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AUG 14 2013

RECORDED

## THE CORPORATION OF THE TOWN OF ESSEX

## BYLAW NO. 1059

BEING A BYLAW TO DESIGNATE CERTAIN PROPERTIES, KNOWN AS THE ILER SETTLEMENT CEMETERY, HUTCHINS CEMETERY, McCORMICK CEMETERY AND QUICK CEMETERY, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, c.O.18, AS AMENDED

WHEREAS Section 29 of the Ontario Heritage Act authorizes the council of a municipality to enact bylaws to designate real property, including all the buildings and structures located thereon, to be of cultural heritage value of interest;

AND WHEREAS the Council for the Corporation of the Town of Essex has consulted with the Essex Municipal Heritage Committee with respect to the designation of the Iler Settlement, Hutchins, McCormick and Quick Cemeteries as being of cultural heritage value or interest;

AND WHEREAS authority was granted by Council to designate such properties;

AND WHEREAS the Council for the Corporation of the Town of Essex has caused to be served upon the owner of the lands known as the Iler Settlement, Hutchins, McCormick and Quick Cemeteries (i.e. the Corporation of the Town of Essex) and upon the Ontario Heritage Foundation, Notice of Intention to designate the property and has caused the Notice of Intention to be published in newspapers having general circulation in the municipality as required by the Ontario Heritage Act;

AND WHEREAS the reasons for designation are set out in Schedules "A", "B", "C" and "D" to this Bylaw;

AND WHEREAS no notice of objection to the proposed designations has been served on the Clerk for the Corporation of the Town of Essex;

NOW THEREFORE the Council of the Corporation of the Town of Kingsville enacts as follows:

1. A. That the property known as the Iler Settlement Cemetery, more particularly described in Schedule "A" attached to this bylaw is hereby designated as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;
  - B. That the property known as the Hutchins Cemetery, more particularly described in Schedule "B" attached to this bylaw is hereby designated as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;
  - C. That the property known as the McCormick Cemetery, more particularly described in Schedule "C" attached to this bylaw is hereby designated as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;
  - D. That the property known as the Quick Cemetery, more particularly described in Schedule "D" attached to this bylaw is hereby designated as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended;
2. That the municipality's solicitor is hereby authorized to cause a copy of the bylaw to be registered against the properties described in Schedules "A", "B", "C" and "D" to this bylaw in the proper Land Registry Office;

3. That the Clerk of the Corporation of the Town of Essex is hereby authorized to cause a copy of this bylaw to be served upon the owners of the aforesaid properties and upon the Ontario Heritage Foundation, and to cause notice of this bylaw to be published in a newspaper(s) having general circulation in the Corporation of the Town of Essex as required by the Ontario Heritage Act;
4. That Schedules "A", "B", "C" and "D" form an integral part of this bylaw.

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY PASSED THIS 22<sup>ND</sup> DAY OF NOVEMBER, 2010.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Deputy-Treasurer

Schedule "A" to Bylaw No. 1059 of the Corporation of the Town of Essex  
Reasons for Designation - Iler Settlement Cemetery

**Legally Described as:**

Part of Lot 40, Concession One, Township of Colchester South, Town of Essex, County of Essex

**Description of the Property:**

**Iler Settlement Cemetery**

The Iler Settlement Cemetery is found in the Colchester South region within the Town of Essex. This is an inactive cemetery. The cemetery first began as a family cemetery, but later became a community cemetery for the Iler Settlement. The cemetery still occupies the original location as it did during the nineteenth century.

**Statement of Cultural Heritage Value or Interest:**

*Design or Physical Value*

There are approximately fifty headstones in the Iler Settlement Cemetery. The most important physical value is the incredible state at which these headstones are maintained. These tombstones from the nineteenth century are still in immaculate condition.

*Historical/ Associative Value*

The Iler family is one of the oldest families to settle in the Colchester South region. The oldest headstone is from 1832. Susan (Iler) Arner is buried in the cemetery and she died at the age of ninety-nine years, five months and twenty days. During Susan's later years her birthday parties became an annual celebration for the community because her age was such a tremendous feat.

*Contextual Value*

This cemetery represents some of the early pioneers who came to Essex County to settle the area. Many people from varying cultures would arrive in the area in hope of more health, wealth and prosperity. The pioneers who lay in this cemetery contributed to the growth of our community. They are a piece of our heritage and it is crucial to respect their remains.

**Description of Heritage Attributes:**

**Heritage attributes that contribute to the value of the Iler Settlement Cemetery:**

- Original location of cemetery
- Number of headstones
- Well maintained grounds
- Burial place of early pioneers

Schedule "B" to Bylaw No. 1059 of the Corporation of the Town of Essex  
Reasons for Designation - Hutchins Cemetery

**Legally Described as:**

Part of Lot 84, Concession One, Township of Colchester South, Town of Essex, County of Essex

**Description of the Property:**

**Hutchins Cemetery**

The Hutchins family farm cemetery is located in the Colchester South region within the Town of Essex. This is an inactive cemetery. It was active for roughly a half century from the mid-nineteenth century until the beginning of the twentieth century. The cemetery still occupies the original location as it did during the nineteenth century.

**Statement of Cultural Heritage Value or Interest:**

*Design or Physical Value*

The site is comprised of 3 original white marble headstones which denote four burials. The most impressive physical feature of the site is the use of a double sided white marble headstone. This is a very rare feature for nineteenth century cemeteries in this area and makes this cemetery unique.

*Historical/ Associative Value*

This family cemetery is located on the original land grant which was appointed to William Hutchins in the 19<sup>th</sup> century. He is one of the original pioneers who settled the Colchester South area.

*Contextual Value*

This cemetery represents some of the early pioneers who came to Essex County to settle the area. Many people from varying cultures would arrive in the area in hope of more health, wealth and prosperity. The pioneers who lay in this cemetery contributed to the growth of our community. They are a piece of our heritage and it is crucial to respect their remains.

**Description of Heritage Attributes:**

Heritage attributes that contribute to the value of the Hutchins Cemetery:

- Original location of cemetery
- White marble headstones
- One double sided white marble headstone
- Burial place of early pioneers

Schedule "C" to Bylaw No. 1059 of the Corporation of the Town of Essex  
Reasons for Designation - McCormick Cemetery

**Legally Described as:**

Part of Lot 7, Concession Gore, Township of Colchester South, Town of Essex, County of Essex

**Description of the Property:**

**McCormick Cemetery**

The McCormick family farm cemetery is found in the Colchester South region within the Town of Essex. This is an inactive cemetery. It was active throughout the nineteenth century until 1884 when Matthew McCormick was buried at the age of 87. The cemetery still occupies the original location as it did during the nineteenth century.

**Statement of Cultural Heritage Value or Interest:**

*Design or Physical Value*

The site is comprised of five headstones, which denote seven burials. Two of the headstones are made of white marble. The most impressive physical feature is the tombstone representing Alexander McCormick, who died on October 20, 1803. This headstone is made of limestone and is the oldest headstone in Essex County. There is also a cement wall which was erected in the 1940's to protect the cemetery.

*Historical/ Associative Value*

Many of the McCormick's from Essex County can trace their roots to Alexander McCormick. He was an Irishman with Scottish roots. He first arrived in Pennsylvania as a young man and was an Indian trader. While trading he ran into a Shawnee tribe who had a white woman captive. With much perseverance this young woman, Elizabeth Turner would marry Alexander McCormick despite Elizabeth being thirty years younger than Alexander. In 1795, Alexander McCormick arrived in the Colchester South area with his wife and young family. He received a land grant of 200 acres because of his loyalties to the crown as a United Empire Loyalist. By the time of his death in 1803 Alexander owned 1000 acres. Alexander's wife Elizabeth was known as a very strong woman, both morally and physically. This helped her while being captive by the Shawnee tribe, and eventually this strength made the natives accept Elizabeth as one of their own.

This cemetery is also the site where John McCormick is buried. John was born in Ohio in 1790, roughly where Toledo is today. He moved to Colchester South as a child with his family. He was a successful farmer but was also an important military figure. He belonged to a volunteer force while fighting in the War of 1812. He participated in taking Fort Detroit during the War of 1812. During the rebellion of 1837-1838, he was the captain of his company while taking the schooner "Ann" in Amherstburg. The McCormick family is also well known for their work within the Church of England.

*Contextual Value*

This cemetery represents some of the early pioneers who came to Essex County to settle the area. Many people from varying cultures would arrive in the area in hope of more health, wealth and prosperity. The pioneers who lay in this cemetery contributed to the growth of our community. They are a piece of our heritage and it is crucial to respect their remains.

**Description of Heritage Attributes:**

Heritage attributes that contribute to the value of the McCormick Cemetery:

- Original location of cemetery
- Oldest headstone in the county
- Marble headstones
- Cement wall which protects the cemetery
- Burial place of United Empire Loyalist
- Burial place of a War of 1812 veteran and rebellion of 1837-38 veteran

Schedule "D" to Bylaw No. 1059 of the Corporation of the Town of Essex  
Reasons for Designation - Quick Cemetery

**Legally Described as:**

Part of Lot 8, Concession Gore, Township of Colchester South, Town of Essex, County of Essex

**Description of the Property:**

**Quick Cemetery**

The Quick family farm cemetery is found in the Colchester South region within the Town of Essex. This is an inactive cemetery. It was active for roughly a half-century from the mid-nineteenth century until the beginning of the twentieth century. The cemetery still occupies the original location as it did during the nineteenth century.

**Statement of Cultural Heritage Value or Interest:**

*Design or Physical Value*

The site is comprised of ten legible marble headstones, which denote ten burials. There are also seventeen unidentified stones and one unidentified footstone. There are likely more burials than the ones marked by headstones. Instead of headstones, these other burials are marked by mounds of stones. This was common practice before any tombstone makers were in the area. It is assumed that one of these stone piles marks the burial of John Quick, the original pioneer who received the land grant for the family farm.

*Historical/ Associative Value*

This family farm cemetery is located on the original land grant which was appointed to John Quick in the 19<sup>th</sup> century. John Quick was Alexander McCormick's closest neighbor. Quick occupied Lot 8 while McCormick occupied Lot 7. He is one of the original pioneers who settled the Colchester South area. Prior to living in Essex County the family lived in Kentucky just south of Cincinnati. While in Kentucky three of John's daughters and one of his sons were captured by Indians. Thirteen years later the son, Joseph arrived in Amherstburg in search of his family. When he described his mother's facial features to the local people they immediately knew who he was talking about, so he was quickly reunited with his family.

The oldest headstone in the cemetery is dated to 1855 and designates Russell Baldwin's burial. Russell Baldwin was born on December 21, 1793. He is recognized because of his military service with the Essex Militia during the war of 1812. The last burial in the cemetery took place in 1907, and it represents Angeline (Pillon) Quick's burial.

*Contextual Value*

This cemetery represents some of the early pioneers who came to Essex County to settle the area. Many people from varying cultures would arrive in the area in hope of more health, wealth and prosperity. The pioneers who lay in this cemetery contributed to the growth of our community. They are a piece of our heritage and it is crucial to respect their remains.

**Description of Heritage Attributes:**

Heritage attributes that contribute to the value of the Quick Cemetery:

- Original location of cemetery
- Marble headstones
- Stone piles which represent burials
- Burial place of early pioneers
- Burial place of War of 1812 veteran