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Niagara

ONTARIO HERITAGE FOUNDATION
JAN 26 2006
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Department of Planning
& Development Services
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301

The Town of Niagara-On-The-Lake

1593 FOUR MILE CREEK ROAD
P.O. BOX 100
VIRGIL, ONTARIO
L0S 1T0

January 24, 2006

The Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

REGISTERED MAIL

**RE: 34 Balmoral Drive, Plan 30M-283, Lot 65, St. Andrews Glen, The
Butler Homestead Site
Notice of Passing of By-law No.4003-06
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6) (a) (ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18, please find enclosed a copy of:

By-law No.4002-06, being a by-law to designate 34 Balmoral Street, Lot 65, Plan
30M-283, The Butler Homestead Site.

Sincerely yours

Holly Dowd
Town Clerk

Enc.

3/8/06
✓ RR

Properties

PIN 46392 - 0586 LT
Description LOT 65, PLAN 30M283, T/W NTP4974; S/T RIGHT OF ENTRY AS IN LT191466; N
IAGARA ON THE LAKE
Address 34 BALMORAL DRIVE
NIAGARA TOWNSHIP

Applicant(s)

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE
Address for Service 1593 Creek Road, P.O. Box 100, Virgil
ON L0S 1T0

I, Acting Lord Mayor and I, Holly Dowd, Town Clerk, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-Law No. 4003-06 dated 2006/01/16.
Schedule: See Schedules

Signed By

Monica Evelyn Wolfe 39 Queen St. P.O. Box 24022 acting for Applicant(s) Signed 2006 01 23
St. Catharines L2R 7P7
Tel 9056881125
Fax 9056885725

Submitted By

DANIEL & PARTNERS LLP 39 Queen St. P.O. Box 24022 2006 01 23
St. Catharines L2R 7P7
Tel 9056881125
Fax 9056885725

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

File Number

Applicant Client File Number : 36765

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

BY-LAW NO. 4003-06

(34 Balmoral Drive, Plan 30M-283, Lot 65, St. Andrews Glen)
(Roll No. 2627-020-008-37400)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE BUTLER HOMESTEAD SITE, 34 BALMORAL DRIVE, LOT 65, ST. ANDREWS GLEN 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 Butler Homestead Site at 34 Balmoral Drive, Lot 65, St. Andrews Glen in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Trust, 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' hereto;
AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

NOW 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 Butler Homestead Site at 34 Balmoral Drive 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 16th
DAY OF JANUARY 2006**



ACTING LORD MAYOR A. VIOLA



TOWN CLERK HOLLY DOWD

SCHEDULE "A"
TO BY-LAW 4003-06

HERITAGE DESIGNATION – 34 BALMORAL DRIVE

Lot 65, Plan 30M-283, T/W NTP4974; S/T Right of Entry as in LT191466;
Niagara-on-the-Lake

PIN #46392-0586 (LT)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The Butler Homestead Site, c.1784-1813 – St. Andrews Glen, Registered Plan 30M-283, Part of Lot 206 – 34 Balmoral Drive, Lot 65 in the Town Niagara-on-the-Lake

The Butler Homestead Site is recommended for designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest.

The Butler Homestead property is a significant cultural heritage landscape and an archaeological site of national significance. The site is the first Canadian home of Lieutenant Colonel John Butler and his family c.1784-1813.

Butler's Rangers were an important component of the resistance to the American Revolutionary forces. Their successful guerrilla raids wiped out rebel centres and destroyed Washington's sources of food supplies. Butler's service as an Indian agent was vital. His ability to speak several Indian languages, his knowledge of the intricacies of Native diplomacy, his two decades of experience as interpreter for Sir William Johnson, combined with the trust the Six Nations placed in him gave him unparalleled influence with Native people. Finally, John Butler's role in the founding of the new settlement at Niagara was an important contribution to the development of the fledgling nation. As a judge and Superintendent of the Indian Department, he retained a leadership role in the community he helped to found.

The Butler Homestead site is a rich source of archaeological artifacts that date to the founding of Niagara by the Loyalists who sought refuge in Fort Niagara. It is a significant associative cultural heritage landscape that has acquired a definite sense of time and place through its historical association with important events and Lieutenant Colonel John Butler, a nationally significant individual.

Site

The property is on the west side of Niagara Stone Road, east of Two Mile Creek at 34 Balmoral Drive (Lot 65) in the St. Andrews Glen Subdivision. The lot backs onto Two Mile Creek and is the location of a significant registered archaeological site consisting of the foundations of the Colonel John Butler Homestead.

Historical Background

Before the American Revolution, John Butler was employed as interpreter at the most important Native Council meetings organized by both Sir William and Colonel Guy Johnson. His ability to speak aboriginal languages and understand their customs was inherited from his father, Walter Butler, who also worked in the service of Sir William Johnson until his death in 1760.

John Butler resided on a large estate in the Mohawk Valley and held the rank of Lieutenant Colonel in Guy Johnson's militia regiment. He was also a judge when the Tryon County Court was in session. He married Catherine Bradt around 1752. The couple had 4 sons and a daughter.

Along with many wealthy merchants, farmers and landowners in New York, John Butler made the decision to remain loyal to the Crown. Loyalist properties were seized and destroyed and hostages were taken when those opposed to the war refused to sign the Articles of Association against the Government which had been drawn up by the Continental Congress. To counter these seizures, the British government charged Sir Guy Carleton with organizing a raid on New York using both the Iroquois and a Loyalist Militia. Carleton directed Butler to join Colonel St. Leger at Oswego with as many aboriginal troops as he could muster. Butler in turn proposed to raise a corps of rangers who would fight a guerrilla war alongside the Iroquois against the Americans.

After Butler's success at the siege of Oriskany in the summer of 1777, Carleton furnished him with "beating orders" for the enlistment of 8 companies, including 2 formed of "people speaking the Indian language and acquainted with their customs and manner of making war". In the autumn of 1778, log barracks were constructed on the west bank of the Niagara River and 6 full companies of Butler's Rangers assembled at Fort Niagara in December to take up winter quarters at the barracks across the river. At Fort Niagara, Loyalist families continued to seek refuge, taxing the supplies that were meant for the Rangers, the garrison and the aboriginal troops.

In order to solve some of the supply problem, General Haldimand chose Niagara as a location for a small civilian settlement that could cultivate the land and supply the garrison. Lieutenant Colonel Butler anticipated that many more Loyalist refugees would have to be accommodated and suggested that a large tract of land be purchased from the Mississauga people. Colonel Guy Johnson negotiated the purchase in the spring of 1781. This was the first surrender of aboriginal lands to the British in Ontario.

As the war neared its end, Haldimand began to make plans to settle the Loyalists permanently in Canada. John Butler compiled the first census of the civilian population in 1782. He did not include his name among the 16 heads of household in 1782 nor did he include his name in the second census of 46 households compiled in 1783. To support the growth of the community, the government planned the construction of a gristmill and sawmill on Four Mile Creek in the autumn of 1783. The mills were operated by Daniel Servos in the areas now known as Palatine Hill.

In 1783-84 a map of the new settlement was drawn by Lieutenant Colonel Butler showing the settlers' names in Niagara Township along the river as well as a block of smaller lots north of the East West Line that separated the township from the lands reserved for the Crown.

John Butler's family eventually settled on a lot between Jacob Ball and John Secord. The lot was marked "vacant" in the early 1780's at that time probably because Butler's wife and family were being held hostage in New York and also because the Rangers were an active guerrilla force at that time. As an officer in that unit, Butler probably lived in the Rangers' barracks until the unit was officially disbanded in 1784.

Although the government intended to settle the Rangers on lots distributed under the supervision of the Surveyor-General, by the time an official survey was completed it was discovered that John Butler and several of his officers already occupied land that was intended to be reserved for the Crown. After fighting a long war and losing his home and property in New York it was not surprising that Butler refused to give up the land he had settled on and had already begun to make improvements to.

After settling in Niagara Township, Butler served as Superintendent of the Indian Department and continued to travel to council meetings as a representative of the Crown. He was appointed a Judge for the Nassau District Court of Common Pleas in 1789 and 1791 and Justice of the Peace in the District Court of Quarter Sessions in 1791. Because these courts were the only form of local administration at the time and the Province of Upper Canada was not created until 1791, Butler participated in local affairs at an extremely crucial and formative period in Upper Canada's development.

When Niagara was chosen to become the first capital of the new province, the Butler family was within the social circle of prominent citizens, government officials and soldiers living in the capital. Butler also helped to found St. Mark's parish and was a founding member of the Masons in Niagara.

Catharine Butler died in May 1793 and John Butler died in May 1796. His personal and real property was divided among his family. Thomas Butler received 300 acres of land in the vicinity of the Town of Newark. The legal description indicates that the northern boundary of this property ran through the St. Andrews Glen property and its eastern boundary lay on the town (Garrison) line.

Andrew Butler received 100 acres of land and three Town lots adjoining the property he was already living on. The southern boundary of this property extended through the St. Andrews Glen property and its eastern boundary lay on the town (Garrison) line. It included the location of the Butler Homestead site.

Johnson Butler received 100 acres of land adjoining the lands of John Secord Sr., but his property contained no buildings or other improvements. In addition to the land, John Butler's will indicated that he owned slaves. These were bequeathed to various family members until they attained the legal age of freedom. The household furniture was divided between his daughter and granddaughter. Another granddaughter received all of the cattle from his farm.

Archaeological Significance

The 1810 plan of the Town of Niagara by Andrew Gray indicates 4 buildings directly east of Two Mile Creek and north of Niagara Stone Road, two of which fronted directly on the highway and were most likely the homes of Thomas and Andrew Butler. The two houses set back from the road were marked "Col. Butler". Although John Butler had died in 1796, it is possible that this label denoted the residual memory of the man who helped found the loyalist settlement in Niagara and that, at the time, the house was occupied by Johnson Butler, who had received lands but no buildings when his father died.

The neighbourhood of the Butler farms witnessed repeated action during the War of 1812-14, beginning on May 27, 1813 when the Americans landed their troops at Crookston, the community on Two Mile Creek at the point where it emptied into Lake Ontario.

In the summer of 1813, the British skirmished with the Americans who had established piquets in the vicinity of the Butler farms. The map of the American piquets in the summer of 1813 illustrated No.4 piquet at Thomas Butler's house. No. 3 piquet was located at Colonel Butler's house as indicated on the 1810 Gray map. These two houses were destroyed, along with the entire town, when the American occupiers retreated in December 1813.

Archaeological surveys carried out by Mayer Heritage Consultants Inc. and Archaeological Services Inc. in 1996 and 1999 respectively uncovered large quantities of significant late 18th century Euro-Canadian artifacts including early military bone buttons, Butler's Rangers metal coat buttons and pieces of ceramic tableware, teaware and glass that provided compelling evidence of the site's association with Lieutenant Colonel John Butler. Some of the wares were restricted in their manufacture and distribution to the period that the site was inhabited by John Butler. The presence of Chinese porcelain, an expensive ware, corresponded with Butler's status in the community as a town founder, Indian Agent and judge. The archaeologists found numerous glass and shell beads, including wampum, and at least one piece of trade silver, which are not commonly found on ordinary domestic site. Their presence on this site is entirely consistent with Colonel Butler's role as Superintendent of the Indian Department. The foundations of a house have also been located on the lot and are still in situ.

Designation

This designation applies to the lands known as Lot 65 (34 Balmoral Street) in the St. Andrews Glen Plan of Subdivision and more particularly to the archaeological remains, including the foundations of the Butler Homestead and any other artifacts, above or below ground, that are located on the site.