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TOWNSHIP OF ERNESTOWN

BOX 70, ODESSA — ONTARIO, K0H 2H0
(613) 386-7351

October 29, 1987.

Ontario Heritage Foundation,
2nd Floor,
77 Bloor Street West,
Toronto, Ontario.
M7A 2R9

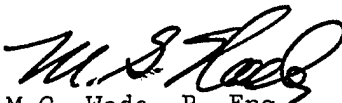
Attention: Richard Alway,
Chairman.

Re: Designation of Switzerville United Church

Enclosed is a certified copy of By-law 962-87, which designates the Switzerville United Church and Cemetery an historical property.

By-law 962-87 is being sent as required under Section 29, Subsection 14(a) (ii) of the Ontario Heritage Act.

Notice of By-law 962-87 will be published in the Kingston Whig Standard, as is also required under the Ontario Heritage Act.


M.G. Wade, P. Eng.,
Chief Administrative Officer.

MGW/pb
enclosure

THE CORPORATION OF THE TOWNSHIP OF ERNESTOWN

BY-LAW 962-87

A BY-LAW to designate the Switzerville United Church as an historical property pursuant to Part IV of The Ontario Heritage Act, R.S.O. 1980, C. 337 as amended.

WHEREAS Part IV of The Ontario Heritage Act, C. 337 as amended, contains provisions relating to heritage conservation properties.

AND WHEREAS Council under Section 29 has caused a notice of intention to designate to be given by the Clerk in accordance with Subsection 29(3).

AND WHEREAS a notice of objection was served within the thirty day period. The matter was referred to the Conservation Review Board in accordance with Subsection (7).

AND WHEREAS the Conservation Review Board held a public meeting at the Municipal Office of the Township of Ernestown at 10:00 a.m. on Thursday, May 28, 1987, in compliance with Section 29(8).

AND WHEREAS the Review Board placed a notice of the public meeting in the Whig-Standard in accordance with Section 29(9).

AND WHEREAS the Review Board has made a report in accordance with Section 29(12) to the Council setting out its findings of fact and its recommendations in favour of the designation.

AND WHEREAS the Council has considered the report of the Review Board, attached herewith as Schedule "A", and adopted Recommendations #1, 3, 4 and 6 of the report.

NOW THEREFORE the Council of the Municipality of the Township of Ernestown enacts as follows:

The Switzerville United Church and Cemetery property, more particularly described in Schedule "B" appended hereto, is hereby designated as an historical property.

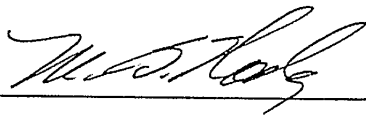
CERTIFIED A TRUE COPY
OF BY-LAW NUMBER 962-87
PASSED BY THE COUNCIL
OF THE CORPORATION OF
THE TOWNSHIP OF ERNESTOWN
THE 28th DAY OF Sept 1987
M. S. Leach
CLERK

This by-law hereby rescinds and repeals all other by-laws conflicting with this by-law.

Read a first time this .28th. day of September., 1987.

Read a second time this .28th. day of September., 1987.

Read a third time, signed, sealed and finally passed this .28th. day of .September..., 1987.



CLERK



REEVE



Conservation
Review Board

Ministry of Citizenship and Culture
7th floor
77 Bloor Street West
Toronto, Ontario
M7A 2R9

SCHEDULE "A" TO BY-LAW 962-87

RE: TOWNSHIP OF ERNESTOWN - INTENTION TO DESIGNATE
SWITZERVILLE UNITED CHURCH, LOT 11, CONCESSION 6, LENNOX
AND ADDINGTON

Ruth G. Schatz, Member

Dr. William R. Young, Member

May 28, 1987

HEARING pursuant to Section 29(8) of the Ontario
Heritage Act, R.S.O. 1980, ch. 337 concerning the Notice of
Intention given by the Council of the Township of Ernestown
to designate Switzerville United Church to be of historic
value and interest.

Michael Carty	- Counsel for the Corporation of the Township of Ernestown
John Black	- Counsel for the Trustees of Newburgh Church of the United Church of Canada
Rob Smart	- Counsel for the Switzerville Community of Friends Association
Peter Miller	- Registered Objector, lifelong resident of Switzerville

REPORT

The Board attended at the Municipal office of the Township of Ernestown in Odessa at 10:00 a.m. on Thursday 28 May 1987. A public hearing was conducted to determine whether the property consisting of that part of lot 11, concession 6 Township of Ernestown, County of Lennox and Addington, on which is situated the Switzerville United Church and the adjoining cemetery should be designated "to be of historic value or interest."

The Counsel for the Municipality called as his witness, M.G. Wade, P. Eng., Chief Administrator for the Township of Ernestown since March 1987. Mr. Wade succeeded Mr. Ross Blakely who had filed the intention to designate with the Ontario Heritage Foundation on 19 March 1987. It was established that the property is registered on title in the name of the Trustees of the Newburgh Church of the United Church of Canada. Mr. Wade's testimony and the exhibits filed by Mr. Carty outlined the action taken by the Municipality with respect to this property.

Representatives of the Switzerville Community of Friends Association attended the council meeting on 12 January 1987 to request the Township's assistance in saving

the Switzerville Church from demolition. The Community of Friends reported that the furniture had been stripped from the church, that demolition had begun without a permit and that the church trustees had refused to meet with the Friends on the matter. They then presented a petition containing more than 100 signatures and asked that the decision to demolish the church building on the property be postponed until the residents could meet with the owners to discuss its restoration and use by the community.

Council authorized the municipal administrator to prepare a stop work order to halt the demolition. In addition, he was asked to investigate the assistance available for restoration from the Building Rehabilitation and Improvement Campaign (BRIC) as well as the formation of a Local Architectural Conservation Advisory Committee (LACAC). Furthermore, Council passed a motion that the Township correspond with the Bay of Quinte Conference, the Belleville Presbytery of the United Church and the Newburgh Trustees regarding the demolition and the desire of the residents and the Council to attempt to have a meeting to discuss the future possibilities for the church

At the Board's hearing, Mr. Carty established that the chief administrator of the Township had sent letters on 15 and 19 January 1987 to the above-mentioned bodies requesting a meeting with the residents and the Council. On 21 January 1987, Rev. Peter Walford-Jones, Chairman of the Belleville Presbytery of the United Church of Canada, declared himself to be the agent of the owner, and consented to a building permit issued by the Township in the name of Laverne Abrams and Limestone Demolition authorizing the demolition of the church. It should be noted that the Township felt it had no recourse but to grant the permit. At the following council meeting on 26 January, the Switzerville Community of Friends Association spokesperson, Allison Jones, reported that her conversations with the Ontario Ministry of Citizenship and Culture had yielded the information that if Council were to designate the property under the Ontario Heritage Act, the Municipality could delay the destruction of the church. Accordingly, Council passed the notice of intention to designate and authorized the municipal staff to initiate procedures to halt the demolition of the church building. On 27 January, the building inspector notified Laverne Abrams that the demolition permit was void and required him to board up and to secure the church.

In accordance with the Act, the procedures for designation were set in motion and public notice given in The Kingston Whig-Standard, of 29 January and 3 February 1987. The notice repeated the council's intention to designate the Switzerville Church on historic grounds and "to preserve the oldest United Church in the Municipality and to maintain the identity of the community."

Mr. Carty made the point that this is the first occasion that the Municipality has attempted to designate a property and that the circumstances were not ideal. The municipality does not have a Local Architectural Conservation Advisory Committee in existence and Council acted in a crisis situation. As a result, the optimum amount of historical research on the property had not been carried out.

During the course of the hearing, however, all parties thereto contributed to the provision of historical evidence through the submission of documents and through verbal evidence.

Ernestown has been the location of several important events in Canadian history that are connected with the Methodist church and more particularly with the Methodist

Episcopal Church. It is difficult to estimate the number of Methodists among the United Empire Loyalists but many of the settlers in the Ernestown area arrived from American districts with a strong Methodist following. Perhaps the first attempt of the Methodists to flaunt the official efforts to establish a state church in Canada took place in Ernestown in 1788. Methodist lay itinerant, James McCarty, began preaching in Ernestown, but was taken by the sheriff and captains of militia in Kingston and died under mysterious circumstances. When the first regular Methodist Episcopal preacher and circuit rider, William Losee, entered Canada in 1790, he preached to the lay movement flourishing among the pioneers in Ernestown. In 1792, the head of the Methodist Episcopal Church, Bishop Asbury, sent Losee back to Canada with another preacher, Darius Dunham. That they stopped first at Ernestown, indicates that the township was considered a centre of Methodism of the time. Dunham is buried in the cemetery adjoining the Switzerville Church. In 1792, the first Methodist quarterly meeting in Canada was held in Ernestown in the barn of a Mr. Parrott who lived on the first concession and the first Canadian celebration of communion by Methodist ministers took place at the same time.

In the following years, as Methodist preaching was extended and organized, the Genesee Annual Conference in New York assumed responsibility for the work in Upper Canada. Methodism was the dominant evangelical religious movement in Canada after 1790 and until the war of 1812 remained under the complete control of the Methodist Episcopal Church in the United States. Its evangelical following in Canada was located on the edges of the community, in the backwoods and outside the traditional religious and social systems.

The property, which is the subject of the hearing, is an integral part of the early history of Methodism in Ontario. It was deeded on 7 May 1825 by Christopher Switzer to seven Trustees for the use of the Methodist Episcopal Church in America. A local historical publication and subsequent newspaper articles suggest that the property was the site of some earlier Methodist meetings in the district. There are headstones in the cemetery that date as early as 1815. A wooden meeting house known as Switzer's Chapel existed in 1826. That year, it was the site of the Quarterly meeting of the Methodists in the district which was addressed by Peter Jones, a Mowhawk and the first Indian to speak in a church in the Bay of Quinte district.

The War of 1812, had left a legacy of antagonism between the Canadian and American members of the Methodist Episcopal Church which was eventually resolved at a Conference in the newly-erected Switzer's Chapel. In an attempt at independence from American direction, a group of Methodists on the Fourth Concession of Ernestown broke from the Methodist Episcopal Church in 1816 and organized a Reformed Church. This independence movement failed and in 1818, the British-based Wesleyan Methodists -- the American church's rival -- abandoned Upper Canada to the Episcopalians in return for reciprocal action in Lower Canada. But the friction and nascent Canadian nationalism led to continued agitation. At its General Conference in Pittsburgh in 1828, the Methodist Episcopal Church authorized the establishment of a separate Canadian church with its own bishop. On 2 October 1828, the Canadian Methodist leaders met at Switzer's Chapel. This landmark Conference not only witnessed the formation of an independent Methodist Episcopal Church in Canada but included the election of its first Canadian President and superintendent of Indian Missions and the first ordination service of elders. At the one-hundred and twenty-fifth anniversary service on 16 September 1951, a bronze plaque was unveiled to commemorate this event.

The chapel remained in use until 1891 when it was decided to replace it with the brick and stone structure presently on the site. The old frame building was moved to Newburgh to serve as a freight shed and then moved again to the property of Mr. Clark, north of Newburgh, where it remains at present.

The Board's observations of the property were gained by a visit to the site prior to the hearing and two descriptions of the second building which were filed along with a set of coloured photographs taken in the summer of 1986 and in March 1987. The building erected in 1892 was restored for the church's centenary in 1926 and a detailed description of its appearance at that time was filed.

The existing building is an excellent example of the Italianate style first used by the Wesleyan Methodists in Guelph to build a new church in 1855. Obviously in 1892, the builders of the Switzerville church followed this tradition in their choice of architecture. Built of brick on a stone foundation it has a simple gable roof, four round arched windows along the sides which are outlined by a string course of bricks and separated by double brick buttresses capped with stone quoins. Buttresses are also

used on the corners. The central tower includes all the elements of the style with its circular arched door, its pair of louvred openings above, the bulls-eye window topped by a bracketed cornice. A four-sided dome with spire, side openings and buttresses complete the tower. Although all the windows have been removed, the photographs establish that they would have been of the approved Pisan Gothic tracery in round-headed frames. The structure includes a 5-sided apse and is surrounded on the south and east by an early cemetery.

The condition of the building was considered pertinent to this hearing because attempts to save the church centred around the threatened destruction by the owners which also provoked the municipal council to issue a stop work order. The demolition contractor testified that he had signed a contract with the owners on the 2nd of January, 1987; had received a permit from the Municipality on the 21st of January; had started work that day and continued working until the 28th of the month. The present condition of the structure reflects his activity. He confirmed that the pictures, taken in the summer of 1986, showed the condition of the building when he began to work and those, in the winter of 1987, show the changes he had made.

The Board's site visit confirmed that the interior had been gutted; the window frames and sashes removed; some bricks taken from the walls and a piece of the roof pulled off. The contractor reported, however, that he still had all the windows but one, which had been removed.

Mr. Black, counsel for the Owners, called as his witness, Mr. Gerald Peters, a longtime resident of the area and trustee of the Newburgh church. Mr. Peters testified that the present structure does not reflect the important historical event, which took place in 1828 and therefore, the building itself is not significant. The Owners and Trustees are also concerned about their financial capacity to maintain the building and its insurability. Mr. Black filed a structural report from a builder, who has worked in the area for over 50 years. He had looked at the property in 1964 and again on May 26, 1987 and his final estimate reaffirmed that restoration was too costly. He stated that repairs and renovations to the exterior alone would cost between \$30,000 and \$40,000.

Mr. Peters, described the Switzerville Community as an area of farms with the crossroads containing, at one

time, a school, a post office and the church and cemetery. The school, closed in 1965, has been converted to a private residence and the post office, in a private home, had been shut down. Switzerville had always been part of a Methodist and subsequently a United Church circuit and has been attached to a number of jurisdictions over the years. In 1967, the building was closed and the congregation amalgamated with Newburgh church situated in another municipality. Apparently only about one-third of the members of the Switzerville church began attending services in Newburgh.

As a result of these changes, in Mr. Peters's opinion the community no longer exists. However, the signatories to the petition use this very argument -- that the community's life is threatened with extinction -- to request that the church building remain, to maintain an identity for them at this location.

Mr. Peter Miller, an objector to the designation of the property, expressed concern with respect to the future of the cemetery. He is a lifelong resident in the community, a former Secretary-Treasurer of the Switzerville Church Board and presently a Trustee of the Newburgh United Church Board and the the Newburgh United Church Cemetery

Board. Mr. Miller is also one of the authors of the history of the church prepared in 1951 and filed as an exhibit. The cemetery had been closed in 1959. He feared that designation would remove the control over the cemetery from the present owners and the excellent job they are doing in looking after the burial place of his ancestors would be sacrificed. He also felt that following demolition, the Newburgh Church would no longer have the financial drain of looking after the Switzerville building, and would have the resources to restore the cemetery. He was assured that a designating by-law does not alter the ownership of the property and that the letter from the Ministry of Consumer and Commercial Relations of December 30, 1986 to the Newburgh Church Board of Trustees (which was filed as an exhibit) leaves the control of the cemetery to the Cemetery Board. He is in agreement with the historical importance of the site and cemetery, but does not think the Newburgh Church should have to spend money on a church that is no longer used.

The case for the importance of conserving this property on behalf of the Community was presented by Mr. Smart. He called an expert witness who had worked on restoration of a near-derelect lock-master's house for Parks Canada to establish the condition of the building and the feasibility

of restoration. The witness was optimistic about restoring the church and asserted that the building could be stabilized for approximately \$15,000.00, even though partial demolition had already taken place.

Mr. Smart called two members of the Switzerville Community of Friends Association to describe their efforts to meet with the owners and to attest to the historical significance of the church property to their community. He made the case that there was a group of area residents willing and able to undertake the restoration of the church as a focus for the cross-roads community of Switzerville. A lengthy correspondence dating from October 17, 1986 to January 16, 1987 from the Friends to three of the governing bodies of the United Church of Canada was filed and revealed that the motion, to dismantle and remove the church and erect a cairn or marker in its place, had been passed on April 23, 1968. Clearly, over the months of their efforts, this group had met with constant frustration in initiating a dialogue with the owners and their activities had generated a great deal of interest in the area. Following circulation of the petition, the local papers had published articles, and the group had sought information on funding from heritage agencies and had secured pledges of money for restoration.

Arguments for Designation, by Community

1. The property is probably of provincial historical significance.
2. The building represents the history of the Methodist movement in Canada, which encompasses all the years of its existence at Switzerville.
3. It is important to this community that it remain as the last available place to congregate.
4. It is salvageable for a modest amount of money and there is an active community group willing to work at restoring it.

Arguments for Demolition by Owners:

1. The historical significance of the property is based on the conference of 1828 and the present building is not relevant to that event.
2. A cairn would be sufficient to commemorate its history.

3. The present building has no architectural merit as it is probably the third building on the site, and in the published church history, it rates only half a page out of fourteen.

4. The owners must be concerned with the practical problem of a deteriorating building for which they have no use and no funds.

Arguments for Designation by Municipality:

1. As the Heritage Act outlines, the designation proposed is to be made on "property" which is defined in Part IV. 26 (b) to mean real property and includes all buildings and structures thereon. Because the municipality chose to designate the property on historical grounds, the condition and quality of the building is not relevant.

2. The strength of the community response to the threatened loss of the church indicates that there are people available willing to take on the project.

3. There is no dispute in the community about its historical importance and furthermore, the history of the

property cannot be divorced from the architectural history of the church building.

4. Given the time to do the necessary research, it could be shown that the existing church building is significant in its time and place. The article in The Napanee Beaver in 1926 (filed as an exhibit) makes a case for its architectural importance.

5. Designation of the property would provide the necessary protection to give the residents an opportunity to work out a solution with the owners. This is not to ignore the owners' concern about the burden the church lays on them at present, but the Heritage Act was also written to protect property owners and there are appropriate mechanisms following designation which can assist them if the adaptive re-use should fail.

RECOMMENDATIONS

It is the opinion of the Board that the Municipal Council of the Township of Ernestown acted in the best interests of the community in giving notice of intention to designate the property as being of historical value or interest. All parties to the hearing established its historical significance.

Throughout the evidence and the summations, the Board was forced to consider the question of the divisibility of history. As presented, the issue boiled down to the question: Does the significant history of the property stop in 1891 with the removal of the original Switzer's Chapel and the construction of another church? The counsel for the owners argued the affirmative and made this division the basis of his presentation. On the other hand, the counsel for the municipality and the community of friends took a negative position.

Certainly, the history of a community cannot be declared to stop and to start on a whim. The Board set out its opinion on the matter in its report on 12 March 1986 [Hearing on the property known as "Pickering Beach Road Schoolhouse", Ajax]. Suffice it to say that no party to nor witness at the hearing questioned the historical significance of the property itself. Upon this piece of land sits a church and a cemetery. The property is associated with important local, provincial and perhaps national historical events. Neither the township, nor the owner nor the community disputed this conclusion. And it is important to note that it is the property which the

municipality has served notice of intention to designate and which notice the Board has convened to consider. In addition to this, the Board considers that a partly-demolished building has the same historical significance as a structure in good repair. The Board set out its position in its report on 8 May 1980 (Hearing on the property known as 330 St. Andrew Street West, Fergus, Ontario).

The Board's purpose has been to facilitate a negotiated settlement. It is regrettable that the United Church did not take advantage of the initiatives of the Switzerville Community of Friends Association in this regard. Nonetheless, in an effort to promote a constructive solution to the problem the Board makes the following recommendations:

1. That the property be designated under the Act.
2. That the property remain in the hands of the United Church of Canada to enable it to fulfill its obligations under the Cemeteries Act.

In order to re-assure the owners, the Heritage Act contains flexible provisions to enable them to repeal the designation under Section 31, to seek alterations under Section 33 and to demolish the building under Section 34.

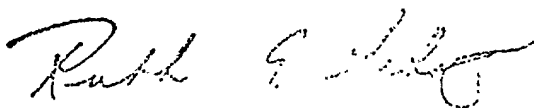
The nub of the issue of owners' rights was addressed in the Supreme Court of Canada. In its decision (19-140 D.L.R. (3d), Re: St. Peter's Church and the City of Ottawa; Dickson, Estey, McIntyre, Lamer, Wilson, JJ., 23 November 1982), McIntyre J. stated (p.591) that:

"The Ontario Heritage Act, 1974, was enacted to provide for the conservation, protection and preservation of the heritage of Ontario. There is no doubt that the Act provides for and the Legislature intended that municipalities acting under the provisions of the Act, should have wide powers to interfere with individual property rights. It is equally evident, however, that the Legislature recognize that the preservation of Ontario's heritage should be accomplished at the cost of the community at large, not at the cost of the individual property owner's rights."

3. That the Township appoint a Local Architectural Conservation Advisory Committee to assist in the research to be included in the designating by-law, on both historical and architectural grounds.
4. Following the passage of the designating by-law, a meeting between the Township, the owners and the community should take place to address their respective concerns.
5. Section 36(1) of the Heritage Act provides that the Municipality could lease the building thereby indemnifying the owners against all costs and liabilities. The Township should also explore with the Switzerville Community of Friends Association its conservation and restoration as a community centre.

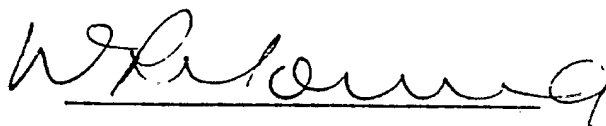
6. That the Township contact the Ministry of Citizenship and Culture for the latest information on the new programme called Preserving Ontario's Architecture, which is to provide both technical and financial assistance for restoration projects.

In conclusion, the Board would like to congratulate all the parties to this hearing on their excellent presentations and their obvious dedication to solving the problem. It is clear that the community has undergone a very divisive experience, but the Province of Ontario had made a commitment to Heritage Conservation and all these resources can be utilized to restore the Switzerville United Church to its community.



Ruth G. Schatz

Member



Dr. William R. Young

Member

SCHEDULE B

LEGAL DESCRIPTION:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Ernestown, in the County of Lennox and Addington and being composed of the north 40 acres of Lot 11 in the 6th Concession of the said Township Ernestown, lying north of the main travelled road crossing said Lot, save and except one acre of land conveyed by one Switzer; by deed bearing date the 7th day of May, 1825, and registered the 23rd day of May, 1825 as No. 726 in the Registry Office for the said County and more particularly described as follows:

BEGINNING at the North West Corner of Lot 11, Concession 6 of the said Township of Ernestown;

THENCE Southerly along the West limit of said Lot 11, also being the East limit of the road allowance between Lots 10 and 11, Concession 6, a distance of 335.5 feet to the POINT OF COMMENCEMENT:

THENCE Easterly, parallel to the North limit of said Lot 11 a distance of 258 feet along a post and wire fence;

THENCE Southerly, parallel to the West limit of said Lot 11 a distance of 172.5 feet along a post and wire fence;

THENCE Westerly, parallel to the North limit of said Lot 11 a distance of 254 feet more or less along a post and wire fence to the west limit of said Lot 11;

THENCE Northerly along the West limit of said Lot 11, also being the East limit of the road allowance between Lots 10 and 11, Concession 6, a distance of 173.5 feet more or less to the POINT OF COMMENCEMENT.

REASON FOR DESIGNATION:

Ernestown was the location of many important events in Canadian history pertaining to the Church movement, more particularly, the Methodist Episcopal Church. Some of the key figures involved in the movement were buried in the cemetery at Switzerville and the Church itself was used as a Methodist meeting place.