

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 3722-03

(Roll No. 26-27-010-004-043)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE MCDOUGAL-HARRISON HOUSE, 165 QUEEN STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the McDougal-Harrison House at 165 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

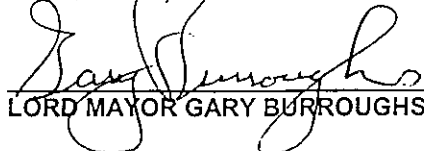
AND WHEREAS the reasons for designation are set out in Schedule 'B' attached hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the McDougal-Harrison House at 165 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 12th DAY OF MAY, 2003.


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

SCHEDULE A
BY-LAW 3722-03
165 QUEEN STREET DESIGNATION BY-LAW

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, (formerly in the Town of Niagara, in the County of Lincoln) and Province of Ontario, and being composed of part of Lots 51 and 46 as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, more particularly described as follows:

COMMENCING at a point in the Northerly boundary of Queen Street distant therein North 55 degrees and 28 minutes west, 105.6 feet from the Westerly boundary of Gate Street which said point is the most Southerly angle of Lot 51;

THENCE North 55 degrees and 28 minutes West in the Northerly boundary of Queen Street, 72.12 feet;

THENCE North 34 degrees and 51 minutes East, 214.78 feet;

THENCE South 53 degrees and 55 minutes East, 71.2 feet to a point in the line between Lots 45 and 46;

THENCE South 34 degrees and 44 minutes West in the line between Lots 46 and 45 and in the line between Lots 51 and 52, 212.9 feet more or less to the place of beginning.

SUBJECT to the right and privilege of the owner or owners for the time being of that part of adjoining Lot 52 according to Plan No. 86 having a frontage of 105.6 feet on Queen Street by a depth of 75.6 feet to enter upon from time to time the following part of Lot 51 herein conveyed, namely:

COMMENCING at a point in the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51;

THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet;

THENCE North 55 degrees and 28 minutes West, 8 feet;

THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid;

THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purpose of repairing, maintaining and improving the existing dwelling house erected on the said adjoining part of Lot 52 until the said dwelling house is removed or destroyed by fire or otherwise.

PIN 46397-0073 (R)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The McDougal-Harrison House, c.1820 – Part Lot 51, Plan 86 165 Queen Street, Niagara-on-the-Lake

The McDougal-Harrison House is recommended for designation for both architectural and historical reasons.

It is historically significant for its association with such prominent citizens of Niagara as Martin McClellan, who was killed at the Battle of Fort George in 1813; Elizabeth Clench, who was the granddaughter of Sir William Johnson and Molly Brant; Ralfe Clench, who served with both the King's Regiment and Butler's Rangers in the Revolutionary War and was a member of the House of Assembly and Justice of the Peace; Daniel McDougal, who was wounded at Lundy's Lane and was a prominent merchant, public servant and founding member of the St. Vincent de Paul congregation; and William H. Harrison, who was also a prominent merchant and served 3 terms as Mayor of Niagara.

Architecturally the house is a fine example of a Regency town house with its handsome brick arcades, elaborate entrance, stepped gables and fine brickwork. The interior retains its original layout and most of the original trim and details. This unique example of early 19th century urban townhouse architecture forms part of the remarkable streetscape at the west end of Queen Street that includes the Rogers-Blake-Harrison House, the Crysler-Burroughs House, the Cottage Hospital and the Richardson-Kiely House.

Site

The house occupies a 2/5 acre lot on the north side of Queen Street between Simcoe and Gate Streets. The house sits close to the street on the west side of the lot. An iron gate and fence on the east side of the building lead to a driveway and a well screened driveway and rear yard.

Historical Background

The house stands part of a ½ acre lot granted by the Crown to Martin McClellan, son of Butler's Ranger William McClellan, in 1798. McClellan was killed at the Battle of Fort George in 1813 along with 3 other soldiers who were attempting to spike the guns under cover of fog.

McClellan sold his lot to Elizabeth Clench, granddaughter of Sir William Johnson and Molly Brant and wife of Niagara Town Clerk Ralfe Clench in 1811. Ralfe Clench served as a volunteer with the King's Regiment and was a lieutenant in Butler's Rangers during the Revolutionary War. Clench was active in the community, serving multiple terms in the House of Assembly. He was also Clerk of the Peace, Registrar of the Surrogate court and a charter member of the

Masonic Lodge. He continued to serve in the Lincoln Militia and was taken prisoner when the American army when seized the Town in 1813.

The Clenches sold the lot in two pieces in 1820. Adam Crysler purchased the portion on which the building at 165 Queen Street stands and is traditionally considered to be the builder of the house. Crysler was the second son of John Crysler and Elizabeth Morden. He was a Niagara merchant and operated a general store, first in partnership with his older brother, then by himself and finally in partnership with William Daly, his brother-in-law. He died of consumption at the age of 29.

Although Crysler's wife Ellen left Niagara-on-the-Lake in the 1830's, the family continued to own the house until 1849 when Adam's son, Charles Morden Crysler, sold 165 Queen Street to Daniel McDougal.

Daniel McDougal was born near Inverness Scotland, c.1782 and came to Upper Canada in 1786 with his parents, who settled in Glengarry. He was highly respected for his military and civic service as well as for his leadership in St. Vincent de Paul Church. He lived in the house with his wife and several of his adult children until his death in 1866.

During the War of 1812-14, McDougal served with the Glengarry Light Infantry and the Incorporated Militia at Ogdensburg, Fort George and Lundy's Lane. He was severely wounded at Lundy's Lane and made a remarkable recovery despite the fact that he was not expected to regain his health or to be able to work. He continued his involvement in the military as Colonel of the First Lincoln Militia until 1856 and he was involved in the plans for the construction of the second Brock memorial.

After the war, McDougal became a merchant and, in the 1830's he was appointed Commissioner of Customs. In the 1850's he became the Treasurer of the District of Niagara. He was also an influential member of St. Vincent de Paul Church chairing the 1831 meeting that promoted the building of the church and serving as Treasurer and as member of the Committee of Management. His daughter, Helen Newton, donated the St. Joseph's altar in the church and served as the choir director for many years.

Daniel McDougal bequeathed the house to his wife and then to his children and his two grandsons. The McDougal family continued to own, but not always occupy the house. Helen Newton finally assumed ownership of the house in 1872. She rented the house until 1883 to Mrs. Pringle and then to John Alexander Blake, the owner of the adjacent property at 157 Queen Street. Her sons inherited the property in 1915.

The Newtons sold the property to William H. Harrison in 1921. Harrison was a prominent Niagara businessman and local politician who served as mayor in 1915, 1924 and 1925. He owned and built what is now Kennedy's on Queen Street and opened a number of businesses on that street including those that sold flour and feed, fruit baskets and implements, lumber, furniture and bedding. Harrison also rented out the ground floor of his building to various businesses.

The house passed down through various members of the Harrison family until it was bequeathed to Frances Harrison in 1975. Mrs. Harrison granted the house to her daughter, who continues to be the current owner.

Architectural Description

There is substantial evidence for the fact that Adam Crysler constructed the house in 1820. The price paid by Crysler was fair value for vacant land on Queen Street in 1820. In 1818, John Goldie, a visitor to the Town, claimed that the only building worthy of notice was the old court house and jail which had the arcaded details found in this house. The Cameron-Farren House on King Street, which also has an arcaded façade, has a date c.1817 and it is possible that the builder of the court house may have been contracted to construct these two private residences. There is also some 1820's interior trim at 165 Queen Street.

Early plans of the town tend to support the traditional building date. Gray's 1810 plan indicates that there is no building at this location and this precludes a repair or reconstruction of a pre 1813 building. The 1819 Wilson plan shows only a small structure on lot 52 near the lot line of 51 while Shaw's 1821 plan shows a building closer to the street line on lot 51.

The building is a two storey red brick town house with a side hall plan and a gable roof. There is a two storey brick addition at the rear added relatively early in the history of the house (c.1830-40), with a clapboard extension. The building sits quite close to the sidewalk, a common characteristic of the older homes in the Old Town, and is distinguished by a number of distinctive features including the handsome double brick arcades and the crow step gables at the roof ends. Arcades such as these are a characteristic of Regency buildings such as row or town houses. There are a number of arcaded brick buildings in the Old Town including the Cameron-Farren House on King Street, the Stewart McLeod House on Prideaux Street, and portions of the Liquor Store on Queen Street.

The brickwork is laid in a common bond configuration with fine mortar joints and is generally in excellent condition. Two brick end chimneys rise directly from the crow step gables. The configuration of the building leaves the impression that it may have been intended to be one of a row of similar houses that were never built.

The entrance consists of 6 panel door with a semi elliptical transom and side lights set into the arch of the ground floor arcade and surmounted by brick voussoirs. The sidelights are separated from the door by elegant fluted pilasters with finely moulded caps. The transom is perhaps the most ornamental and complex in Niagara-on-the-Lake and is filled with an intricate curved lozenge pattern of metal comes and ornamental lead rosettes. The sidelights are also decorated with intricate metalwork. It is amazing that an entrance of such decorative complexity has survived.

The original windows on the front façade are 12 over 12 with flat brick arches constructed of upright voussoirs.

The interior plan of the house retains the original compact layout of a side entrance hall with staircase and best parlour. Originally there was a double room across the back comprising a dining room on the west side and an adjoining kitchen on the east side. The intervening partition between the dining room and kitchen was removed at some point. The layout of the second floor is similar to that of the ground floor with three bedrooms and a fourth room above the front door, which appears to be a later enclosure.

The entrance hall contains the original staircase of delicate Regency or Neo-Classical design. The stair is constructed of walnut with straight balusters. On the landing there is an attenuated columnar newel with square base and cap with bun finial similar to the one on the staircase at the Davis-Prest-Croy House. The newel at the bottom of the stairs ends in an elegant scroll with a decorative central ivory button said to be an indication that the mortgage had been paid. The careful and accomplished curved ramping of the rail is noteworthy.

The front parlour contains the original fireplace with an extremely ornate mantelpiece similar to the one in the Rogers-Blake-Harrison House next door. It is an elaborate design, intact and unaltered, with hourglass shaped colonettes, elaborate scroll work and a large central patera. Peter John Stokes has noted that this design has a curious Germanic or Baroque feeling and that prototypes are found in southern New York State. On either side of the fireplace are arched alcoves with fluted pilasters and prominent and decorative wooden keystones.

The trim in the hall and best parlour is symmetrical, elaborate and finely scaled with strangely plain corner blocks. The ceiling cornice in the parlour, comprising a series of ovolo profiles, is believed to be early. The trim in the rest of the building is finely scaled and mitred with back moulds and small scale intermediate or quirk mould.

The east side parlour contains a fireplace of simple design with fine mouldings and simple applied pilasters. It was originally a cooking fireplace and still contains a crane. To the left of the fireplace is a built in cupboard with 4 doors. The upper portion of the cupboard is stepped back slightly creating a narrow shelf.

The second floor retains its original configuration of three bedrooms. The front, or best bedroom, may also have been used as a diningroom or reception room. The fireplaces and mantels, doors, doorcases and window trim are all original.

Designation

This designation applies to the lands and more particularly to the entire exterior façade and structure of the house excluding the rear ell and to interior features including all of the original mantelpieces and fireplaces, the alcoves and trim in the front or best parlour, and the staircase.


<p style="writing-mode: vertical-rl; transform: rotate(180deg);">FOR OFFICE USE ONLY</p> <p style="font-size: 2em; font-weight: bold;">0810836</p> <p style="font-size: 0.8em;">CERTIFICATE OF DESIGNATION NIAGARA ON THE LAKE MUNICIPALITIES</p> <p style="font-size: 1.2em; font-weight: bold;">'03 MAY 27 AM 11 53</p> <p style="font-size: 1.5em; font-weight: bold; color: blue;">Ridgway</p> <p style="font-size: 0.8em;">LAND REGISTRAR</p>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 58 pages		
	(3) Property Identifier(s) 46397 - 0073 (R)	Block 46397	Property 0073 (R)	Additional: See Schedule <input type="checkbox"/>
	(4) Nature of Document BY-LAW NO. 3722 - 03			
	(5) Consideration Dollars \$			
	(6) Description Part of Lots 51 and 46, Township Plan 86 Town of Niagara on the Lake Regional Municipality of Niagara Niagara North (No. 30) As described in Schedule "A" attached			
	New Property Identifiers		Additional: See Schedule <input type="checkbox"/>	
Executions		Additional: See Schedule <input type="checkbox"/>		
		(7) This Document Contains:	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	
		(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>		

(8) This Document provides as follows:

See By-Law 3722 - 03 to Designate the property known municipally as the McDougal-Harrison House, 165 Queen Street, in the Town of Niagara-on-the-Lake, in the Province of Ontario, as being of cultural heritage value or interest attached.

(9) This Document relates to instrument number(s) _____ Continued on Schedule

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE TOWN OF NIAGARA ON THE LAKE, by their solicitors, DANIEL, BLACK, HILL, THIDUS DELORENZO, SHEDDEN, DONOHUE & SHEPPARD	Per:  Name: Callum Shedden	2003 05 26
	I have authority to bind the Corporation	

(11) Address for Service: 1593 Creek Road, Box 100, Virgil, Ontario L0S 1T0

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

<p>(14) Municipal Address of Property</p> <p>165 Queen Street Niagara-on-the-Lake</p>	<p>(15) Document Prepared by:</p> <p>Callum Shedden DANIEL, BLACK, HILL, THIDUS, DELORENZO SHEDDEN et al Box 24022 39 Queen Street St.Catharines, Ontario L2R 7P7</p>	<p style="text-align: center;">Fees and Tax</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;">Registration Fee</td> <td style="width:30%; text-align: center;">60</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td> </td> </tr> </table>	Registration Fee	60							Total	
Registration Fee	60											
Total												

2

SCHEDULE A
BY-LAW 3722-03
165 QUEEN STREET DESIGNATION BY-LAW

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, (formerly in the Town of Niagara, in the County of Lincoln) and Province of Ontario, and being composed of part of Lots 51 and 46 as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, more particularly described as follows:

COMMENCING at a point in the Northerly boundary of Queen Street distant therein North 55 degrees and 28 minutes west, 105.6 feet from the Westerly boundary of Gate Street which said point is the most Southerly angle of Lot 51;

THENCE North 55 degrees and 28 minutes West in the Northerly boundary of Queen Street, 72.12 feet;

THENCE North 34 degrees and 51 minutes East, 214.78 feet;

THENCE South 53 degrees and 55 minutes East, 71.2 feet to a point in the line between Lots 45 and 46;

THENCE South 34 degrees and 44 minutes West in the line between Lots 46 and 45 and in the line between Lots 51 and 52, 212.9 feet more or less to the place of beginning.

SUBJECT to the right and privilege of the owner or owners for the time being of that part of adjoining Lot 52 according to Plan No. 86 having a frontage of 105.6 feet on Queen Street by a depth of 75.6 feet to enter upon from time to time the following part of Lot 51 herein conveyed, namely:

COMMENCING at a point in the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51;

THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet;

THENCE North 55 degrees and 28 minutes West, 8 feet;

THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid;

THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purpose of repairing, maintaining and improving the existing dwelling house erected on the said adjoining part of Lot 52 until the said dwelling house is removed or destroyed by fire or otherwise.

PIN 46397-0073 (R)

8

This Indenture

made in duplicate the 3rd day of March
one thousand nine hundred and seventy-five.

In Pursuance of the Short Forms of Conveyances Act:

Between

FRANCES AUDREY JENNETTE HARRISON, of the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, Widow

Hereinafter called the "GRANTOR" of the FIRST PART

-and-

BARBARA JENNETTE BEDELL, of the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, Married Woman,

Hereinafter called the "GRANTEE" of the SECOND PART

WHEREAS Beatrice F. Jennette, of the Township of East York, in the County of York, the Grantor was seized in fee simple as Joint Tenants and not as Tenants in Common with lands hereinafter described;

AND WHEREAS Beatrice F. Jennette, died on the 28th day of July, 1961 and the Grantor is therefore the sole owner of the lands by right of survivorship;

AND WHEREAS Certificate for Registration of the Province of Ontario for the Estate of Beatrice Florence Jennette respecting the lands was registered in the Registry Office for the County of Lincoln on the 16th day of September, 1969 as No. 195893 G.R.

AND WHEREAS Consent to the transfer of property issued by the Department of National Revenue, under the Estate Tax Act for the Estate of Beatrice Florence Jennette, respecting the lands was registered in the said Registry Office on the 31st day of December 1970, as No. 217522;

AND WHEREAS Beatrice F. Jennette and Beatrice Florence Jennette were one and the same person;

Witnesseth that in consideration of other good and valuable consideration and the sum of ONE-----

-----(\$1.00)-----00/100----- dollar of lawful money of Canada now paid by the said grantee to the said grantor (the receipt whereof is hereby by her acknowledged) She the said grantor DOTH GRANT unto the said grantee in fee simple

W

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, (formerly in the Town of Niagara, in the County of Lincoln) and Province of Ontario, and being compose of part of Lots 51 and 46 as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, more particularly described as follows: COMMENCING at a point in the Northerly boundary of Queen Street distant therein North 55 degrees and 28 minutes West, 105.6 feet from the Westerly boundary of Gate Street which said point is the most Southerly angle of Lot 51; THENCE North 55 degrees and 28 minutes West in the Northerly boundary of Queen Street, 72.12 feet THENCE North 34 degrees and 51 minutes East, 214.78 feet; THENCE South 53 degrees and 55 minutes East, 71.2 feet to a point in the line between Lots 45 and 46; THENCE South 34 degrees and 44 minutes West in the line between Lots 46 and 45 and in the line between Lots 51 and 52, 212.9 feet more or less to the place of beginning.

SUBJECT to the right and privilege of the owner or owners for the time being of that part of adjoining Lot 52 according to Plan No. 86 having a frontage of 105.6 feet on Queen Street by a depth of 75.6 feet to enter upon from time to time the following part of Lot 51 herein conveyed, namely: COMMENCING at a point in

the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51; THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet; THENCE North 55 degrees and 28 minutes West, 8 feet; THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid; THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purpose of repairing, maintaining and improving the existing dwelling house erected on the said adjoining part of Lot 52 until the said dwelling house is removed or destroyed by fire or otherwise.