



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.

The Corporation of the

917 Lesperance Road
Tecumseh, ON
N8N 1W9



Phone (519) 735-2184
Fax (519) 735-6712
www.tecumseh.ca

Town of Tecumseh
Staff Services/Clerk

June 3, 2013

Registered Mail

THE BRITISH METHODIST EPISCOPAL CHURCH
c/o General Superintendent
33 Cedar Brae Blvd.
Scarborough, ON M1J 2K4

ONTARIO HERITAGE TRUST

JUN 06 2013

RECEIVED

Dear Sir / Madame:

**Re: Designation of Smith Cemetery,
Ontario Heritage Act**

By way of registered letter dated March 26, 2013, Notice of intention to designate the Smith Cemetery to be of cultural heritage value or interest, was served upon the British Methodist Episcopal Church.

No objection was served upon the Clerk for the Town of Tecumseh in relation to the designation.

The Council of the Town of Tecumseh, at its regular meeting held Tuesday, May 14, 2013, gave third and final reading to By-law Number 2013-20, *being a by-law to designate the Smith Cemetery to be of cultural heritage value or interest under the provisions of the Ontario Heritage Act.*

Enclosed is a copy of By-law No. 2013-20 which is being served upon the British Methodist Episcopal Church in accordance with Section 29(6) of the *Ontario Heritage Act*.

Yours very truly,
TOWN OF TECUMSEH


LAURA MOY, A.M.C.T.
Director, Staff Services / Clerk

LM/sk
Encl. – By-law No. 2013-20

Cc: **Ontario Heritage Trust**, via Registered Mail

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW 2013-20

Being a By-law to designate the Smith Cemetery to be of cultural heritage value or interest under the provisions of the *Ontario Heritage Act*

WHEREAS *Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990* and amendments thereto, provides that the Council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest, where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria and the designation is made in accordance with the process set out in this section;

AND WHEREAS the British Methodist Episcopal Church currently owns property legally described as Concession 3, North Part Lot 143, Plan 65, Pt Lot 10, in the Town of Tecumseh, County of Essex and Province of Ontario [municipally known as the 'Smith Cemetery'], located on the west side of Banwell Road, south of the CP Rail;

AND WHEREAS upon consideration of the recommendation by the Tecumseh Heritage Committee, the Council of The Corporation of the Town of Tecumseh [Corporation] deems it desirable to designate Concession 3, North Part Lot 143, Plan 65, Pt Lot 10, in the Town of Tecumseh, County of Essex and Province of Ontario [municipally known as the 'Smith Cemetery'], located on the west side of Banwell Road, south of the CP Rail, to be of cultural heritage value or interest, for reasons stated in Schedule 'A' annexed hereto and forming part of this By-law;

AND WHEREAS notice of intention to so designate the subject property was served on the owner of the subject property, the British Methodist Episcopal Church, and upon the Ontario Heritage Trust, and such notice was published in the Shoreline Week on Thursday, March 28, 2013, being a newspaper having general circulation in the municipality;

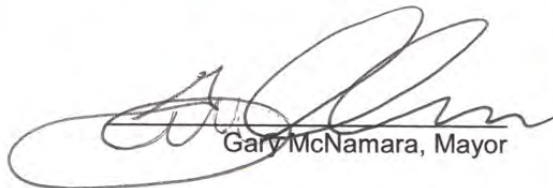
AND WHEREAS no notice of objection was served on the Clerk of the Corporation;

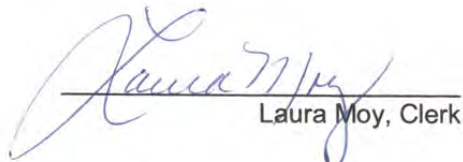
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. **THAT** Concession 3, North Part Lot 143, Plan 65, Pt Lot 10, in the Town of Tecumseh, County of Essex and Province of Ontario [municipally known as the 'Smith Cemetery'], located on the west side of Banwell Road, south of the CP Rail is hereby designated to be of cultural heritage value or interest;
2. **AND THAT** this By-law shall come into full force and effect upon the registration of this By-law in the Land Registry Office for Essex (No. 12);

READ a first, second and third time and finally passed this 14th day of May, 2013.




Gary McNamara, Mayor


Laura Moy, Clerk

SCHEDULE 'A' **By-law No. 2013-20**

Legal Description:

The property legally described as Concession 3, North Part Lot 143, Plan 65, Pt Lot 10, in the Town of Tecumseh, in the County of Essex and Province of Ontario, [municipally known as the 'Smith Cemetery' located on the west side of Banwell Road, south of the CP Rail].

Description of Property:

The Smith Cemetery comprises 4.77 acres of land, immediately west of Banwell Road, abutting the CP Rail and Hydro Lands to the north.

Five original headstones from the early 1900's and a re-dedication marker are set on a small, grassed area facing Banwell Road. A watercourse runs through the western portion of the land. The remainder of the landscape consists of a naturalized woodlot; one of a few amid the farm and grass lands of the area.

Statement of Cultural Heritage Value or Interest:

In 1850, Josette Berthelette sold approximately 200 acres, including the Smith Cemetery land, to the African Methodist Episcopal Church. Between 1852 and 1853 the Church conveyed the easterly 33 feet to the Township of Sandwich to construct Banwell Road and subdivided the remaining land into 20, ten acre lots and a single five acre lot which became the Smith Cemetery. The 1871 Canada Census confirms that four of the settlers who purchased the ten acre church lots were of African origin, born in the USA.

In 1877 the British Methodist Episcopal Church appointed three trustees to replace those who had died or moved away, being Henry Harvey, Elijah T. Patterson and Washington Smith. Again the census indicates all three were born in the USA, and of African origin, confirming that this was indeed a settlement for people of African descent. Many of the original settlers are believed to have returned to the USA after the Emancipation Proclamation of 1863.

The Smith Cemetery is the remainder of a settlement of escaped slaves or otherwise free blacks and their descendants seeking refuge from the USA in Canada. Town folklore claims that a church was built on the property; though the only evidence of activity on the lands is that of a cemetery. Today all that remains are five original headstones; four marking the deaths of descendants of Washington Smith. The fifth headstone, and the oldest recorded burial in the cemetery, displays James F. Ross 1908 (Husband). A re-constructed marker has pieces of broken headstones reading Alonzo and Israel. There are also an unknown number of sunken headstones and crosses buried in the overgrown bush of the woodlot.

In a 1967 publication on the Smith Cemetery, Mr. Clarence Ouellette, the former clerk of Sandwich East, stated, "Here lie some of the old settler's of Windsor's coloured community. There are many graves here; some are sunken and many have been overgrown. The stone work on many of these markers is a work of art... Other headstones are marked 1877, 1865, and 1870 but the names are illegible."

In 1977 the Township of Sandwich South passed a By-law to maintain the Smith Cemetery. Soon after, a fence was erected and the monuments were arranged to be visible from the road. In 1978 the Town of Sandwich South and Robert C. Smith, a descendant of Washington Smith, cooperatively erected a new re-dedicated headstone listing the names of the burials that are recorded with the Ontario Archives.