

## **The Corporation of the Town of Essex**

### **By-Law Number 2357**

Being a By-Law to designate the African Methodist Episcopal/New Canaan cemetery located on County Road 12, more particularly described as CON SMR N PT LOT 18, as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18.

**WHEREAS** Section 29 of the Ontario Heritage Act, R.S.O., Chapter O.18, authorizes the Council of a municipality to enact By-Laws to designate real property within the municipality, including all buildings and structures thereof, to be of cultural heritage value or interest;

**AND WHEREAS** the Council of the Corporation of the Town of Essex deems it desirable to designate the African Methodist Episcopal/New Canaan Cemetery located on County Road 12, more particularly described as CON SMR N PT LOT 18, as being of cultural heritage value and interest;

**AND WHEREAS** Notice of Intention to Designate the Christ Church Building has been served on the owner of the property and on the Ontario Heritage Trust and such notice was published in the Essex Free Press and Harrow News, newspapers having general circulation in the municipality;

**AND WHEREAS** the reasons for designation are set out in Schedule 'B' attached to and forming part of this By-Law;

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

**NOW THEREFORE** be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. **That** the real property known as the African Methodist Episcopal/New Canaan Cemetery located on County Road 12, more particularly described as CON SMR N PT LOT 18, is hereby designated as being of cultural heritage value and interest.
2. **That** the Clerk is hereby authorized and instructed to register a copy of this By-Law against the property described in Schedule 'A', attached hereto, in the local Land Registry Office.
3. **That** the Clerk/or his/her designate, is hereby authorized to cause a copy of the By-Law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust and to cause Notice of this By-law to be published in the Essex Free Press and in the Harrow News.
4. **That** the effective date of this By-Law shall be the date of final passage thereof.

**Read a first, a second and a third time and finally passed on August 12, 2024.**

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Mayor

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Clerk

**SCHEDULE 'A' TO BY-LAW 2357**

**African Methodist Episcopal/New Canaan Cemetery  
County Road 12, Essex, Ontario**

**Legal Description**

CON SMR N PT LOT 18

## **SCHEDULE 'B' TO BY-LAW 2357**

### **Reasons for Designation Under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18**

#### **African Methodist Episcopal/New Canaan Cemetery**

##### **General Description of Property**

The African Methodist Episcopal Cemetery, also referred to as the New Canaan Cemetery, is located at 0 County Road 12, on the south side of County Road 12, just west of the hamlet of Gesto. The cemetery is not visible from the street front and is accessed from County Road 12 through a 22-foot wide right-of-way. It is comprised of the A.M.E./New Canaan Cemetery: a small historically Black cemetery that dates back to the early 19<sup>th</sup> century and houses \_ headstones on a cement pad.

##### **Description of Property that has Cultural Heritage Value or Interest**

The area of the property that demonstrates cultural heritage value or interest is the area that includes the cemetery all existing marked and unmarked burials.

##### **Statement of Cultural Heritage Value or Interest**

###### *Historical/Associative*

*The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*

0 County Road 12 retains significant historical value because it has direct associations with significant people, such as Delos R. Davis, and the New Canaan settlement, a historically Black settlement that was settled by individuals who had come to Canada via the Underground Railroad. The African Methodist Episcopal (A.M.E)/New Canaan Cemetery, also known as the Chavis Cemetery due to the number of Chavis' buried there, is the only remaining part of the New Canaan Settlement.

New Canaan was a small, historically Black, settlement that was established by African American freedom seekers who arrived in Canada in the early 19<sup>th</sup> century, via the Underground Railroad. Families first began settling in Colchester North in the early 1830s, with the desire to own land and establish communities for themselves. The very first freedom seekers settled in New Canaan in the early 1830s and by 1840, it was a thriving community comprised of about 20 families living in and around the area. They acquired land through "Clergy Reserves" and the Canada Company, a private land development company that worked to aid in the colonization and settlement of land in Upper Canada. At the community's peak in 1900, it consisted of 2 churches, a cemetery, a school, and a small grocery store with a post office, and in 1909, the population reached approximately 60 people.

The cemetery is also the final resting place of Delos R. Davis, the first Freedom Seeker to become a lawyer in Canada, and the first Black man to make the King's Counsel in the British Empire. Davis would have a large impact on the community of New Canaan and nearby Black communities, like Harrow and Gilgal, as he advocated for the education of children. Before becoming a lawyer, he taught at the Gilgal A.M.E school in the early 1870s, until he resigned and began pursuing his career in law. He began to study law under attorney Charles Robert Horne and would become a Notary for the Province of Ontario on June 19, 1873. Due to his race, he was unable to complete his education, as the Law Society of Ontario required that all students work with an established lawyer, before writing their examinations for The Bar. No lawyer in the area would hire him and he was unable to complete his education until 1886, after a special act authorizing the Supreme Court of Judicature for Ontario to admit him as a

solicitor. This act was pushed by M.P.P William Douglas Balfour and on Nov. 15, 1886, Delos R. Davis was admitted to The Bar.

*The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*

0 County Road 12 retains significant historical or associative value because it has the potential to yield information about the New Canaan Settlement and the area's earliest families and their lives. The property provides evidence to the settlement of New Canaan by some of the earliest freedom seekers and can help showcase the community's development and eventual fall.

Alongside this, the property is significant because of its associations with numerous influential Black families from across Windsor and Essex County, including the Chavis, Davis, and Nolan families.

### ***Contextual***

*The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings*

0 County Road 12 retains contextual value because it is physically and historically linked to its surroundings due to it being the only remaining part of the New Canaan Settlement.

### **Description of Heritage Attributes**

The key heritage attributes that contribute to the historical/associative value of 0 County Road 12 includes:

- Its location on the south side of County Road 12 in the former settlement of New Canaan,
- All existing burials and headstones,
- The cement pad with inset headstones.

Key attributes that contribute to the contextual value of 0 County Road 12, includes:

- Its location on the south side of County Road 12 in the former settlement of New Canaan.