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CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca

November 5, 2024

Provincial Heritage Registrar

Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

RECEIVED
2024/11/05
(YYYY/MM/DD)
Ontario Heritage Trust

RE: **Notice of Designation (Town of Essex)**

Dear Provincial Heritage Registrar,

At their regular meeting on Monday October 21, the Council for the Corporation of the Town of Essex passed the following designation By-Laws under Section 29 of the Ontario Heritage Act:

- By-law Number 2375 to designate 94 Talbot Street South
- By-Law Number 2376 to designate 98 Talbot Street South
- By-Law Number 2378 to designate 21 King Street East
- By-Law Number 2379 to designate 22 King Street West
- By-law Number 2380 to designate 314 Queen Street
- By-law Number 2381 to designate the Gilgal Cemetery (0 County Road 11)
- By-law Number 2383 to designate 9567 County Road 11

Attached to this letter are copies of the By-laws.

Objection to the Designation By-Law

Any person who objects to the by-law may appeal to the Ontario Land Tribunal by giving the Tribunal and the clerk of the municipality, by **Monday December 9**, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

Please feel free to contact the undersigned should you have any questions.

Your cooperation with the preservation of our past is greatly appreciated.

Yours truly,

Rita Jabbour, RPP

Manager, Planning Services



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p: 519.776.7336 f: 519.776.8811 | essex.ca

rjabbour@essex.ca

519.776.7336 ext. 1112

c.c. Joseph A. Malandruccolo, Director, Legal and Legislative Services/Clerk

jmalandruccolo@essex.ca

519.776.7336 ext. 1132

The Corporation of the Town of Essex

By-Law Number 2381

Being a By-Law to designate the Gilgal Cemetery located at 0 County Road 11 in Harrow, more particularly described as CON 5 PT LOT 7, as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O., Chapter O.18, authorizes the Council of a municipality to enact By-Laws to designate real property within the municipality, including all buildings and structures thereof, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it desirable to designate the Gilgal Cemetery located at 0 County Road 11, Harrow, more particularly described as CON 5 PT LOT 7, as being of cultural heritage value and interest;

AND WHEREAS Notice of Intention to Designate the Gilgal Cemetery has been served on the owner of the property and on the Ontario Heritage Trust and such notice was published in the Essex Free Press and Harrow News, newspapers having general circulation in the municipality;

AND WHEREAS the reasons for designation are set out in Schedule 'B' attached to and forming part of this By-Law;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the Municipality.

NOW THEREFORE be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. **That** the real property known as the Gilgal Cemetery located at 0 County Road 11, Harrow, more particularly described as CON 5 PT LOT 7, is hereby designated as being of cultural heritage value and interest.
2. **That** the Clerk is hereby authorized and instructed to register a copy of this By-Law against the property described in Schedule 'A', attached hereto, in the local Land Registry Office.
3. **That** the Clerk/or his/her designate, is hereby authorized to cause a copy of the By-Law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust and to cause Notice of this By-law to be published in the Essex Free Press and in the Harrow News.
4. **That** the effective date of this By-Law shall be the date of final passage thereof.

Read a first, a second and a third time and finally passed on October 21, 2024.

Mayor

Clerk

SCHEDULE 'A' TO BY-LAW 2381
Gilgal Cemetery
0 County Road 11, Harrow, Ontario

Legal Description

CON 5 PT LOT 7

SCHEDULE 'B' TO BY-LAW 2381

Reasons for Designation Under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18

Gilgal Cemetery

General Description of Property

The Gilgal Cemetery is located at 0 County Road 11, on the east side of County Road 11 between the 5th Concession and the 6th Concession. The cemetery is visible from the road and is accessed from County Road 11 from the roadside. It is comprised of the Gilgal Cemetery: a small historically Black cemetery that dates back to the early 19th century and houses a few headstones.

Description of Property that has Cultural Heritage Value or Interest

The area of the property that demonstrates cultural heritage value or interest is the area that includes the cemetery and all existing marked and unmarked burials.

Statement of Cultural Heritage Value or Interest

Historical/Associative

The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

0 County Road 11 retains significant historical value because it has direct associations with significant people, such as Alexander Kersey, William Kersey and Delos R. Davis and the Village of Gilgal, a historically Black settlement that was settled by individuals who had come to Canada via the Underground Railroad. The Gilgal Cemetery is the only remaining part of the Gilgal Settlement.

Gilgal was a small, predominantly Black community that was established by African American Freedom Seekers who arrived in Canada in the early 19th century, via the Underground Railroad. The first settlers arrived in the area in the 1840's, as Freedom Seekers who had arrived in Amherstburg travelled along the Pike Road, along the edge of a historic marsh. In 1852, settlers built a small British Methodist Episcopal Church on land donated to the community by Nasa McCurdy, mostly through the efforts of Alexander and William Kersey. The Kersey family was a free Black family living in Indiana, prior to the start of the American Civil War. Due to the political and social situations at the time, the Kersey family migrated north and arrived in the area in the mid-1850s. Alexander Kersey and his wife, Amanda Watterford-Kersey, settled in the Colchester South Township, north of Harrow. He was a well-known minister and preached at the Gilgal British Methodist Episcopal Church (B.M.E.), later the Gilgal African Methodist Episcopal Church (A.M.E.), and Bulter's Chapel A.M.E. in New Canaan. He and his son, William Kersey, would build the Gilgal Church in 1852. William Kersey would later help build the small school in Gilgal and a Black school and church in the community of Pleasant Valley.

A small school was established in the community in the late nineteenth-century through the church. One of the first teachers at the school was Delos R. Davis, the first Freedom Seeker to become a lawyer in Canada and the first Black man to make King's Counsel in the British Empire. He taught at the school in the early 1870's, shortly before he became a lawyer. In 1897, the community would build a small brick schoolhouse with funds donated by Hiram Walker. The Gilgal Schoolhouse, Section C, was originally designated as a Black school by

Colchester authorities, however, this would change in the early 1900's as the community's population gradually became more diverse.

The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.

0 County Road 11 retains significant historical or associative value because it has the potential to yield information about the Village of Gilgal and the area's earliest families and their lives. The property provides evidence to the Village of Gilgal by some of the earliest Freedom Seekers and can help showcase the community's development and eventual decline.

Alongside this, the property is significant because of its associations with numerous influential Black families from across Windsor and Essex County, including the Grayer, Hurst, and Powell families, which can all be seen in burial records.

Contextual

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

0 County Road 11 retains contextual value because it is physically and historically linked to its surroundings due to it being the only remaining part of the Village of Gilgal.

Description of Heritage Attributes

The key heritage attributes that contribute to the historical/associative value of 0 County Road 11 includes:

- Its location on the east side of County Road 11 in the former Village of Gilgal,
- All existing burials and headstones.

The key heritage attributes that contribute to the contextual value of 0 County Road 11 includes:

- Its location on the east side of County Road 11 in the former Village of Gilgal.