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cc: T. Anson-Carlwright



TOWN OF NEWMARKET

Anita Moore, AMCT
Town Clerk
amoore@town.newmarket.on.ca
905-895-5193 Ext 237

July 23, 2003

Ontario Heritage Foundation
7 Bloor Street West
7th Floor
Toronto, Ontario
M7A 2R9

Dear Sir/Madam:

**RE: Designation of Eagle Street Cemetery, Newmarket
By-law 2003-56
File: 3.7.2**

This is to advise you that the Town of Newmarket enacted By-law 2003-56 to designate the Eagle Street Cemetery, located on the north side of Eagle Street, Town of Newmarket, Yonge Street.

Enclosed for your information is a copy of By-law 2003-56, which was enacted by Newmarket Council on April 28, 2003.

Also enclosed is a copy of the newspaper advertisement, with respect to the Notice of Passing of a Heritage By-law, which will be published on July 29, 2003 and subsequently on August 5, 2003.

I trust the foregoing is satisfactory.

Sincerely,

Anita Moore
Town Clerk

AM:am

enclosures (2)

copy: St. Paul's Anglican Church
c/o R. Marriott
Heritage Newmarket

"Newmarket, celebrating our heritage while capturing the promise of tomorrow"

395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7
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VISIT OUR WEB SITE AT: www.town.newmarket.on.ca

7/30/03
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CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2003-56

A BY-LAW TO DESIGNATE THE PROPERTY, INCLUDING LANDS AND GRAVE MARKERS, KNOWN AS THE EAGLE STREET CEMETERY, AS BEING OF HISTORICAL SIGNIFICANCE.

(North side of Eagle Street, Lot 87, Plan 81, formerly in the Township of Whitchurch, Town of Newmarket).


WHEREAS Section 29 of the Ontario Heritage Act 1990 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value of interest;

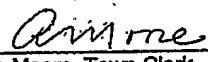
AND WHEREAS the Council of the Corporation of the Town of Newmarket has caused to be served upon The Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the land and grave markers located on the real property located on the north side of Eagle Street, Lot 87, Plan 81 (formerly in the Township of Whitchurch) in the Town of Newmarket, more particularly described in Schedule "A" hereto are designated as being of historical value or interest;
2. AND THAT the reasons for designation of the land and grave markers located on the north side of Eagle Street, Lot 87, Plan 81 (formerly in the Township of Whitchurch), Town of Newmarket, are described in Schedule "B" hereto;
3. AND THAT the Municipal Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office;
4. AND THAT the Clerk is hereby authorized to cause a copy of this by-law to be served on the Ontario Heritage Foundation and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

ENACTED THIS 28TH DAY OF APRIL, 2003.

 Acting
Tom Taylor, Mayor


Anita Moore, Town Clerk

SCHEDULE "A" TO BY-LAW 2003-56

LEGAL DESCRIPTION

Part Lot 87, Registered Plan 81, Town of Newmarket, Regional Municipality of York, being all of Lot 87, Plan 81 save and except that part of Lot 87, Plan 81 described as Part 2, Plan 65R-25303.

SCHEDULE "B" TO BY-LAW 2003-56

REASONS FOR DESIGNATION

**EAGLE STREET CEMETERY
North Side of Eagle Street, Town of Newmarket**

LONG STATEMENT OF REASONS FOR DESIGNATION

The Eagle Street Cemetery site, occupying a slight rise on the north side of Eagle Street, contains the remains of at least 120 of Newmarket's early pioneers, some of whom were prominent in the establishment of our Town. The earliest verifiable burial is that of Eli Beman in 1820. The fact that he was buried on land which he owned at the time suggests that this site began as a family plot. However, within the same decade a number of others from the Church of England were also buried there. Thus, it became a public cemetery.

The present parcel was separated from the rest of the original 40 acres in 1863, and was deeded to St. Paul's Anglican Church for the sum of \$1.00. It continued to be used under the direction of St. Paul's, though its use declined after the opening of the Newmarket Cemetery in 1869. It is possible that the site was becoming filled up. Some burials were made as late as the early 1900's.

By the 1940's the grounds were overgrown and the grave markers in poor repair. Under the guidance of Canon Rhodes in 1947, the grounds were cleared and new cairns built to support the broken and damaged tombstones.

Today, it is very difficult to assess the original locations of the graves due to the restoration project of 1947. There is evidence to support the fact that some early settlers were buried very near to the entrance of the cemetery. No mention is made of any remains being relocated from their original resting places. The grounds are fenced in on all four sides, with a main entrance off of Eagle Street, and a pathway on the north side.

A historical plaque was erected by the Newmarket Historical Society and St. Paul's in 1979, and is located close to the south-west corner of the site, facing Eagle Street.

The Eagle Street Cemetery continued to provide a tangible link to Newmarket's past, and is worthy of designation for its historic value.



TOWN OF NEWMARKET

NOTICE OF PASSING OF A HERITAGE BYLAW

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 18

AND IN THE MATTER OF THE PROPERTY, INCLUDING LANDS AND GRAVE MARKERS, KNOWN AS THE EAGLE STREET CEMETERY, ON THE (NORTH SIDE OF EAGLE STREET, LOT 87, PLAN 81, SAVE AND EXCEPT THAT PART OF LOT 87, PLAN 81 DESCRIBED AS PART 2, PLAN 65R-25303 (FORMERLY IN THE TOWNSHIP OF WHITCHURCH), TOWN OF NEWMARKET.

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket has passed By-law 2003-56 to designate the property known as the Eagle Street Cemetery to be of historical value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990, Chapter 18.

PUBLISHED ON THE 29TH DAY OF JULY, 2003.
PUBLISHED ON THE 5TH DAY OF AUGUST 2003.

A. Moore
Town Clerk
395 Mulock Drive
Newmarket, Ontario
L3Y 4X7
895-5193