

First township settler rests on private land

By Kathy Blair

The oldest grave site in Hamilton Township receives few visitors to mourn the people buried in it.

That's because the final resting place of United Empire Loyalist Boltus Harris — recognized as the township's first settler — is located on private property.

It's not even recognizable as a grave, says the lawyer for the brother and sister who own the property.

"It's just a little knoll and two boulders and what remains of what was a not very good fence," says Ralph Turner.

Mr. Turner represented John Lownsbrough in his severance application at a Hamilton Township council meeting this week. A severance was approved and will separate two 100-acre parcels that were combined under the ownership of Mr. Lownsbrough's father, Thomas.

Councillor Murray Harris took the opportunity to ask about access to the burial site of his ancestor, which is located on one of the lots.

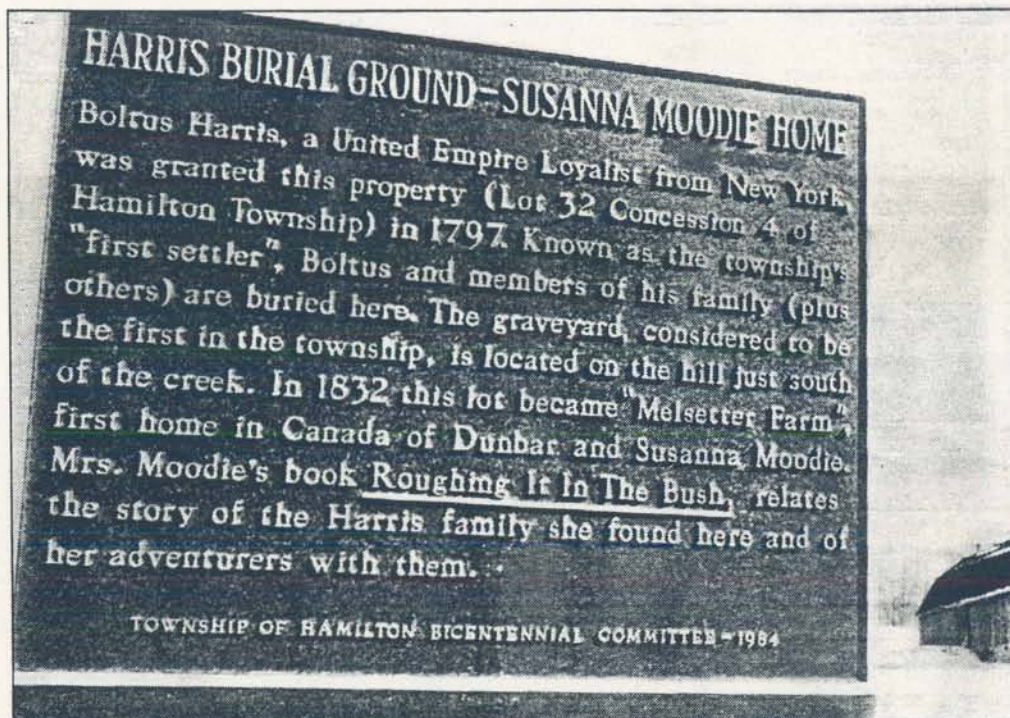
The site is about 150 metres east of McClelland Road, Mr. Turner said.

"The Lownsbrough family respects the fact that this burial site exists," he added. "But they don't feel it would be in the interests of the property to make it more formalized."

Mr. Lownsbrough lives in Toronto and rents houses on the two lots. He told Mr. Harris he is welcome to drop by in the spring to visit the grave.

Any piece of land that contains human remains is considered a cemetery and is subject to provincial regulations, according to Mary Jane South of the cemeteries regulation branch of the Ministry of Consumer and Commercial Relations.

She said the owner must provide "reasonable access," but admitted that is not well-defined under the legislation. The



Roadside plaque — An historical marker informs passersby about the nearby grave site.

Photo by Ted Amsden

branch encourages landowners and interested visitors to work out a compromise in any disputed situations.

A municipality can apply to have a cemetery declared abandoned but then becomes the owner and must maintain the site.

A historic plaque was erected 10 years ago on McClelland Road next to the property. Information provided by local historians noted that Mr. Harris was granted the lot on Sept. 1, 1797. He chose the location because of a beautiful natural spring.

Mr. Harris's son, Joe, sold the property to J. Dunbar Moodie and his wife, Susanna Moodie, who later wrote *Roughing it In the Bush*. Mrs. Moodie mentioned

the grave site in her book and speaks of the Harris family. Her husband had assured the HARRISES that the graveyard would not be disturbed as long as he owned the farm.

No one knows exactly how many people are buried on the site, but it is believed to contain the remains of Mr. Harris, some of his children and other early settlers.

Donna McGillis helped prepare the information on the plaque. She said she can understand the owner's concern over large numbers of people travelling over the property.

"But I really think it should be marked and restored," Mrs. McGillis said.

When she visited it 10 years ago, the

site had become overgrown with weeds, bushes and trees. A foot trail to the property should not cause much disturbance for the owners, she suggested.

"I don't want to get into a real conflict over this," Councillor Harris said in an interview Wednesday. "On the other hand, I feel strongly we have to do something about it."

One possible option is to relocate the remains to a public grave site, he suggested.

Edgar Harris first discovered the site of his ancestor in 1959 when he was township roads superintendent. He had been told of the existence of the graveyard by his family.

"I was working on the hill to the south," he said. "I hunted around and finally found it."

He later met a man related to the HARRISES by marriage who had taken on the job of keeping up the site. That man placed a red fieldstone with the date 1797 on the site, he said. The wooden grave markers were long gone. Mr. Harris noted.

No one takes care of the site now and he hasn't been to the actual burial ground since the plaque was erected.

In an interview Wednesday, Mr. Lownsbrough said family members and other interested people are welcome to visit the site but should contact him in Toronto first.

"I'm all in favour of access and we always have been," he said.

But that has to be weighed against the interests of privacy, he added.

A formalized trail "might be an invitation, like a hangout for kids. That is my fear."

Mr. Lownsbrough is a history buff and the author of a Toronto history book.

"It's something I know about and have a feeling for," he said.