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ONTARIO HERITAGE FOUNDATION

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**Department of Planning  
& Development Services**

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**The Town of  
Niagara-On-The-Lake**

1593 FOUR MILE CREEK ROAD

P.O. BOX 100

VIRGIL, ONTARIO

LOS 1T0

January 24, 2006

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

**REGISTERED MAIL**

**RE: 28 Prideaux Street, The Muirhead-McQueen House  
Notice of Passing of By-law No.4002-06  
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 28 Prideaux Street.

Sincerely yours

A handwritten signature in cursive script, appearing to read "Holly Dowd".

Holly Dowd  
Town Clerk

Enc.

3/6/06  
RR

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

**BY-LAW NO. 4002-06**  
(28 Prideaux Street, Roll No. 2627-010-003-00900)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN  
MUNICIPALLY AS THE MUIRHEAD-MCQUEEN HOUSE,  
28 PRIDEAUX 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 Muirhead-McQueen House at 28 Prideaux Street, 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 Muirhead-McQueen House at 28 Prideaux 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 16<sup>TH</sup>  
DAY OF JANUARY, 2006

  
\_\_\_\_\_  
ACTING LORD MAYOR A VIOLA

  
\_\_\_\_\_  
TOWN CLERK HOLLY DOWD

**SCHEDULE "A"**

**BY-LAW 4002-06  
28 PRIDEAUX STREET**

**Part Lots 34 and 35, Township Plan 86, Niagara as In RO353839; Niagara-  
on-the-Lake**

**PIN #46397-0121 (LT)**

## **SCHEDULE 'B'**

### **REASONS FOR DESIGNATION**

#### **The Muirhead-McQueen House, c.1817 – Part Lot 35, Plan 86, Niagara-on-the-Lake**

The Muirhead-McQueen House is recommended for designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest.

The Muirhead-McQueen House represents an important example of one of the first houses constructed after the War of 1812-1814 to replace those destroyed when the town was burned by retreating American troops in December 1813. The building was constructed on the foundations of the original house and its symmetrical Neo-classical style is still evident despite a number of changes that have been made over the years. Its location close to the sidewalk, necessitating the use of double stairs, is typical of the earliest houses in the town and, in particular, of other houses on Prideaux Street.

The property is associated with a number of prominent citizens of the town including James Muirhead, who received one of the first lots granted in 1791 and was a prominent physician, soldier and magistrate, Deborah Butler, daughter of the Colonel John Butler and wife of James Muirhead and William Buell Richards, Chief Justice of Canada. The property remained in the Muirhead family for almost 130 years and was by 1914, was the only town lot still in possession of the original owner.

### **Site**

The property is on the south side of Prideaux Street between King and Regent Streets. The building is situated close to the sidewalk edge on a rise of ground above an ivy-covered stone wall. To the rear of the house is a large deep flat lot of approximately .34 acres.

### **Historical Background**

After the first survey of the town was completed in 1791, the most desirable lots were allocated by lottery. The ½ acre lot 35 was given to James Muirhead at a meeting of the land board in December 1791. He is known to have built the first house on lot 35 around 1795.

Muirhead's house is shown on Andrew Gray's 1810 map of the town, next door to an inn and across the street from the town's first courthouse where, as magistrate, he would have heard disputes. This early house was burned along with most of the other homes in the town in December 1813. Consequently, Muirhead claimed 500 pounds for the building and its contents including goods from an apothecary shop located on the premises, an extensive medical library, some elegant furnishings and a number of fine pieces of silver.

James Muirhead was an army surgeon who had been born in Scotland and came to Niagara with the 16<sup>th</sup> Rifles in 1790. In 1792 he signed an address of welcome to Lieutenant Governor John Graves Simcoe. On May 19, 1795, he married Deborah, only daughter of Lieutenant Colonel John Butler at St. Mark's Church.

Muirhead was a significant member of the community. He was one of the first doctors to offer small pox inoculations, which he administered free to the poor. He was a skilled surgeon and served as both a magistrate and a captain in the Lincoln Militia. He was promoted to Major in 1800 and during the War of 1812-14 ran the field hospital in the stone house in Queenston where General Brock was taken in 1812 after being fatally shot. He was one of four doctors in Brock's funeral procession and one of several non-combatants taken prisoner in the town and marched to Albany in 1813.

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Muirhead rebuilt on the site of his original home, probably before 1817. Wilson's plan of that date shows a building at the location of the 1795 house.

James Muirhead died in 1834 at the age of 69. He and his son, who predeceased him by 10 years, are buried in Butler's Burying Ground. His will named his wife, Deborah, as his executrix and sole beneficiary.

After Deborah Muirhead's death in the 1840's, the estate passed to her only grandchild, Deborah Catherine who married William Buell Richards in 1846. Richards was a Brockville lawyer and ardent reformer. He was a close friend of Robert Baldwin and was elected M.P. for Leeds in 1848. He became Attorney General in 1851, Chief Justice of the Court of Queen's Bench in 1868 and from 1875 to 1879, Chief Justice of the Supreme Court of Canada. He was knighted in 1877.

Deborah Catherine Richards died in 1869 leaving her husband, 3 sons and 2 daughters as heirs. Sir William died in 1889 and the following year the 2 daughters and 2 sons sold the Niagara ½ acre lot to the third son, John Butler Richards of Pittsburgh.

Tax assessments on the property during the 1850's and 1860's when the Muirhead family rented the house, indicate an increase in the taxable value on the house, enough to suggest that it may have been enlarged or improved at this time.

In 1914, Janet Carnochan noted that Lot 35 was the only town lot "known to be in possession of a descendant of the original owner". It was also the only lot to have been owned by a Chief Justice of Canada.

The lot was not divided until 1918 when a smaller portion to the west was sold to Cortland Lionel Secord, a railroad employee in Niagara Falls, New York. The parcel containing the Muirhead house was sold to Charles Edward Smith, a delivery man in the town of Niagara. This sale ended the Muirhead connection with the lot.

The Smith family continued to own the lot until 1949 when it was sold to Josephine Mucha. There were a number of owners throughout the 1950's, 1960's and 1970's. The present owners acquired the property in 1977 and have occupied it since that time, bringing the property a long period of stability.

#### **Architectural Description**

The Muirhead-McQueen House is a two storey, side gabled 5 bay building with a saltbox addition to the rear. The house is of symmetrical design constructed of timber frame and clapboard, which was covered with roughcast stucco a number of years ago. The windows and trim are later replacements. The casement windows in the second storey may have replaced much smaller eyebrow windows. Large corner boards are still in evidence on the east and west corners of the front façade. Although the house currently has only one internal end chimney, there was probably a matching one at the east end of the building. The house sits on a substantial base of parged stone, some of which may date from the period before the town was burned in 1813.

The entrance doorcase, with its 6 panel wooden door and sidelights, is a reproduction of a Neo-classical design reminiscent of a number of doorcases in the town. Although it is a reconstruction, it is appropriate in age and style to the house. Double stairs, a common feature on Prideaux Street, where houses are built close to the sidewalk, are framed by a well-designed reproduction of a Chinese Chippendale style railing, a style popular in the late 18<sup>th</sup> century.

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The interior of the house was heavily renovated before the present owners acquired it. Exterior alterations in keeping with the style and age of the house were also made at that time.

Although details such as doorcases, trim and fireplaces are all modern replacements, some original materials such as hand hewn wooden beams and brick were re-used in the interior. A beadboard wall in an upstairs bedroom may be an original or re-used feature.

A massive stone wall in the basement runs through the centre of the house and may indicate the extent of the foundation of the original house on the site which predated the burning of the Town in December 1813. After the War of 1812-1814 during the early reconstruction of the town, new houses were commonly built on the original foundations, which were often not destroyed during the burning.

**Designation**

This designation applies to the lands and more particularly to the entire exterior of the dwelling.