



Memorandum

To: Municipal Heritage Committee

From: LHC | Heritage Planning and Archaeology

Date: May 4, 2022 **File:** N/A

Subject: Heritage Comments Regarding Ordnance Boundary Stones Project

INTRODUCTION

This memorandum provides an update on the status of the c.1823/c.1855 Ordnance Boundary Stones (OBS) project in Niagara Old Town. The OBS are early stone markers placed to mark military lands in the Town (as well as in other communities). Within Niagara-on-the-Lake, these stones are found within both Old Town and Queenston; they are located on private property, municipally owned lands, Federal Lands, and Niagara Parks Commission lands. Only the OBS stone markers on municipally owned land and on private property are under municipal jurisdiction. The stones were assigned numbers by the Board of Ordnance which were chiseled into the stones, OBS 1-28 were placed soon after 1823, and OBS 29-36 were placed after 1855.

There are currently 17 OBS markers known *in situ*; 20 out of 37 OBS markers are missing. Most of the missing stones are from the area around the Garrison and Mississauga Reserves. The OBS markers were located as follows:

Military Reserve	Known Today as	Ordnance Boundary Stone Numbers	Original Number of Stones (Total 37)	Stones Found Today (Total 17)
Garrison Reserve	The Commons	1-19	20 (including OBS 5 ½)	3, 4, 5, 10, 16, 17
Mississagua Reserve	NOTL Golf Course	20-28	9	21, 22, 23, 25, 26, 27
Lots 79,80,89,90	Residential lots	33-36	4	33, 35, 36
Vacant Town Lot A	Simcoe Park	29-32	4	31, 32

Figure 1: OBS Table (Ted Rumble, Niagara Historical Society, 2020, 7)

It is important to note that moving boundary marker stones is an offense under the Criminal Code of Canada. Section 443 (1) and (2) of the *Criminal Code of Canada*, R.S.C., 1985, c. C-46, states the following regarding to survey markers:

Interfering with international boundary marks, etc.

443 (1) *Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who intentionally pulls down, defaces, alters or removes*

(a) a boundary mark lawfully placed to mark any international, provincial, county or municipal boundary, or

(b) a boundary mark lawfully placed by a land surveyor to mark any limit, boundary or angle of a concession, range, lot or parcel of land.

Saving provision

(2) A land surveyor does not commit an offence under subsection (1) where, in his operations as a land surveyor,

- **(a)** he takes up, when necessary, a boundary mark mentioned in paragraph (1)(b) and carefully replaces it as it was before he took it up; or
- **(b)** he takes up a boundary mark mentioned in paragraph (1)(b) in the course of surveying for a highway or other work that, when completed, will make it impossible or impracticable for that boundary mark to occupy its original position, and he establishes a permanent record of the original position sufficient to permit that position to be ascertained.

Many people do not know what these stones are and do not know that moving them is illegal. It is understandable that some of the stones have been moved over time. Some may still be in or near their original locations but buried or otherwise hidden.

OBS PROJECT SUMMARY

At the July 2020 Municipal Heritage Committee (MHC) Meeting, Dr. Ted Rumble, a Town resident, provided a historical overview of the OBS and their importance to the Town. Staff prepared a follow up report in October 2020 to explore options for the conservation and commemoration of the stones. This led to the creation of an MHC sub-committee to discuss information provided, and to advise Council accordingly.

In May 2021, the MHC OBS subcommittee prepared a report to Council (--MHC-21-028) regarding the boundary stones. This report included the following recommendations, which were approved by Council on 17 May 2021:

1.1 The Municipal Heritage Committee advise Council to undertake the proposed plan for the conservation and commemoration of the Ordnance Boundary Stones (the "OBS") located on Town property as outlined in Appendix I, and specifically:

1.1.1 Heritage Staff research and prepare a proposed budget to plaque the stones;

1.1.2 Heritage Staff prepare a plan to repair the broken stone located at the corner of Simcoe Street and Prideaux Street under the supervision, and in coordination with, a certified Ontario Land Surveyor;

1.1.3 Heritage Staff map the OBS on the Town's internal GIS program and create an internal process to protect the OBS which may be impacted by development or maintenance activities; and

1.1.4 Heritage Staff develop a plan to recognize the cultural heritage value of the OBS and physically protect the OBS in Town policy or otherwise as appropriate.

Subsequent to the report and Council approval, Town Staff started to work on the recommendations. The following work was undertaken based on the recommendations:

Recommendation 1.1.1

Town Staff investigated pricing for a large interpretative bronze-cast plaque, small aluminium plaques and mounting options in May 2022. The total cost (not including taxes, freight charges, and the costs of the mounting options) from Riverside Brass was estimated to be \$8,118 for 1 large plaque and 17 small plaques.

Recommendation 1.1.2

Correspondence between Town Staff, Dr. Ted Rumble, and Richard Larocque on 13 November 2021, noted that Mr. Larocque (a retired Ontario Land Surveyor in Niagara-on-the-Lake), would be willing to volunteer his time to find the missing stones, and repair/reposition them with the help of his licenced surveyor firm in St. Catharines (the Larocque Group). Mr. Rumble also suggested to replace OBS 23 (a broken stone that is sitting in Town Hall offices) with a reproduction utilizing Queenston Quarry limestone; the owner of the Queenston Quarry has volunteered the limestone material free-of-charge in return for local newspaper publicity on the project. As noted above, under the *Criminal Code of Canada, R.S.C., 1985, c. C-46*, it is an offence for anyone other than a Land Surveyor to alter a boundary mark. As such, Town Staff would need to work in concert with the Ontario Land Surveyor to repair, relocate, and replace the stones as needed.

Recommendation 1.1.3

Correspondence between Town Staff (Heritage & Engineering/GIS) on 27 October 2021 and 3 May 2022 noted that the Ordnance Boundary Stones have been mapped on an ArcGIS Dashboard layer. This layer includes the conditions and locations of the markers. A weblink to this layer can be found at the following: [Ordinance Boundary Stones Projected \(arcgis.com\)](#)

A public-facing ArcGIS Map Tour is currently in development. The Ordnance Boundary Stones are to be mapped on the internal Niagara Navigator program under the "Land Planning" tab within the next two months (July 2022).

Recommendation 1.1.4

Town Staff intend to consult further with the Committee on the most appropriate means to formally recognize the stones.

CONCLUSION AND RECOMMENDATIONS

The MHC OBS subcommittee and Town staff have completed additional research and planning for commemoration and conservation of the OBS stones in the Town. It is recommended that:

- If the Town decides to have a replica of the broken stone held by the Town made and installed in the proper location, a Council resolution will be required to engage the services of a licensed surveyor and agreement on the promotion of the Queenston Quarry in local newspapers.
- The broken, historic stone should then be donated/forwarded to the Niagara-on-the-Lake Museum along with documentation about its history and information about creation of the replica. The museum would be an appropriate repository for this artifact. A Council resolution will not be needed to donate the broken stone to the Niagara-on-the-Lake Museum.

Respectfully submitted,

Marcus R. Létourneau, PhD, MCIP, RPP, CAHP
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LHC | Heritage Planning and Archaeology
on behalf of the Town of Niagara-on-the-Lake