiana.edu/~arch/saa/matrix/cra/cra_intro.html). (accessed February 16-23, 2008).

designated to protect archaeological sites on state land and a few cities and counties have ordinances to protect sites at the local level.<sup>3</sup>

#### B. Federal Laws Protecting Archaeological Sites

In 1879, the United States Congress authorized the establishment of the Bureau of Ethnology in the Smithsonian Institution, later renamed the Bureau of American Ethnology. Also in 1879 the Anthropological Society of Washington and the Archaeological Institute of America were founded.<sup>4</sup> The latter was founded by Lewis Henry Morgan who was highly interested in the Pueblo Indian tribes in the American Southwest. Morgan and the Institute drew up a plan for a program for exploring the region and hired Adolph F. Bandelier as its chief investigator. Bandelier's investigations showed that relic hunters had carried away countless ancient artifacts and the ruins were in danger of further destruction and plunder. His work helped to convince Congress to enact legislation to protect ruins in the southwest from further destruction.

From 1900 to 1906 legislation was consistently brought to Congress in attempt to authorize the President to establish prehistoric and scientific natural resources as national monuments. Three separate bills on the antiquities issue were introduced and argued over until the "Act for the Preservation of American Antiquities" or the Antiquities Act was signed into law by President Theodore Roosevelt in 1906. The Antiquities Act is widely recognized as the first statute addressing archaeological and historic preservation protection in the United States.<sup>5</sup> The Act established legislation to protect antiquities situated on land owned or controlled by the federal government. It also gave the president authority to establish public historic reservations. Perhaps most importantly, the Antiquities Act established

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<sup>3</sup> Susan L. Henry. *Protecting Archeological Sites on Private Lands*. (Washington, DC: National Park Service U.S. Department of Interior, 1993), 55.

<sup>4</sup> David Harmon, Francis P. McManamon and Dwight T. Pitcaithley. *The Antiquities Act. A Century of American Archaeology, Historic Preservation, and Nature Conservation*. (The University of Arizona Press. Tuscon, Arizona 2006), 16.

<sup>5</sup> *Ibid.*, 166.

archaeological resources as non-commercial and public resources from which all Americans could benefit.<sup>6</sup>

Nearly 30 years later, the Historic Sites Act of 1935 was passed which enhanced the federal government's preservation efforts by more firmly asserting that preservation was a government duty.<sup>7</sup> The basic policies of the Antiquities Act were further expanded in 1966 by the enactment of the National Historic Preservation Act, the most far-reaching historic preservation act passed in the United States. NHPA created the National Register of Historic Places, the list of National Historic Landmarks, and State Historic Preservation Offices to assist in preserving the nation's historic and archaeological resources. Section 106 of the National Historic Preservation Act mandated a review process for all federally-funded projects that would impact sites listed on, or eligible for listing on, the National Register of Historic Places. Further protection was established by Section 110, an amendment passed in 1980 which directs the heads of all federal agencies to assume responsibility for the preservation of National Register listed or eligible historic properties owned or controlled by their agencies.

In 1979, President Jimmy Carter signed into law the Archaeological Resources Protection Act (ARPA), a law designed to strengthen protections established by the Antiquities Act. ARPA's purpose is to protect irreplaceable archaeological resources on federal and Indian lands and to foster the gathering of historic and archaeological data for public benefit.<sup>8</sup> ARPA also provides for considerable criminal penalties for anyone removing or damaging archaeological resources on public land and establishes a permit process for archaeological excavation on public lands.

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<sup>6</sup> Harmon, 167.

<sup>7</sup> Ibid., 168.

<sup>8</sup> Hutt, 31.

Other federal laws protecting archaeological resources include the Abandoned Shipwreck Act of 1987 that asserts title to states to abandoned shipwrecks within the lands of that state and the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 which protects Native American burials on federal and tribal lands and lays out a process by which Native Americans can take possession of human remains and funerary objects.

#### C. State Laws Protecting Archaeological Sites

Since archaeological sites are linked to land, state laws concerning land use can be very important for protecting archaeological sites. Nine states, Florida, Georgia, Maine, Maryland, New Jersey, Oregon, Rhode Island, Vermont, and Washington have state growth management laws that require planning and ordinances to control growth. Georgia, Oregon and Vermont's laws relating to growth management specifically include cultural resource protection.<sup>9</sup> Many states have antiquities laws that specifically address the protection of archaeological sites.<sup>10</sup> While some of these apply only to state owned lands, others also affect private property that is in the process of being developed. Some states, such as Washington, require permits be obtained before archaeological investigations can be conducted on state or private lands. Indiana statute requires an archaeological plan approved by the Indiana Department of Cultural Resources before any archaeological investigations can take place, on state or privately owned land.<sup>11</sup>

#### D. Local Laws Protecting Archaeological Sites

While it is easier for municipalities to acknowledge the importance of preserving above-ground historical resources than buried archaeological sites, a small number of

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<sup>9</sup> Henry, 28

<sup>10</sup> Ibid, 55

<sup>11</sup> Donald Forsyth Craib. *Topics in Cultural Resource Law*. (Society for American Archaeology. Washington, D.C. 2000), 14.

communities have enacted municipal ordinances designed to investigate the impact of private development and construction projects on archaeological resources. Historical or historic district commissions play an important role in many communities in preserving historically significant houses, districts, and sites; however some historic district commissions also take archaeological resources into consideration.

One example of a successful local law that protects archaeological resources is an ordinance passed in 1989 by the City of Alexandria, Virginia, in response to ongoing development projects and the threat of loss of significant archaeological sites. The archaeology ordinance, or Archaeological Protection Code, sets forth the guidelines for the Alexandria Archaeology Program to review development projects to determine their impact on archaeological resources in the City. The Code requires that all development projects for which a site plan is needed and are situated within one of Alexandria's Resource Areas, must be evaluated for archaeological resources before it is developed. The ordinance also gave Alexandria Archaeology the task of reviewing building permits for archaeological significance which involve ground disturbance but do not require a site plan.<sup>12</sup>

#### E. Private Property Rights in the United States

Although many federal, state and local laws exist to protect archaeological sites, the emphasis has been for protections of sites on federal or state held lands. The majority of land in the United States, however, is privately owned and rarely comes under the jurisdiction of federal or state laws. Private property rights in the United States are a fundamental and entrenched institution that is unique to the United States. The fifth amendment of the United States Constitution prohibits the taking of private property for public purposes unless just compensation is paid.<sup>13</sup> While people in other countries have private land ownership rights,

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<sup>12</sup> City of Alexandria. *The Zoning Ordinance of the City of Alexandria, Virginia. Section 11-411*: <http://oha.alexandriava.gov/archaeology/ar-preservation-apc.html> (accessed April 2, 2008).

<sup>13</sup> Craib,12.

they are far more regulated than is the case with privately owned land in the United States. In some countries such as China, all land is owned publicly.

One of the main motives for the Revolutionary War was the colonists' desire to own and control their own land. Land was one of the most valuable assets in the newly forming American nation. The colonists fought to protect their right to own and use land, which they believed to be a right of (almost) every American. While historians and archaeologists may feel that the public has a strong interest in all cultural resources, private landowners own any archaeological or other historic resources that may exist on their property and in most cases they alone decide the fate of these resources.

#### F. Preservation Options for Sites on Private Land

There are several options for the preservation of archaeological sites on private land outside the purview of compliance of federal state or local laws. These include stewardship programs, community archaeology programs, easements, and site acquisition. Federal and state agencies often provide grants for the acquisition of sites or the establishment of easements. Having an archaeologist or cultural resource manager employed by the local jurisdiction, who can articulate the importance of site preservation to private landowners is a key ingredient to forming successful relationships with private owners of sites. Stewardship and community archaeology programs are characterized by voluntary participation and educational programs that can be an extremely effective technique for site protection.<sup>14</sup> Many of these programs allow hands-on experience in archaeology and also teach the importance of protecting sites.

In Kentucky, a voluntary program was instituted to directly involve private landowners in the protection of archaeological sites. The program created an archaeological registry in which landowners register privately-owned sites. Participants are asked to preserve and protect their sites and notify the sponsoring agency of any threats to the site. In

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<sup>14</sup> Henry, 72.

return, landowners are given information about the site, mailed newsletters, and provided with management assistance. Awards are also given to some participants according to the levels of participation.<sup>15</sup> The Kentucky Registry has proven to be very effective approach in site protection on private property since it helps build a community of private landowners interested in protecting sites.<sup>16</sup>

Establishing easements on archaeological sites is also an effective preservation tool and offers some of the strongest protections for archaeological sites in cases where fee simple ownership is not possible. Easements place restrictions on sites that limit destructive activities such as development. Easements are recorded with the deed of a property and thus are transferred when a new owner takes over possession of the property. Easements can be donated or purchased; some states also offer tax benefits to private landowners with easements. Virginia has an archaeological easement program that coincides with easement programs from other Virginia state departments. Employees from the Virginia Department of Natural Resources and the Virginia Department of Historic Resources collaborate to protect both natural and cultural resources through the use of easements.

Outright ownership is probably the strongest way to protect an archaeological site. Sites can be owned by public or private organizations or federal, state or local governmental agencies that, by having full ownership, they control virtually every aspect of the site. This is the foundation behind the Archaeological Conservancy, a national non-profit that purchases sites in need of protection. Site acquisition however can be a difficult process since owners often possess great emotional attachment to their land.

The Nature Conservancy, while focusing mostly on natural resources, also purchases land with recognized archaeological importance. Some federal agencies, such as the Federal

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<sup>15</sup> Gwynn A. Henderson. "The Kentucky Archeological Registry: Landowner Participation in Site Preservation." *Perspectives on Archaeological Site Protection and Preservation*. (US Army Corps of Engineers, Washington D.C. 1991), 128.

<sup>16</sup> *Ibid*, 134.

Highway Administration, also purchase “high profile” sites that are interpreted for the public.<sup>17</sup> While ownership is a strong tool, it can also be the most expensive. While some owners will agree to bargain sales, less than market value, or even donate their site, most require fair market value of the site. Other expenses associated with outright ownership can include subdivision fees and processing fees as well as long-term maintenance costs. As with easements, fee simple ownership often also allows for tax benefits for the seller.

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<sup>17</sup> Mark R. Barnes. “Preservation of Archaeological Sites through Acquisition.” *American Antiquity*, Vol. 46, No. 3, July, 1981, 613.

# Chapter III: Research of National Register Sites on Private Property in Maryland

## A. Site Research

### 1. Site Descriptions

The forty-four sites researched represent a large variety of archaeological sites in Maryland (See Appendix 1). There are a total of twenty-five (25) prehistoric sites. Many of the prehistoric sites are multicomponent. Eleven (11) of the sites are considered to be primarily Woodland villages, six (6) of the sites are considered base camps, five (5) are prehistoric lithic quarries, and three are shell middens (Chart 1). There are no strictly Paleo-Indian sites but three of the sites contain Paleo-Indian components. Aisquith Farm site in Anne Arundel County and Noland's Ferry in Frederick County also contain historic artifact scatters.

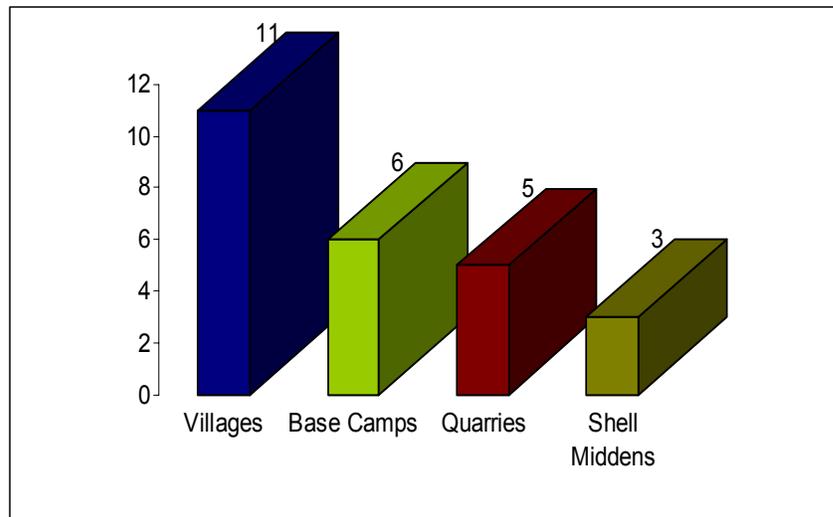


Chart 1: Prehistoric Sites

Of the forty-four archaeological sites, nineteen (19) are historic. Of these nineteen, nine (11) are residential sites; four (4) are mainly industrial, Amelung Glass Factory, Ellicott Mills Granite Manufacturing Mill, Antietam Iron Furnace and Antietam/Mt. Aetna Iron

Furnace; two (2) are institutional, Christs Church and St. Georges Episcopal Church; and two (2) are transportation related, Southern Terminus of the Susquehanna and Tidewater and Tulip Hill Boat Landing (Chart 2). One of the eleven residential sites, Snow Hill in Cecil County, is a free black community.

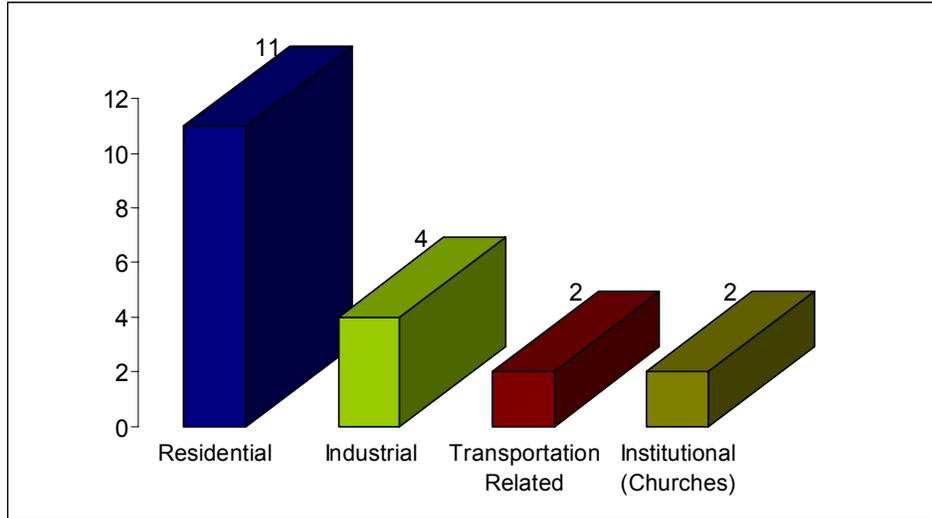


Chart 2: Historic Sites

Of these nineteen total historic sites thirteen sites; Gresham, Cedar Park, Tulip Hill, Timber Neck, Amelung, Southern Terminus of the Susquehanna and Tidewater, Christs Church, St. Georges Episcopal Church, Paca House, Harwood-Hammond House, Upton Scott House, Patrick Creagh House, and the Brice House (Figure 1) are associated with standing structures. The Paca House, Harwood-Hammond House, Upton Scott House, Patrick Creagh House, and the Brice House are all 18<sup>th</sup>-20<sup>th</sup> century houses located in urban Annapolis.



Figure 1: Brice House  
Photo credit: Orlando Ridout V, 01/76  
Courtesy Maryland Historical Trust

## 2. Current Site Conditions

The site condition data was gathered by studying aerial photographs from Maryland's Environmental Resources and Land Information Network (MERLIN). The current site conditions include twenty-four (24) undisturbed sites which are located in undeveloped settings including sites located in agricultural fields and wood lots. Eleven (11) of the sites appear to be partially disturbed. These sites are located in urban settings but appear to be located in open space where there are no structures. At least two (2) sites, J. Beck site and Katcef site in Anne Arundel County, appear to be completely destroyed by residential development (Chart 3).

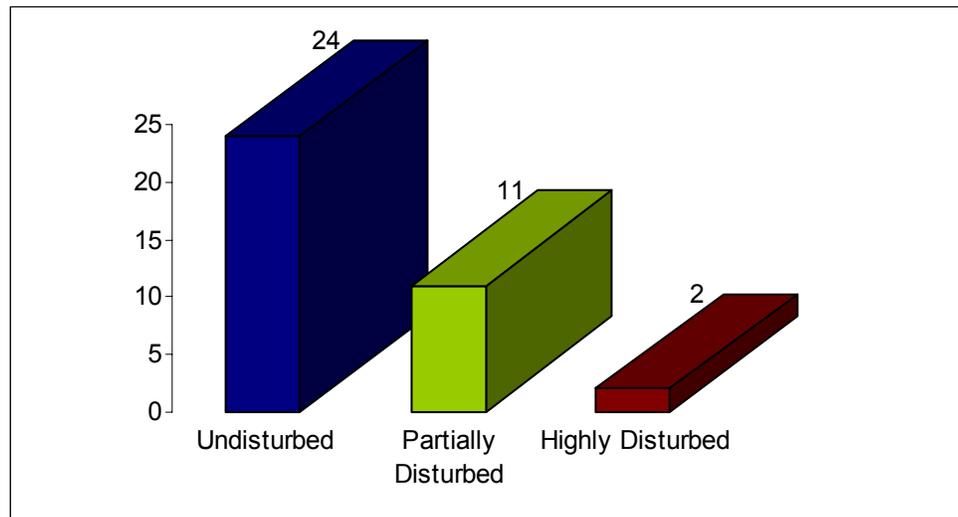


Chart 3: Current Site Conditions

## 3. Site Ownership

Research revealed that one (1) of the sites in Allegheny County, Shawnee Old Fields Village (Figure 2), is completely owned by the United States Park Service. Of the other forty-four sites, three (3) are owned by preservation non-profits (Barton Indian Village owned by the Archaeological Conservancy, the Paca House owned by Historic Annapolis Foundation and the Hammond-Harwood House owned by the Hammond-Harwood House Association). Three (3) are owned jointly by private individuals and state or local



Figure 2: Shawnee Old Fields Village  
Photo Credit: Wayne Clark, 08/74  
Courtesy Maryland Historical Trust

governmental agencies. One (1) of the sites, Southern Terminus of the Susquehanna and Tidewater, is owned by a local municipality, the Town of Havre de Grace. Thirty-six (36) of the sites are strictly owned by private individuals (Chart 4).

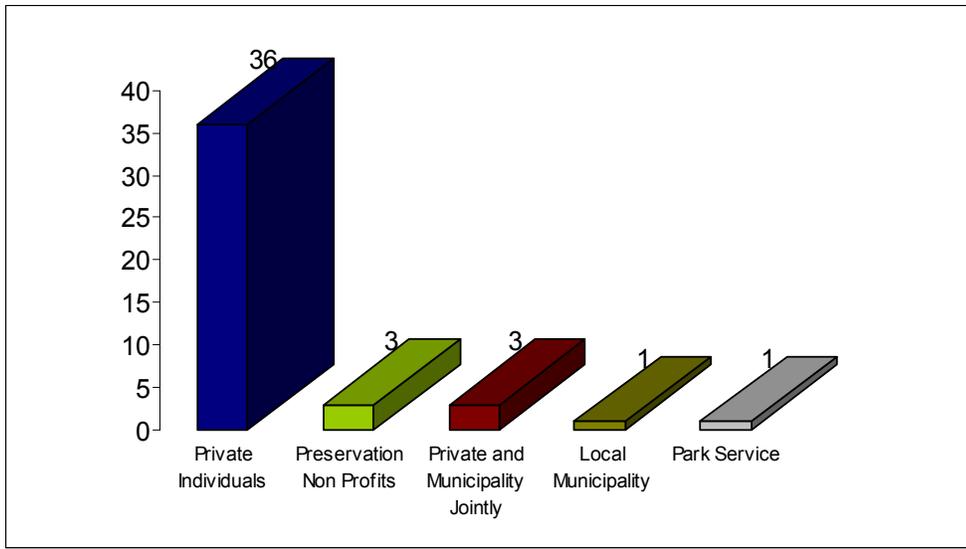


Chart 4: Site Ownership

#### 4. Existing Protections

Of the forty-four sites, only one, Barton Indian Village is completely protected since it is owned by a preservation non-profit, the Archaeological Conservancy. Shawnee Old Fields is protected by federal preservation laws since it is owned by the federal government. The five sites in Annapolis are offered protection through the Annapolis Historic District Ordinance and Ellicott Mills Granite Manufacturing Mill is protected by the Ellicott Mills Historic District Ordinance. Aisquith Farms in Anne Arundel County has a protective easement held by Anne Arundel County. If any development is to occur on the other sites in Anne Arundel County, the County can require avoidance by the owner or developer. The

County also and has the option to acquire easements on these sites according to Anne Arundel County's Code <sup>18</sup> (Chart 5).

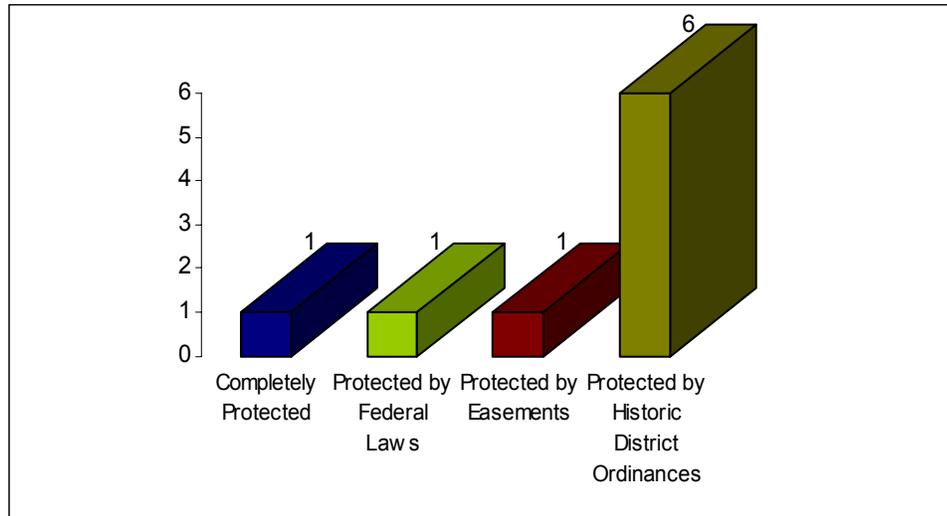


Chart 5: Current Protections

## B. Research Questions

### 1. *Research Question 1:* What has happened to sites on private property?

In compiling the data on the sites, some trends, although not ground-breaking were apparent. Of the forty-four sites, prehistoric sites were more likely to be disturbed than historic sites and historic sites had double the chance of being protected by easements or historic preservation ordinances than prehistoric sites. This is likely due to the fact that thirteen of the nineteen historic sites were associated with standing historic structures. The archaeological component at these sites represented either the remains of a previous structure at the site or the remains of an outbuilding associated with the standing structure. Due to the fact that standing structures are easily identifiable and are prominent features on a landscape, historic standing structures, and therefore their archaeological components, are more likely to

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<sup>18</sup> Cox, Jane, Cultural Resource Planner, Anne Arundel County. Interview by author, April 2008, Frederick, MD. E-mail.

be protected through historic district ordinances or easements than sites that contain only underground archaeological resources.

The correlation of site ownership was very similar, almost the same number of prehistoric and historic sites were owned by private individuals rather than by non-profits.

The sites that were highly disturbed were all privately owned.

2. *Research Question 2:* Would any sites be good candidates for preservation strategies?

To answer this question, nine (9) sites that were protected by easements or otherwise appeared to be fairly well protected were not included in the evaluation (Table 1).

Site	Existing Protection
Barton Village	Owned by Preservation Non-Profit
Shawnee Old Fields	Owned by Park Service
Aisquith Farm	Anne Arundel County Easement
Paca House	Annapolis Historic District Ordinance
Hammond-Harwood	Annapolis Historic District Ordinance
Upton Scott House	Annapolis Historic District Ordinance
Patrick Creagh	Annapolis Historic District Ordinance
Brice House	Annapolis Historic District Ordinance
Ellicott Mills Granite Mill	Ellicott City Historic District Ordinance

Table 1: Protected or Moderately Protected Sites

The criteria for sites that were considered good candidates for preservation were:

- Sites that appeared to have integrity and research potential
- Sites that were not destroyed or heavily disturbed
- Sites associated with a standing structure but a distinct and separate entity than the structure

The criteria for sites that were considered fair candidates for preservation were:

- Sites that were located in a residential development but appeared to be fairly intact

The criteria for sites that were considered poor candidates for preservation were:

- Sites that had little research potential
- Sites that appeared to be destroyed or heavily disturbed
- Sites that were associated with a standing structure that were not likely to be disturbed or destroyed

In compiling this data, seventeen (17) sites were considered to be good candidates for preservation, ten (10) were considered to be fair candidates for preservation strategies, and eight (8) were considered poor candidates for preservation strategies (Table 2). 80% of prehistoric sites were considered to be either good or fair sites for preservation strategies and 70% historic sites were considered either good or fair for preservation strategies.

GOOD	FAIR	POOR
Hoye	Antietam Iron Furnace/ Village	J Beck
Meyer or Folly Run	Snow Hill	Katcek
Orr Prehistoric Steatite Quarry	Brinsfield	Gresham
Ewen Upon Ewenton	Buckingham	Shoemaker Village
Walker Village	Doncaster	Christ Church, Guilford
Timberneck	Tulip Hill Landing	St. George's Prot/Epis Church
Antietam Furnace / Mt. Aetna	Old Colony Cove	Sandy Point
Nolands Ferry	Magothy Quarry	Southern Terminus
Biggs Ford	Nottingham	
Heath Farm Quarry	Woodyard	
Amelung		
Martins Pond		
Bumpstead		
Heath Farm Camp		
Willin		
Iron Hill Cut Quarry		
McCandless		

Table 2: Evaluation of Sites for Potential of Preservation Strategies

## Chapter IV: Research of Frederick County Sites

### A. Site Research

Four of the forty-four National Register Maryland sites on private property researched are located in Frederick County. These four sites represent fairly well the assemblage of forty-four total sites. Three of the sites, Biggs Ford, Noland's Ferry and Shoemaker Village are prehistoric and one, Amelung Glass Factory, is historic. Amelung also contains a standing structure (Figure 3). Three of the sites, Biggs Ford, Noland's Ferry and Amelung are considered good or fair candidates for preservation strategies and one, Shoemaker Village, is considered a poor candidate for preservation strategies.

To gauge landowner attitudes toward preserving sites, the owners of these four sites were contacted through questionnaires. The questionnaire was simple and inquired if the owners knew of the sites, if they were interested in gaining more information about their sites, and if they were interested in learning about preservation strategies of the sites. The following are descriptions of the four Frederick County sites and the results of the questionnaires.

#### 1. Biggs Ford

18FR14, The Biggs Ford site, is a large, well-preserved multicomponent late Woodland Indian village situated in an agricultural field near the Monocacy River, north of Frederick City (Figure 4). Two major components have been identified at the site, the earliest the Montgomery Complex dating to A.D. 900-1300, and the later, the Luray Complex, dating to A.D. 1300-1500. The Late Woodland period, when the Biggs Ford site was occupied, is associated with an increase in agricultural complexity and the emergence of more permanent villages in riverine settings. The Luray phase seems to have been centered in the Shenandoah Valley and extended into the Potomac where it replaced the Montgomery complex. Most

Luray complex sites are located in the ridge and valley section of the Potomac River; however, the Biggs Ford site is located in the Piedmont. The Biggs Ford site is also the only



Figure 3: Georgian House, Amelung Glass Factory  
Photo credit: Michael O. Bourne , 03/68  
Photo Courtesy Maryland Historical Trust



Figure 4: Biggs Ford Suite  
Photo credit: Tyler Bastian , 1970  
Photo Courtesy Maryland Historical Trust

known Luray complex village along the Monocacy River. Luray is characterized by Keyser ceramics, which are tempered with finely crushed mussel shell, have cord marked or plain exteriors, uncollared rims, and are frequently decorated with notched or vessel lips or a series of punctuates.<sup>19</sup>

In 1955, Spencer Geasey, a local archaeologist, conducted brief testing at the site. Excavations were also conducted in 1969-1970 by the Division of Archaeology of the Maryland Geological Survey when a proposed interceptor was planned to cross the center of the site (Figure 4). A 7 x 230 meter strip of the plow zone was removed by mechanical equipment along the sewer line route. Most of the features encountered were completely excavated with the exception of a few post molds and some features not lying entirely within the trench.<sup>20</sup>

Many cultural features were recovered from the Biggs Ford site including several refuse pits and hundreds of post molds. A number of post molds on the eastern edge of the site were aligned into what appeared to be a possible stockade line. Stockades were constructed around Woodland villages to demarcate the village boundary or as defense against warring tribes. Two rectangular house structures were also possibly identified. Ten graves were identified containing a total of 12 skeletons that are thought to be associated with the Luray component. Two of the graves contained two infants each. Graves seemed to be scattered at random in the area exposed by the excavated trench. Grave goods were found with about half of the burials including drilled olenella shell beads and a miniature clay vessel. One adult male was buried with a bow and quiver of 10 arrows, 2 celts, a broken gorget, a steatite pipe, two bone punches, a beaver incisor, and several claw and bird bones.<sup>21</sup>

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<sup>19</sup> Maureen Kavanagh. "Late Woodland Settlement in the Monocacy River Region." *Maryland Archaeology*, Vol. 37(1), Annapolis, MD, March 2001.

<sup>20</sup> Wayne Clark. *Biggs Ford National Register Nomination Form*. Maryland Historic Trust, Crownsville, Maryland, 1974.

<sup>21</sup> Ibid.

The most common artifacts recovered from the site were ceramics and triangular projectile points. Two types of ceramics were primarily recovered from the site, the first type is the Shepard Cord-Marked type of the Montgomery Complex. The second type is the Keyser Cord-Marked, which is associated with the upper Potomac of the Shenandoah Valley Luray Complex. Other artifacts recovered included organic materials such as animal bone, charred corn kernels, turtle shell bowls and shell beads.<sup>22</sup>

## 2. Amelung Glass Factory

18FR16 is located approximately ten miles south of Frederick City, near the town of Urbana. The site occupies the remains of a glass factory started by Johann Friedrich Amelung in 1784. No aboveground structures remain of the glass factory; however Amelung's late Georgian brick home still stands at the site and is part of the National Register nomination. Amelung was a German glassmaker who came to in Maryland in 1784, bringing with him 68 glass workers and his glass-making equipment. Amelung produced high quality glass at his factory, which he named New Bremen. Today, examples of Amelung glass can be seen in many fine museums

Previous owners of the property "excavated" at the site for many years. In 1962-63 the Corning Museum, the Smithsonian Museum, and Colonial Williamsburg collaborated to conduct excavations at the site. Excavations were directed by Ivor Noel Hume of Colonial Williamsburg. Many glass shards were recovered as well as the foundations and remains of three glass-making houses. One of the glass-making houses was excavated. The excavations revealed the foundations of a large factory structure with glass melting furnaces, store rooms, and potting rooms.<sup>23</sup> Workers houses, schools, stables, a mill and other structures are all thought to exist at the site, but have not been investigated.

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<sup>22</sup> Wayne Clark. *Biggs Ford National Register Nomination Form*. Maryland Historic Trust, Crownsville, Maryland, 1974.

<sup>23</sup> Ivor Noel Hume. "Maryland's Famed Early Glassworks." *Sunday Sun Magazine*, 1964.

### 3. Noland's Ferry I

Nolands Ferry, 18FR17, is a multicomponent prehistoric site situated in southern Frederick County on a terrace of the Potomac River, overlooking Tuscarora Creek (Figure 5). The site lies approximately 2.5 miles northwest of the confluence of the Potomac and Monocacy Rivers. Components dating from Paleo-Indian (ca 8500 BC) to the historic period have been recovered at the site with the major occupation occurring during the Late Woodland (A.D. 1350-1450). The site consists of a major village with a circular pattern of trash pits and burials ringing an open plaza.<sup>24</sup>

Spencer Geasey located the Nolands Ferry site in 1948. In 1978, a controlled surface collection was performed at the site by the Division of Archeology of the Maryland Geological Survey. Approximately 40 test units were also excavated, ranging in size from 1 by 1 meters to 3 by 3 meters. In 1978-1982, the site was relocated and tested by Donald Peck and Maureen Kavanagh during a regional survey of the Monocacy River Region. In 1979, Laurie Steponaitis conducted a study of the lithic assemblage from the site. In 2005, R. Christopher Goodwin and Associates conducted a Phase I for a proposed water line at the site.<sup>25</sup>

Almost all of the features investigated at Nolands Ferry are related to the Mason Island component, suggesting that the site is a fairly pure component of the culture. Over 400 projectile points recovered from the site indicate the location was almost continually occupied during prehistoric times and heavily occupied during the Late Woodland. The most common artifacts recovered at the site were large rhyolite Levanna projectile points, quartz and rhyolite debitage and tools and limestone-tempered pottery.<sup>26</sup>

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<sup>24</sup> Robert Wall. *Nolands Ferry I National Register Nomination Form*. Maryland Historic Trust, Crownsville, Maryland, 1985.

<sup>25</sup> Ibid, 2.

<sup>26</sup> Ibid, 2.



Figure 5: Noland's Ferry Site  
Photo credit: MHT File Photo, 05/78 Photo  
Courtesy Maryland Historical Trust

#### 4. Shoemaker III Village

Shoemaker Village III is a multicomponent prehistoric site located in northern Frederick County. Shoemaker Village is interpreted as a series of Early and Late Archaic and Middle Woodland short-term camps and a Late Woodland village. The site is the northernmost Late Woodland village site known in the Monocacy basin.<sup>27</sup> The earliest component is represented by two Lagoon type projectile points 520-100 BC, however the majority of projectile points recovered were triangular and made of rhyolite, resembling Late Woodland Madison type points. Ceramics recovered represent several different cultural affiliations. The site has not been excavated.<sup>28</sup>

Previous Investigations at the site include extensive surface collecting in the 1970s by local collectors. In 1978-82 during a survey of the Monocacy River Region, Donald Peck and Maureen Kavanagh could not relocate the site.<sup>29</sup>

#### *Research Question 3: What are the Attitudes of Landowners?*

Of the four questionnaires sent to the Frederick County site owners, only two were returned, Nolands Ferry and Amelung Glass Factory. Results showed that both of the landowners were aware of the sites on their property. The owner of the Noland's Ferry site indicated that he was not interested in easements, site acquisition, or other preservation strategies; however he was not intending to destroy the site in any way. He was also interested in learning more about the site and its characteristics.

The owner of the Amelung Glass Factory indicated that she was not particularly interested in discussing preservation options due to the fact that the site was excavated in the

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<sup>27</sup> Wayne Clark. *Shoemaker III Village National Register Nomination Form*. Maryland Historic Trust, Crownsville, Maryland, 1974.

<sup>28</sup> Ibid, 4.

<sup>29</sup> Ibid, 4.

past and the artifacts were not returned to her. She did not indicate that she wanted to learn more about the site.

## Chapter V: Results and Conclusions

Results of the research showed that in general, prehistoric sites were more likely at risk for destruction than historic sites. It also revealed that the majority of sites researched were either good or fair candidates for possible preservation strategies. If the four Frederick county sites were used to gauge land owner interest for all of the sites, landowner interest in site preservation is low. Only half of the questionnaires were returned and the ones returned did not have positive results to landowner participation in preservation strategies. While the research shows that many sites *could* be preserved, a great deal of educating private landowners on the benefits of preservation would be needed before sites would actually be protected.

One strategy that may be beneficial is to institute a program such as the Kentucky Archaeological Registry to allow landowners to become familiar and comfortable with their sites. Instituting a program such as a registry would allow for the straightforward dissemination of information on sites and would help landowners become more interested in what they possess as well as educate them on the importance of protecting sites for the benefit of everyone.

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*Note: All of the National Register Nomination forms listed above are for the forty-four Maryland archaeological sites listed on the National Register that are located on private property. Each form provides information on site status, ownership information and descriptions of each site as well as previous work completed at the sites. This information provides the basis of the study since background information is needed on all of the sites before the sites can be evaluated for their preservation potentials.*

## Appendix 1:

Characteristics of Maryland National Register Sites Located on Private Property  
Table Removed Due to Sensitive Site Location Information