THE CORPORATION OF THE CITY OF STONEY CREEK

BY-LAW NO 4329-95

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS 70 1/2 KING STREET WEST BEING OF ARCHITECTURAL AND HISTORICAL VALUE OR INTEREST

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O., 1990, c.O. 18, authorizes the Council of a Municipality to enact By-laws to designate a property, including buildings and structures thereon, to be of architectural and historic value or interest; and

WHEREAS the Council of The Corporation of the City of Stoney Creek has caused to be served on the owners of the lands and premises known as the Battlefield Cemetery - Smith's Knoll, 70 1/2 King Street West, Lot 44, Registrar's Compiled Plan 1419, Part 1 of Plan 62R-13346, and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid property and has caused such notice of intention to be published in the same newspaper having general circulation in the Municipality once for each of three consecutive weeks; and

WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the Municipality; and

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF STONEY CREEK ENACTS AS FOLLOWS:

1. There is designated as being of architectural and/or historical value or interest the real property known as the Battlefield Cemetery - Smith's Knoll, more particularly described in Schedule "A" attached hereto.

2. The City Solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the proper land registry office.

3. The Clerk is hereby authorized to cause a copy of this By-law to be served on the owner 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 the same newspaper having general circulation in the municipality once for each of three consecutive weeks.

ENACTED AND PASSED this 12th day of December 1995.

CLERK

MAYOR

SCHEDULE "A"

BY-LAW NO 4329-95

DESCRIPTION OF LANDS
The Battlefield Cemetery - Smith's Knoll
70 1/2 King Street West

Those lands being composed of Lot 44, registered as Compiled Plan No. 14129, designated as part 1 on a plan filed with the registrar for the Registry Division of Hamilton-Wentworth (62) on April 13, 1995, as Plan 62R-13346;

And known municipally as 70 1/2 King Street West in the City of Stoney Creek, currently owned by the City of Stoney Creek, and consisting of a pyramid-shaped fieldstone monument with inscription stone and capped with a carved sandstone lion, six cannons, stones commemorating the United States soldiers and a fieldstone retaining wall with wrought iron gates at the south perimeter of the site.

SCHEDULE "B"

BY-LAW NO 4329-95

REASONS FOR DESIGNATION

The Battlefield Cemetery - Smith's Knoll

70 1/2 King Street West

In the afternoon of June 5, 1813, an American force of several thousand marched from Forty Mile Creek (Grimsby) encamping near the James Gage homestead, now known as Battlefield House. On a prominent hill just east of the creek that flowed by the Gage farm at least four American artillery pieces were positioned so as to guard against a possible attack from the west by a British force.

About 2 a.m. on June 6, 1813, a company of 704 British regulars of the 8th (Kings) and 49th Regiments, under the leadership of Colonel John Harvey and guided by nineteen year old Billy Green, engaged the American forces in a surprise encounter lasting approximately 45 minutes.

As the American field guns were brought into action, Major Plenderleath and a small force of thirty British regulars charged the enemy cannons putting them out of action. Two of the guns were spiked and pushed down into the ravine beside the knoll. Brigadier-General John Chandler, one of the two American commanding officers taken prisoner during the battle, was likely captured during this skirmish at Smith's Knoll.

Later that day, after the American forces had retreated to Niagara, the dead of both sides were buried. Those who had fallen during the attack on the American guns were interred in Smith's Knoll where they had fallen while the remainder were buried beside the Methodist church that stood to the west of the Gage farm.

The monument consists of a 4.0 metre high truncated pyramid constructed of uncoursed fieldstone laid in cement mortar. The base of the pyramid measures 4.6 metres by 4.0 metres and the top measures 1.4 metres by 1.8 metres. With the exception of the front, three faces of the pyramid are accented by four bands of projecting stones, one at the base and the others at one metre vertical spacing. The front, or south face, has one projecting band of stones just below the inscription stone. The top of the truncated pyramid is capped with a profile cut limestone slab which supports a carved sandstone lion facing south-west.

At the top of the south face of the monument, the stonework is cut and laid in such a fashion that it depicts the Union Jack.

Below the Union Jack is mounted a marble stone measuring 1.2 metres wide by 0.9 metres high with the following inscription:

The Battlefield Cemetery
6th June 1813
in memory of 20 good and true King's men who in fighting in defense of their Country, died and were buried on this Knoll.

This revised inscription and stone re-dedicated
June 6th 1956
by
Her Majesty's Army & Navy Veterans' Society of Hamilton

In addition to the monument to the British soldiers, a gravestone for the United States soldiers is located to the east of the monument.

The gravestone measures approximately 480 mm by 620 mm and the inscription reads:

TO COMMEMORATE AND HONOUR
THOSE UNITED STATES COMRADES
WHO FELL IN THE WAR OF 1812

LAID IN 1972 BY THE
AMERICAN LEGION POST 18

The monument site is protected by a mortared fieldstone retaining wall with a concrete cap located to the south of the site along King Street. The construction, as well as the material of the fieldstone retaining wall, is similar to that of the monument. The wall varies in height from 0.9 metres to 1.2 metres along King Street while the back of the wall rises to 0.6 metres above grade.

Important to the preservation of Battlefield Cemetery - Smith's Knoll is the monument itself including the stone lion, fieldstone pyramid base and the inscription stone. Also important are the six cannons located on the site and the stones commemorating the United States soldiers. In addition, the fieldstone retaining wall and the wrought iron gates at the south perimeter of the site are also important to the preservation of the site.