

## IN DEPTH: BURIAL SITES AND OWNERSHIP OF HUMAN REMAINS

It is first revealed in “The Marine Excursion of the Knights of Pythias” that Dr. Gallagher takes an interest in Indigenous heritage. “The Ministrations of the Rev. Mr. Drone” continues this thread. In it, Gallagher brings to Dean Drone his latest discoveries that include “the Indian skull that they had dug out of the railway embankment” (69). According to Dennis Rizzo’s *A Brief History of Orillia*, during Orillia’s development skeletal remains and artifacts were often unearthed by workers digging house cellars and landscaping. Similar discoveries continue today<sup>57</sup>.

At the time that *Sunshine Sketches* was written, there were few formal processes to follow when the remains of an Indigenous person were unearthed. Most often, the discovery ended up in a museum or a private collection. Today there are formal processes that must be followed.

In Ontario, when an Indigenous burial site is found it must be immediately reported to the police or coroner’s office. Officials will perform an archaeological assessment of the site. The landowner and a representative of the person or people buried there will have to come together to decide whether the remains will be disinterred or whether the site will be established as a cemetery. If the landowner and the representative cannot come to an agreement, binding arbitration will take place. Binding arbitration is a way of resolving a legal dispute without going to court: an “arbiter” hears both sides of the case, and comes to a conclusion. Their decision is legally enforceable.

In Saskatchewan, when an Indigenous burial site is found, what happens to the remains depends on how old they are. Remains that date back to the year 1700 are to be made available to the nearest First Nation following scientific examination. Remains that predate 1700 will be forwarded to the government, following any scientific research. For any remains that cannot be definitively traced to a particular First Nation, the province has created a burial ground. It is a four-hectare plot of land secretly located somewhere on the shores of the South Saskatchewan River. Some remains laid to rest in this plot date back 6,000 years. Elders from eight different groups hold ceremonies at this spot so that the people buried there can rest in peace.

Rules like these create a uniform process to be followed when human remains are dug up today. However, these rules are not retroactive: many museums and private collections have remains of Indigenous people that were unearthed years earlier. For these previously-unearthed remains, there are no hard rules that dictate their fate.

In the absence of laws governing the fate of previously-unearthed remains, the Canadian Museums Association and the Assembly of First Nations have created a set of recommendations for dealing with remains. The recommendations say that any remains that can be identified by name should be given back to the family or the First Nation. If the remains can be linked to a particular First Nation but not a particular family, the Nation should be notified. If the remains cannot be linked to a specific group, Indigenous people and the museum should work together to determine what should be done with them. Because these recommendations are voluntary, there is no legal obligation to follow them. However, the rules have been successful in bringing the remains of many people to a place of final rest.

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Rizzo, Dennis. *A Brief History of Orillia: Ontario's Sunshine City*. The History Press, 2014, p. 26.





## DISCUSS

1. The laws associated with burial sites are not always followed. For example, in 2016 APTN reported on a “cacophony of errors” that led to Barrie’s Allandale Go Transit Station being built over top of a substantial Huron-Wendat ossuary (an ossuary is a large-pit burial site). What makes this particularly disrespectful is the Huron-Wendat belief about the afterlife. According to archaeologist Kris Nahrgag, “They believe there are two souls with a person. One goes with the person in the ground and the other one goes to the Creator. So when you bury these people every one of the bodies that are in the burial pit have a soul”<sup>58</sup>.
  - a) Does having a law in place mean it will be followed?
  - b) Why must we be diligent to ensure that our laws are followed?
2. It is not just Indigenous burial sites that are disrespected in *Sunshine Sketches*. When the new church is built, the church’s old cemetery is smoothed out and the headstones are laid flat. What do you think this chapter says about society’s respect for burial sites?
3. Reconsider the scene where Dr. Gallagher brings the skull to Dean Drone. It contrasts many worldviews, including religious worldviews, scientific worldviews, and Indigenous worldviews, just to name a few:

I remember that on the day when Dr. Gallagher brought over the Indian skull that they had dug out of the railway embankment, and placed it on the rustic table, the Dean read to him so long from Theocritus that the doctor, I truly believe, dozed off in his chair. (p. 69-70)

What do you think is the significance of this scene?

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<sup>58</sup> qtd. in Jackson, Kenneth. “Buried Souls: How Ontario bulldozed through a rare Huron-Wendat burial site in Barrie.” *APTN*, 9 March 2016, <http://aptnnews.ca/2016/03/09/buried-souls-how-ontario-bulldozed-through-a-rare-huron-wendat-burial-site-in-barrie/>