



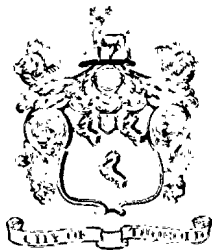
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CORPORATION OF THE CITY OF THOROLD

November 6, 2001

Ministry of Citizenship, Culture & Recreation
Cultural Programs Branch
Heritage Properties & Museums Programs Unit
4th Floor, 400 University Avenue
Toronto, Ontario
M7A 2R9



Attention: Ms. Heather Thomson

Dear Ms. Thomson:

Re: Designation of The Old Beaverdams Burying Ground -
Smith's Cemetery
Under Ontario Heritage Act - By-law 68-2000

Please be advised that Thorold City Council, at its September 4, 2001 meeting, adopted By-law No. 68-2000 which designated The Old Beaverdams Burying Ground - Smith's Cemetery as being of historic value or interest pursuant to Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18. A Notice of Passage of the By-law was published in the Thorold News September 15, 2001.

In accordance with Section 28(6)(a)(ii) of the Act, we have enclosed a certified copy of the registered By-law being Instrument No. 774153 registered October 10, 2001 for your records.

We trust this is in order.

Yours very truly,

Adele Arbour, M.C.I.P., R.P.P.,
City Planner

AA:am
Attach.

c.c. J.K. Bice, City Clerk
T. Doherty, Director of Operations
S. Ellis, City Solicitor
T. Wlazlo, Chair, LACAC

✓
J.K. 1/02

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THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 68-2001

A BY-LAW TO DESIGNATE THE OLD BEAVERDAMS BURYING GROUND - SMITH'S CEMETERY, BEAVERDAMS ROAD AS BEING OF HISTORIC VALUE OR INTEREST.

WHEREAS:

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a municipality to enact by-laws to designate a property within the municipality including all buildings and structures thereon to be of historic or architectural value or interest.
2. The City owns the lands.
3. Council has served the Notice of Intention upon the Ontario Heritage Foundation providing Notice of Intention to designate The Old Beaverdams Burying Ground known as the "Smith's Cemetery" on the Lands as being of historic or architectural value or interest and has caused such Notice of Intention to be published in the Thorold News, a newspaper having general circulation in the municipality on the 4th day of August, 2001.
4. No Notice of Objection to the proposed designation has been served upon the City.


NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

1. In this by-law and its preambles:
 - (a) "Building" means any premises or structures on the Lands.
 - (b) "Cemetery" means land that is used as a place for the interment of the dead or in which human bodies have been buried and may include a columbarium, mausoleum, and crematorium.
 - (c) "City" means the Corporation of the City of Thorold;
 - (d) "Council" means the Council of the City;
 - (e) "Designated" or "Designation" means the designating of The Old Beaverdams Burying Ground known as the "Smith's Cemetery" on the Lands to be of historic or architectural value or interest pursuant to the relevant provisions in the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 as amended;
 - (f) "Lands" means lands and premises and buildings or improvements thereon described in Schedule "A" annexed hereto and made part of this by-law;
 - (g) "Notice of Intention" means the Notice set out in Schedule "B" annexed to and made part of this by-law.
2. The Old Beaverdams Burying Ground known as the "Smith's Cemetery" located on the Lands is designated as being of historic value and interest.

3. The Municipal Solicitor is hereby authorized to cause a copy of this by-law and a copy of the reasons for designation, as stated in Schedule "B" to this by-law, to be registered on the title to the lands at the Registry Office for the Registry Division of Niagara South at Welland.
4. The Clerk of the City is hereby authorized to cause a copy of this by-law to be served upon the Ontario Heritage Foundation and to cause Notice of the passing of this by-law to be published in newspapers having general circulation in the City.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL

THIS 4th DAY OF September 2001.



Mayor



City Clerk

SCHEDULE "A"

In the City of Thorold, in the Regional Municipality of Niagara, being Part of Township Lot 52 on the north side of Beaverdams Road, near the intersection of Beaverdams Road and Decew Road.

"SCHEDULE B"

NOTICE OF INTENTION TO DESIGNATE

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18
AND IN THE MATTER OF THE LANDS AT THE FOLLOWING LOCATION IN THE
CITY OF THOROLD, IN THE PROVINCE OF ONTARIO.

TAKE NOTICE that the Council of the Corporation of the City of Thorold intends to designate The Old Beaverdams Burying Ground known as the "Smith's Cemetery" located on the north side of Beaverdams Road near the intersection of Beaverdams Road and Decew Road, as a property of historical value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990 Chapter 0.18, Section 29.

SHORT STATEMENT OF THE REASONS FOR THE PROPOSED DESIGNATION:

The Old Beaverdams Burying Ground
"Smith's Cemetery"
North Side of Beaverdams Road, near
The Intersection of Beaverdams Road and
Decew Road
Thorold, Ontario

As stated in "Landscapes of Memories - a Guide for Conserving Historic Cemeteries" Ontario Gov't 1997, there are approximately 120 cemeteries designated in the Province of Ontario...one of them at Thorold's Beaverdams Church (c. 1832). Old cemeteries tell us so much of our history and are, therefore, important as an educational tool for present and future generations.

Historic designation is recommended for this site not only because of its age, but because of its connection to early settlers, the War of 1812, the original folk art and the Grimsby Granite and Niagara Escarpment Limestone used on the markers.

The land was not dedicated as a burying ground until the 1820's, but burials were in fact recorded here as early as 1801. This has been a burying ground for 200 years, making it one of the oldest cemeteries in Niagara and likely the oldest "free and public burying ground" in our City. Although history dates the oldest recorded burial at this site as 1801, there were likely earlier burials there as well. This is the resting place of many of the earliest settlers of Thorold Township and continued to be used for burials for pioneer families throughout the 19th and into the 20th centuries.

A list of those buried at this site is published by the Ontario Genealogical Society but may not be a complete listing. Some of the names mentioned in LACAC's research report are Weaver, Courke, Hansel, Hagar, Seburn, Goforth, Bell, Hopkins, Marlatt, Cleveland, Hoover, Wellington and Smith. The unique site and surroundings make this a picturesque area.

What may be the oldest stone in the cemetery is 1805. Many of the stones, some with decorative motifs, are difficult to read but they have unique and interesting designs and epitaphs.

Designation would make this the oldest piece of history to be preserved in the City of Thorold.

Schedule "B"
Page Two

Any person may object to the proposed designation within thirty (30) days after the date of the publication of the Notice of Intention by serving on the Clerk of the Corporation of the City of Thorold a notice of objection setting out the reason for the objection and all relevant facts. The last day for filing objections will be Monday, September 3, 2001. All objections received within the aforementioned time period will be referred to the Heritage Conservation Review Board for a hearing and report.

DATED at the City of Thorold this 4th day of August, 2001.

J. K. Bice, City Clerk
Corporation of the City of Thorold
P.O. Box 1044, 8 Carleton Street South
Thorold, Ontario L2V 4A7