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Heritage Advisory Committee
March 23, 2016

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: Original Signed by

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: January 26, 2016

SUBJECT: **Case H00429: Request to Register 50 Woodlawn Road, Dartmouth as a Municipal Heritage Property**

ORIGIN

Application by Mr. Ross Osborne on behalf of the Woodlawn Cemetery Company

LEGISLATIVE AUTHORITY

The *Heritage Property Act*

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Regional Council:

1. Set a date for a heritage hearing to consider the heritage registration; and
2. Approve the registration of 50 Woodlawn Road, as shown on Map 1, as a municipal heritage property.

BACKGROUND

Ross Osborne on the behalf of the Woodlawn Cemetery Company has applied to have the Woodlawn Cemetery located at 50 Woodlawn Road, Dartmouth registered as a municipal heritage property (Map 1). The deed for the property dates back to 1786 with the first marked burials appearing c.1810. Graves dating back from the previous 25 years when the Burying Ground was first established are highly likely; however, these graves were not marked or have lost their headstones and markings over time. The Woodlawn cemetery is still an active cemetery accepting burials.

HRM's Heritage Property Program

The purpose of the HRM Heritage Property Program is to help protect and conserve significant heritage resources including buildings, streetscapes, sites, areas, and conservation districts that reflect the rich heritage found in local communities throughout HRM. One of the principal aims of the Heritage Property Program is to recognize significant heritage resources through the registration of properties into the Municipal Registry of Heritage Properties.

Under the Heritage Property Program, all registration applications for heritage sites are evaluated by the Heritage Advisory Committee (HAC) using "The Evaluation Criteria for Registration of Heritage Sites in Halifax Regional Municipality" (Attachment A).

The Evaluation Criteria for scoring a property and building are broken down into 4 categories as follows:

Criterion	Highest Possible Score
1. Age of Site or Continuity of Use	25
2. Historical Importance	25
3. Integrity	10
4. Context	10
Total	**70**

Should the HAC score a property with more than 35 points, a positive recommendation will be forwarded to Regional Council.

Nova Scotia Heritage Property Act
HRM's Heritage Property Program receives its authority from the *Heritage Property Act* which seeks:

> *"to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use".*

Under Sections 14(2) and 15(1) of the *Heritage Property Act*, HRM must give notice of its recommendation to the property owner at least thirty (30) days prior to any Council decision to register the property. The property owner is also given an opportunity to address Council before they make a decision on the registration request. Should a positive recommendation be forwarded to Council and heritage staff will ensure the required noticed are sent to the owners and deposited at the Registry of Deeds.

DISCUSSION

Evaluations of heritage registration applications are carried out by the Heritage Advisory Committee and are based upon the four evaluation criteria as outlined above and which are described in greater detail in Attachment A. To assist the HAC in its evaluation and scoring, staff offer the following comments in relation to each criterion based on a historical research report (Attachment B). The historical research for this property has been undertaken by a research consultant in support of the application, which was

supplemented by heritage staff in the body of this report. Additionally, photographs of the cemetery can be found in Attachments C, D, and E.

1. Age of Site/Continuity of Use:

1 b) Continuity of Use

The parcel of land where the cemetery is now located, was sold by Samuel King to Ebenezer Allen with the original deed dated August 17, 1786. The original grant of land was 62 acres, but only a small portion of the land was used for a burial ground. The exact date of the when the land was first used as a burying ground is unknown, but the first intact marked grave dates back to 1814.

Allen was a member of the Sandemanian Church and initially, the burying ground was only used by fellow members of the church. The rest of the parcel was used for Allen's tannery business which was passed to his son, John and John's business partner, John Stayner. The business relationship between John Allen and John Stayner dissolved in 1814, with Allen retaining the Dartmouth tannery. However, Allen eventually sold his holdings to Stayner which included the Burying Ground. In 1841, Stayner sold the land to the first trustees of the Burying Ground (John Allen Jr, Alexander Farquharson, Andrew Farquharson, and Andrew Shiels). In 1884 on the adjacent parcel of land, the Woodlawn Church was built. The Woodlawn Cemetery Company was founded in 1904 and held by trustees.

The cemetery has no organization between older and newer graves, but is somewhat grouped by family in smaller time periods. The cemetery is still taking new burials.

For the duration of the land with a continual use over time, a score between 20 and 25 would be recommended.

2. Historical Importance:

A number of significant people of local history are interred in the Woodlawn Cemetery. As well, some of the earliest and well-established family names of the Dartmouth/Cole Harbour/Preston area can be found at the cemetery. Notable family names include the Settles, the Bissetts, the Kuhns, Eiseners, Farquharsons, and Morashes. Many of these names can be found as street names in the surrounding neighbourhoods. These families have contributed to the development of the community throughout time and are deeply rooted in the area. Some specific examples of people of significance are included below.

Ebenzer Allen, born in 1776 is believed to be a Sandemanian Loyalist who was forced out of Massachusetts and settled in Nova Scotia. Soon after, he acquired land to establish the tannery and set aside a piece of land for the burying ground. The exact date of when he established the tannery and burying ground is unknown. It is also unknown if Ebezner was interred at his burying ground when he passed in 1816.

Margaret Floyer arrived from England in 1780 with her brother, Lieutenat William Floyer. They came from well-established English lineage and together they built the Brookhouse cottage home on Old Preston Road. The Lieutenant retired in Jamaica while Margaret stayed at the Brookehouse cottage. For a number of years, Margaret hosted the French Governor Danseville during the reign of Napolean. As a result, the Brookhouse cottage is sometimes called "Governor's Hall". On December 9, 1814, Margaret passed away and was interred in the Burying Ground.

Andrew Shiels was an immigrant from Scotland, arriving in Nova Scotia in 1818. Shiels worked as a blacksmith and magistrate in Dartmouth but he is more famous for his poetry under the pen-names "Albyn" and "The Bard of Ellenvale". His works appeared frequently in local publications along with more extensive works. Shiels passed in 1879 and was buried at Woodlawn Cemetery.

The “Babes in the Woods”, well-known in local history, is the case of the two young Meagher sisters who left their family home in April, 1842 to explore the woods. The sisters became lost, and a week later, their bodies were found locked in embrace, having died of exposure. The sisters became known as “Babes in the Woods” and are buried together at the older, far end of the cemetery. In 1931, the sisters were commemorated by the Woodlawn Cemetery Committee with a raised slab marker.

The McNab family, known for owning and settling McNabs Island, eventually sold portions of the island and became completely divested of the Island by the 1930s. When the Imperial Refinery was opened on the Island previously occupied by the McNabs, the generations of family members interred in the private burial ground on McNabs Island needed to be relocated. The graves and markers were moved and placed together at the Woodlawn Cemetery.

For historical importance related to relationships of local individuals and groups, a score between 10 and 15 would be recommended.

3. Integrity:

Integrity is the degree to which physical features or structures are intact and reflect its original state. Although there is little physical evidence in the form of markers or graves of the original Burial Ground, the first marked burials begin in 1810. There are many markers and graves interspersed throughout the graveyard, but many of them have been weathered or broken over time as can be seen in the photos in Attachment E. Nonetheless, the cemetery as whole is intact with the presence of original features dating back to 1814.

For integrity of the site, a score of 6 to 10 would be recommended.

4. Context:

A site may receive points for its relationship to its surrounding area or for its inherent value to the community. This site has inherent community value and is well documented in local written history. The cemetery’s connection to the extensive interment of local, well-established families in the Dartmouth/Cole Harbour/Preston areas reflect these families’ are reflected in their namesakes found on the street names in surrounding neighbourhoods. These families have deep roots to the community through time.

A score between 6-10 points would be recommended as community value with respect to the cemetery’s context to the surrounding area.

FINANCIAL IMPLICATIONS

The HRM costs associated with advertising and processing this application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process for a heritage registration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting. As a provision of the Heritage Property Act, no registration of a municipal heritage property shall take place until Regional Council has given the owner of the property an opportunity to be heard. Therefore, only the property owner(s) will have the opportunity to speak at the heritage hearing.

The community engagement process for a heritage deregistration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing

achieved through public accessibility to the required Heritage Advisory Committee meeting. A public hearing must be held by Regional Council before it may deregister a municipal heritage property. Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

1. The Heritage Advisory Committee may choose to for consideration reject the application for heritage registration and in doing so, the application will not proceed to Regional Council.

ATTACHMENTS

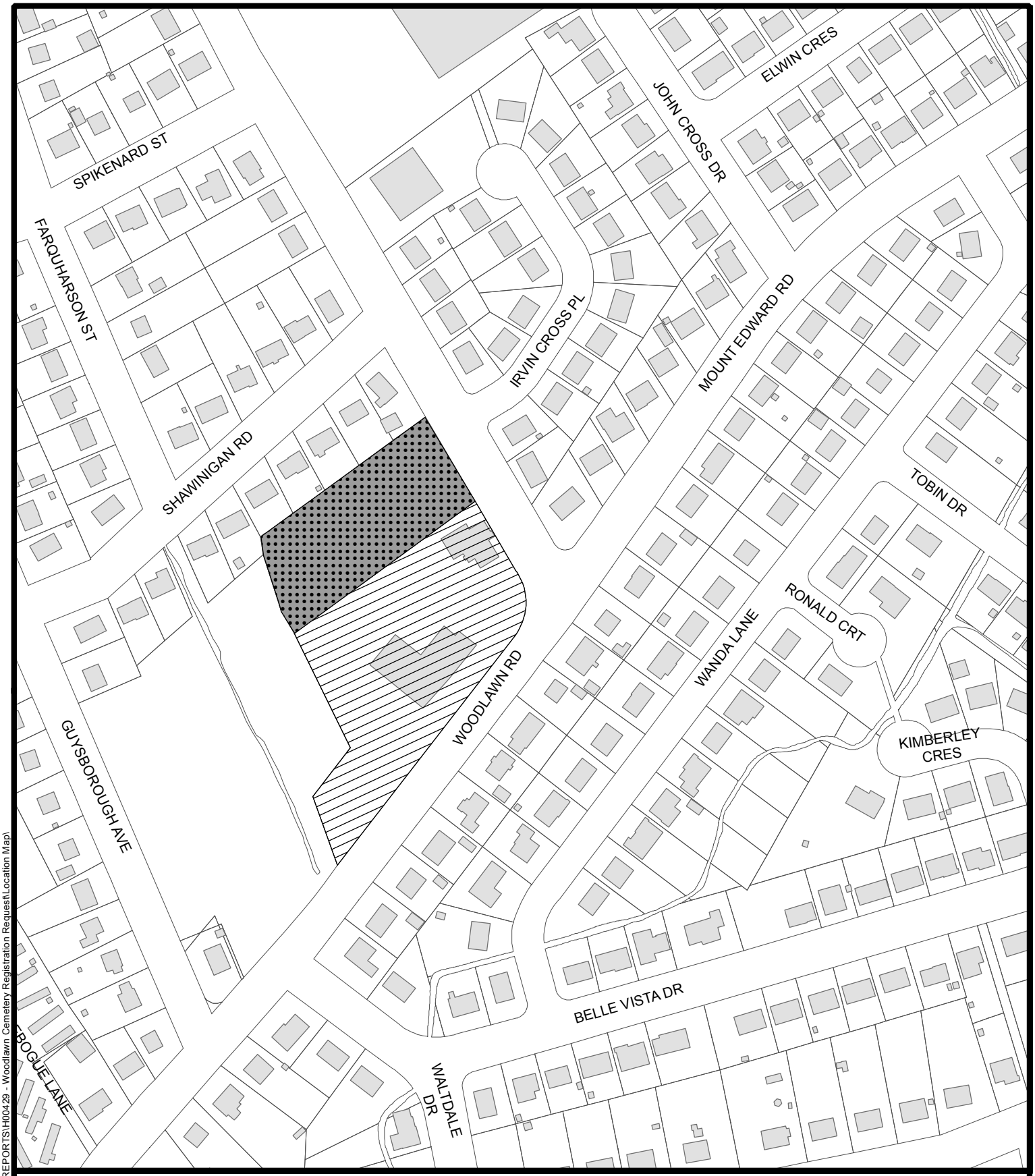
Map 1: Location Map

Attachment A: Evaluation Criteria
Attachment B: Historical Research Report
Attachment C: Recent Photographs of Woodlawn Cemetery
Attachment D: Photos of Persons of Significance Interred at Woodlawn Cemetery
Attachment E: Photos of Older Markers and Headstones

A copy of this report can be obtained online at http://www.halifax.ca/commcoun/index.php then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Shilo Gempton, Heritage Planner I, 902.490.4494

Report Approved by: Original Signed by
Jacob Ritchie, Urban Design Manager, 902.490.6510



MAP 1 LOCATION MAP - 50 WOODLAWN RD, WOODLAWN CEMETERY

Application Location

Existing Municipally Registered Heritage Property

Building

Planning & Development
Heritage

N

Meters
0 20 40 60

Jan 27, 2016

HRM does not guarantee the accuracy of any base map information on this map.

H:\PlanServOLD\Heritage Property Program\REPORTS\H00429 - Woodlawn Cemetery Registration Request\Location Map\

ATTACHMENT A

EVALUATION CRITERIA FOR REGISTRATION OF HERITAGE SITES HALIFAX REGIONAL MUNICIPALITY

A Heritage site is defined as an area, cultural landscape, or feature, together with any structures thereon, which is significant to the social, cultural, commercial, military or political history and development of Halifax Regional Municipality, the Region, Province or Country. *The Heritage Value* of a site is derived from a number of sources, including age of a site or duration of use, as well as community and historical associations.

1. AGE OF SITE/CONTINUITY OF USE

1 a) Age of Site

Age is an important factor in the popular understanding of the value of heritage sites. The following age categories are based on local, national and international occasions that may be considered to have defined the character of what is the Halifax Regional Municipality and how it was developed. A site may receive points for its age **or** its continuity of use.

Date of Original Use	Points	Timeline
1749 - 1785	23-25	Halifax Garrison Town to the Loyalist migration
1786 - 1830	20-22	Boom period following construction of the Shubenacadie Canal
1831 - 1867	17-19	From Boom to Confederation
1868 - 1899	14-16	Confederation to the end of the 19th Century
1900 - 1917	11-13	Turn of the Century to the Halifax Harbour Explosion
1918 -1945	8-10	The War Years
1946 - Present	5-7	Post-War

OR

1 b) Continuity of Use

A site may also be deemed to have heritage value because it has served the same function or a similar function over a long period of time.

Duration of Continue/Similar Function	Points	Comments
100+ Years	20-25	
75-99 Years	15-19	
50-74 Years	10-14	

Maximum score of 25 points in this category.

2.HISTORICAL IMPORTANCE

Historical importance refers to relationships to important occasions, institutions, individuals or groups.

Nationally	**Points**	**Comments: Please give reference to relationship below**
Intimately Related	20-25	
Moderately Related	15-20	
Loosely Related	10-15	
Provincially	**Points**	**Comments: Please give reference to relationship below**
Intimately Related	15-20	
Moderately Related	10-15	
Loosely Related	5-10	
Locally	**Points**	**Comments: Please give reference to relationship below**
Intimately Related	10-15	
Moderately Related	5-10	
Loosely Related	0-5	

** Maximum score of 25 points in this category - scoring from only one of three categories.*

3. INTEGRITY

Integrity refers to the degree to which the site reflects its original state during the period it was used. This may include the presence of physical features or structures.

Points	**Comments**
6-10	Largely intact with presence of original features or structures
1-5	Moderately intact with vestiges of original features or structures

Maximum score of 10 points in this category.

4. CONTEXT

A site may receive points for its relationship to its surrounding area **or** for its inherent value to the community.

4 a)Relationship to Surrounding Area

Points	Comments
6-10	The site is an important asset contributing to the heritage character of the surrounding area
1-5	The site is compatible with the surrounding area and maintains its heritage character

OR

4 b) Community Value

Points	Comments
6-10	The site is well documented in local history (written or oral)
1-5	The site is little known or not documented in local history

Maximum score of 10 points for either relationship to surrounding are or community value for this category.

SCORING SUMMARY

PROPERTY	DATE REVIEWED	REVIEWER

Criterion	Highest possible Score	Score Awarded
1. a) Age of Site **or** 1. b) Continuity of Use	25	
2. Historical Importance	25	
3. Degree of Intactness	10	
4. a) Relationship to Surrounding Area **or** 4. b) Community Value	10	
TOTAL	**70**	

Score necessary for designation **35**
Heritage Property Program

Designation Recommended? **YES** **NO**

Comments:

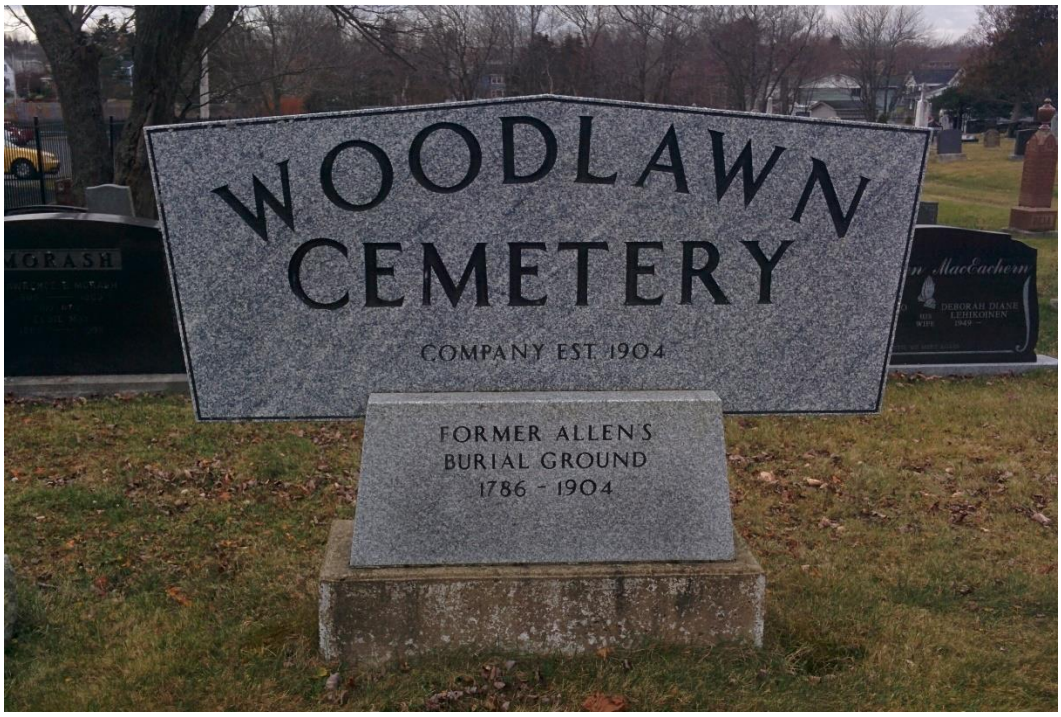
_____
_____
_____
____

ATTACHMENT B: HISTORICAL RESEARCH REPORT

Historical Research Report

Woodlawn Cemetery

Prepared by Emma Sampson for Shilo Gempton, Heritage Planner
1-5-2016



Property History

The earliest property deed record relating to the cemetery dates from August 17th, 1786 (Book 23, Page 106), wherein Samuel King sells to an Ebenezer Allen a parcel of land, previously held by Edward King and John Wisdom.[1] This is corroborated tangentially by an editorial footnote in Mrs. William Lawson's 1893 publication, *History of The Townships of Dartmouth, Preston and Lawrencetown; Halifax County, N.S.* In reference to a small anecdote which involves a "Mr. Wisdom", it is added: "This may have been John Wisdom, who with Edward King, received a grant of land on 26th January, 1786, which included the present Woodlawn Cemetery to the south-west of Lamont's Lake, and also another tract at Lake Loon." Only a small portion of the full 62 acres was set aside for the use of a burying ground, initially only for use by fellow members of the Sandemanian Church. The remainder was used

[1] "…being in Dartmouth purchase by said Ebenezer Allen from Samuel King bound as follows to wit beginning at the southwestern bound on corner of land purchased by Samuel King of John Wisdom and Edward King being also that northwestern bound of land granted to James Wakefield and others thence to north one hundred and thirty three rods and one third of a rod, thence east seventy four rods thence south fifty one degrees west eight rods thence west thirty rods or until it comes to the bound first mentioned containing sixty two acres and a quarter." Book 37, Page 82. October 28th 1805. Ebenezer Allen for Alexander Allen to William Lyon, George Grafois and Winckworth Allan.

as part of Allen's tannery business, and it appears that by 1795, an adjacent plot owned by Lieutenant William Floyer and his sister Margaret was purchased, with the exception of an acre, by Mr. Allen for residential use.

Allen's Tanyard eventually passed to his son, John and John's business partner John Stayner. When their partnership as Stayner and Allen was dissolved in 1814, Allen retained the Dartmouth tannery, while Stayner took the Halifax shop, located at Stayner's Wharf. Allen eventually sold his holdings to Stayner, including the land on which the Burying Ground was located. About a quarter century later, in 1841, the aforementioned land held by Stayner was sold to John Allen Jr., Alexander Farquharson, Andrew Farquharson and Andrew Shiels, as the new, and first, trustees of the Burying Ground.[2] It is possible that either at this point, or when Stayner acquired the land, is when Allen's Burying Ground was renamed to the Brookhouse Burying Ground, though reference to its existence as such is scarce. Brookhouse, or Brook House, was the cottage and land of Lieut. Floyer and his sister, located opposite the burying ground, across the Old Preston Road (what is now Woodlawn Road/Mt Edward Road).

The first church built on the connecting land was the Woodlawn Church, in 1884. This white, wooden structure still stands, in use as a church hall and heritage centre, but is no longer in use as a place of worship. In 1904, the Woodlawn Cemetery Company of Halifax County was founded, and again was held by trustees, though still not formally connected to the Woodlawn United Church. This would not come until 1957, when the Church accepted full responsibility for maintenance and supervision, with the title for the property transferred to The United Church of Canada, at Woodlawn. Since this time, the cemetery has been held in trust by members of the Church.

The property itself is rectangular, fenced with a main entrance and path on Woodlawn Road (NW), and a secondary gate facing the church property. There is no set organisation between the older and newer graves; they remain interspersed amongst each other, with the cemetery still taking new burials. The only moderate organisation comes from familial groupings from within smaller time periods. The first of the marked burials appear to begin c. 1810 and shortly thereafter, based on existing headstones. It is very likely that there are a number of older graves dating from the previous 25 years, from when the Burying Ground was established, but these were either never marked or have lost their headstones and markings over time.

[2] Dated 16th January, 1841. Book 69, Page 345. Later documents (Book 395, Page 32) list this transaction as having occurred Nov. 26th, 1838, however no supporting documentation can be found to that claim.

Historical Significance

The Woodlawn Cemetery has within it interred a number of significant persons of local history, and these are explored below. Its larger value, however, comes from its extensive interment of local families, some of the earliest and most well-established in the Dartmouth/Cole Harbour/Preston area. Many of the members of these families are notable in their own right, the Settles, the Bissetts, the Kuhns, Eiseners, Farquharsons, and Morashes, and these names can be found on many of the streets in the surrounding neighbourhoods. They have all contributed greatly to building and the development of the community through time and are deeply rooted in the area. Members of the Settle and the Kuhn families donated the land on which both the old, and eventually the new, Woodlawn Churches were built.

The Allen Family

Ebenezer Allen, referenced as one of the original grantees of Preston by Mrs. Lawson, operated a tannery on the property surrounding the cemetery, with his house adjacent. Allen was born in 1738, likely not in Dartmouth, as a few sources state, but in the Boston area, coming to Dartmouth around 1776. A number of fellow Sandemanian Loyalists were forced out of Massachusetts at this time and settled in Nova Scotia, including John Howe, father of Joseph Howe. At a point likely around when his tannery was started, he set aside a portion of his land for use as a burying ground, but it is unknown the exact date at which this occurred, or when the first burials occurred. Ebenezer passed in 1816, and it is unknown whether he is interred in his own burying ground.

The tanyard continued under Ebenezer's son, John, who expanded his father's business to a much more successful enterprise with his partner, John Stayner. Though the partnership dissolved in 1814, the tanyard remained in the Allen family. While the burying ground did for a time fall under the care of John Stayner, it did eventually return in 1841 to the Allen family, in a manner, with John Allen Jr. as one of its trustees. John Allen Sr. is the only family member memorialised in the burying ground, though it is unknown whether it is a full interment or merely a marker.

Margaret Floyer

Margaret Floyer, gentlewoman, arrived from England with her brother, Lieutenant William Floyer, in 1780 and founded together their cottage home of Brookhouse on the Old Preston Road. Coming from a well-established English lineage, both are recalled as largely reclusive, but warm and sociable when their acquaintances were made. Lieut. Floyer retired within a few years of arrival to Jamaica with his regiment, but his sister remained at Brookhouse. Ms. Floyer was noted for her care of her garden and her attention to the local children. She played for a number of years host to the French Governor Danseville during the reign of Napoleon, explaining why Brookhouse was on occasion referred to as 'Governor's Hall'. Ms. Floyer died on December 9th, 1814 (not December 8th, 1815 as listed on her headstone) and was interred in the Burying Ground. Brookhouse was later occupied at length by the family of the Hon. Michael Tobin.

‘Babes in the Woods’

Perhaps one of the more well-known pieces of local history, the Meagher sisters are buried in at the older, far end of the cemetery. Jane-Elizabeth, almost seven, and Margaret, four, left the family house the morning of Monday, April 10, 1842 and when they did not return by afternoon, a search was started, which drew the interest and involvement of many people in the surrounding area, including in Halifax. With snow falling on Tuesday, the search intensified and continued for almost a full week, when their bodies were finally found in embrace together, having died of exposure, the following Sunday, April 17, near Lake Major. The Meagher sisters were buried together at Woodlawn and were commemorated by the Woodlawn Cemetery Committee with a raised slab marker and plaque in 1931.

Andrew Shiels

Andrew Shiels, an immigrant to Nova Scotia from Scotland in 1818, served as a blacksmith and magistrate in Dartmouth, and was also known for the poetry he wrote under his pen-names, ‘Albyn’ and ‘The Bard of Ellenvale’. These works appeared frequently, almost weekly, in local publications, interspersed with longer, more extensive works, such as “The Water Lily”. Comparisons to Robert Burns were often made, though more commonly by Shiels himself, and by the account of Mrs. Lawson, he “unfortunately was without the delicate perception and tender inspiration of Nature.” Credited with naming the neighbourhood ‘Ellenvale’, in consideration of his first wife, Ellen, Shiels also served as a

trustee for the Burying Ground. He died in 1879 and was buried between his two wives at Woodlawn. His epithet reads:

> Within this little mound / let Albyn's dust remain / 'Til the archangels' trumpet / sound / wake him to life again. / No overweeing pride / this marble slab invests, / but as a landmark it may guide / to where the poet rests.

The McNab Family

The McNab (of McNab Island) family graves were later addition to the cemetery. Peter McNab came to Nova Scotia in 1782, settling on the island. Ownership of the island was maintained by future generations of the family, with portions gradually being sold off, and the family completely divested of the island by the 1930s. With the opening of the Imperoyal Refinery, which largely occupied the land formerly owned by the McNabs, there was need to relocate those family members interred in their private burying ground, which had been used by the family for a number of generations prior. These graves and markers were moved to the cemetery and placed together.

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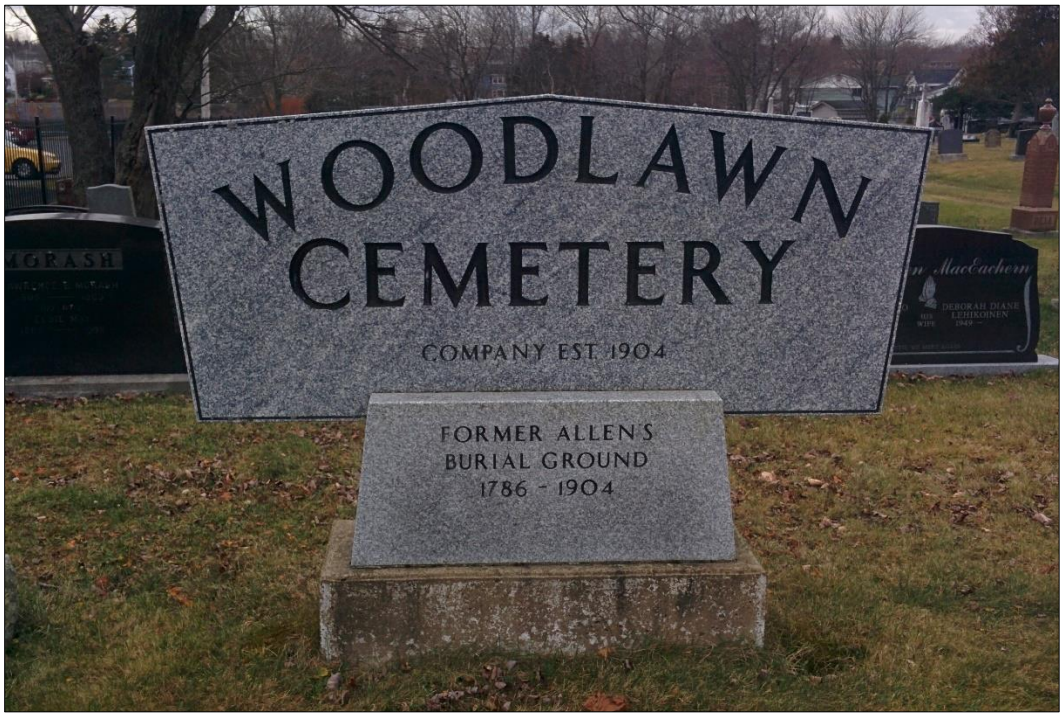
ATTACHMENT C: RECENT PHOTOGRAPHS OF WOODLAWN CEMETERY



ATTACHMENT D: PHOTOS OF PERSONS OF SIGNIFICANCE INTERRED AT WOODLAWN CEMETERY

McNabs Family

Andrew Shiels

John Allen

"Babes in the Woods"

Margaret Floyer

ATTACHMENT E: PHOTOS OF OLDER MARKERS AND HEADSTONES