

**MEMORANDUM OF AGREEMENT  
AMONG  
ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY,  
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
AND THE McLEAN COUNTY MUSEUM OF HISTORY,  
REGARDING  
COMPLIANCE WITH SECTION 707  
OF THE  
ILLINOIS STATE AGENCY HISTORIC RESOURCES PRESERVATION ACT,  
AS IT PERTAINS TO THE PROPOSED  
REHABILITATION OF THE OLD McLEAN COUNTY COURTHOUSE,  
BLOOMINGTON, McLEAN COUNTY, ILLINOIS**

**Whereas**, the Illinois Department of Commerce and Economic Opportunity (DCEO) has intentions of awarding a Tourism Attraction Grant (TAG) (Grant No. 140335005) to the McLean County History Museum (MUSEUM), to assist with the rehabilitation of the Old McLean County Courthouse for the creation of a Heritage Tourism Visitors' Center (otherwise known as the Heritage Tourism Visitors' Center Project (PROJECT)); and

**Whereas**, DCEO has consulted with the Illinois Historic Preservation Agency (IHPA) in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended), and its implementing rules (17 IAC 4180); and

**Whereas**, MUSEUM, in consultation with the DCEO, has defined the undertaking's Area of Potential Effect (APE) as that area within the Bloomington Public Square bounded by Jefferson Street on the north, Washington Street on the south, Center Street on the west, and Main Street on the east (upon which is situated the Old McLean County Courthouse); and

**Whereas**, the McLean County Courthouse and Square was formally listed on the National Register of Historic Places (as per Criterion C, Architecture) in February 1973, and

**Whereas**, DCEO, in consultation with the Illinois State Historic Preservation Officer (SHPO), have determined that the archaeological resources (identified as archaeological Site 11M1335) are contributing elements of the National Register property, as per Criterion D (see attached letter from SHPO dated 14 May 2014); and

**Whereas**, no human remains are expected to be found during archaeological site investigations covered by this MOA; however, if encountered, the provisions of the Illinois Human Remains Protection Act (20 ILCS 3440, 17 IAC 4170) would be followed; and

**Whereas**, the MUSEUM has made every reasonable effort to avoid and minimize impacts to the archaeological properties in the project area, it nonetheless has been determined that the PROJECT will have an adverse effect on archaeological site 11M1335, and, potential adverse effects cannot be avoided.

**NOW, THEREFORE,** the DCEO and IHPA agree that upon the DCEO's decision to proceed with the issuance of the DCEO grant, the DCEO shall ensure that the following stipulations are implemented in order to take into account all potential adverse effects to Site 11MI335.

## **STIPULATIONS**

The DCEO and the MUSEUM shall ensure that the following steps will be undertaken for the Project:

### **1. ARCHAEOLOGICAL MITIGATION MEASURES**

- A. Prior to ground disturbance or construction activities within the boundaries of 11MI335, the MUSEUM shall complete a Phase III data recovery program in compliance with the attached Data Recovery Plan (PLAN; EXHIBIT B) developed by Fever River Research and approved by the SHPO.
- B. Except for the demolition work described in the attached PLAN (EXHIBIT B), which will be conducted as part of the Phase III data recovery under the guidance of the project archaeologist, the MUSEUM shall not commence ground disturbance or construction within the boundaries of 11MI335 until the DCEO has received and the SHPO has reviewed written documentation that:
  - 1) Phase III archaeological excavations have been completed,
  - 2) artifact processing and report production have been funded at appropriate levels to complete the report of investigations,
  - c) proof of curation arrangements for the preservation of all artifacts, notes, maps, photographs, etc. generated as a result of the performance of Phase III work is in place;
  - d) the project is in full compliance with the Illinois State Agency Historic Resources Preservation Act, and
  - 3) no further archaeological work is needed.
- C. The MUSEUM will ensure that all archaeological work conducted under this agreement will be conducted in a manner consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37), and will take into account the Advisory Council of Historic Preservation's publication *Treatment of Archaeological Properties*.
- D. The MUSEUM will ensure that all archaeological work will be performed by professional archaeologists pursuant to the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1989, ch 127, par. 133c9), as well as the *Secretary of the Interior's Professional Qualification Standards* in the fields of archaeology (as published in 36 CFR Part 6). All such work will be monitored by IHPA staff archaeologists.

**2. DURATION**

This MOA will be null and void if its stipulations are not carried out within one year from the date of its execution. In such an event, the DCEO shall so notify the parties to this MOA and, if it chooses to continue with the Project, then it shall reinstate review of the Project, or the parties may extend the MOA by mutual written consent.

**3. POST REVIEW DISCOVERIES**

**A. Human Remains.** In the case of an unanticipated discovery of human remains or burials during Project construction activities, MUSEUM shall halt construction, secure the area, and follow the provisions of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170).

**4. DISPUTE RESOLUTION**

Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If any signatory to this agreement determines that its terms cannot be carried out, or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment. The amendment will be effective on the date a copy is signed by all the original signatories.

**5. AMENDMENTS**


This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories.

Execution of this MOA by the DCEO, SHPO, and MUSEUM, and the implementation of its terms shall evidence that the DCEO has taken into account the effects of this undertaking on historic properties as required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended), and its implementing rules (17 IAC 4180).

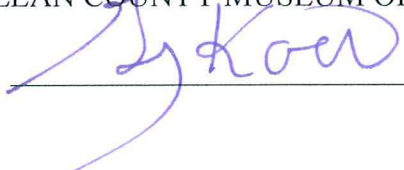
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

By: \_\_\_\_\_ Date: \_\_\_\_\_

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 6/9/14

McLEAN COUNTY MUSEUM OF HISTORY

By:  Date: 6/5/14

**EXHIBIT A**

**DATA RECOVERY PLAN**

***PHASE III DATA RECOVERY PLAN (DRP)  
FOR NATIONAL REGISTER ELIGIBLE ARCHAEOLOGICAL SITE  
11MI335 (McLEAN COUNTY COURTHOUSE),  
LOCATED WITHIN DOWNTOWN BLOOMINGTON, McLEAN COUNTY,  
ILLINOIS***

Prepared by  
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and  
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Fever River Research  
Springfield, Illinois

Prepared for  
McLean County Museum of History  
Bloomington, Illinois

May 2014

***Introduction***

The following document presents a program of scientific data recovery that will be implemented to mitigate the adverse effects of the rehabilitation of the Old McLean County Courthouse and the creation of the McLean County History Museum's Heritage Tourism Visitors' Center. The McLean County Museum of History—and the proposed Heritage Tourism Visitors' Center—is to be located within the ground floor of the 1903-04 McLean County Courthouse. The existing courthouse was constructed at this location shortly after an earlier courthouse was destroyed by fire in 1900. The McLean County History Museum anticipates getting a Tourism Attraction Grant (TAG) from the Illinois Department of Commerce and Economic Opportunity (DCEO) to supplement funding for this project. As the Museum is receiving state funds, the project was reviewed by the Illinois Historic Preservation Agency (IHPA) in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended).

The present courthouse represents the fourth county courthouse located on the courthouse square. The original structure, which was in service from 1832 through 1836, was a small frame building not much different than a small house of the era. In contrast, the second county courthouse was a large, two-story brick structure with hip roof and prominent cupola, typical of

many early Federal-style courthouses constructed in the Old Northwest Territory during the pre-Civil War years (and often referred to as “Coffee Mill” or “Foursquare” design) (cf. Krause 2000).<sup>1</sup> Constructed in 1836, this structure remained in use through 1868, at which time it was dismantled to make room for a much larger, modern courthouse (which ultimately was destroyed by fire in June 1900). Prior to its demolition, presumably in the 1850s or early 1860s, single story brick wings were constructed each side of the large structure. The third courthouse was constructed in the center of the Public Square, and was destroyed by a catastrophic fire in 1900. The current county courthouse, which was constructed in 1903-04 on the foundations of the earlier structure destroyed by fire, was listed on the National Register of Historic Places in February 1973 (as per Criterion C, architecture) (Prince 1973).

The archaeological component of the Old McLean County Courthouse is identified as archaeological site 11MI335. Previous archaeological research on Bloomington’s public square was undertaken by Dr. Edward Jelks, retired professor of Anthropology at Illinois State University, Normal (Jelks 1996, 1998). Jelks was able to show that 1) subsurface features from earlier, pre-1903 components were present on the courthouse square, and 2) these potentially significant archaeological features were buried by at least 1-2 feet (or more) of fill associated with the construction of the existing courthouse building in 1903-04. Subsequently, the archaeological resources associated with the 1903 McLean County Courthouse have been determined to be a contributing element of the National Register of Historic Sites property due to their ability to yield information significant to local history (as per Criterion D, Archaeology). Archaeological Site 11MI335 is bounded by Jefferson Street on the north, Washington Street on the south, Center Street on the west, and Main Street on the east.

Besides improvements to the interior of the historic structure, the proposed creation of the Heritage Visitors’ Center within the Old McLean County Courthouse includes several ground disturbing activities on the exterior of the building that will have an impact on potential archaeological resources associated with archaeological site 11MI335. The majority of these exterior improvements are associated with the creation of a new entrance into the south side of the courthouse building that will create a more formal, and handicap accessible, entrance to the ground floor facility (see Figure 1). This work will include the construction of new walks, and retaining walls into the new entrance, as well as the relocation of the existing HVAC cooling units into a subterranean pit located to the southwest of the courthouse. Additional ground disturbing activities associated with these improvement that may have an effect on the archaeological resources include 1) a new curb for planting beds located around the perimeter of the grounds, and 2) the planting of four burr oaks, one in each quadrant of the courthouse square.

The proposed improvements for the new south entrance are located in the suspected location of the second courthouse (which was in service from 1836 through 1868), and there is reason to believe that subsurface features from this early structure may be preserved below ground (Figure 1). Review of the proposed undertaking by the Illinois Historic Preservation

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<sup>1</sup> Krause illustrates eight of these “Coffee Mill” courthouses in early Illinois. Unfortunately, Krause’s book only discusses twenty-three counties in the state, with special interest in the fifteen counties located within the Eighth Judicial Circuit (which Lincoln typically traveled). Although more “coffee-mill” courthouses were constructed in Illinois than the eight discussed by Krause, Krause’s book contains excellent comparative material for the Bloomington Courthouse.

Agency has determined that the construction activity will have an adverse effect on the archaeological site 11M1335. (IHPA letter dated 14 May 2014) [IHPA Log No. 013042414.]. With this in mind, this data recovery plan (DRP) is presented by Fever River Research (Springfield, Illinois) to the McLean County Museum of History for archaeological services (data recovery) to mitigate the adverse effect of the proposed construction activity on archaeological site 11M1335.

### *Development of a Model for the Location of the Early Courthouse and Related Structures*

McLean County, the largest county in Illinois, is centrally located within the state. Situated within a prominent upland location east of the Illinois River valley and north of the Sangamon River valley, the county was heavily influenced by glacial events with prominent end moraines separating large expanses of flat ground moraines. Schwegman (1973) places the entire county in the Grand Prairie Section of the Grand Prairie Division. Although the county was known for its vast expanses of prairie vegetation during the early years of settlement, many of the prominent moraines were covered with large stands of quality timber. It was around these timber stands (or groves) that many of the earliest settlers located.

The earliest documented non-native settlers in what was to become McLean County established themselves along the edges of what was originally known as Keg Grove, and later renamed Blooming Grove. Many of these settlers arrived in the early 1820s, prior to the formal survey of government lands (which occurred in late 1823). McLean County was established in April 1831. Shortly after establishment of McLean County that same spring, James Allin donated slightly over 22 acres of his land adjacent to Blooming Grove for the formation of a county seat, and with the assistance of Dr. Isaac Baker the 12-lock Town of Bloomington was platted on the north edge of Blooming Grove timber on one of the highest spots around. As originally platted, the town extended from North Street (today's Monroe Street) on the north, to Front Street on the south, and from East Street on the east to West Street (today's Roosevelt Street) on the west. In July 1831, a public auction was held to sell the newly platted town lots. Six lots in Block 7—located on the highest ground in the town—were set aside for use by the county as a Public Square, and proceeds from the sale of the town lots (\$300) went towards construction of the first McLean County Courthouse on that square (Le Baron 1879; Koos 1997). In 1836, this early frame structure was replaced by a much more substantial brick courthouse, the remains of which are believed to be located in the area of the proposed new south entrance.

One of the best sources of information regarding the location of the 1836 Courthouse is the County Commissioners' records from 1836. On January 20<sup>th</sup> of that year, the Commissioners contracted "with Leander Munsell, of Edgar County, Illinois, for a brick building 40 by 45 feet square, two stories high, finished in five rooms, the court room on the lower floor with a gallery, and all other conveniences, for the sum of \$6,375." Later that spring (on June 7<sup>th</sup> of that year), the Commissioners agreed to amend Munsell's contract, noting "said court house to be 42½ feet square and 32 feet high, with other alterations, for the further sum of \$1,680." Unfortunately, little is known about what the "other alterations" were. A few days later, on June 9<sup>th</sup> of that year, the Commissioners decided on the location of the courthouse, and noted that it should be situated

with “the center of the building on the center of the middle lot, being lot ---, in the town of Bloomington, being one of the three south lots reserved for public use” (*Transactions of the McLean County Historical Society* 1899:257; see also LeBaron 1879). As such, it would appear that the courthouse was centrally located (both north/south and east/west) on the three southern lots fronting Washington Street.

Currently, the three best cartographic sources depicting the location of the second courthouse on the Bloomington square is 1) Fell’s 1838 city map, 2) Price’s 1855 city map, and 3) Ruger’s 1867 *Bird’s Eye View of Bloomington* (Figure 2-3). All three views depict the courthouse fronting the south side of the square, albeit in slightly different locations along Washington Street. The 1838 Fell map depicts the structure roughly centered (both north/south and east/west) within the southern three lots fronting Washington Street. This plat also depicts both the first and second jail houses which were located on the courthouse square. The 1855 map depicts a similar location for the courthouse as the earlier plat, but slightly shifted off-center to the west. In the 1855 plat, the jail is documented on the northwest corner of the square, and another unidentified building is documented immediately to the east of the courthouse, potentially explaining the slight off-center location of the courthouse on this plat. In contrast, the 1867 bird’s eye view depicts the courthouse with a very shallow setback from Washington Street, and sitting considerably off-center towards the east (Main Street). Figure 4 is an overlay illustrating the location of the buildings documented on both the 1838 and 1855 maps on the current Courthouse Square landscape.

Additionally, several historic photographs of the Second Courthouse exist within the McLean County Museum of History collections that depict both the front and rear elevations of this building. These photographs, combined with the knowledge that the original building was 42½ feet square, facilitated the creation of a scaled plan illustrating the footprint of the early courthouse (with its later wings attached) (Figure 6). The creation of this scaled drawing also was assisted by the use of floor plan drawings of a similar “Coffee Mill” courthouse constructed in the early years of the nineteenth century in Corydon, Indiana for use as state capital (Figure 5). With this scaled drawing in hand, and using the above information regarding the location of the courthouse on the square, we were able to lay it over the existing site plan in an effort to predict where the courthouse may have sat, and how much of that structure might still be preserved in the yard of the existing Courthouse Square.

This cartographic exercise resulted in four “models” illustrating the potential location of the Second Courthouse. Figure 7 presents the location of the courthouse as based on the scaled drawing, and the assumption that the historical description of the courthouse location (from the 1836 County Commissioners records) is accurate. The courthouse is centered both north/south, and east/west on the three lots facing Washington Street (and excluding the alley was once located in the center of the block). If this model is correct, then the proposed construction activity will impact a very small portion of the front of this structure. Figure 8 depicts the other three models of the potential courthouse location, and attempts to factor in minor variations in the location of the building based on the archival discrepancies noted in the historical record. The top image in this figure depicts the location of the courthouse, based on the Commissioner’s description of it centered on the east/west street frontage, but with a slightly reduced setback of 30’. Using the historic photographs noted above, the current researchers estimated that the



courthouse had a setback of 25-30 feet. Additionally, the historic Indiana example noted above had an approximate 30' setback. This model would suggest that a substantially larger percentage of the structure may have archaeological integrity. The middle image in Figure 8 depicts a model based on the 1855 Price map, with the addition of the side wings. This model is similar to that suggested in Figure 7 (the original model), and would suggest that the courthouse has little archaeological integrity remaining. The bottom illustration depicts the model based on Ruger's 1867 *Bird's Eye View*, with the setback adjusted to 30'. The 1867 Bird's Eye View actually suggests that the building sat considerably further to the south and east—and would suggest that a considerable amount of this structure may have excellent archaeological integrity.

### ***Research Potential***

The old McLean County Courthouse (current home of the McLean County Museum of History) is located on Block 7 of the Original Town of Bloomington, which has served as the town's public square since 1832. The public square occupies the heart of the historic, and present-day, central business district. For nearly 160 years, the square was the center of public activity within Bloomington and McLean County. Four generations of courthouses occupied the square, which also was the setting for the county jail up until circa 1857 (when a new jail was constructed at a location off the Courthouse Square).<sup>2</sup> Aside from its legal and judicial role, the square long served also as the setting for major public events and political rallies, besides being an every-day gathering place for local citizenry. While limited in scope, the proposed archaeological investigations have the potential to illuminate several different aspects of the historic courthouse square, which are outlined below:

1) Second McLean County Courthouse: The second courthouse, which was erected in 1836 and remained standing until 1868, was an example of a “coffee mill courthouse”—a model characterized by a square footprint, symmetrical three-bay façade (typically), and a hip roof surmounted by a cupola. At least seven examples of this style of courthouse are known to have been erected in central Illinois during the 1830s (Krause 2000). The second McLean County Courthouse was one of three coffee mill courthouses designed and built by Edgar Munsell of Edgar County (Krause 2000:49). It was this building that Abraham Lincoln practiced law in while travelling Illinois' Eighth Judicial Circuit, and Bloomington-resident Judge David Davis presided over between 1848 and 1862. Although some structural information is available on the second McLean County Courthouse through county records and historic photographs, it is relatively limited and lacking in clarity in some instances (particularly in respect to the exact placement of the courthouse within the public square). The proposed archaeological investigations have the potential to expose the southern foundation wall of second courthouse's main block. The exposure of either of the corners on this wall would firmly fix the location of the courthouse within the square, and give us insights into the methods of construction associated with this early structure. There is also a potential for exposing one, if not two, points of juncture for the two wings that later were added on both the east and west sides of the main block. Whereas the exterior dimensions of the main block are known, those of the wings are not.

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<sup>2</sup> The fourth and fifth county jails were located a short distance to the west, at the intersection of North Madison Street and West Monroe Street, approximately one block north and one block west of the Courthouse Square (on Lot 1, Block 35, Allin, Gridley and Prickett's Addition to the City of Bloomington).

Determining the set-back of these wings from the front of the main block would help ascertain their approximate dimensions. Features associated with historic landscape features might also be revealed during the investigations, such as the raised walks depicted in historic photographs, as well as the fence that formerly surrounded the public square. A section of the eastern fence line previously was exposed by Jelks (1998).

Given that the proposed archaeological investigations will take place in what was the front yard of the courthouse, the number of pre-1868 artifacts recovered is expected to be relatively limited. However, there is a possibility of recovering artifacts associated with activities that once were conducted in this space, the most common of which were leisure activities (as the courthouse's front yard appears to have been favorite gathering place when court was in session). There also is potential for discovering artifacts and/or features associated with the original 1832 courthouse.

2) Changing Structure of the Public Square: As noted previously, Bloomington's public square was the setting of multiple generations of courthouses and jails, of varying size and shifting locations. Although certain aspects of the square's early character are known from documentary sources, the picture remains incomplete. Documentary sources are vague, even contradictory in some instances; and this is true even for the courthouse and jail, which were the primary and best-known of the buildings on the square.<sup>3</sup> Very little is known of the inter-yard use in between these buildings. The early use of the eastern half of the square, especially, stands out as a great unknown. Was this area simply open "green space" early on? Or did it have another function? Detached outbuildings are not illustrated on any of the historic views of the public square, but these views are not comprehensive in scope. Were there any outbuildings present? And, if so, where were they located and what function did they have? The four excavation blocks that are proposed to be excavated prior to the tree plantings have the potential to address some of these questions.

3) County Jails: Three successive generations of county jails were built on the northern half of the courthouse square/block. The first of these, built in 1832, reportedly was centered within the north half of the square, in an area not to be impacted by the project (and suspected as being located beneath the footprint of the current Courthouse). The other three jails (built 1840, 1848, and 1857) were located near the northwest corner of the square. These successive jail buildings present a case study in early incarceration efforts in Illinois. The earliest jail was a two-storied log structure not much different than the settlement-era housing around it, aside from its point of access (which was from the upper story) and its tiny window openings. Its 1840 successor was a similarly sized, 1-1/2-story, side-gabled, frame structure with fortified walls and entrance door.<sup>4</sup> This was followed in 1848 by a far more imposing two-story, single-pile, side-gabled, brick "house jail" (also known as a residence jail) which integrated living quarters/office

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<sup>3</sup> Of particular interest is the confusion over the location of the second jail, which is documented on both the northwest corner of the Courthouse Square (cf. Fell map, Figure x) as well as on Lot 1, Block 35 of Allin, Gridley and Prickett's Addition to Bloomington (southwest corner of Center and Market Streets; Prince 1899:4).

<sup>4</sup> As noted above, there is some confusion as to whether this jail was actually located on the Courthouse Square, or not.

for the county sheriff and prison cells within a single structure.<sup>5</sup> The fourth jail (built in 1857) also was a house jail (residence jail), but it had a distinct cellblock wing extending off the rear of the sheriff's residence, and was not constructed on the Courthouse Square.<sup>6</sup> The latter remained standing into the early 1880s when a greatly enlarged residence jail was constructed at yet another location (at the intersection of Madison and Monroe streets). It remains unclear as to 1) whether both the second and third jails were located at the northwest corner of the Courthouse Square, and if they did, 2) what extent the footprints of the two jails overlapped one another. Early maps give limited information as to the location and configuration of these early structures (Krause 1899).

The Area of Potential Effect (APE), as represented by the one of the tree plantings, does impact the suspected area of the second and third jails, and excavations are planned for this area. Although the excavation of this 10'x10' excavation block will provide a relatively small "window" into the jail site overall, it has the potential to uncover structural remnants and/or other material associated with the building(s) that once stood there. The county jail, in its various incarnations, was prominent and significant feature on the courthouse square for many years, and it would be useful—both from a research and management perspective—to know what remains of it archaeologically. At the most basic level, are there intact archaeological remains associated with county jail? And do they have good integrity? Furthermore, are multiple components (from the different generations of jails) represented? The archaeological data may also clarify the documentary evidence regarding the location of the jails within the square and their physical structure. Features associated with domestic occupation of the 1848 and 1857 house jails might also be uncovered.

### *Institutional Support and Staffing*

The Phase III cultural resource mitigation plan proposed here will be conducted by Fever River Research (Springfield) under contract with the McLean County History Museum. All work will be conducted under the guidance of Floyd Mansberger, principal of Fever River Research. The firm of Fever River Research was begun in 1983, by Floyd Mansberger --then residing in Galena, Illinois-- as a part-time business concern conducting archaeological and architectural surveys. In 1988, the firm relocated to Springfield, Illinois where it has since specialized full-time in a wide range of cultural resource management work (including all phases of archaeological work, architectural surveys, architectural documentation, traditional history, and National Register nominations). Since 1983, the firm has completed projects for local municipalities, private industry, the Illinois Historic Preservation Agency, the Illinois State

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<sup>5</sup> The form of this structure appears to represent a traditional I-house with rear service wing, which faced Center Street to the west (Prince 1899:7).

<sup>6</sup> This jail was constructed on the southwest corner of Center and Market Streets, slightly to the north and west of the Courthouse Square (on Lot 1, Block 35, Allin, Gridley and Pricket's Addition to Bloomington). Upon construction of the new jail in circa 1857 (which was located on the Courthouse Square), the third jail was relegated to use as an office building—presumably for use by the county. An 1865 photograph of the Courthouse Square illustrates this building with the words "OFFICE" painted on the side. Similarly, the 1867 bird's eye view of Bloomington illustrates this building, potentially with a new wing on its south elevation. The "OFFICE" sign may have been painted on the west elevation of that new 1-1/2-story wing.

Museum, the U. S. Army Corps of Engineers, the Illinois Department of Conservation, the Abandoned Mined Land Reclamation Council (now part of IDNR), the Illinois Department of Natural Resources, the Illinois Department of Transportation, the Illinois Department of Corrections, the U. S. Soil Conservation Service, and the National Park Service. Although the majority of our work has focused on the early history of the Old Northwest and specifically Illinois, we have conducted research within the states of Iowa, Wisconsin, Missouri, and Kentucky and feel equally comfortable doing either historic or prehistoric archaeology. Our website contains many examples of the work that we have conducted over the years, and can be assessed at <http://IllinoisArchaeology.com>. Fever River Research has the necessary field and office equipment as well as staff to conduct a wide range of field research projects. Office and laboratory facilities are located in a two-story brick structure located at 718 Cook Street, Springfield, Illinois.

All phases of the proposed research conducted by Fever River Research would be supervised by the Principal Investigator (Floyd Mansberger). Mansberger, who received his Bachelor's degree from the University of Illinois and his Master's degree from Illinois State University, has been educated in the fields of history, architecture, and anthropology. He has gained experience with a broad variety of historic property management projects. These have included the survey and evaluation of a wide range of architectural and archaeological remains. Mansberger has over 30 years of cultural resource management experience and has worked for both the Illinois Historic Preservation Agency (SHPO) and the U. S. Army Corps of Engineers (Rock Island District); both positions have resulted in a firm grasp of the Sections 106 and 707 review processes.

Mansberger has extensive public speaking experience and has given professional presentations at a wide range of events including the annual meetings of the Society for Historical Archaeology, the Illinois History Symposium, the Illinois Archaeological Survey, and the Midwest Archaeological Meetings (to name only a few). Additionally, Mansberger has published articles in such journals as *Illinois Archaeology*, *Transactions of the Pioneer America Society*, *Historic Illinois*, *Journal of the Construction Specifier*, *Wisconsin Archaeologist*, *Agricultural History*, *Journal of the Illinois Geographical Society*, and *Western Illinois Regional Studies*. Additionally, Mansberger has a contributed chapter within the University of Illinois Press book entitled *French Colonial Archaeology: The Illinois Country and the Western Great Lakes*. Mansberger has been recognized for his expertise in his field and presently sits on the State of Illinois' Historic Sites Advisory Council (which reviews National Register of Historic Places nomination forms for the Illinois Historic Preservation Agency). In the past, Mansberger has also sat on the Illinois State Historical Society's Illinois History Symposium Paper Selection Committee, and was a past Board of Director of the Illinois Archaeological Survey. Mr. Mansberger's professional vita is available upon request.

Besides Mansberger (M.A. in History/Archaeology; B.A. in Anthropology; Principal Investigator for all projects), Fever River Research generally maintains 3 to 5 full time staff (trained in History, Architecture and Anthropology). Currently Fever River Research has two full time employees (Mansberger, and Stratton) and two part-time employees. The firm hires additional staff seasonally as needed. Together, the Fever River Research staff offers a wide range of expertise that includes historical archaeology, historical geography, traditional history

and archival research, oral history, architectural history, architectural documentation, CADD and GIS mapping, and photography (both 35mm and large format). The Fever River Research staff meets and/or exceeds the professional standards established by the Secretary of the Interior (See 36 CFR 61.4 and 36 CFR 61, Appendix A), and the Illinois Historic Preservation Agency. Mansberger meets, and exceeds, the *Secretary of the Interior's Professional Qualification Standards* in the fields of archaeology and architectural history, as published in 36 CFR Part 61. All work conducted by Fever River Research, under the guidance of Mansberger, will be conducted in a manner consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and "The Treatment of Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation.

### ***Methods and Tasks***

The archeological work outlined for the McLean County Museum Heritage Visitors' Center will consist of several individual tasks, each of which is discussed below.

#### Task 1: Pre-Field Investigations, Coordination and Literature Review

The field investigations and reporting requirements will be coordinated with appropriate regulatory agencies including the Illinois Historic Preservation Agency. The goal of the early coordination is to receive concurrence with the regulatory agencies in regards to field methods, laboratory methods, and data analysis prior to the implementation of field studies. In addition, a literature review of previous research (archaeological, historical and architectural) conducted within or near the project area will be made prior to beginning the fieldwork. These pre-field investigations will have three objectives: 1) to summarize the culture history of the region as they pertain to the evaluation of the historic resources, 2) to summarize previous archaeological investigations within the region, and 3) to provide a National Register of Historic Places context within which the historic resources can be evaluated.

#### Task 2: Archaeological Field and Laboratory Methods

Figure 1 depicts several areas to be impacted by the proposed construction of the new south entrance. These areas, labeled "A" through "E", each have their unique characteristics, and will require slightly different excavation strategies, which are discussed below. Area A extends to the west and includes the new sub-surface HVAC pit (see Figure 2). Besides those areas depicted in Figure 2, the project's Area of Potential Effects (APE) will also include 1) four large pits (one in each quadrant of the Public Square) for the tree plantings, and 2) an inner curb (for planting beds) around the perimeter of the Public Square.

The field strategy to be employed for this project will emphasize the excavation of the less disturbed grassed areas within the south entrance area first (Areas A and B), followed by the monitoring of the removal of the concrete pavements (and gravel underlayment) in Areas D and E. The three substantial retaining walls (or at least their spread footings) associated with Areas D and E will be left in place until after completion of the archaeological investigations in hopes

of not disturbing the underlying archaeological resources (as their removal will cause substantial disruption to any potentially intact archaeological remains in this area).

The Phase III archaeological mitigation will be initiated by mechanically excavating a series of block excavation units (representing the entire footprint of the APE within the south entrance project area) down to the base of the overlying fills to expose the circa 1830s ground surface in Areas A and B.<sup>7</sup> This work will use data from Jelks' earlier investigations and proceed with caution under the guidance of Mansberger. Once the underlying ground surface has been exposed, the original ground surface (OGS) will be sampled to determine if the ground surface contains a midden, and whether or not that midden has the potential to contribute significant information relevant to our proposed research questions. This sampling strategy will consist of excavating a series of screened shovel tests in the OGS. If a significant midden is identified, the number of these screened shovel tests will be increased to adequately sample the midden. Following the midden sampling, the OGS will be shovel scraped to define any subsurface features that may be present (such as refuse pits, wells, cellars, building foundations, etc.).

Areas D and E (part of the south entrance; see Figure 2) is covered in concrete walks, making archaeological investigations more difficult, as the archaeological investigations beneath the existing concrete walks cannot be undertaken until after construction has begun. Close coordination with the general contractor will be required, with the intent to have the contractor break up and remove the existing concrete walkways and steps, and remove fill to the level necessary for construction of the new walks. The intent is to leave the three large retaining walls in place, as their demolition prior to the archaeological investigations has the potential to disturb any intact archaeological features that might be present beneath, or adjacent to them. Upon completion of the demolition work, the archaeologists will employ the same strategy as described above for Areas A and B. The same strategy of midden sampling and shovel scraping will be employed in Areas D and E after removal of the overlying concrete. Should the proposed demolition activity (removal of concrete pavements and underlying gravels) in Areas D and E not expose the underlying OGS, then a series of shovel tests will be excavated in these areas to 1) determine if the original ground surface is, indeed, present and undisturbed below this level, and 2) at what depth the OGS is present. At that point, the investigations will be halted in these two areas.

Area C (part of the south entrance; see Figure 2) is covered by a concrete pad on which the existing HVAC cooling units are resting, similarly making archaeological investigations in this area more difficult. Excavations in this area cannot proceed until the HVAC units and the underlying concrete pad have been removed. Close coordination with the general contractor will be required. Ideally, these HVAC units and concrete pad would be removed prior to our work in Areas A and B, and the excavation of Area C would proceed simultaneously with these other two areas. As this probably will not be feasible, it will be necessary to work out a schedule with the

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<sup>7</sup> This work would require the use of a small backhoe with minimally a three-foot wide, smooth bucket. Prior to the initiation of this work, the ornamental plantings (particularly the yews) in the project area should be removed. Previous archaeological investigations conducted at the Courthouse Square by Dr. Edward Jelks indicate that the fill in this area may be at least two, and as much as four feet in depth. Great care will be used to remove overburden in shallow cuts, without disturbing the underlying original ground surface (OGS).

general contractor for coordinating this work with the construction schedule. Upon gaining access, the same strategy used in Areas A and B will be employed.

As noted above, four oak trees are to be planted—one in each of the four quadrants of the Courthouse Square. The area of direct impact for these tree plantings is an approximate 5'x5' area—one in each of the four quadrants of the Courthouse Square. The same field strategy employed in Areas A and B (as discussed above), will be employed in each of these areas. Although plans call for an approximate 5x5' area of direct impact, discussions with the IHPA raise the question as to whether a larger area may be impacted in the long term with the growth of these trees. As such, a larger area will be opened up (minimally 10'x10' in size). This phase of the work would be conducted after completion of the south entrance work. The quadrant with the most archaeological potential is the northwest quadrant, which was the location of multiple jails (see Figure 4), and has the potential for intact archaeological deposits. Should substantial features be encountered discussions with IHPA will be initiated to discuss levels of documentation and/or the need for complete excavation.

Finally, the other construction element that may have a potential impact on subsurface features is the inner perimeter curb that outlines the planting beds around the Courthouse Square. These curbs, which are only 6" in width, are estimated to be approximately 1'6" in depth, and may not extend into the underlying original ground surface. As such, the construction trenches for these curbs will be monitored by an archaeologist and any subsurface features encountered will be mapped for future reference.

All features encountered will be assigned a consecutive number, mapped in plan view, and plotted on the site base map. All nineteenth century features will be excavated using standard archaeological procedures. Small features will be excavated in two sections (cross-sectioned). After excavating the first half of each feature (in arbitrary levels), the profile will be drawn and photographed. If determined in the field that the second half of the feature can contribute significant additional information above that which was recovered from the first half, then the second half will also be excavated (in natural stratigraphic levels). Large features (such as cellars) will be excavated in a similar fashion, albeit excavating opposing quarters to create two opposing profile walls. Late nineteenth and early twentieth century features (such as, privies, cisterns and building foundations) will be evaluated as to their potential for addressing the above-referenced research questions. In consultation with the IHPA chief archaeologist, should these late features be determined to not contribute significantly to our understanding of the past, then they will not be further explored (or excavated).

Features will be excavated by a combination of shovel scraping and trowel excavations. Selective contexts will be screened using ¼" hardware cloth. Artifacts recovered from the features will be bagged and issued a separate catalog (or lot) number. Bags will be labeled with the project name, site number, feature number, catalog number, date, and name of the excavator. A profile of the feature will be drawn and recorded. If deemed appropriate, a soil (or flotation) sample will be retained and processed to detect the presence of floral and faunal remains. A site base map will be prepared. This map will illustrate the location of hand excavated units, the mechanical excavation blocks, and the exposed features.

Deep shaft features such as wells and cisterns present a special problem of excavation. The upper fills of these features will be excavated by hand. These excavations will proceed to a depth that is determined unsafe, or impractical to excavate by hand. At that point, in consultation with the IHPA Preservation Services Division, an excavation strategy for each feature will be determined. Options include 1) complete hand excavation to base requiring shoring, 2) mechanical excavation with a backhoe, or 3) preservation in place. This decision will be based on the type and volume of artifacts being recovered from the specific feature.

Upon completion of the fieldwork, the project area will be backfilled and leveled in a professional manner. Backfill will consist of the same matrix as that which was removed from the excavation units.

### Task 3: Post-Fieldwork Laboratory Analysis and Report Preparation

After completion of the fieldwork, all artifacts will be washed, inventoried, and re-bagged for short term curation at the Springfield office. The objectives of the cultural material analysis will be to 1) provide a tabulation and description of the artifacts; 2) interpret these materials as indicators of activities conducted at the site by the historic inhabitants, and 3) provide a general chronological framework for site occupation. The emphasis on artifact analysis will focus on the nineteenth century deposits, and to a lesser extent to the early twentieth century deposits associated with the use of the Courthouse Square. Long term curation will be arranged with the Illinois State Museum.

A draft report, detailing the methods and results of the investigations, will be prepared. Historic contexts for both county courthouses and jails in early Illinois will be developed and included in this report. The results of the Phase III cultural resources investigations will be submitted in a format acceptable to the Illinois Historic Preservation Agency. The report will address the research questions discussed earlier using data gained from these investigations, as well as comparative data from other sources. The draft report will be completed within six months of the completion of fieldwork. After a 30-day Agency review, the final report will be prepared, integrating the review comments into the final report. Two draft reports will be submitted (one to the MUSEUM and one to the IHPA). Upon completion of the final report, one archival copy will be presented to the MUSEUM (with one electronic copy), and two copies will be submitted to the IHPA (with an electronic copy).



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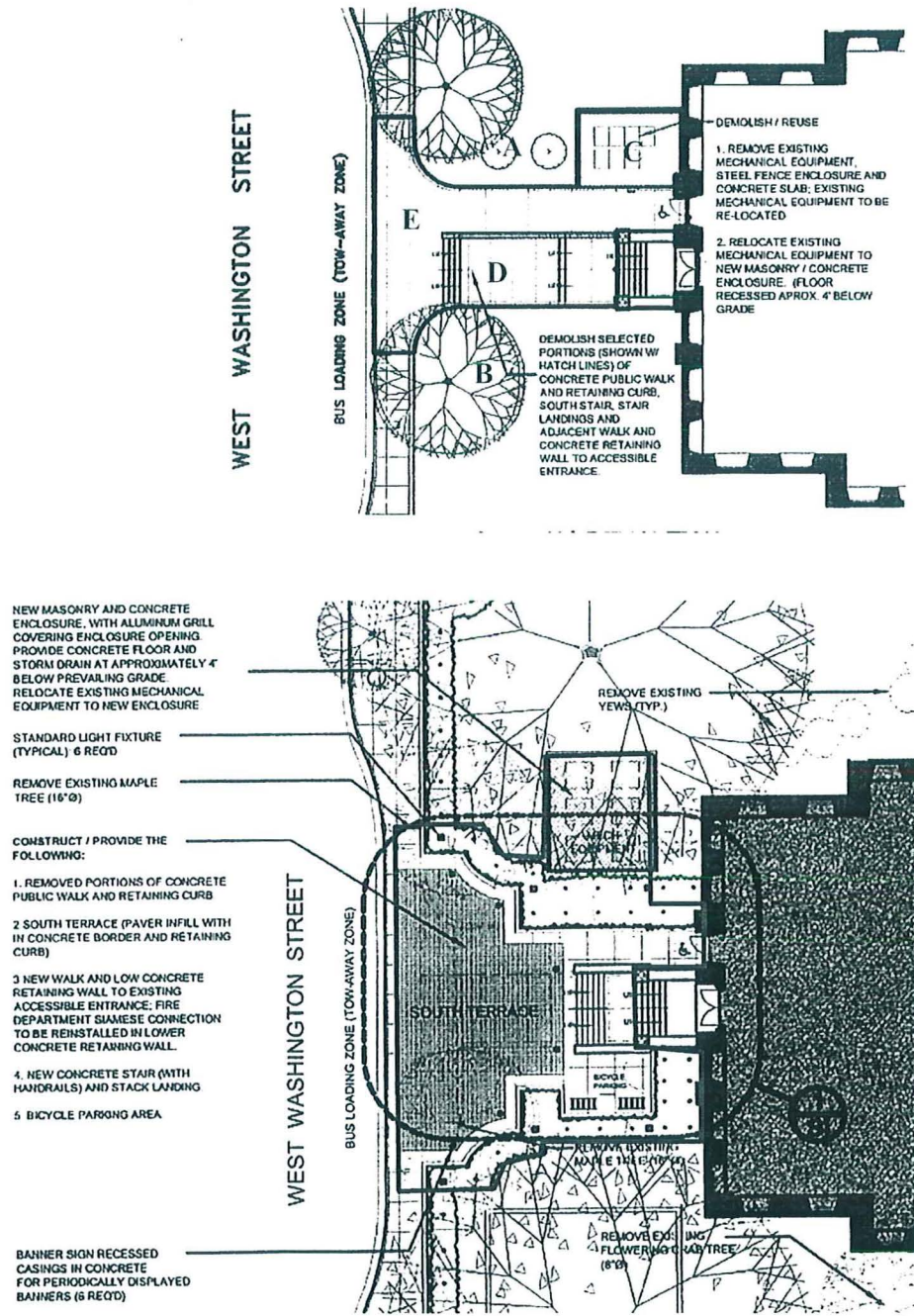


Figure 2. TOP: South Entrance, existing conditions. Areas marked “A” through “E” in red, are discussed in accompanying text with regard to archaeological methods and staging strategy. BOTTOM: South Entrance with proposed improvements, with area outlined in red representing the area of effect (Francois Associates 2012). [See previous figure for a slightly more recent (and accurate) identification of the proposed APE.]

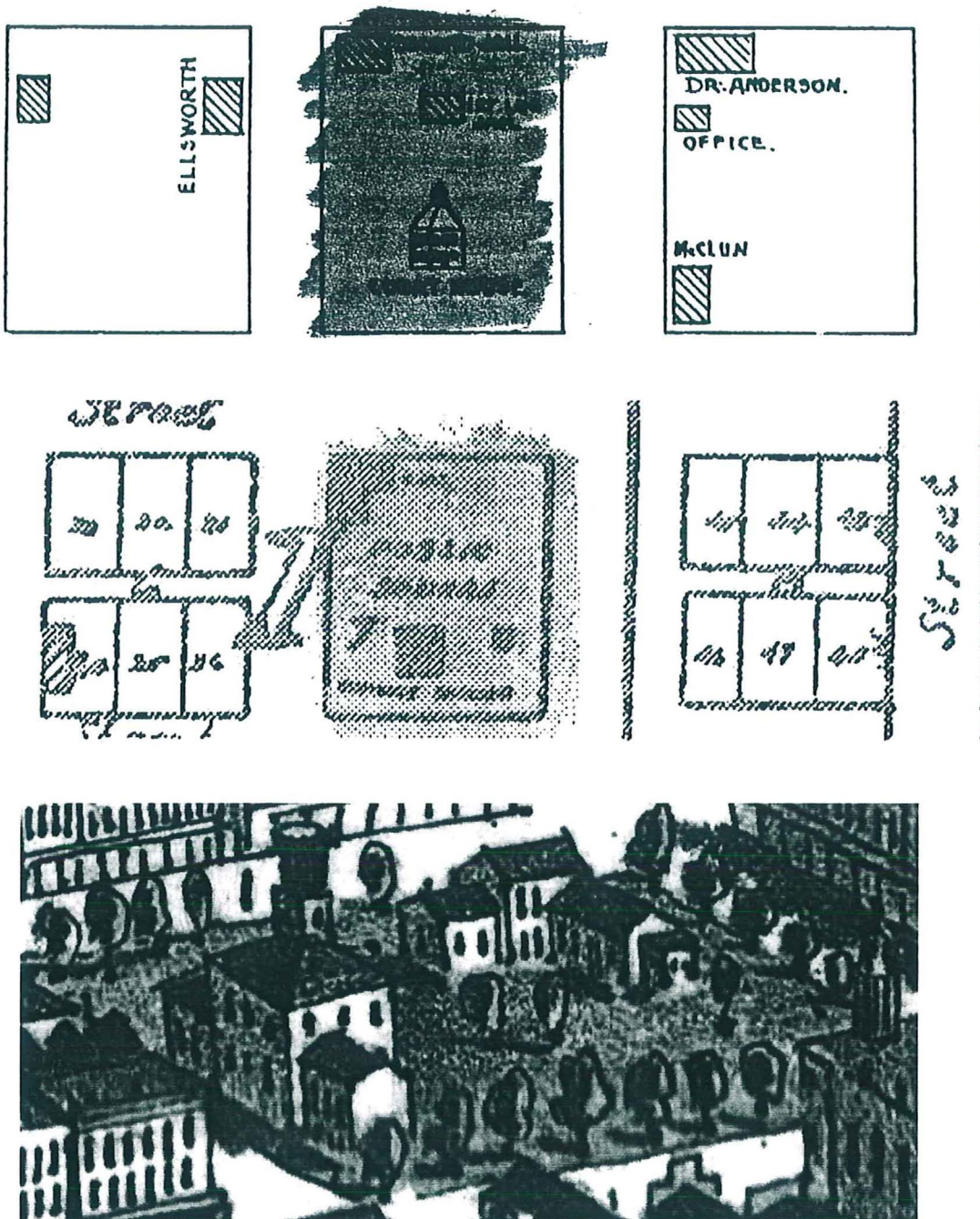


Figure 3. Currently, the three best cartographic sources depicting the location of the second courthouse on the courthouse square is 1) Fell's 1838 city map (top), 2) Price's 1855 city map (middle), and 3) Ruger's 1867 *Bird's Eye View of Bloomington* (bottom). All three views depict the courthouse fronting the south side of the square, albeit in slightly different locations along Washington Street.



Figure 4. The courthouse square in 1867, illustrating both the courthouse and jail complex, immediately prior to their demolition in circa 1868 (Ruger 1867).

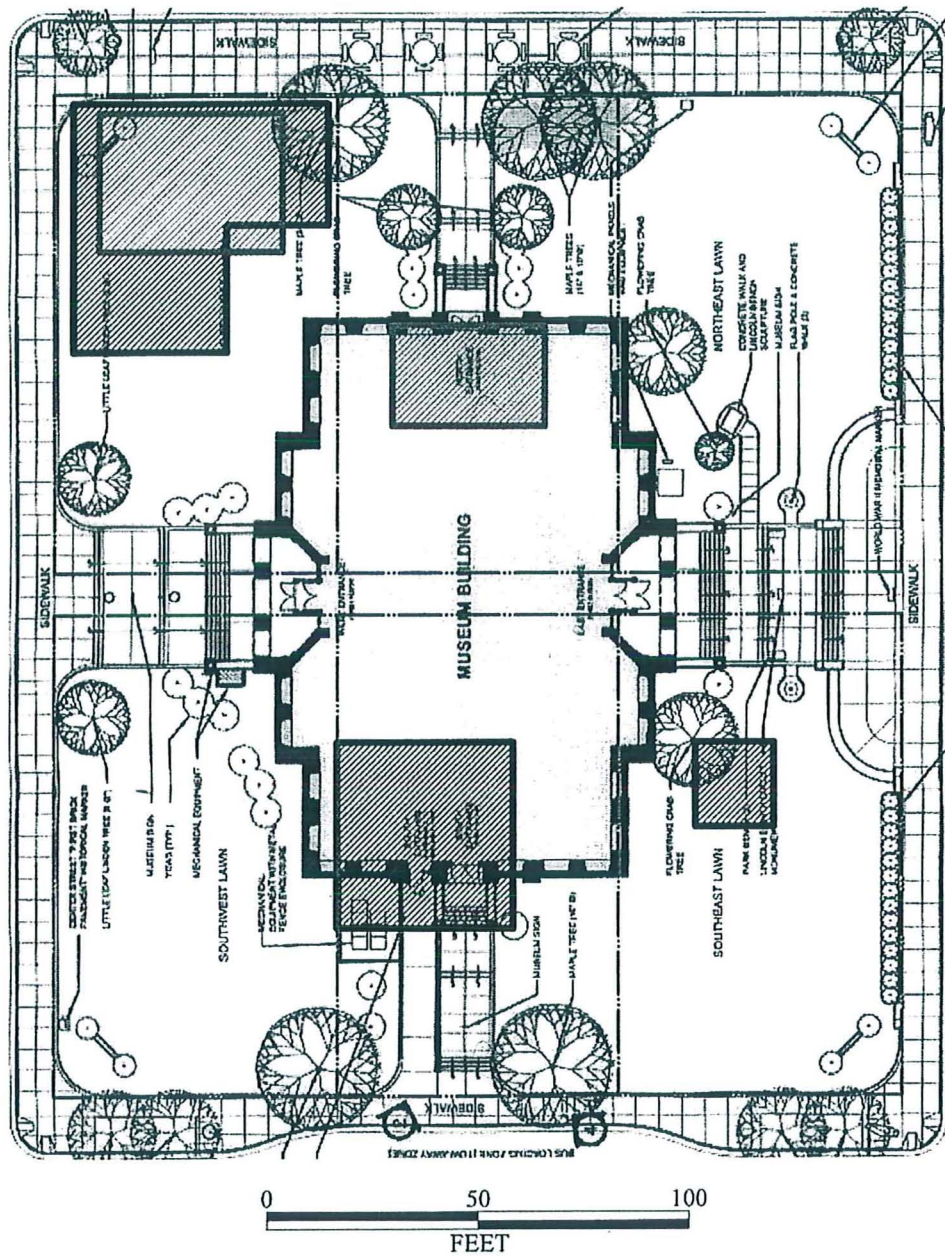


Figure 5. Current Courthouse Square site plan showing alley and lot lines, as well as the location of historic buildings, as depicted on the 1838 Fell map (green), and the 1855 Price map (blue). Note the location of the courthouse on the 1855 site plan is off-center towards the west.

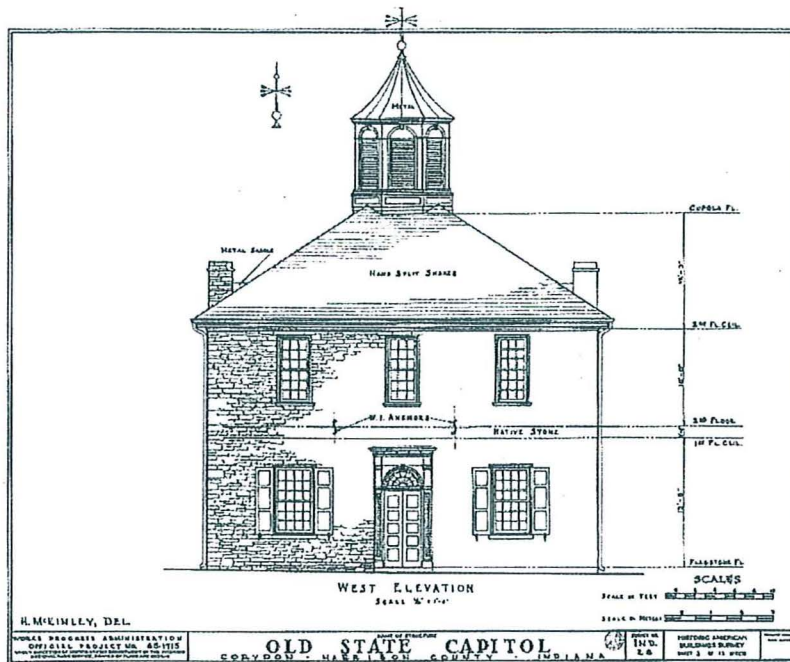
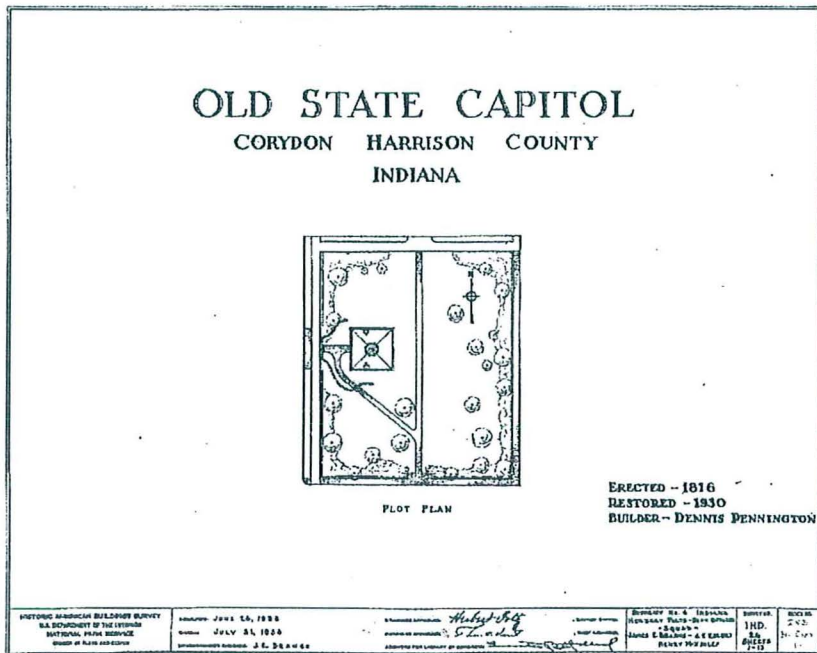
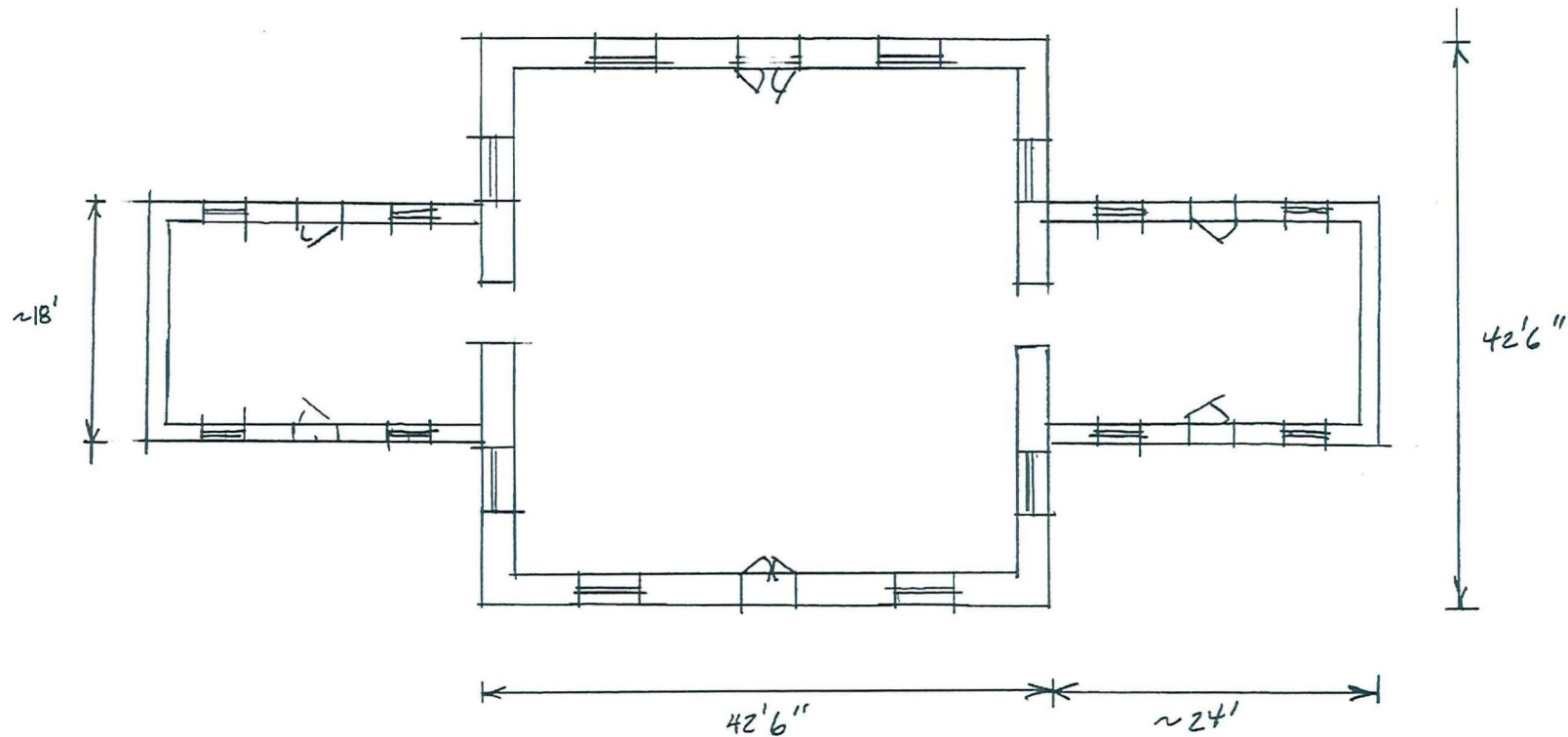


Figure 6. Example of a “Coffee Mill” courthouse constructed in Corydon, Indiana as the first Indiana state capital. This building is presented here because it is still extant, and measured drawings of this structure are available for comparison with the McLean County courthouse. This courthouse was 40’4” square (and remarkably similar to the 42’6” documented for the McLean County courthouse designed and constructed by Munsell in 1836). The setback for this structure was approximately 30’.





**Figure 7.** Sketch plan of the 1836 courthouse, with later wings. This sketch was created using the physical description of the main courthouse block being 42½' square, supplemented with the multiple pictures available, which illustrate both the front and back of the structure. Date of east and west wings is unclear. One source suggests that they were constructed in “about 1860.”



