

**THE CORPORATION OF THE TOWNSHIP OF KING**

**BY-LAW NUMBER 2009-102**

**A BY-LAW TO DESIGNATE  
THE PROCTOR FAMILY 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 the Proctor Family Cemetery located on lands described as Concession 8, Part Lot 23, and municipally known as 15640-8<sup>th</sup> Concession in the Hamlet of Pottageville 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 Proctor Family 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 Proctor Family Cemetery located on lands described as Concession 8, Part Lot 23, in the Hamlet of Pottageville, 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 2009-102

### PROCTOR FAMILY CEMETERY, POTTAGEVILLE, TOWNSHIP OF KING

#### REASONS FOR DESIGNATION:

**Property Name:** Proctor Family Cemetery  
**Street Address:** 15640 8<sup>th</sup> Concession  
**Location:** Concession 8, Part Lot 23  
**Municipality:** Township of King, Regional Municipality of York  
**Assessment Roll:** #100 490                      **Property Owner:** Trustees c/o Scott Ainsworth

The Township of King Heritage Committee wishes to advise King Township council the property known municipally as the Proctor Family 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

The Proctor Family Cemetery is an active, small, rural mid 19<sup>th</sup>-century to late 20<sup>th</sup>-century family owned cemetery located on the 8<sup>th</sup> Concession. Measuring approximately 3,500 square feet, it is situated on the west side of the 8<sup>th</sup> Concession, midway between the 18<sup>th</sup> Sideroad and the 17<sup>th</sup> Sideroad, on the east side of Concession 8 Part Lot 23, approximately 3 kilometres southwest of the hamlet of Pottageville.

#### Statement of Cultural Heritage Value or Interest

The cultural heritage value of the Proctor Family Cemetery is related to its design/physical value as a rare example of a small, mid 19<sup>th</sup>-century, family cemetery situated in a rural setting. Its approximately 16 markers, the majority arranged in 2 parallel rows, comprised of a variety of materials and designs from simple limestone, marble and granite to more elaborate stone columns, are complimented by a stone cairn displaying a family dedication. Combined with the park like setting of mature trees and bushes, secured by metal fencing and accessed by a metal entrance gateway crowned by the Proctor Family name centered between granite supports, one inscribed with a family dedication, the Proctor Family Cemetery displays a sense of peace and security planned to provide a place of serenity for the family's deceased and their visitors.

The cultural heritage value of the Proctor Family Cemetery is related to its historical/ associative value as the burial site of 1831 Irish immigrants John and Mary Proctor, their children, and other descendants. Though starting as early pioneer settlers the Proctors and their descendants went on to become significant land owners in the area. Established circa 1850 by John Proctor Jr. for a cemetery and church the property holds the gravesites of more than 30 family members dating from 1862 to the present. The one time Wesleyan Methodist Church removed in 1903 is marked by a cairn erected by a family member in 1979.

The cultural value the Proctor Family Cemetery also relates to its contextual value for its more than 158 years influence on the continued rural character of the immediate landscape. Its park like, treed setting, with its prominent gateway serves as a spiritual and visual landmark and is an important influence on the continued rural character of the community.

#### Description of Heritage Attributes

The heritage attributes of the Proctor Family Cemetery related to its cultural heritage value as a small, rural mid 19<sup>th</sup>-century family owned burial site of an early settler family, its influence on the rural character of the landscape, and its spiritual and visual landmark 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 mature evergreen trees bordering the north, east and south fence lines
- the park like setting
- the grassy landscape
- its location and dimensions
- the placement, style, material and inscription of the memorial cairn
- the placement, style and material of the metal fence and metal entrance gateway crowned by the Proctor Family name centered between granite supports on the eastern fence line

- the placement, style and material of the four granite supports on the metal fence on the eastern fence line
- the inscription on the granite support to the left of the metal entrance gateway

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