

## THE HISTORY OF KINGSTON'S OLDEST BURIAL GROUND

On the corner of Queen and Montreal Streets in downtown Kingston is one of the oldest, if not the oldest, extant cemetery in Ontario. Known under a variety of names: the Episcopal Burial Ground or Church Yard, later the Lower Episcopal Burial Ground, and today as St Paul's Church Cemetery, it was almost from its founding under the direction of the resident Episcopal Clergyman, the first of whom, the Rev. John Stuart, became Rector of St George's Parish, founded 1790. It was an active burial ground from the time of its first internment, a Corporal Forbes of the 2<sup>nd</sup> Battalion, the King's Royal Regiment of New York (2KRRNY) in 1783, until its last in 1863, when Jane Earl, daughter of Hugh Earl and wife of Colin Miller, was laid to rest. During those 80 intervening years many of Kingston's, and Upper Canada's, most prominent residents were buried there, and some of their tombs and gravestones still exist. For that reason, its history is of importance not only to the City of Kingston but also to the Province of Ontario.

The reader most likely thinks of a cemetery as a place of grass and flowers, where the atmosphere is one quiet contemplation of those gone before. The history of the Lower Burial Ground, the name under which it was patented and registered (known hereafter as the LBG), however, was far from tranquil. The question of its ownership was the cause of acrimonious debate between the Minister of St Andrew's Presbyterian Church and the Rector of St George's Episcopal Church, and even open hostility and un-Christian behaviour at the burial of a member of the Presbyterian Church in the LBG in 1825. In the 1840s, it was the scene of desecration when St Paul's Episcopal Church was erected in the middle of the cemetery, which by this time was almost completely filled. The disturbance of graves and bodies was increased by the enlargement of the church in the 1850s. Over time, all evidence of graves and their markers was lost over most of the cemetery except for the portion between the church building and the west wall of the LBG, and a few graves that were left untouched under the Parish Hall, erected in 1872. Yet, by happenstance, the 58 memorials that remain contain the names of 86 people many of whom were important not only to the history of Kingston but also to Ontario. Also of interest is the west wall of the cemetery, the only remnant of the original stone walls erected in the first decade of the nineteenth century.

As a result of the controversy alluded to in the previous paragraph, a "Committee of Enquiry" was established by St George's Church in 1825. The report of the Committee detailed the incidents that provoked the open hostility between the Rev. John Barclay, Minister of St Andrew's Presbyterian Church, and the Rev. George OKill Stuart, Archdeacon of York and Rector of St George's Episcopal Church. More importantly, in an attempt to establish the rights of St George's over the LBG, it provided much of the historical background of the cemetery. The entire documentation of the Committee and further correspondence settling the debate over the ownership of the LBG was recorded in a special section of the Minute Books of St George's Church, which are held in the Archives of the Anglican Diocese of Ontario. The documentation forms Annex A of this paper, which has 13 parts and includes 15 appendices.

In an attempt to prove that the LBG was set aside for the use of the inhabitants of Kingston under the control of the Episcopal Church, the Committee found four local residents who were among

the first settlers of Cataraqui (later Kingston) in 1783 - 84. They gave sworn testimony, which is found in Part Eight of Annex A, Appendix G. Their evidence was pertinent not only to the question of ownership of the LBG but also provided interesting facts about the early settlement of Kingston. The first, John Ferguson, a member of Jessup's Corps and Barrack Master on Carleton Island, where he met and married Magdalen Johnson, a daughter of Molly Brant, marked out the boundary of the LBG in the fall of 1783 under the direction of Major John Ross, 34<sup>th</sup> Regiment, Commanding Officer of the 2 KRRNY, and Commandant of the Garrison. Ferguson stated that the first person to be interred in the LBG was a Corporal Forrester of the 2KRRNY. [Note: John Carscallen, Deputy Chaplain of the 2KRRNY, swore he buried a Corporal Forbes, as the first to be interred in the LBG. His evidence would seem to be more substantial.]

The next to give evidence was Thomas Markland, a merchant who became one of Kingston's most prominent businessmen, a colonel in the Militia, a philanthropist, and a strong supporter of St George's Church. He came to Kingston in May 1784 and remembered that Mr Kotte, a Government Surveyor, laid out the Town Plot that fall [his map and all succeeding ones clearly show the LBG, which lay south of the Garrison Garden (later Artillery Park) and outside the initial western boundary of Kingston (present-day Bagot Street)]. He recalled that the Rev. Dr John Stuart visited Kingston in 1784 and returned the next year with his family to be the resident Episcopal clergyman. He maintained that the LBG was under the superintendence of the Rev. Dr Stuart and his Churchwardens and, while those of other Christian denominations could be buried there, Stuart officiated at all the funerals. He particularly noted that the Rev. John Bethune, Chaplain of the 84<sup>th</sup> Regiment of Foot, which was in garrison on Carleton Island, was never resident at Fort Frontenac. This point was important because Bethune was a Presbyterian Minister and, although unstated in the correspondence from the Rev John Barclay, Minister of St Andrew's Church, it must have been voiced at some point in an attempt to place Bethune here in the early days, and that he had officiated in burials in the LBG. Bethune, who accompanied his battalion to the Eastern District where it was disbanded, was considered the founder of the Presbyterian Church in Upper Canada. If it could have been proven that he had conducted a burial service in the LBG it would have strengthened the case in favour of St Andrew's Church.

The third witness was William Crawford, who came to Kingston in July 1783 as an Ensign in the 2KRRNY and was stationed at Fort Frontenac until the unit was disbanded on 24 June 1784. He recollected a couple of soldiers dying while he was stationed at the Fort, one of which was a man named Sweeny, who belonged to the 84<sup>th</sup> Regiment, and probably on furlough. Markland was confident he was not buried by Bethune, who he stated did not preach, bury or officiate in any way. He recalled a paling was placed around the LBG and that the Rev. Dr Stuart read the service of the Episcopal Church over all the bodies interred there. He mentioned that he was one of the Churchwardens when the stone walls were placed around the LBG.

The fourth witness was John Carscallen, who lived in the Township of Camden and consequently gave his testimony under oath to John Macaulay, a lawyer and member of the Committee. He recalled that he was a sergeant in the 2KRRNY and was employed as deputy chaplain [the Rev. John Stuart was the chaplain]. In the spring of 1783, he was a member of the first detachment of

his regiment under the command of Capt Robert Lake to occupy Fort Frontenac. He reaffirmed that the LBG was ordered to be set aside by Major Ross, Commandant of the Garrison, and that it was his impression that it was stated in garrison orders that the LBG was to be for the use of the Church of England. He stated that he had read the funeral service over the corpse of Corporal Forbes, the first to be interred in the LBG. He recollected that the Rev Bethune married a couple belonging to the 2KRRNY, but never interred any body in the LBG.

The Rev. John Stuart, the first Episcopal priest in Upper Canada and resident in Kingston from 1785, would have been a prime witness to the early history of the LBG, but he had died in 1811. His son, George, who succeeded him as rector of St George's Church, was only eight years old in 1784, and most likely did not have a distinct memory of the early days in Kingston. His father, however, had written copiously about his ministry in Upper Canada to the Society of the Propagation of the Gospel in Foreign Parts for which he was a missionary. In Part Nine of Annex A, extracts of letters written in 1784 by Stuart to the Society were quoted to bolster the claim that the LBG was in use in 1784. He recorded that he had buried a child in Cataracoquay (Kingston) during his visitation to all the Loyalist settlements in Upper Canada during the summer of 1784.

The Report of the Committee, which is Part Ten of Annex A, summarized the evidence in Parts Eight and Nine and felt confident that it showed that the LBG was set aside for the use of the Rev. Dr Stuart, his congregation, and the Garrison. It went on to state that Vestry Minutes of St George's revealed that the Minister and Churchwardens took possession of it by enclosing it with a paling [a wooden fence made of pointed vertical boards]. The fence was built by a Charles Swann for £6, 18s as recorded in the St George's accounts for 1790, which also noted that a lock for a gate was purchased for 2 shillings in 1791. From an 1815 plan of Artillery Park (W.O. 55, vol. 886) it is evident that the LBG had a centre gateway in the south side on Grave Street, wide enough to accommodate a hearse.

The Committee went on to state that from 1790 until the present (1825) that the management and control of the LBG was exercised by the Rector and Churchwardens of St George's Church. The evidence, contained in Part Two, Appendix (A) of Annex A, detailed the Sexton's duties and fees for the operation of the LBG. The Burial Fees accounts were carefully recorded from 1790 until 1815, and showed that there had been a total of 250 burials. Detailed records stopped at this point, although there was a statement to the effect that fees continued to be collected. The reason recording number of burials in the LBG stopped in 1815 was because, beginning that year, the Episcopal Church began to use the Military Burial Ground (the future site of the Upper Burial Ground (UBG), which was opened up during the War of 1812. When it was realized that the number of deaths in the Kingston Garrison, which numbered several thousand soldiers and sailors during the war, would soon swamp the LBG, a new burial ground was opened up by the Government outside the confines of the defensive works that surrounded Kingston's land side.

The 1815 financial records for St George's Church show that a John Collins was paid £1, 10s for surveying "the burial ground" and that a lock was purchased for 12 s, 3d for the "new burial ground," while another lock was purchased for eight shillings for the "old burial ground." It is

evident that the Episcopal Church was making use of the Military Burial Ground because with already 250 graves in the LBG, which only consisted of seven-tenths of an acre, the site was filling up quickly.

The Committee stated that St George's Church had spent £120, 8s, 2½ d, during the years 1800 to 1808, to enclose the LBG on three sides with a dry stone wall. As shown in the second section of Part Two, Appendix (A) most of the money was paid to Francis Rocheleau, a well-known masonry contractor in Kingston, for 148⅔ toises of dry stone wall and for five loads of lumber (this item shows in the St George's Church records but was not included in Report of the Committee). The remainder was paid to Francis Wycott for a gate at a cost of £2, 12s, 6d, while 1s, 6d was spent on a padlock. At the time, masonry was usually tabulated in toises, which was a French measurement, unfortunately equivalent to a different number of square feet depending on the location. Kingston was too small to have a definitive equivalent, but in larger centres (Montreal and York) the average was one toise equal to 20 square feet of masonry two feet thick. The perimeter of the stone walls was 525 feet, which meant that they would have been about five feet six inches high. Future evidence showed that there was a wooden triangular top at least six inches high to shed rainwater, so in total the wall was approximately six feet high, sufficient to keep out all kinds of animals.[The present remnant of the west wall is six feet high.] The initial cost of the enclosure included five loads of boards, which must have been for the wooden cap. There was no need for a stone wall on the north side because that side bordered the Garrison Garden, later Artillery Park, which was enclosed by a fence.

The Report of the Committee went on to acknowledge that the Minister and Congregation of St George's Church secure in their belief that there was no question of the ownership of the LBG or of the UBG, which, in 1819, was formally divided by the Government between the Church of England and the Roman Catholic Church, never applied for a Patent or Regular Title to either property. This oversight suddenly became a serious matter in the early 1820s when the newly appointed minister of St Andrew's Presbyterian Church, the Rev. John Barclay, demanded equal access to the LBG. By the early 1800s, the number of Presbyterians in the Kingston area was sufficient to petition the Government for a site for a church. On 16 February 1818, a one acre site consisting of Lots 343, 344, 349, 350, and the south-east half of Lots 345 and 351 [the site of the present-day St Andrew's Church and Parsonage] was granted for the use of Presbyterians. The ground was considered sufficient for a church building, a parsonage, and a burial ground for the "sole use and benefit" of Presbyterians who worshiped "according to the forms and principles of the Church of Scotland and having a Clergyman in Common with that Church." In order to satisfy these conditions, local Presbyterians had to acquire a minister who met the criteria. A search in Scotland was successful and the Rev. John Barclay arrived in Kingston on 25 December 1821. A very large church, named for the patron saint of Scotland, was built and opened on 2 June 1822. It was some years before the present Parsonage was built to fulfil the contract with the Government, but one condition could not be met. The site had little topsoil, thus was totally unsuitable for a burial ground, and this fact led to the collision with the Episcopal Church. The UBG was situated only one block distant from St Andrew's Church, but it was held solely by St Joseph's, Roman Catholic Church, and St George's Episcopal Church. This left the Presbyterians little option but to make use of the LBG, which they had been doing

since the founding of Kingston. Since St George's Church had assumed ownership of the LBG, it was only possible to have an internment there by paying the requisite fees and by having the resident Episcopal priest read the prayers of committal at the time of burial. It was the assumption of ownership and, in particular, the prerequisite that an Episcopal priest read the Church of England prayers of committal that upset the Rev. John Barclay.

During 1822, the Rev. Mr Barclay was much occupied with the building and opening of his church, but soon became aware of the burial ground problem. Sometime toward the end of the year, he must have had a conversation with the Archdeacon Stuart during which he outlined his concerns. Stuart came back with a letter dated 10 January 1823 (Annex A, Appendix No. 1 B) in which he quoted the Government Council's decision of 4 March 1819 to grant to the Roman Catholic Church, the Episcopal Church, and the Military the use of the UBG. Since there was no mention of the Church of Scotland, Stuart stated that St Andrew's Church had no claim to any portion of the UBG. He went on to say that Presbyterians or any other Protestants would be granted the privilege of burial providing that the consent of the Episcopal clergyman be obtained, the office of prayer be performed by him, and the established dues be paid to the Parish Officers. Just to make sure Barclay received and understood where Stuart stood on the matter, he said, "no concessions" would be made that were "repugnant to the above" or inconsistent with his "sense of duty." To ensure that there would be no deviance from the "rules" of burial by other than members of St George's Church, "Directions to the Sexton of St George's Church from the Rector and Churchwardens were issued (see Annex A, Appendix No. 2 B).

On 10 April 1823, the three principal clergymen in Kingston: the Rev. Mr Barclay, the Rev. Fr Fraser of St Joseph's Roman Catholic Church, and Archdeacon Stuart agreed to petition the Government to enlarge the UBG to include a burial ground for Presbyterians. As the year went by, no doubt Rev. Mr Barclay's resentment of the resistance of Archdeacon Stuart to allow unrestricted burials, particularly in the LBG where there were already Presbyterians buried, grew. In particular, he was incensed by Stuart's insistence on the "rules" during the funeral of Sheriff John McLean's son on 24 December 1824. Consequently, he wrote to Stuart on 30 December 1824 (see Annex A, Appendix No. 3 B) stating his opposition to Stuart's "rules" and pointing out that the ground of the LBG had never been formally granted to any church. Stuart's reply (Annex A, Appendix No. 4 B), dated 3 January 1825, was as expected, and to make sure Barclay knew the full extent of the "rules" he included a copy of the Directions to the Sexton of St George's Church (Annex A, Appendix No. 2 B). Soon, letters from Barclay to Stuart and vice versa came fast and furious. On 7 February 1825, Barclay wrote to Stuart (Annex A, Appendix No. 5 B) stating he had appealed to the Attorney General of Upper Canada regarding Stuart's conduct at the internment of Sheriff McLean's son. The Attorney General's reply, which Barclay quoted, recommended that Barclay and Stuart should consult with each other to reach an agreement on a possible course of action that would be satisfactory to both sides, but the final solution should rest with the Government. Barclay asked Stuart to meet him at the Court House to take steps for carrying out the recommendation of the Attorney General. Stuart's reply, written the next day (Annex A, Appendix No. 6 B), was a flat no to any meeting, and reaffirmed the rights of the Episcopal Church over the Episcopal Burial Grounds in Kingston. He said the solution was for St Andrew's to obtain a separate burial ground from the Government.

Petitions to the Government take time, and before an answer to the problems of St Andrew's Church could be legislated a very serious confrontation took place in the LBG on 8 April 1825. The actions of the Rev. John Barclay on that day were recounted in detail by Archdeacon Stuart in Annex A, Part Three, Appendix B, and were supported by statements of three eye witnesses: Robert Richardson (Part Four, Appendix C), John Corbet (Part Five, Appendix D), and Henry Wilkinson (Part Six, Appendix E). By this time in the saga of Barclay versus Stuart, the Minister of St Andrew's had obviously reached his breaking point. He was determined to circumvent the interference of Stuart in the internment of a Presbyterian in the LBG. He went so far as to engage the services of William Chestnut, blacksmith, to break open the lock of the gate into the LBG should the Sexton not open it (see Part Seven, Appendix F). In the end, such action was not necessary as Archdeacon Stuart, forewarned of the impending funeral, was waiting at the open gate to the LBG ready to proceed the corpse and to read the Church of England prayers of committal. The Rev. Mr Barclay was prepared for this eventuality as well. When the coffin was placed on the sticks laid across the grave and the Archdeacon began to read the Burial Service, Barclay immediately removed one of the sticks and in concert with several of the pall bearers lowered the coffin into the grave, while one of them began to shovel in the earth. There was apparently some hesitation on the part of some of the pall bearers, because of the Archdeacon reading the prayers, but Barclay told them "to go on." Before the end of the prayers (Stuart continued with the service as if nothing on-toward was happening) the grave was filled in. Barclay, in company with Sheriff McLean, left the LBG immediately, probably satisfied with his actions. Stuart left some time later, angered and determined that Barclay's actions required a more serious and rapid response on his part.

The following day, 9 April 1825, a Committee of Enquiry was formed consisting of three prominent members of St George's Church: Christopher Hagerman, John Macaulay, and Robert Stanton. Christopher Hagerman, who had a good record of service during the War of 1812, was a brilliant lawyer, a Tory who was elected to four parliaments (1820-24, and subsequently 1830 - 1840), serving as Solicitor General, 1829 - 1833, Attorney General, 1837 - 1840, before being appointed as a Chief Justice of the Queen's Bench in 1841. John Macaulay was the son of Robert, a prominent Kingston merchant, who became a Tory MPP and a member of the Legislative Council. Robert Stanton was a public servant who came to Kingston in 1816. A graduate of John Strachan's Cornwall School, he was a staunch Tory and Anglican. He moved to York in 1826 and became the Queen's Printer.

To make sure that Barclay understood the seriousness of the situation, Stuart followed with another letter on 12 April 1825 (Annex A, Appendix No. 7 B) stating that since the Government had granted a portion of the land set aside for the Presbyterians as a burial place, the privilege of burial in the Episcopal Burial Grounds was rescinded from the date of his letter. On 14 April, Stuart laid before the Committee of Enquiry all of the documentation listed in Annex A, Appendix B, and heretofore cited, including a letter from the Rev. Mr Barclay written on 13 April (Annex A, Appendix No. 8 B) stating that it was his duty to care for his parishioners and he would continue to insist on access to the LBG until such time as the Government would invest its ownership in the Episcopal Church. The Committee, formed on 9 April, wasted little time in

preparing its report which it tabled on 16 April, recommending that the Minister and Churchwardens should apply, without delay, to the Lieutenant Governor in Council for Patents for both the UBG and the LBG. Working at top speed, the Corporation of St George's Church penned a petition to Sir Peregrine Maitland (see Annex A, Part One) dated the same day.

Barclay knew the ground set aside for a burial place was totally unsuitable as a graveyard, so the only solution was to appeal to the Government. Indeed, that is what happened. By chance, Sheriff McLean's brother, Archibald McLean, was the Tory MLA for the County of Stormont. He was familiar with the situation, because the main and oldest cemetery in Cornwall was held by Trinity Episcopal Church. There, too, the Stuart "rules" were in effect, and Archibald McLean, as an Elder in St John's Presbyterian Church, was familiar with the problem. As a member of the ruling party in the Legislature, McLean was able to secure Government agreement to expand the size of the UBG to include a section for the Presbyterian Church. On 25 June 1825, the Presbyterians were granted an acre of land adjacent to the UBG, which was enlarged on 5 November 1825.

On 4 May 1825, Government House in York acknowledged the receipt of St George's Church Petition (see Annex A, Part Eleven), and stated that until His Majesty's Government made a decision on the matter, the Rector and Wardens were free to carry on as in the past. As acknowledged in the previous paragraph, the problem was solved with the extension of UBG and the granting of an acre to St Andrew's Church. Just over a year later, by a letter of 20 May 1826 (see Annex A, Part Twelve), the Lieutenant Governor informed Archdeacon Stuart that a decision had been received from the Rt Hon. The Earl of Bathurst, the Colonial Secretary, authorizing Patents to be issued in the name of the Rector and Churchwardens of St George's Church for both the LBG and the UBG. Stuart replied on 29 May 1826 (Annex A, Part Thirteen) acknowledging the justice of the British Government's decision, which would restore harmony between the respective Churches. At the same time, he could not resist making the claim that he had been correct to assert the rights of the Church of England.

While Archdeacon Stuart was able to enjoy the fruits of his labour, the Rev. John Barclay had little time to have the same joy. He died on 26 September 1826 and was buried in the new Presbyterian section of the UBG. An impressive monument was erected to his memory, which remains to the present as the only surviving monument of the hundreds that at one time dotted the UBG, today the site of McBurney Park.

In 1825, in anticipation that St George's Church would be successful in its claim of ownership to both its part of the UBG and the LBG, J. O'Kill was paid £13, 15 s for surveying the "burial ground." Although two burial grounds were not specified, the results of the survey included a description of both. A Deed, dated 16 July 1827, was issued and entered on 2 August 1827 by the Auditor as No. 28, "A Grant, dated 20 May 1826 of the Upper Burial Ground to Archdeacon G. O. Stuart, Wardens Turpen and Askew and others (C.A. Hagerman, Hon. G. Markland and John Macaulay) of one acre, 2 roods, 26 perches, and also the Lower Burial Ground of 2 roods, 32 perches." A description of the survey of the LBG can be found in Annex B.

From 1815 until 1845, the LBG continued to serve as a cemetery, although it was used much less now that the UBG had been opened up. The Church of England section of the UBG consisted of 1 $\frac{2}{3}$  acres, more than twice the size of the LBG. Even so, 62 out of the 86 individuals, who were memorialized on the 58 monuments surviving to the present in the LBG, have the dates of their death later than 1815 (for the complete list see Annex C). This evidence is in spite of a ruling of the St George's Vestry in 1849 that only those who had relatives in "the old burial ground on Queen Street" could be buried there. St George's records on the LBG are few and far between after the survey of 1826, except for minor expenses for brush clearing, a new padlock, etc., until 1842. That year, the former Garrison Garden became Artillery Park with the erection of a stone barracks just to the north of the LBG. The stone for the barracks was taken from its site, which caused a drop in elevation from the LBG to the ground level of the barracks. To avoid someone falling from the LBG (remembering there was no rear wall) into Artillery Park, a palisade composed of 350 cedar pickets (one every four to five inches) was erected across the northern boundary of the LBG for £4, 7s, 6d.

In St George's Vestry Minutes of 1844, there is reference to a letter from the Hon. Mr de Blaquiére stating that there was a need for more Anglican churches in Kingston. Although St Mark's Church, Barriefield has opened for Divine Service on 7 July 1844, which satisfied the needs of Anglicans east of the Cataraqui River, there were more Anglicans resident in Kingston than St George's could hold. The Irish emigration was in full swing and many were Anglican or Presbyterian from Ulster. Mr de Blaquiére recommended two possible sites: Lot 24 (the Stuart family property) and the LBG, because they were free and available. His advice was taken and St James' Church was begun in 1844 in Lot 24 and St Paul's Church was begun in 1845 in the middle of the LBG as a memorial to the Rev. Robert David Cartwright, who died at the young age of 38 on 29 May 1843. He had been assistant minister at St George's for 13 years and was acting Chaplain to the Forces at the time of his death.

With the beginning of construction for a church in the LBG in 1845, the site took on a whole new appearance. Unfortunately, because of a lack of a cemetery plan or any record of the building of the church, there is no evidence as to the devastation that must have taken place. The cornerstone was laid on Easter Monday, 13 April 1846 by Archdeacon George O'Kill Stuart with a host of clergy and lay people present. The entire ceremony was recorded in *The Church* of 17 April 1845, but other than mentioning that the "Architect and Overseer was H. B. Lane, the Clerk of Works was E. Crane, the Master Mason was Isaac Hope, and the Carpenter and Joiner was Thomas Overend" no details of the building were given. In a later copy of *The Church*, dated 22 February 1855, it was noted that the church cost about £2,500 of which £2,000 was raised in England, Ireland, and Kingston. A debt of £300 was assumed by St George's Church, which in 1852 had to issue debentures worth a total of £200 in order to retire the debt. When St Paul's Church was opened for Divine Service on St Paul's Day, 25 January 1847, no further details of the structure or what happened to all the graves that must have been disturbed by the building were recorded in the local newspapers. From later evidence, it can be shown that the first church (it was burnt out in 1854) was sited not quite in the centre of the graveyard, but five feet closer to the east wall than to the west wall. It was a long high stone building, 77 x 52 feet, with a tower 20 x 20 feet, which included the main entrance, about 30 feet from Queen Street. It occupied

about 4,400 square feet out of the LBG's 30,500 square feet. It is not known whether grave stones under the floor were left undisturbed as they were under the Church Hall, when it was built in 1872.

On 10 November 1854, a large fire, fueled by a high wind, broke out in the Checkers Hotel on Princess Street and soon burning embers were setting fires in adjacent buildings. Some were carried over to Queen Street and landing on the high cedar shingle roof of St Paul's Church set it on fire. Although some religious objects were recovered, the entire edifice was burnt out leaving only the stone walls standing. The roof collapsed onto the floor setting it ablaze, and all the burning debris fell into the crawl space beneath. If there were tombstones still standing they were crushed by the debris and all evidence as to whom might have been buried under the church was lost. No books of record were recovered and so any architectural details of the building were also lost. In spite of the tragedy, the parish set about to raise funds and to re-build the church. It was reported in *The Church* of 22 February 1855 that there was fire insurance on the building and the organ totaling £1,050, and that the same amount again would be needed to re-build. It also noted that the first church was not built to the standard contemplated by those who had raised funds in 1844-45 for its erection in memory of the Rev. Robert Cartwright. In particular, his twin brother, the Hon. John Cartwright, who died in 1845 and with his brother was buried on the west side of the church in the Cartwright enclosure, was disappointed with the plans for first building. A Mr Hay of Toronto had been asked for new designs.

The following year on 28 March 1856, *The Church* reported that the restoration of St Paul's was nearly complete. The building interior had been changed by forming two side aisles in the nave with doors opening onto Queen Street, and by adding a chancel, a vestry, and an organ chamber. To avoid a similar accident the roof was covered with blue slate shingles. The newly refurbished church was opened for Divine Service on Sunday, 3 August 1856, as reported in the *Kingston Daily News* of 5 August. With the additions noted the size of the building footprint was enlarged to 5,500 square feet, now occupying about 18 per cent of the LBG. In doing so, even more graves must have been disturbed. A chancel measuring 30 x 24 feet was built onto the north end of the nave. Also a small vestry, 13 x 8 feet was added to the northwest corner of the nave, while an organ chamber, 16 x 13 feet was added to the northeast corner. Unfortunately, no records of St Paul's Church exist from the time of the re-building 1855-56 until 1876, and then only until 1883. The next records begin in 1917.

St George's Church continued to spend money on the LBG, even after the building of St Paul's Church, which was considered to be a "mission church." In the St George's Accounts there are a number of entries for "repairing the Grave Yard Wall" but which burial ground was not stipulated. On 27 August 1853, however, R. Tossell was paid £23, 10s for "repairing the Grave Yard Wall of St Paul's Church." This must have been a considerable re-building job, since the cost was about one-quarter of the price of the initial construction of the wall. Could this expenditure account for the totally different type of wall on Queen Street, that appears in the earliest (circa 1875) photograph of St Paul's Church?

The Queen Street wall, which existed until 1944, was only about three feet high made of coursed

limestone with a cut-stone cap on top surmounted by a three foot high wrought iron fence. There were four stone pillars: one at the corner of Queen and Montreal Streets into which the wrought iron railing was fastened; two stone pillars either side of an eight foot six inch walkway into the church with two iron gates, one attached to each pillar; and, near the east end of the wall, one stone pillar on which a twelve foot iron gate was swung that fastened to the end of the east wall.

The Montreal Street wall conformed to the Rocheleau wall of 1808, a dry stone wall of un-coursed limestone about six feet high, but appears to be recently re-built and set in mortar. It has a metal covered wooden rain cap. The east wall cannot be seen in any of the existing nineteenth century photographs, but is visible in an early twentieth century photograph. It shows a short piece of the Queen Street stone wall and wrought iron fence built into the final stone pillar on which is swung the iron gate, which is fastened to the end of the East Wall. Only about a dozen feet remain of it, but it is clearly a dry, un-coursed limestone wall with a wooden rain cap. This wall most resembles the type of wall Rocheleau was contracted to make in 1799.

There are two other possibilities of when the Queen Street wall might have been constructed: when the church was built, and then when it was re-built. There is no evidence for either case. In 1867, the Royal Engineers made a very detailed survey of a five mile square around the City of Kingston. The map sheet that shows St Paul's Church is detailed sufficiently to show the buttresses on the outside of the nave walls and the steps into the church main door in the tower and the two side doors leading into the side aisles of the nave. It does not show any difference in the construction of the walls, in particular it does not show the four pillars. It does show the eight foot wooden sidewalk that was constructed in 1841, following the cutting down of the Grave Street hill and the raising of the street between Bagot and Montreal Streets to lessen the gradient. The fact that the street was raised shows quite clearly in the 1875 photograph. If the Royal Engineers map is correct, the new Queen Street wall was not there in 1867.

The other possibility when it could have been built was at the time of the construction of the Church Hall in 1872, the last time that major construction took place before the 1875 photograph. On 1 April 1872, St George's Vestry granted permission to St Paul's Church to erect a School House in the northwest corner of the Burial Ground taking "due care not to disturb the Graves or Grave Stones." This remark was somewhat ironic since St George's had cared little about disturbing the graves of those who lie under St Paul's Church. In 1878, St Paul's held a Special Vestry, which authorized a letter to be written to the Dean of the Cathedral requesting repairs be made to the graves in the cemetery, or if not, then turn the property over to St Paul's. The answer to both queries was NO. St George's would not spend any money on the cemetery, nor would it turn the ownership over to St Paul's. Since the City of Kingston had passed an ordinance on 11 July 1864 forbidding burials within the city boundaries, no more burial fees could be collected by St George's or St Paul's. With no further revenue, St Paul's was finding the upkeep of the cemetery onerous, but as time passed it was stuck with it.

From 1878 until 1931, no further evidence of work in the LBG was found in the records of either St George's Cathedral or St Paul's Church. In 1931, a water line was brought from the Montreal Street main into the Church Hall so kitchen facilities and a toilet could be installed. The sewer

line was taken out through the old burial ground on the east side of the church and through the east gate to the Queen Street sewer. It was reported by Lieutenant-Colonel C.E. Long in *A Sketchy History of St Paul's Church* written by him in 1937 and published as a Centenary Edition in 1945, that no graves were disturbed by the digging of the drain (somehow hard to believe!). In the same Vestry Minutes of 1931, it was recorded that the "Stuart "Plot" was "restored by a "permanent repair by Sir Campbell Stuart." Col Long also reported that in 1936 the St Paul's Laymen's Association paid to have the Queen St wall east of the centre gateway repaired and re-pointed. Three buttresses were added to the cemetery side to support the wall, which suffered from vibration damage caused by the heavy truck traffic on Queen Street (Highway 2). In 1937, the group also repaired a number of tombstones that had cracked or were broken by laying them flat on a bed of concrete.

Most importantly, Col Long made an accurate scaled drawing of the LBG showing the location of the church, the hall, and all of the memorials existing in 1937. He regretted that he could not find any stone for Molly Brant, but he surmised that her plot could be under the concrete platform built by the Kingston Historical Society. He found 71 memorials including a tomb and eight tombstones under the Church Hall. It is of interest that only two memorials were found on the east side of the church and only five to the north of the chancel. All of the remaining 64 memorials were located on the west side of the church. It is possible that many of the burials on the east side of the LBG were unmarked or signed with wooden crosses, which would have long ago disintegrated.

In 1944, the Queen Street wall was removed with the exception of the pillar on the corner of Queen and Montreal Streets. The continual shaking by the heavy traffic on Queen Street made its repair too expensive. It was replaced by a low concrete base and a small iron railing, which has persisted to the present. At some undetermined point, the small remaining east wall also disappeared. The palisade fence across the north end of the cemetery slowly rotted away and was gone by the end of the 1940s.

Between the time of Col Long's site map of the LBG in 1937 and another scale drawing of the cemetery by W.G. Stinson in 1972, 13 more monuments had disappeared. Part of the reason was the enlargement of the Hall in 1956 and its connection to the Church in 1960. In the late 1970s the lawn on the east side of the church was paved over for a parking lot. Any vestiges of a cemetery on the east and north side of the church were forever removed. Slowly the remains of the cemetery on the west side of the church and the west wall deteriorated throughout the rest of the twentieth century.

Early in the twentieth-first century, the state of the west wall was not helped by a truck turning from Queen Street into Montreal Street and smashing into it. St Paul's Church, not having the funds for a thorough repair, did a masonry patch job. Then, in 2007, a portion of the wall collapsed on its own, and this, together with the ragged appearance of the remainder, aroused interest in the cemetery and the condition of its monuments. It was discovered that an 1813 monument, the Forsythe Enclosure, consisting of a stone grotto made of local limestone, marvelously shaped, was in danger of collapse. The parish, realizing that immediate action must

be taken, organized a committee, headed by a parishioner, D. H. Thompson. By 27 May 2008, the Lower Burial Ground Restoration Society had been formed consisting of concerned parishioners, members of both the Kingston Historical Society and the Pittsburgh Historical Society, the Kingston Branch of the United Empire Loyalist Association of Canada, representatives of the City of Kingston Heritage Committee, and other interested Kingstonians. Under the leadership of President Thompson the Society was incorporated as a non-profit corporation on 7 November 2008. On 20 January 2009, the Diocese of Ontario, which holds title to the cemetery, granted the Society a 20 year easement to carry out research and repairs. In February 2010, the Society was granted a Charitable Number by Revenue Canada, and proceeded to raise funds and to apply for grants.

The first priority was the consolidation of the Forsythe Monument, which was done in the fall of 2008. In the spring of 2009, assisted by a grant of \$20,000 from the “Healthy Community Fund” (administered by the office of the United Way), the complex stone monument was dismantled and re-built. In September 2009, it was opened by Mayor H. Rosen and re-dedicated by the Bishop of Ontario, the Rt Rev. George Bruce.

In the spring of 2010, an extensive fund-raising campaign was carried on, which raised over \$20,000. The first priority of work was declared to be the restoration of the only remaining pillar of the cemetery wall on Queen Street, located at the south end of the west wall. This work was carried out in the fall of 2010. The re-building of the west wall began in 2010 and will be completed in 2011. Fund-raising continues in the hope that not only can the work be finished and paid for, but that restoration work can be carried out on the remaining monuments.