

# THE YOUNG TRACT BURYING GROUND 1790 – 1925

## HISTORY, IDENTIFICATION, PRESERVATION AND RESTORATION: A 35 - YEAR STRUGGLE TO SEE JUSTICE DONE

By

David K. Faux

### History

After the American Revolution, on 1 January 1784, Lt. John Young of the Six Nations Indian Department purchased a tract of land one mile square from the Mississauga, who were considered to have a legal claim to what is today Southern Ontario. He was the first European North American to purchase land in the Grand River Valley. Adam Young, the father of Lt. John Young and the family patriarch in Canada, served in Butler's Ranger's before being discharged by virtue of his age in order to set up a farm to help feed the British garrison at Ft. Niagara. Sometime during 1784 Adam disposed of his land near Niagara and with sons Sgt. Daniel Young and Pvt. Henry Young (Pvt. David Young had died during the Revolution) joined Lt. John and established farms on what became known as the Young Tract (which can still be seen on modern County maps). At about this time Captain Hendrick William Nelles and his sons came to the Grand River to carve out farms from the wilderness just upstream from the Young Tract, on what became known as the Nelles Tract in the Nelles Settlement. In 1787 the "Mohawk Deed" (written in that language) confirmed the Young and Nelles properties for 999 year leases for the annual rent of one peppercorn. The Six Nations did not at that time have the legal right to sell property on the Haldimand Grant of 6 miles on either side of the Grand River from the mouth to the source, purchased for them from the Mississauga by Governor Frederick Haldimand. The deed was signed by all the major chiefs of the Six Nations then assembled at the Grand River, and in particular the Mohawk who, with the exception of a handful of those remaining in the Mohawk Valley, had come north to reside at Tyendinaga (near Deseronto) or the Six Nations territory (most near what is today Brantford).

In 1790 Adam Young wrote his will and died at the Young Tract (later in Seneca Township, Haldimand County). At that time or perhaps earlier, a burying place was created at the northern head of a knoll situated in the middle of the River flats. One year later his friend the patriarch of the Nelles family Capt. Hendrick Nelles, also died. Both were buried in what became the earliest burying ground for the Loyalist settlers of Haldimand County, and among the first in all Ontario. This cemetery, whose original name is unknown, would at a later date assume the name Young Tract Burying Ground.



*Nelles Tract to left (west) and Young Tract to the right (east) shown on the 1879 Atlas of Haldimand County, Seneca Township*

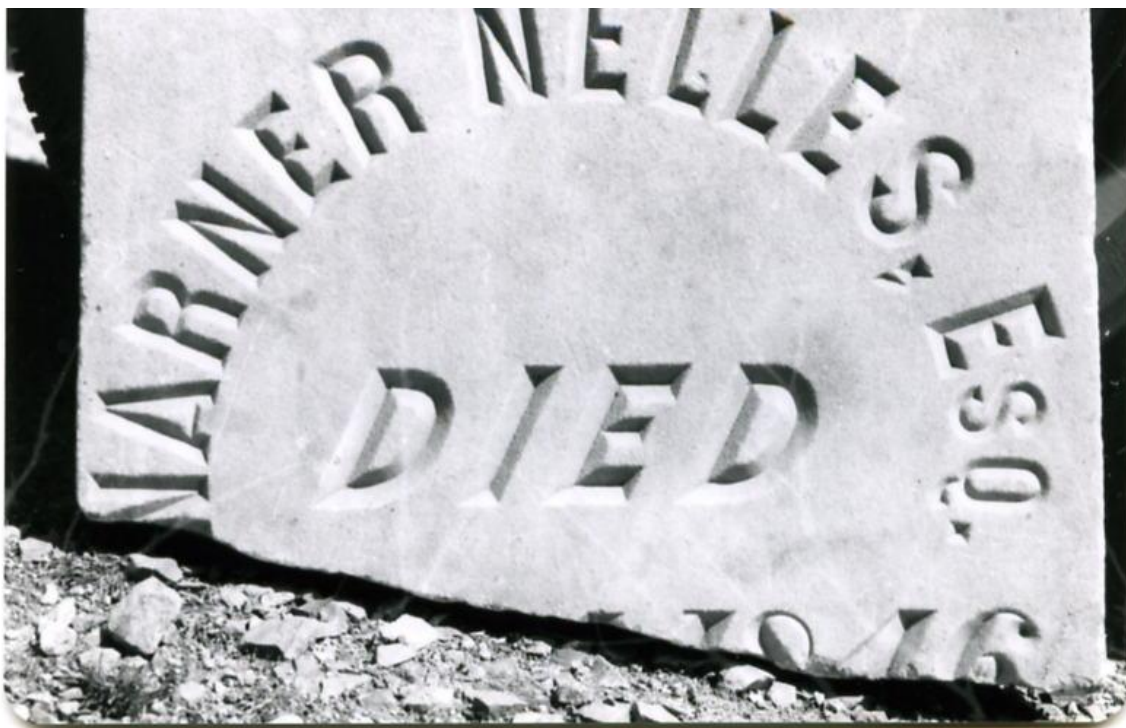
The plot functioned as a cemetery from about 1790 to 1925. Recollections of older residents told of metal and wooden enclosures for the graves, and many tombstones that at one time marked the precise sites where these pioneers were buried. However over the ensuing years neither the family nor the farmer who owned the land surrounding the Cemetery took adequate care of the premises and by the late 1940s there was little left but the tombstone of Hendrick William Nelles surrounded by broken stones and debris. In the 1940s one Helen Nelles compiled the only known transcription of the inscriptions on the few headstones then legible; in the early 1940's a picture was taken of two Nelles descendants (see later) standing by the only stone left upright; and a newspaper clipping from 1 December 1948 reported that a descendant visiting from Vancouver found that "it had been plowed up and sown with grain, having been completely overgrown with weeds and brush. Oddly enough, the only stone left intact was that of the old pioneer, Major Hendrick Nelles, who died in 1791." Then in 1964, a group of residents, concerned over the fate of the one intact stone, removed it to the York Anglican Church where today it stands in a cairn. With this last visible marker removed, the owner of the surrounding property, one McSorley, "tidied up" the site by taking the "debris" to a pit where there was what remained of the basement of an old abandoned home, deposited the pieces of tombstone and assorted material, and backfilled thereby allowing the site to be plowed along with the rest of the surrounding fields. While some residents were outraged at this wanton act of destruction, nothing was ever done about the matter so from 1964 until 1974 it was largely ignored and residents became "philosophical" about the loss of this cultural treasure and last resting place of their ancestors.



*Aerial view of the YTBG cemetery and surrounding terrain in 1978. North is to the top, present - day Highway 54 snakes around on the right side of the photo, the Grand River is on the left, with the cemetery knoll prominently displayed in the central area shown as an elliptical striated feature. The row of trees to the right of the knoll marks the old feeder canal. The YTBG is at the north (upper) end of the knoll.*



*J. H. Nelles and Hamilton Nelles standing by the tombstone to their ancestor Capt. Henry William Nelles (d. 1792) in its original location in the Young Tract Burying Ground. Note the heap of broken tombstones surrounding piled up around the last stone standing. Picture taken circa 1946. From the collection of Mary Nelles of Caledonia, Ontario.*



*Remnant of tombstone to Warner Nelles, son of Capt. Henry William Nelles which stood originally in the Young tract Burying Ground. At one time the stone was in the churchyard of St. John's Anglican Church, York, Haldimand County; and later at the home of Mary Nelles. Present whereabouts unknown.*

In 1974 the present author was completely unaware of any of this information.

### Identification

1974 When my maternal grandmother took ill, I visited her in the Hamilton, Ontario hospital where she was recuperating. Realizing that there is no time like the present, and not knowing much about her family history (other than they were locals), I took a paper towel from the dispenser to use as a recording device (I still have this item) and wrote down what my grandmother told me. She said that her father's mother was a YOUNG from Ryckman's Corners (now a part of Hamilton in the County of Wentworth which adjoins Haldimand County). I spent the next year researching the details of my connection with the YOUNG family and learned that grandmother's grandmother was very much a YOUNG - three of her grandparents had that surname (all first cousins). Realizing that biologically I was most strongly connected to my YOUNG ancestors I took a special interest in this branch of my family. Within a short time I had assembled documentary evidence (thanks largely to my grandmother's aunt who was in her 90s at the time) to allow me to become a member of the United Empire Loyalist's Association of Canada by virtue of my descent from Lt. John Young of the Six Nations Indian Department during the Revolution.

1975 While my family was quickly able to direct me to the burial places of all the generations of my YOUNG ancestors back to my great great great grandparents at

the Barton Stone Church Cemetery in Ryckman's Corners, and the more recent generations in Hamilton Cemetery, it was a mystery as to where the earliest members of the family were interred. I was "missing" the location of Abraham Young and his wife Eleanor Dennis, Abraham's father Lt. John Young and his wife Catharine Hill, and John's father and the family patriarch, Adam Young (whose wife Catharine Schremling I knew was buried in the Smith Cemetery at Ryckman's Corners since as a widow she resided with her son Sgt. Daniel Young of Butler's Rangers who pioneered in that area after leaving the Grand River in 1795). I am a descendant of both Lt. John and Sgt. Daniel (two sons of Adam and Catharine). I knew that the final resting place of my "missing" ancestors must be somewhere along the Grand River in Haldimand County, but exactly where, I did not know.

Historical Society members put me in touch with an authority on the history of the Young and Nelles families, Mary Nelles who resided in the house built by Capt. Henry William Nelles, the patriarch of the Nelles family of Haldimand County, and contemporary of Adam Young. She indicated that she had a picture of the Cemetery on the river flats and gave me a name of a Young living along the River, who in turn gave me directions as to how to find the Cemetery - but warned me that I wouldn't be able to see much as it was very as it was very overgrown. Search as I could I was unable to find anything that remotely resembled a cemetery. Mary Nelles said that at one time there were about 100 graves, many surrounded by metal fence enclosures, but that there was nothing left to mark the location.

I was absolutely appalled at this situation, seeing it as one of the most disrespectful of acts that was surely morally reprehensible and likely illegal. Thus I set out to right a wrong. I naively believed that I would just need to inform the proper authorities and the plowing would stop and the Cemetery would be returned to its rightful status. Little did I realize the 35 - year struggle that lay ahead.

### **Preservation**

**1976 - 1983** After contacting McSorley and learning that he had no intention of changing his farming practices, I began to collect information that would be useful in reversing the process. One key document was a land deed which mentioned the size of the Cemetery (about 1/4 acre in size) when an 11 acre parcel was sold out of family hands in 1837. I checked topographic maps, survey records, aerial photos, historical information and was able to plot where the Cemetery was once located. This was further confirmed by local resident (and Young descendant) George Robinson who resided across the Highway from the Cemetery and played there as a child. Armed with what I thought would be more than sufficient evidence I approached the Town of Haldimand Council, and the Cemetery Branch of the Ontario Ministry of Consumer and Commercial Relations whose purview included registration of cemeteries. Promises to me, buck passing, warnings to McSorley, but nothing happened to change the status quo. It seems that all the officials I spoke with had their hands tied since there was nothing in the legislation at any level that would intervene and stop a person from doing what they pleased with their land - even though I proved it was not McSorley's land. In desperation I turned to the media and got extensive coverage from the Haldimand County newspapers and the "Hamilton

Spectator".

1984- 1993 In learning that McSorley was about to sell his property to a German conglomerate I was able to find the name of the attorney who represented the buyer, the Schenenfelt Corporation (Timmerman family), and informed him that if there was to be a land transaction, then the issue of the Cemetery would need to be addressed. This transaction did absolutely nothing since McSorley remained as a tenant on his property, but the deed or transfer did include a caveat that part of the 11 acre parcel on the original John Young Jr. part of the Young Tract contained a cemetery of about a quarter acre not claimed by McSorley. Even this was not sufficient to get any government official to act to stop the plowing. In addition to the government officials, I went to the media again and again and continued to obtain extensive coverage of the matter by the above newspapers. All the while I continued to apply pressure on the Town Council and the Provincial Government - to no avail except to ensure that the matter became a sore spot to all and a bone of contention that most just wanted to sweep under the carpet. Meanwhile I was trying to raise a family in nearby Hagersville, and had no money for a Court challenge, and was exhausted from my fruitless endeavours.

1994 - 2000 Ultimately in 1994 I approached the CTV Ombudsman Dale Goldhawk ("Goldhawk Fights Back"). This resulted in a meeting in Council chambers, with council members, myself, McSorley and some of his cronies - including a member of the Young family. While the cameras were rolling McSorley defended his actions saying that no one had said anything at the time the Cemetery was dismantled (not true), and that by plowing he was actually protecting the Cemetery from the depredations of foxes and groundhogs. Ultimately, under considerable pressure, McSorely agreed (later confirmed in writing from the new owners) that the area where the Cemetery was located would no longer be plowed - but that the issue of restoration and access would have to wait. I had to settle for this "compromise" since at that time I emigrated to California where circumstances for the first few years were such that I could not devote time and effort to ensuring that the Cemetery was protected. As it turns out, the area left unplowed was a token postage stamp size plot. Prior to my leaving for California, and despite further letters between Town (County) and Provincials and McSorley, it all amounted to little more than hot air.

In 2001, I visited the family cemetery of my wife in the Ozark Mountains of Missouri. We were warmly invited to visit the out - of - the - way plot by the present owner who sees it as his duty to keep the area fenced and permit all Arthur family members access to the last resting place of their ancestors. When I compared this to the disturbing situation with respect to my family cemetery along the Grand River in Ontario, I vowed to see the project through to completion - full restoration.

The next leg of our 2001 trip took us to visit my parents in South Cayuga, and I dropped into the office of the Cemetery Administrator for the County of Haldimand. Since I left for California things had changed. The Town of Haldimand got out of regional government and went back to being the County of Haldimand; and the responsibility for cemeteries was shifted from the Recreation Director to a person whose only role was to tend to the cemeteries of the County. I had gone there with the intention of initiating a

lawsuit against the County and land owner but was re-assured by the Cemetery Administrator that things had now changed, and that if I would just give him the information about the cemetery where the Young and Nelles families were buried he would ensure that the project would be in that years budget, but that the family would have to deal with the matter of fencing since there were budget limitations. I agreed that this was fine, and the Cemeteries Administrator said he would keep in touch - having a timetable of a year to the completion of the location and registration of the Cemetery. Meanwhile.....

Unfortunately circumstances were soon to conspire to demolish my agreement with the Cemeteries Administrator.

**2002 - 2003** A year whet by and I had heard nothing from the Cemeteries Administrator, so when I returned to Ontario the following June I stopped by his office in Dunnville to obtain an explanation. It turned out that unbeknownst to me, someone approached the Cemeteries Administrator and indicated that "the family" (i.e., the extended Young family) did not want any change in the status quo of the Cemetery. The Cemeteries Administrator said that he did not want to become embroiled in a family dispute, so halted the move to restore the Cemetery. I was initially told that this had to be done since there was an application to the local architectural conservation agency to declare the Monument site (and the Cemetery?) a National Heritage site. After making further inquiries the truth came out. Suffice it to say that I was none too pleased with this latest development and went to the County and indicated my intention to let the Courts decide the issue (by this time I had the money to conduct a Court challenge). While contemplating my legal moves (which I mentioned to various family members), at the Young Family Reunion in July of 2002 an ad hoc committee was set up to pursue the matter of the Cemetery preservation and restoration without reverting to the Courts. Some of those at the Reunion (which I could not attend) also felt that plowing a cemetery was an unconscionable act, so decided to join with me in "the fight", but only if the Monument was not jeopardized. I agreed that working with a committee was probably the way to go, so family members Bob McBride, Tom Nelson and Ken Young "signed up" at the Reunion and included me as a member. I also enlisted the services of Ken Turner of Essex County who has a great deal of experience in these matters, and as a cemetery conservationist, he would orchestrate the repair of any tombstones located during the proposed excavation.

Unfortunately at the time, not only did I not have the support of the County, but the Province at first appeared to be unwilling to proceed. The Committee got into high gear and Tom went through all the land deeds, survey records etc. and provided a very detailed map of the area where the Cemetery was located (more detailed than my early production). Also, I contacted the Provincial Archaeologist who would, if things moved forward, be guiding the excavation to locate the site. He was extremely supportive. Armed with irrefutable facts (including a copy of the deed of transfer from McSorley to Timmerman in the 1980s where the Cemetery is mentioned), the Provincial Registrar Michael D'Mello decided that the matter should be pursued. He then contacted the land owner at addresses in Hagersville and Germany requesting permission of a "one day, one time" search for the Cemetery. After a lengthy interval, Mr. Timmerman contacted the



Provincial authorities and granted his permission for a team to cross his land and search for the Cemetery - asking only that this be done after harvest of the crops. Things moved quickly from this point. To keep the County involved I had to agree to pay all the associated costs - backhoe and operator, as well as the survey. I then contacted individuals I trusted, family members who had grown up near the Cemetery and hunted there years ago who indicated that they would be able to pinpoint the location of the Cemetery - which along with Tom's documentation seemed to guarantee success. The Cemeteries Administrator for the County of Haldimand contacted me and indicated that the date of the search would be 17 October 2003, and that the Provincial Archaeologist would be available that day, and that a backhoe operator and equipment would be there. Things moved in fast frame as last minute details were put in place.

17 October 2003 The appointed day of the search dawned bright and sunny, and the representatives of the family, the County Government, and the Provincial Government headed across the field to the knoll. Messrs. Shipway and Tom's map were right on the button as it turns out. One of the more ghoulish aspects to this whole business is that for the Cemetery to be declared "a cemetery" under the Provincial Ontario Cemeteries Act, human skeletal remains must be located. The backhoe scraped the topsoil and burial shafts were observed. One was chosen for this delicate phase of the process. Down about 3.5 feet, Neal Ferris, the Provincial Archaeologist, located part of an intact skeleton, which was then quickly and carefully covered over, and Mr. Ferris declared the site a cemetery by virtue of Provincial law. There was a moment of silence for the ancestor who, out of necessity, had to be disturbed in order that all interred there could finally rest in peace. It had been 28 years since I began the project which had consumed so much of my time and energy. My absence on the day, due to my teaching schedule in California, is something I will always regret.



*Knoll on "Young's Island" looking north to the head of the knoll. The grassy area by the cluster of people was the only part not plowed (a postage stamp compared to the true size of the Cemetery. The grave shaft of the person whose remains were uncovered is under where the third person on the left in the cluster of 3 is standing. All photos by Tom Nelson.*



*Left: This picture faces to the north west and shows the 6' x 2' mottled soil that is the graveshaft of the ancestor whose remains were disturbed in the service of ensuring that none will be disturbed for ever more.*

*Right: Facing north east. The right foot of the individual in the top center of the photo is positioned at the north end of the grave. The dug section behind him is that part that was exposed to meet the requirements of the Ontario Cemeteries Act and has been partially backfilled.*

Post 17 October 2003 The next phase in the process was to get a survey of the Cemetery since temporary stakes were placed at the four corners of the Cemetery as determined by the excavations of Neal Ferris. As planned, I paid the very reasonable costs for the backhoe and operator, and contacted Des Rasch, a Provincial Surveyor known to have an interest in Haldimand's heritage. He quoted me a price and I authorized him to proceed. Subsequently he called and said that the survey was on him - his contribution to the heritage of the County. His survey has been sent to me and to the County Cemeteries Administrator. Ultimately the survey ended up on the desk of the Provincial Registrar Michael D'Mello, who in turn (summer, 2004) officially registered this site as a cemetery. The Young Tract Burying Ground, a name chosen since a cemetery on the other side of the River was erroneously registered as the Young - Nelles Family Cemetery (even though there is not a Young buried there), is now an official cemetery, protected under law, and required by law to be properly maintained by the owner or County.

Since the lengthy (29 years) [preservation](#) phase is virtually complete, the next phase will be the [restoration](#) of the Cemetery. A fence needs to be constructed with the needs of Mr. Timmerman's farming operation taken into consideration (i.e., fencing low to the

ground); access needs to be negotiated; the County needs to seed the Cemetery and maintain it. Within two years we would like to see a suitable granite monument erected inside the perimeter of the Cemetery which includes all known burials and the names of those who in all probability are buried therein.

On a personal note, it occurs that many of my grey hairs are attributable to the 29 years of sometimes soul - destroying experiences during this attempt to see justice done. None the less, I made a promise to my ancestors that I would not let them down. The promise I made over a quarter of a century ago has been kept. Sincere thanks to all who helped finally to make that promise a reality.

21 April 2006 Just when things seem "settled", it should not have surprised me, based on previous experience, there there would be a spanner thrown into the works. On this date cousin Ken Young e-mailed and included pictures taken which indicated that the YTBG between the survey posts had been ploughed and furthermore that bone material was scattered on the surface. Like a raging bull I was furious and decided enough is enough and since the Cemetery is officinally registered then it would appear that a crime had been committed so I called the Ontario Provincial Police. Within an hour Sgt. B. Guttenberg (who obviously takes his job very seriously) was out at the Young Monument and called me for directions. Via cell phone I talked him through the brambles along the old Canal out into the open field and described where the Cemetery would be (at the head of the rise). He quickly located the displaced survey stakes and confirmed that the Cemetery had indeed been ploughed.



*Barely visible corner posts of survey markers and evidence of ploughing of Cemetery.*



*Single survey corner post amidst ploughed field*



*Bone material left near survey corner post in Cemetery that had been ploughed.*

Over the next few days arrangements were made for Sgt. Guttenberg, Ken and cousin Tom Nelson to go to the site and confirm that there was human bone there (a day later Ken has showed Sgt. Guttenberg a piece of skull which he had retrieved from the site and the consensus was that it was human bone). In addition, from the description of the finds it appears that most of the bone was found about 200 metres from the YTBG Cemetery raising two questions: was the bone material from the basement of the old home on the knoll where McSorley Senior may have backfilled bone material along with the remaining tombstones; or was this an independent burial spot? Clearly it was critical to do something before the land was ploughed again, particularly since the owner of the surrounding land, Mr. T., was expected any day from Germany.

1 May 2006 Ken Y. gave Sgt. G. a package of materials that would provide a history of the matter (compiled by cousin Tom Nelson) over the years. Sgt. G. decided to bypass the Coroner but instead contact the Provincial Registrar of Cemeteries. The next day another walk occurred with Sgt. G., Tom and Ken. Neal Ferris the Provincial Regional Archaeologist who had participated in the dig two years ago was informed of the matter and requested an updated package including examples of what was actually found. 50 pieces of bone including teeth were located and sent to Neal for inspection. When received he recognized the material as Native and another site visit was arranged.

4 May 2006 Ken Young and Neal Ferris met and walked the site and the bone field was identified across a wide swath of the plough zone and particularly in the area where it was clear that deep ploughing had occurred.

5 May 2006 Neal filed a detailed report sent to the Provincial Registrar confirming that ploughing has indeed occurred on the YTBG and bone material was seen in this location as well. He reported on the disturbing second burial site which was even more damaged and the bone was scattered widely. Flags were placed where the major pieces were found and to demarcate the apparent extent of the Cemetery but it was recommended that another archaeological investigation pick up all the bone for re-burial. Once the extent of the Cemetery was ascertained then this location plus a 10 metre buffer zone should be created to protect the location from further damage and desecration. The site was estimated as 3000 to 2800 years old and it was apparent that the Six Nations Indians would need to be informed. At this time cousin Tom Nelson expressed concern that there was human bone material in the old basement located between the two burial sites. Neal re-assured him that the bone material was cattle only along with 19th Century household waste.

The saga continues and there will likely be fireworks when the owner and the various Provincial agencies lock horns. Cousin Tom Nelson has informed all of the County officials about the matter and provided the new people with a package of material to bring them up to speed.

16 October 2006 Duncan Newport, Investigator for the Ministry of Government Services, Consumer Protection Branch issued a summons to Mr. T. to appear in Court for failing to maintain a cemetery. Various dates leading to a trial were set.

At this time the Committee was also trying to address the matter of the potential recovery of the tombstones, but there are two or more likely locations where they could be buried (but refer back to statements of locals about the matter).

27 October 2006 Mr. T. suggested that the family pay for the maintenance of the Cemetery. This went over like a lead balloon. since by law it is the responsibility of the land owner to take proper care of a Cemetery located on his or her land. Actually by law all the family needs do to address the matter of perpetual care for a cemetery of this vintage in provide a one time payment of \$35 to the land owner. It was jokingly suggested that we pass the hat at the next family reunion.

7 February 2007 At this time there was a discussion among the Committee members as to the demarcation of the boundaries of the Cemetery. Bob suggested Sono tubes and concrete on footings below the ground level. Ken Y has been planning for this event for some time so has obtained suitable corner posts, chain, and granite markers that can later be inscribed with whatever we wish in relation to the Cemetery. Ken has certainly been very proactive here and we will likely go with what he suggests.

8 February 2007 A letter was received by Tom and Ken Y (as local reps of the family) from Mr. Newport indicating that 3 days earlier he and the lawyer for the Provincial Government were in Court in Cayuga for a pre-trial hearing. The lawyer for Mr. T was also there. It appears that the probable scenario is that Mr. T will pay a fine, and that he would give the family access to do whatever it takes to facilitate the protection and preservation of the site. Mr. N suggested the following:

- 1) New permanent stakes be installed at each of the four corners joined by chain.
- 2) Some form of ground cover be placed within the boundaries.
- 3) A small plaque be included to identify the site as a cemetery.
- 4) That access to the site be permitted before and after the crops are planted and limited access allowed during the growing season.

The lawyer for Mr. T indicated that this would likely be acceptable to his client. The concern in relation to the search for the headstones was also raised. The matter was adjourned to 1 June 2007. Between now and then it is hoped that the above improvements could be completed with arrangements being handled through the farm manager.

On a personal note I find this (these) new developments **very encouraging**. Clearly the owner is willing to be reasonable here. Also the new Cemeteries Act clearly has "teeth" - and more importantly responsible civil servants such as Mr. N are willing to forge ahead and see justice done. All of this stands in stark contrast to the response of local (County) officials to date. The ball will eventually be in their court to deal with the ground cover and access issues. We will see how this is handled - and I will report on the details here.

15 March 2009: The following information was sent to Betty Yundt to be distributed to the family members who attend the Young Family Reunion. It nicely summarizes the events that have transpired since the last entry. It largely reflects the work of Tom and

Ken Young coordinating efforts with the Provincial Ministry officials. Earlier the present author acknowledged the essential assistance provided by various governmental officials. To this list I would like to thank Duncan NEWPORT (noted on previous pages) for being the opposite of what one often expects of a "civil servant" or Ministry official. He took the bull by the horns and used his authority to enforce the laws of Ontario - sounds easy, but since 1975 I have tried to light a fire under the proper authorities in Toronto and many were sympathetic but none were able to act in such a way as to get the job done. Kudos to Mr. Newport! Others who have worked dilligently and effectively to ensure the success of the venture are Rebecca ROSENBERG, Crown Prosecutor, who parlayed the matter through he courts; and Rick LANE the Manager of Leisure Services (which includes Cemetery maintenance) for Haldimand who is charged with the responsibility of restoring and maintaining the YTBG to ensure that this hallowed ground is treated with the dignity it richly deserves.

What follows is the e-mail sent by my cousin Tom Nelson (without whose efforts my dream could never have come to fruition):

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I received a phone call on Thursday and a letter in the mail on Friday (letter addressed to both Ken YOUNG and myself) from our Provincial contact Duncan informing us of the outcome of the Court proceedings with Mr. Timmerman (through his lawyer) in Cayuga on Wednesday, March 11th.

Congratulations to all !!!!

After a 5 1/2 year journey (from October 17th 2003 when we officially resurrected the cemetery from the middle of the farmer's field to March 9th 2009), the County of Haldimand now holds title to the Young Tract Burying Ground ("YTBG"), and the County will now provide perpetual care for the YTBG !!!!

Our ancestors' remains will now rest in peace !!!

The YTBG site out in the middle of the flats, together with an easement by way of a right-of-way, was transferred from the TIMMERMANs to the County of Haldimand on March 9th, 2009 (date registered at the Land Registry Office) !!!

I was also told that the County intends to put up signage to indicate the location of the Young Tract Burying Ground!

I will follow up with our contact at the County next week (might not be until Wednesday as I have meetings all day Monday and Tuesday) to ask about:

1. what type of signage (and where) the County is thinking of putting in,
2. to ask about fencing of the YTBG site (and when that might occur - hopefully this Spring), and
3. about a future marker (of some sort) that we might like to put on the YTBG (a short

history of the site, and a list of known and likely persons buried there, including of course, Adam YOUNG, his son Lt. John YOUNG, John's first wife Catherine HILL (Mohawk), Capt. Henry NELLES and his wife Priscilla (who became Lt. John YOUNG's second wife), et al).

As a reminder:

We have called the cemetery the Young Tract Burying Ground (as it is located in the tract of land that Joseph BRANT 'granted' to the YOUNG family), as the Ontario Genealogical Society had already mistakenly named another nearby cemetery (on the other side of the River) as the Young-Nelles Cemetery even though there are no YOUNGs and no NELLESEs buried there! The first burial in the YTBG cemetery was likely Adam YOUNG who died in 1790. The last known burial was that of a baby in 1925, after which the cemetery was not used nor maintained. It had been ploughed over from the mid 1940's until 2003 (actually also ploughed over in 2006 which precipitated the court case).

Congratulations and hearty "Thanks" to our ad hoc Young Tract Burying Ground Committee:

- \* David FAUX (in southern California, but originally from Ontario) who "kept the fires burning" in publicizing and initially trying to resurrect the cemetery in the early 1980's, had excellent contacts with the Provincial archaeologists, and who made the phone call to the OPP (Hi Graham!) when Ken YOUNG discovered that the YTBG had been ploughed over again in 2006!;
- \* Ken YOUNG who was our local 'eyes and ears', always willing to devote his time to the YTBG search and post-search activities (including finding additional bones which were of native burials from 3,000 years ago!!);
- \* Bob McBRIDE, who although not able to attend at the YTBG site (living in Peterborough) provided moral support;
- \* Ken TURNER, who is not a YOUNG descendant but who provided strategic advice to us (and who attended at the October 2003 site search) as he had already had experience in the Windsor area in resurrecting Pioneer cemeteries; and
- \* myself ! I got things rolling in 2003 with figuring out what was needed to be done by way of the Cemeteries Act, and I acted as the main liaison with the Ministry and the County.

I would also like to thank Mary NELLES for having provided the best documentation to date about those of our ancestors (and ancestors of other families) who are known or are believed to be buried in the cemetery.

Our goals when we started this sojourn back in mid 2003, were:

1. above all - (no matter how we did it) - to have the remains of our ancestors rest in peace, without being ploughed over anymore - that has now been accomplished !
2. to officially resurrect the cemetery (which meant having it recognized by the Province) - and that occurred on October 17th, 2003 !
3. to define the area of the cemetery, have it surveyed, and have the County of Haldimand take over ownership of the site, and provide perpetual care - all of which have



now been accomplished !

4. to have the site fenced off - still to be confirmed (but it is likely that the County will do this);
5. to place a marker of some sort with a short history of the YTBG and list the names of those known to be buried or believed to be buried there - still to be done, but there should not be any impediment to doing so [but we should have someone (or several people) go through the microfilmed copies of the Grand River Sachem in Caledonia museum from its earliest dates until 1925 in order to identify as many people as possible who were buried in the cemetery - which was often referred to being on "Young's Island", even though it was not an island but in times past looked like an island due to the water in the (now former) canal that ran between the River and the Highway ---- any volunteers among those living near Caledonia for that task ???]; and
6. have access to the YTBG - this has now been officially confirmed by the granting of the easement !

Now for the details of the easement/right-of-way - about which I will follow up with next week with the County and the Ministry:

Some were wanting/hoping for a dedicated, surveyed right-of-way to get out to the YTBG (e.g. like a dirt pathway out to the site - it would not be paved, nor would it be gravelled), but access to the YTBG will be by way of a general easement over the surrounding lands, not by way of a specific route.

The Ministry is happy with this, as is the County, and from a practical viewpoint (considering the realities of the farming operations in the surrounding fields) I am "OK" with this arrangement for access, though it is not ideal, and it is certainly not worded as carefully as I would have liked it to be (I wish the powers that be had circulated its wording to us before putting it in the transfer document).

As per the letter from the Ministry, the transfer of the YTBG site, together with a right of way, states (with explanations added in the brackets):

Together with an easement by way of a right-of-way, over the servient lands (i.e., TIMMERMAN's property) for the benefit of the dominant lands (ie. the YTBG), for the purpose of the Transferee (i.e., Corporation of the County of Haldimand), its servants of agents and invitees, to enter on, along or upon the lands or any portion thereon at any time, for the purpose of maintaining the lands conveyed and for pedestrian access to the lands conveyed by family and friends of those deceased who are buried on the lands conveyed. The Transferee herein and its successors in title shall endeavour to ensure that damage to the crops and fields contained in the described right-of-way, is minimized.

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19 March 2009:

The following are matters now under active consideration with local government (Haldimand), as reported to family members by Tom Nelson:

FENCING; COUNTY CEMETERY SIGNAGE; POTENTIAL FAMILY-PAID FOR MEMORIAL; and  
THE RIGHT-OF-WAY / EASEMENT ACCESS TO THE YTBG.

Once decisions have been made regarding this issues, the facts will be reported here.

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Our goal now is to move to the RESTORATION phase, where the Cemetery is put back to some semblance of its former self with a fence, access, and a monument detailing who is (or is in all probability) buried in this location. Stay tuned for futher developments.

## **Restoration**

**29 April 2010** In order to confirm the status of the Cemetery site, Tom Nelson and the author walked across the fields to do a visual inspection. We noted the Native burial site which was staked and not plowed. Further on was the YTBG which was very much overgrown with weeds and shrubbery some head tall. None the less, the site was intact, and the four survey stakes in place. It is rather amazing that after 35 years, the author had never, until this day, set foot on the site of the Cemetery due to his ongoing battle with the owners of the surrounding property. Hence this was indeed a special day.

**Fall 2010** A great deal of discussion with County officials took place before this point in time, all in the service of paving the way for the next step in the plan to see the Cemetery returned to some semblance of its former self. Ken Young spoke with Phil Nie at the County who gave the go-ahead for us to install corner posts.

Tom Nelson wanted to make double sure that the County would give us permission, so he contacted both Phil Nie, Supervisor of Parks and Facilities with the Leisure Services Division who looks after Cemeteries in this part of the County. The other individual was Gus Livingston(Cemeteries Assistant). Both have been helpful and supportive over the years.

An inspection by the author (from the road) confirmed that the overgrown patch of ground had been cleared and cut level to the ground. Tom later confirmed that the County had done this at some time between the two inspections.

When Tom returned from a visit to the Middle East, a date was set for the work of marking the corners of the site. Ken Young was highly proactive in setting a date and time, so Ken, Tom, and Gerry Kenney

(Tom's second cousin) would meet bright and early on Saturday November 13th, 2010 with the goal of completing the work by about noon (Ken had a wedding to attend later in the afternoon). We were most fortunate in that there had been a good week of sunny weather, and rain was not expected until Sunday.

13 November 2010 Due to sundry excuses (health reasons) the author would be arriving a bit late, but would perform a very important task - making a "Tim run" to ensure that all had coffee and donuts. He had the additional pleasure of shifting his truck into 4 wheel drive and driving across the length of the fields to reach the site. At that point Ken's trailered tractor with a post hole auger on the PTO had made 6 holes, and metal piping from the gas well on his farm had been made to size with a cutting torch, fit into the hole and fixed in place with a bag of Sakrete for each post. The bags were left over the top of each post and fixed in place with the plan to install wood finials for the posts and to paint the posts white. With amazing speed and precision all the work was done by noon and the crew inspected the premises.

It goes without saying that for the author, this was in effect the culmination of 35 years of struggling to see justice done for our ancestors. It was an emotional time. All felt the meaning of what we had done.

In retrospect the three Committee members each played different but key roles. The author started the ball rolling and like a bull with horns down charged ahead to clear the way during difficult times when neither the Provincial or County governments were at all supportive (with a couple of exceptions). Tom Nelson ultimately took over the delicate task of dealing with officials, employing his research and diplomatic skills here. Ken Young was the nuts and bolts guy with the know how to get the jobs such as the installation of 6 marker posts with all the steps planned well in advance and each task accomplished with skill. He also had "the plan" as to how the site could / should look. This, we all agreed, would include planting cedar or juniper shrubs between the posts to clearly mark the site. We understand that the local Conservation Authority (or similar) provides small cedar trees for planting. If the County obtains a substantial number of these trees, we (YOUNG family descendants) would be pleased to take on the work (gratis to the County) of planting trees around the perimeter of the YTBG, leaving an entrance for care and maintenance.

Also Ken has contacts who can supply the pink granite for a monument to be installed flat against the upslope of the "entrance way" to the Cemetery. He can also arrange to have engraving done once we decide what should be included.

There author will need to return to California on the 21st, and further work will likely begin in earnest come spring time 2011.

Below are some pictures relating to the above text.

For a continuation of the information on the YTBG story [click here](#).