

THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2009-104

**A BY-LAW TO DESIGNATE
ST. ANDREW'S PRESBYTERIAN CEMETERY
AS A HERITAGE SITE UNDER THE
ONTARIO HERITAGE ACT**

WHEREAS Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural value or interest,

AND WHEREAS the Council ('Council') of the Corporation of the Township of King ('Township') has determined that St. Andrew's Presbyterian Cemetery located on lands described as Concession 10, Part Lot 11, and municipally known as 13900-10th Concession, in the Village of Nobleton in the Township of King in the Regional Municipality of York (the 'Lands') shall be designated as a property of cultural heritage value or interest pursuant to Section IV of the *Ontario Heritage Act*, 1990, c.O.18;

AND WHEREAS Council has caused to be served on the Ontario Heritage Trust notice of intention to so designate the St. Andrew's Presbyterian Cemetery for the reasons set out in Appendix "A" attached to this By-law, and has caused such notice of the intention to be published in the local newspaper having general circulation in the municipality;

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

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

1. The property known as the St. Andrew's Presbyterian Cemetery located on lands described as Concession 10, Part Lot 11, in the Village of Nobleton, Township of King in the Regional Municipality of York is designated pursuant to Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest.

2. The Township Solicitor is authorized to cause a copy of this By-law to be registered against the Lands as described in Clause 1 above in the proper Land Registry Office.
3. The Clerk is authorized and directed to cause a copy of this By-law to be served on the *Ontario Heritage Trust* and to cause notice of passing of this By-law to be published in the local newspaper having general circulation in the municipality.

READ a FIRST and SECOND time this 30th day of November, 2009

READ a THIRD time and **FINALLY PASSED** this 30th day of November, 2009



Margaret Black, Mayor



Chris Somerville, Clerk

APPENDIX 'A' TO BY-LAW NUMBER 2009-104

ST. ANDREW'S PRESBYTERIAN CEMETERY, NOBLETON, TOWNSHIP OF KING

REASONS FOR DESIGNATION:

Property Name: St. Andrew's Presbyterian Cemetery
Street Address: 13900 10th Concession
Location: Concession 10, Part Lot 11
Municipality: Township of King, Regional Municipality of York
Assessment Roll: #072 705 **Property Owner:** Township of King

The Township of King Heritage Committee wishes to advise King Township council the property known municipally as St. Andrew's Presbyterian Cemetery is recommended for designation for its cultural heritage value or interest under Part IV of the *Ontario Heritage Act*. It meets criteria for municipal designation prescribed by *Ontario Regulation 9/06* under the three categories of design/physical value, historical/associative value and contextual value.

Description of Property

St. Andrew's Presbyterian Cemetery is an inactive, small, rural, mid to late 19th-century community cemetery located at 13900 10th Concession, on the east side immediately north of the 15th Sideroad. Measuring 1 acre at 198 ft wide by 220 ft deep, it is situated at the northeast corner of Concession 10 Lot 11, approximately 2 kilometres northwest of the village of Nobleton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of St. Andrew's Presbyterian Cemetery is related to its design/physical value as a typical small, mid to late 19th-century, local community cemetery situated in a rural setting. The markers and monuments, ranging from limestone to granite, flat to the ground and upright columns, are arranged in mostly parallel rows. Its level, grassed surroundings of mature trees and bushes, and a family burial plot enclosed by a decorative metal fence, emphasize the caring, planned setting where the dead could rest while providing comfort to their living families and friends. A stone sign with inscriptions on both sides notes the erection and removal dates of the one time St. Andrew's Presbyterian Church and its location.

The cultural heritage value of St. Andrew's Presbyterian Cemetery is related to its historical/ associative value as the burial site of early Scottish settlers of the community. It was established circa 1850 as the family burial ground of the property owner and Scottish immigrant Duncan McCallum and his wife Elizabeth. Known as the Scotch Cemetery, later burials included their family members and other fellow Scottish immigrants, many from Argyllshire, Scotland. The property was the site of the one time 1883 St. Andrew's Presbyterian Church, also called the Tenth Line Presbyterian Church, removed in 1960. Approximately 64 burials are commemorated by 35 markers and headstones whose inscriptions, dating from 1850 to 1902, bear testament to those families and individuals that first settled the area.

The cultural value of St. Andrew's Presbyterian Cemetery also relates to its contextual value for its more than 158 years influence on the continued rural character of the immediate landscape. Its simple rustic environment serves as a spiritual and visual landmark and important reminder of the rural past to the community.

Description of Heritage Attributes

The heritage attributes of St. Andrew's Presbyterian Cemetery related to its cultural heritage value as a small, rural 19th-century burial site of early Scottish settlers in the area and its influence on the rural character of and spiritual value to the community are portrayed by:

- the variety of styles and material of its original markers and monuments, with their surviving inscriptions
- its placement of the original markers and monuments
- the original placement of gravesites
- the decorative fence surrounding the Wilkie family gravesite
- its location and dimensions
- the mature trees
- the park like setting
- the level, grassed landscape
- the location, design, material and two sided inscriptions of the stone sign

Reference: Clerks Department Report CL-2009-35, October 19th, 2009.