

**THE CORPORATION OF THE TOWN OF MIDLAND**  
**BY-LAW 2009-85**

A By-law to repeal By-law 2009-62 and to designate the  
William Wilson Cemetery under the *Ontario Heritage Act*.

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

**WHEREAS** the Council of the Corporation of the Town of Midland (the "Town") has caused to be served on the owners of the lands and premises known as Concession 1 (Old Survey), Part of Lot 101, in the Town of Midland, County of Simcoe, having the municipal address of 17007 Highway 12 and known as The William Wilson Cemetery in the Town of Midland and upon the Ontario Heritage Trust, a Notice of Intention to so designate the aforesaid real property and has caused such Notice of Intention to be published in a newspaper having general circulation in the Town;

**WHEREAS** the Statement of Cultural Heritage Value or Interest and the Description of Heritage Attributes is set out in Schedule "B" attached hereto; and,

**WHEREAS** no Notice of Objection to the proposed designation has been served on the Clerk of the Town; and,

**WHEREAS** Council of the Corporation of the Town of Midland passed By-law 2009-62 on August 24, 2009 to designate the William Wilson Cemetery under the Ontario Heritage Act and to require the registration of the By-law on the title of the lands; and,

**WHEREAS** the Registrar for the Simcoe Area has advised the Town that it will not permit the registration of By-law 2009-62 because of the use of photographic images within the By-law therefore necessitating a repeal and replacement of By-law 2009-62.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:**

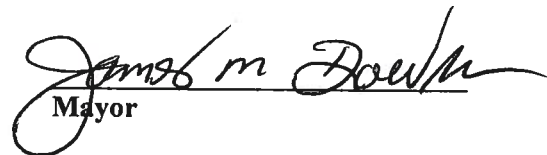
1. That By-law 2009-62 is hereby repealed.
2. That the property known as Concession 1 (Old Survey), Part of Lot 101, in the Town of Midland, County of Simcoe, having the municipal address of 17007 Highway 12 and known as The William Wilson Cemetery, more particularly described in Schedule "A" attached hereto and forming part of this By-law, is hereby designated as being of cultural value and interest pursuant to Section 29 of the *Ontario Heritage Act*..
3. That the Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust and to

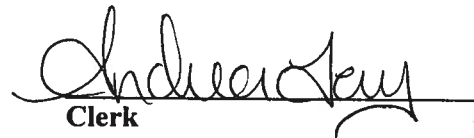
cause notice of the passing of this By-law to be published in the same newspaper having general circulation in the Town and to be registered on the title of the property.

4. That the By-law shall come into full force and take effect on the final passing thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2009.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

  
Mayor

  
Clerk

**Schedule "A" to By-law 2009-85**

LEGAL DESCRIPTION

Part of Lot 101, Concession 1 (Old Survey), formerly in the Township  
of Tiny, now in the Town of Midland, County of Simcoe and more particularly described  
as Part 2, Reference Plan 51R-20847;  
PIN 584630026

**Schedule “B” to By-law 2009-85**

**SHORT STATEMENT OF THE REASON FOR DESIGNATION OF THE WILLIAM WILSON CEMETERY:**

The William Wilson cemetery is worthy of designation under Part IV of the *Ontario Heritage Act* for its Cultural Heritage value and interest. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value and contextual value.

The subject property is the site of a rural “pioneer” cemetery. Many of the area’s earliest settlers are buried in the cemetery including members of the Wilson, Jeffs and Ross families, as well as other individuals who died along the Penetanguishene Road. The approximate one (1) acre plot of land was officially donated to the Church Society of the Diocese of Toronto by William Wilson in 1864, though his wife was buried on the premises in February 1855. Burials at this location are believed to have ended in 1907.

The cultural heritage of The William Wilson Cemetery is related to its design or physical value as a representative example of the development of the surrounding area. The acre of land fell into use as a local cemetery following William Wilson’s wife, Henrietta (Jeffs) Wilson’s death February 1, 1855. In the nine (9) years following his wife’s death, several other members of the Jeffs family were buried on the site, leading Wilson to donate the land in 1864, in the hopes a church would be constructed there. Shortly after the donation, in 1870, William Wilson died and was buried alongside his wife in the small cemetery. The construction of an Anglican church in nearby Wyebridge ultimately prevented the Wilson property from becoming a church and the cemetery fell out of use.

The subject property and the burials it contains also hold significant spiritual importance as the “final resting place” for several of Midland’s earliest settlers and visitors, including military personnel traveling to the naval establishment at Penetanguishene.

The property also has historical or associative value as it reflects the history of Midland and this portion of Simcoe County. William Wilson, born in Yorkshire, England, arrived in Canada as part of the 100<sup>th</sup> Foot, a Dublin Regiment posted to Penetanguishene in 1813. After arriving in Penetanguishene in the spring of 1814, Wilson helped to build the new red naval storehouse and oversaw the construction of the new cedar stockade as well as a series of docks extending over thirty (30) feet into the water. Following his marriage to Henrietta Jeffs in 1827, Wilson established the family home, while continuing to work for the naval establishment as a civilian.

The cultural heritage value and contextual value of the property is due to the cemetery’s proximity to the Penetanguishene Road, emphasizing the importance of the military road to the development of this area. At least one soldier, as well as a mother and two children have been buried in the small cemetery, having died while traveling on the Penetanguishene Road.

**DESCRIPTION OF THE HERITAGE ATTRIBUTES OF THE PROPERTY:**

Unless otherwise indicated, the reason for designation applies generally to all exterior elevations, facades, foundation, roof and roof trim, all doors, windows, other structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster purging, metal and glazing and related building techniques, fencing, all trees, shrubs, hedgerows, other vegetation and the grounds and vistas, generally.

To ensure that the cultural heritage value of this property is conserved, certain heritage attributes that contribute to its value have been identified specifically and they include:

**Design/Physical Value:**

- Representative example of a “pioneer” cemetery;
- All tombstones, grave markers and tombstone fragments, graves and grave sites.

**Historical / Associative Value:**

- Spiritual value as the burial site of an indeterminate number of mid-19<sup>th</sup> century and early 20<sup>th</sup> century persons;
- Associative value reflecting the history of the Penetanguishene Road;
- Associations with the area’s early residents.

**Contextual Value:**

- All landscaping elements including elevation, trees and shrubs;
- Rural character of the site;
- Archaeological potential including all burials and the site of William Wilson’s homestead.

**GENERAL PROPERTY DESCRIPTION:**

The cemetery fronts along an unopened portion of the Penetanguishene Road, bypassed by County Road 93. The cemetery encompasses an approximate one hundred (100) square foot area of the donated acre of land. The cemetery is largely unmarked, and is accessible only by passing through neighboring properties. The subject property is uneven in nature due in part to the surrounding forest. A photographic record of the site and the historical aspects of the Pioneer Cemetery is kept in the Planning and Development Department of the Town of Midland.

**CEMETERY DETAILS**

Only one headstone remains visible at the William Wilson Cemetery. The headstone, which has fallen from its stand and broken, is that of Esther M. Wood, wife of Richard J. Wood, and their children Emery E. Wood and Charles A. Wood. The family are recorded as having died of mushroom poisoning, having prepared a meal from mushrooms growing alongside the road. The headstone was crafted by H.C. Summers of Newmarket in 1866. The headstone for the Wood Family reads:

ESTHER M.  
Wife of Richard J. Wood  
DIED  
Oct. 25, 1866  
Aged 33yrs, 8mo 26dys  
-----  
ALSO  
EMERY E.  
DIED  
Oct. 7, 1866  
Aged 4yrs, 5mo, 11dys  
----  
CHARLES A.  
DIED  
Oct. 1, 1866  
Aged 1yr, 3mo, 11dys  
----  
Children of R.J. and E.M.  
Wood

The remainder of the inscription is illegible due to deterioration of the stone.

Local history and lore claims that William Wilson was buried alongside his wife in the small cemetery on their property, surrounded by oaks. Located well within the one hundred (100) square foot space used as a cemetery, these four (4) mature oak trees form an almost perfect rectangle, suggesting the burial site of William Wilson.



**THE CORPORATION OF THE TOWN OF MIDLAND**

**Date: October 26, 2009**

**2009-85**

Moved by Stephan Joramy THAT leave be granted to introduce a By-law to repeal By-law  
2009-62 and to designate the William Wilson Cemetery under the  
Seconded by Jack Clarke Ontario Heritage Act.

CARRIED [Signature]  
Mayor

**BY-LAW READ A FIRST TIME.**

Moved by [Signature] THAT By-law read a first time, be read a second time forthwith.

Seconded by [Signature]

**BY-LAW READ A SECOND TIME.**

Moved by [Signature] THAT By-law now read a second time, be read a third and final  
Seconded by [Signature] time, be passed and executed by the Mayor and Clerk.

CARRIED [Signature]  
Mayor

**BY-LAW READ A THIRD AND FINAL TIME.**