A study to examine the boundary expansions of Kingston from a legal and land perspective, with emphasis on the 1998 amalgamation

By

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Abstract

This is a study that traces the development of the present day City of Kingston from its historical beginnings to its last Boundary Expansion in 1998. The growth of Kingston is documented in terms of eleven significant Boundary Expansions, and the implications of each are examined from a legal and planning perspective.

The goal of the study was also to examine the role that government played in the development of Kingston from the earliest times to the present. This was achieved by the identification of the government of the day that had the authority to deal with the land, and the extent to which the land was developed by the government. The thesis documents the eleven Boundary Expansions of the original town-site, and all are confirmed by Statute. Six other properties beyond the City of Kingston limits were also examined and detailed in the study. The significant events are set out on an historical basis.

The methodology is followed by an examination of the relevant literature and statutory sources that confirm the events of the French and British eras to set the stage for the establishment of the new settlement. The study then proceeds to examine each of the Boundary Expansions of the settlement as it develops into a Town and later as a City. The study concludes with the final Boundary Expansion of the City of Kingston with the amalgamation of the Township of Kingston and the Township of Pittsburgh in 1998. The study also examines the 1998 Restructuring of the new Townships in the County of Frontenac, as a result of the 1998 Amalgamation.

Over the Centuries, Kingston grew from a tiny military settlement to a large City. Each Boundary Expansion is fully examined from a legal perspective, and the role of government is
identified in each instance. References for each of the boundary changes are fully recorded in the study.

Particular emphasis is placed upon the 1998 Amalgamation with a detailed analysis made of the events surrounding this significant change that lead to the new City of Kingston. The study concludes with an assessment of the final Boundary Expansion and its possible affect on the City of Kingston in the future.
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material was included. Professor Meligrana’s kindness and professional guidance as well as his suggestions on how to deal with issues from an academic perspective throughout the work were invaluable.

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Chapter 1
Introduction and Methodology

This thesis is unique, as it is the first study to record in a single document the development of Kingston and the surrounding area from a land and legal perspective. The focus of the study is to answer the research question: How many boundary expansions were there from the time when the settlement at Fort Frontenac was called King’s Town to the 1998 amalgamation of the new City of Kingston we know today? The study examines the role the provincial governments played in the boundary expansions throughout the process. Primary source research material was used to verify ‘how’ the provincial government participated in the eleven boundary expansions recorded in the chapters.

Statutory Powers

The British Government after 1783 used statutory powers to deal with land development when it granted land to the United Empire Loyalists and others, as the area by then was under British Colonial rule. There were no incorporated settlements at the time. A Provincial Government (the Province of Upper Canada) was later established by the British Government and it was under this Government in 1838 that the Incorporation of the Town of Kingston occurred. This was later followed by the incorporation of Kingston as a City in 1846, and a short time later, as a new City of Kingston in 1850 by the renamed Province of Canada. The three Incorporations were carried out by the Provincial Governments’ use of their legislative powers.

Post-1850, land development transactions were dealt with in several ways by the Ontario Provincial Government. Most of the boundary expansions referenced in the study were by annexation under provincial statute. However by 1998, the Ontario Provincial Government used
a new government approach in the form of special legislation that empowered the Minister of Municipal Affairs and Housing to amalgamate municipalities and establish new municipal boundaries by way of a Ministerial Order.1

Definitions
In my examination of the boundary expansions that eventually lead to the present day City of Kingston, I used the following definitions:

**Annexation**: Usually, the severance of a part of a municipality and its attachment to an adjacent municipality.

**Amalgamation**: The merger of two or more adjacent municipalities into one single municipality.

**Restructuring**: The reorganization of an incorporated municipality.

Themes and Participants

The Land and Legal Perspective
How Kingston developed from a land and legal perspective is one of the themes of this planning study.

The Role of the Government
Another theme is the role of the provincial government in the boundary expansions that culminated in the creation of the 1998 new City of Kingston.

Participants

The study references the many individuals who were connected to the County of Frontenac and the associated municipalities within the County of Frontenac who played a part in the final 1998 expansion of the City of Kingston. In particular, the study acknowledges the significant role of the Councillors, Reeves and Deputy-Reeves of the Townships within the County of Frontenac who represented the townships on the Council of the County of Frontenac. These individuals participated in the negotiations and in the crucial vote on the proposed Agreement that created the 1998 new City of Kingston, and the restructuring of the remaining townships in the County of Frontenac.²

The Role of the County of Frontenac

The restructuring of the remaining townships in the County of Frontenac as a result of the amalgamation of the former City of Kingston, the Township of Kingston and the Township of Pittsburgh in 1998 is also a theme of the study. This scenario confirms the comments of one author that “Annexation is a zero-sum game that produces winners and losers. Any municipal territorial enlargement must come at the political and jurisdictional expense of another municipality or, as is usually the case from a rural government such as a township and a county.”³

The thesis does not address the economic or political side of land development, although there was much material on both of these issues readily available. In my assessment of the

² The Frontenac County Councillors were well aware of the activities of the City of Kingston over the preceding years, and knew that ‘something’ had to change in the City of Kingston in order to find efficiencies that would undoubtedly affect the townships that made up the County of Frontenac.
research material, I posed two questions for research purposes: “Who had jurisdiction over the land being dealt with” and “what exactly happened to the land.” This was necessary in order to draw a conclusion as to whether my findings would answer the research question pertaining to the number of boundary expansions that had occurred, the involvement of the parties, and the role of government from a land and legal perspective.

My Personal Participation in the 1998 Amalgamation

At the outset I would like to acknowledge my role in the 1998 amalgamation of the City of Kingston and the restructuring of the County of Frontenac. I was an active participant in the process, particularly with respect to the County of Frontenac. As Deputy-Reeve of the Township of Loughborough, in the County of Frontenac, I was not only at the negotiation meetings, but acted as Chair of several of the new South Frontenac Township Transition Committees. My active involvement in the negotiating process placed me in the unique position of knowing how certain aspects of the final Agreement played out. For my thesis I have relied upon my notes, my memory of the events, provincial documents, municipal documents, and a number of interviews that I conducted in 1998, shortly after the amalgamation was in force. The boundary expansions are referenced in the appropriate chapters of the thesis.4

The legalistic nature of the land acquisitions reported herein reflect my many years of work as a Legal Assistant and my intimate knowledge of the Land Registry System and Land Titles System. As a Title Searcher, I was familiar with the legal system and the documents

4 My Council experience covered nine years as a Councillor and Deputy-Reeve of Loughborough Township in the County of Frontenac. During that time: six years as Chairman of the Committee of Adjustment, and Chairman of the Planning Advisory Committee, three years as Councillor of the County of Frontenac, and three years as Councillor on the newly restructured South Frontenac Township Council, as well as rotational Chair of the Committee of Adjustment. My real work as a Constituency Assistant to a MLA was also beneficial.
associated with land transactions. This experience was put to good use while researching the

*eleven boundary expansions* of Kingston and their effect on the balance of the County of Frontenac. The years I dedicated to civic duty not only as a Councillor in three municipal jurisdictions, but also as Chair of the Planning Adjustment Committee, and Chair of the Planning Advisory Committee were an asset when dealing with the many municipal matters in this study. I have made every effort to simplify the nature of my findings, as well as the implications of amalgamation to the City of Kingston and the County of Frontenac.

**Planning Principles and Property Rights**

**Province of Ontario Planning Legislation**

The planning principles that we use today in the Province of Ontario gradually developed in the form of a legislative process. These planning principles evolved slowly but steadily, as each Consecutive Ontario Provincial Government expanded its influence and control over the use and ownership of land. No provincial government planning legislation existed during the 19th Century, but the province did recognize the need for some planning in municipal development. The first noted use of land planning by the Province of Canada was visible in 1850 when it drew the new boundaries for the City of Kingston to include a much larger land mass than that of the old 1846 City of Kingston. It is important to note that when the City of Kingston came into existence in 1850 it was accompanied by the simultaneous creation of the adjoining Townships of Kingston and Pittsburgh, as well as numerous other new municipalities in southern Ontario. The 1850 boundaries of the City of Kingston allowed for expansion of the city without encroachment on its neighbouring townships for almost a century. This was clearly planning foresight on the part of the Province of Canada.
Encroachment on property rights nevertheless continued, with the need for controlled development cited as justification for each regulation on property use or development. By the mid 20th Century the Ontario Provincial Government had provided cities with basic land use controls under planning legislation. This was later followed by a directive to rural municipalities to do the same. Over the years that followed, the Ontario Provincial Government’s control over land and its uses expanded, and by the late 20th Century reached the point where all use of land by individual landowners was closely controlled by zoning and development legislation.

As successive Ontario Provincial Governments expanded their control over land and its use, the unenviable task of implementing the Ontario Provincial Government’s land use policies was downloaded to counties or local municipalities. This was on the premise that the local level of government was in the best position to enforce provincial government policies. These responsibilities were accepted at the local level either with reluctance or enthusiasm, depending largely upon the attitude of the Council, and the attitudes of the individual Councillors to private property rights and individual freedom.

Councils of municipalities, both urban and rural, carried out their mandated responsibility by the creation of local Official Plans and Zoning By-laws to reflect or comply with the Province of Ontario’s Planning Act, and policies. While provincial control over land and its development has been a result of perceived necessity, it has not been without concern to many individual landowners who see these controls as an erosion of their right to use and enjoy their property. In recognition of the impact of planning controls on property rights, planning legislation required the establishment of Boards or Committees to address the implementation and application of these plans and By-laws. It was also necessary to provide a forum for landowners where they could seek relief from or adjustment of the strict application of the legislative control over their
lands. These forums were in the form of local Committees of Adjustment, Planning Boards and Planning Advisory Committees. As well, an appeal process to the Ontario Municipal Board was established by the Province in an effort to provide some assurance that the legislation would be properly applied.

**Annexation, Amalgamation and Restructuring**

The annexation, amalgamation and restructuring of land in a municipal setting have always been a provincial government decision, and the power was never delegated to a lower tier government. In the years prior to 1996, a municipal boundary change required a statutory change, initially in the form of a Private Member’s Bill in the legislature that if passed, became a Statute altering the municipal boundaries. In 1996, under the Savings and Restructuring Act this again changed, as the legislation authorized the Minister of Municipal Affairs and Housing to change boundaries by Ministerial Order. Kingston over the years experienced all of these legislative changes that affected its boundaries.

**The Rise of the Planner**

As the Ontario Provincial Government implemented greater and greater control over land and its use in the province, so too did the need for persons with expertise in the matter of land development, and knowledge of the legislative framework in which it was now required to take place. While the legal profession provided expertise in the interpretation of the legislation, the application of the new provincial rules for land development required a different form of expertise: A knowledge of the legislation and the ability to visualize or conceptualize how a development would impact the community. Hence, the rise of the professional planner. Individuals who possess this skill set have now become an integral part of the land development
scene in the private sector, and essential role players in the function of any municipality. Land development has now become a lengthy process that is both expensive and time-consuming, with the cost of legislative compliance usually rising in proportion to the size of the development and the complexity of the legislative issues associated with the undertaking. In all of these developments, the role of the planner has become essential.

Apart from the ordinary development of land and its uses, the planner also plays a significant part in municipal annexation of land. In this respect the planner may be called upon to prepare the justification for the expansion of the municipal boundaries, and to assist in the process itself at the provincial level. Planners are often involved in the secondary, inter-municipality negotiation process as well. To satisfy the complexities of both processes, planners often use a checklist to ensure that all steps in each process are followed.

Planners usually develop their own checklists when called upon to deal with an annexation, amalgamation or restructuring situation, and the lists tend to be situation-specific. For my thesis, I suggest the following general checklist at the end of this segment that would address some of the many and varied issues related to all three of the processes.

**Evaluation Criteria for an Annexation, Amalgamation or Restructuring**

There are fundamental planning principles that, in my view, should be considered in any annexation, amalgamation or restructuring undertaken in the Province of Ontario. These principles were developed from a document review consisting of primary and secondary sources related to the 1998 amalgamation, interviews with individuals directly involved in the amalgamation process, and my personal observations. These provide evaluation criteria by which the 1998 amalgamation can be assessed. The evaluation criteria, presented in the form of a
checklist may be found in Table 1 Evaluation Criteria, along with their method of measurement and references to key sources. A detailed discussion precedes Table 1.

It should be noted that the evaluation criteria cannot be used to evaluate boundary changes in the City of Kingston prior to 1952, as the annexations before this date were under the exclusive control of the Provincial Government.

In total, there are nine evaluation criteria divided between three broad categories, and they are as follows:

1. **New Municipality**

   **Topography and Municipal Services**

   Topography should be the first issue to be addressed when dealing with a boundary change, for the following reasons: first, characteristics of topography, such as soil classification or existing roads and traffic patterns, can constrain or facilitate development; and second, the suitability of topography to a given use is inextricably related to the cost of development, a fact that can have significant financial impact upon municipalities if not carefully considered.

   Topography and infrastructure were referenced in the secondary literature related to the 1998 amalgamation. Lehman stated that although topographical constraints on piped services made “... the likelihood of large-scale eastward expansion into Pittsburgh less likely than to the west” (1998:72), it was the east that was included in the new City. In a 1998 interview with Bishop, it was commented that “transportation routes run East-West” in Kingston. Both of these points have a distinct bearing on the following important planning principle: *Community of Interest.*
Community of Interest

Community of Interest was an important planning principle in the 1998 amalgamation of the City of Kingston. A Community of Interest is defined as the common interest of the residents, and the social and economic services available or desired in a defined geographic area.

This term was used as early as 1953 by Crawford (1954), and later referenced by Lehman (1996). The words ‘Urban band’ was used by Bishop (1998) to imply the same planning principle. Plunkett (1999) expressed the same planning principle, but used other words in his description of Community of Interest. Finally, Sancton (2011:85) referenced the term when he noted that the Ontario Municipal Board recognized that rural areas tend to have similar Community of Interest.

Recognition of the importance of Community of Interest is a crucial component of successful boundary changes. The Planner should ask the question: Would the acquired communities and their interests be compatible with those in their new municipality?

A failure to understand the economic and social connections between different interest groups can result in a failure to deliver the social and economic services desired and/or needed in an area. The inclusion of the rural Township of Pittsburgh within the City of Kingston is an example of a failure to recognize a Community of Interest; as Lehman notes, “Much of the rural area is functionally more connected to Gananoque than Kingston.” (1996:72).
**Hard Barrier**

Hard Barriers are the physical or natural obstacles that must be dealt with during an annexation or amalgamation negotiation period. Failure to consider hard barriers when creating a boundary change can result in additional infrastructure costs to municipalities, and create situations in which the political boundary of the municipality is misaligned with its constituent Community of Interest. With respect to Hard Barriers, planners must ask the following questions: Do such barriers render ‘assimilation’ of the acquired lands financially possible? What are the costs of overcoming a hard barrier to be included in the acquired lands in the new municipality? Good reasons are necessary to justify an annexation or amalgamation of lands separated by a hard barrier such as a sizeable body of water or large swamp.

Hard barriers were referenced by Mediator Church (1996) in his Report to the Governance Review Committee. He noted the need for a fund to deal with the costs of transportation to the east side of the City of Kingston into the former Township of Pittsburgh, (a matter missing from the Provincial *Order*). Lehman (1997:77) recognized the constraints on hard services and urban growth caused by the presence of the Great Cataraqui River. For many years I used the term in assessing planning issues that came before our Municipal Planning Boards.

The inclusion of the Township of Pittsburgh within the new City of Kingston can be cited as an example in which inadequate attention was paid to the issue of a hard barrier. As a consequence, the citizens of the Township of Pittsburgh are now paying higher taxes, and are faced with poor connectivity to the greater municipality to which they belong.
**Soft Barrier**

‘Soft barrier’ is term I have used over the years while dealing with planning issues. It best relates to a county, municipal, or political boundary that can be readily eliminated or shifted by the Ontario Provincial Government if it interferes with good land use planning. A Soft Barrier such as county, municipal or political boundary should not be an issue where there are clear connections and compatibility with the municipality and the lands to be acquired, and the elimination of a soft barrier can be considered an appropriate and desirable action if it ensures good land use planning.

While Sancton (2000:109) did not use the term ‘soft barrier’, he did point out in his book *Merger Mania* that the Ontario Provincial Government permitted Trenton to cross the county boundary in its restructuring. Lehman (1997:63) lamented in his writings that Ernestown Township, in the County of Lennox and Addington, was considered a part of Kingston, and the county boundary was an obstacle that should have been eliminated in the name of good land use planning.

**Land to be Acquired - Measured**

When determining the size of a large boundary expansion, the negotiating parties should not consider the acquisition of more than a fifty year supply of land suitable for residential and commercial development. Too much rural land would be a burden, as in many cases, much of the land would be agricultural and un-serviced, and a potential source of unrest between urban and rural residents, unless carefully managed by Council.

The appropriate size of a city is important, and in this regard growth should not simply be for the sake of growth, but to enable people to live and carry on business with the necessary municipal services and a minimum of government interference in their lives. The amount of land
to be included in a boundary expansion was referenced by Bishop (1998). He suggested that a desirable amount of land would be between a 20 to 50 years supply with the idea that a municipality take only what it might need for the interval. A municipality could probably take more at a later date when it was needed. Crawford (1973:71) references municipalities measured by population, rather than by area. He states that a population of between 100,000 and 250,000 is best for a city. Bennett (1998) expressed the opinion that it would take a population of 100,000 to bring big box stores to the area.

**Determination of Cost of Services for Newly Acquired Lands**
The cost of providing service to the newly acquired lands requires serious consideration. Would the added land require expensive additions to its existing municipal services such as roads, bridges, water and sewer?

All three of the following participants in the amalgamation process, Lehman (1997:71) Bennett (1998) and Church (1998) held a similar view that the amalgamation Order included too much rural land in the new City. Their reasoning was the cost of infrastructure that would be necessary for the excess rural portion of the new City would be prohibitive, and the acquisition of more rural land than necessary for the needs of the new City for a considerable length of time was a political philosophy known as ‘bigger is better.’

**2. Remaining Municipality**

**Determination of the Viability of the Remaining Municipality or Municipalities**
In the case of a significant boundary expansion, it is important to consider the viability of the affected municipality. Does the loss of a large part of its land mass leave it without the necessary commercial or industrial tax base to provide essential services and function financially?
This was an issue that created a great deal of discussion among the participating parties during the 1998 negotiation process. Meligrana (2000) notes in general that it is usually the rural township or county that relinquishes its territory. Lehman (1996:48, 54-55, 57, 65-66) and Turner (1998) both referenced financial statistics such as the fact that the County of Frontenac forfeited 84% of its revenue when the Township of Kingston and the Township of Pittsburgh exited the County of Frontenac to join the new City of Kingston in 1998. While the Township of Kingston and the Township of Pittsburgh’s reserves and their annual property tax pulled the City of Kingston out of much of its debt and stabilized the operating budget of the City, the County and remaining townships were required to reorganize to establish viable units with a much reduced revenue stream to meet the service demands of their respective communities.

3. Process

Role of the Public

Good land use planning requires public input to be effective and accepted. Councils should advertise and hold public meetings prior to and during the negotiation period for any annexation, amalgamation or restructuring. Without the input of the public there is an affected party missing.

Authors Bell (1997:40) Lehman (1996:64,76) and de Hoop (1997:17), who were involved in the 1998 amalgamation process, had first hand knowledge of the lack of public input into a process that should have involved the public at every possible juncture. Sancton (2011:136) draws our attention to the Master’s thesis of Bora Laskin, who stated that “Before amalgamation or annexations could occur it was necessary for local plebiscites to be held and for majority approval of those in the affected areas.” This is a strong endorsement for public participation and input under amalgamations or annexations.
Role of the Media

The media is crucial to any annexation, amalgamation or restructuring process in order to inform the public of the decisions that may affect their community. The most knowledgeable municipal affairs media reporter capable of assessing the decisions of the parties in the negotiation process should be used to accurately report on the proceedings.

For greater public input, the negotiating parties should be mandated by the Ontario Provincial Government to release interim decisions at critical intervals during the negotiation period. However, it should be noted that intensive involvement by and of the public and media is not necessary throughout all stages of the boundary change process. The negotiation period is the crucial time in the process for public involvement, and public input should be mandated when dealing with any annexation, amalgamation or restructuring. The associated transition process does not require public attendance at meetings, due to the nature of the process. Transition Boards use official documentation duly filed by the participating municipalities. They address the Agreement issues the parties agreed to during the negotiation process that relate to the new municipal structure.
<table>
<thead>
<tr>
<th>Factor</th>
<th>Evaluation Criteria</th>
<th>Method of Measurement</th>
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| Topography & Municipal Services| • Topography with regard to municipal service expansion used to guide boundary changes  
                                 | • Topography with regard to transportation route used to guide boundary changes        | Document Review  
                                 |                                 | Interview  
                                 |                                 | Observation  
| Community of Interest          | • Community of Interest (such as urban communities vs. rural communities) respected by boundary changes | Document Review  
                                 |                                 | Interview  
| Hard Barrier                   | • Constraints on infrastructure, urban growth, and community connectivity are respected | Document Review  
                                 |                                 | Interview  
                                 |                                 | Church (1996), Lehman (1997:72) |
| Soft Barrier                   | • County, municipal, or political boundaries are appropriately eliminated where called for by good land use planning | Document Review  
| Land to be Acquired - Measured | • Amount of land included in boundary expansion is appropriate for the immediate needs of the community (approximately 20 to 50 years) | Document Review  
                                 |                                 | Interview  
                                 |                                 | Observation  
| Cost of Services               | • Costs associated with municipal infrastructure expansion into new land considered when determining new boundaries | Document Review  
                                 |                                 | Interview  
| Viability of the Remaining Municipality | • Financial burden created through loss of property tax revenue for remaining municipality considered | Document Review  
                                 |                                 | Interview  
| Role of the Public             | • Public participation actively sought during negotiation period                     | Document Review  
| Role of the Media              | • Information freely available to the media during negotiation period                | Document Review  
Methodology

The growth of Kingston is essentially legislative in nature, as the eleven boundary expansions that marked each stage of Kingston’s land development were established by provincial governments. The thesis, as a result, required an examination of each boundary expansion from a legal perspective. The changes of the boundaries of Kingston required a Provincial Government Statute to effect each change, and consequently, Statute law was an essential component of the boundary expansions recorded in the study. How these boundary changes came about is also a part of the investigation, as change at the legislative level generally required some element of motivation.

The approach to the growth of Kingston’s boundary expansions involved research into Kingston’s past to determine the points in time and the legislation that established each of the boundary expansions. As well, research was required to determine the events surrounding the boundary expansions that prompted legislative action. This was accomplished through an examination of all historic data, legislative records, land registry documentation, municipal council records, interviews, and an extensive review of all relevant local literature. For the final 1998 boundary expansion of the City of Kingston that included the adjacent Township of Kingston and Township of Pittsburgh, the availability of the participants (including this researcher) in the negotiation process provided an authentication of events that led to the 1998 amalgamation. This was also supported by people who were present at the negotiation meetings, who recorded the meetings as the events were happening. Mr. David Bell was hired on contract by the City of Kingston to specifically record the events of the amalgamation. Other members of the City staff were exclusively assigned the duty to record the events of the amalgamation as
well. An examination of the literature written subsequent to the amalgamation provided an assessment of the municipality from a planning perspective.

**Thesis Organization**

The study is organized in a series of chapters that build upon each other to address the land development issues as they relate to Kingston and area as it grew from a small military settlement to a large metropolitan centre.

A brief outline of each chapter is set out to denote its content. Each chapter builds on the previous chapter in a chronological progression, while outlining the activities that occurred in the development of the land in Kingston and the surrounding area. The chapters also outline the role of the provincial governments. There are over four hundred reference footnotes in the body of the text that are relevant to the chapters.

**Boundary Expansions**

A word with regard to the use of *boundary expansion* as the term of reference in this study. I realized that distinctive words were necessary to collectively describe all of the *boundary expansions* that occurred over the decades, as each provincial government’s method of dealing with the expansions varied. It is important to note that a provincial government was involved in all of the *boundary expansions*, and consequently, the study deals with land development from both a policy and legal perspective. The first boundary expansion that enlarged the civilian settlement was the Incorporation of the Town of Kingston. The Town of Kingston was created solely by the powers of the Province of Upper Canada through an Incorporation *statute*. The two Incorporations that followed the Incorporation of the Town of Kingston were the Incorporation
of the first City of Kingston in 1846, and a few years later, the 1850 Incorporation of the new City of Kingston by the Province of Canada using its provincial legislative powers.

In order to distinguish the boundary expansions referenced in the specific chapters from one another, it was necessary to use green text and blue text. The expansions that simultaneously became a part of the Town of Kingston or the City of Kingston on the in force date of Statute that confirmed each of them are shown in green text. The acquisitions of the City of Kingston that did not become a part of the City of Kingston until the 1952 annexation or the 1998 amalgamation are highlighted in blue text.

Chapter Outline

Chapter 1
The First Chapter covers the Introduction and Methodology of the thesis. The Introduction briefly outlines the development of Kingston and area from a legislative perspective, followed by the methodology used to prepare the thesis.

Chapter 2
The Second Chapter deals with the Literature and Legislation used in the study. Appendix 1 contains literature by many authors with their writings conveniently arranged in three specific catagories. Two Tables are included in Chapter 2: Table 2 Archival Material lists the location and types of Primary Source Material. Table 3 Statutes Used consists of the Statutes that were used and are the most important Primary Source Material in the whole of the thesis.
Chapter 3

The Third Chapter references the use of the land during the French era. The limited involvement of the French Government in developing the land at Fort Frontenac is also recorded. The Chapter reveals the modest expansion of the military settlement around the Fort and slightly to the west, but within sight of the Fort.

Chapter 4

The Fourth Chapter deals with the extensive land development actions of the British Government following the defeat of the French. The Chapter also covers the details of the British military’s efforts to rebuild Fort Frontenac in 1783, and covers the British Government’s purchase of a large block of land from the Mississaugas to the east and west of the Fort. The Chapter details the land transaction known as the Crawford Purchase, and the grants of land to United Empire Loyalists, military personnel and loyal Mohawks that created a permanent settlement in and around Fort Frontenac. The English concept of land holding with respect to land grants is described in detail.

Chapter 5

The Fifth Chapter traces the development of the settlement that preceded the 1838 Incorporation of the Town of Kingston, and examines the participation of the citizens of Farm Lot 25, in the Township of Kingston with respect to the inclusion of the lot at the time of the Incorporation of the Town of Kingston.
Chapter 6
The Sixth Chapter traces further development of the municipality and its eventual 1846 Incorporation as the City of Kingston. The Chapter notes the vitriolic debates between the citizens and the Council over the request to the Government that Farm Lot 24, situated in the Township of Kingston, be included in the Incorporation of the new 1846 City of Kingston.

Chapter 7
The Seventh Chapter records the significant role of the Provincial Government of the day in the expansion of the City of Kingston’s municipal boundaries by way of a Statute, effective on January 1, 1850. Under the legislation, the Government established the municipal boundaries of the City to include a great deal of land formerly a part of the unorganized Township of Kingston. The Chapter attempts to clarify the confusion that reigned in a number of academic minds over the events that transpired. The planning process issues are dealt with in the Chapter as well.

Chapter 8
The Eighth Chapter identifies six of the eleven boundary expansions of the City of Kingston when the properties were acquired by the City of Kingston and annexed post-1850. The six boundary expansions brought the total number of boundary expansions in this Chapter to nine. According to the Provincial Statutes, the annexation of all six boundary expansions occurred on the date that each of the Statutes came in force.

Chapter 9
The Ninth Chapter covers six different properties that were not annexed by the City of Kingston, and therefore did not expand the boundaries of the City of Kingston. However, the six properties in this Chapter joined the City of Kingston in either the 1952 Annexation or the 1998
Amalgamation. The use of two separate Chapters to cover the years after 1850 was intended to eliminate as much confusion as possible over annexation dates.

**Chapter 10**
The Tenth Chapter deals with the 1952 Annexation. The land annexed by the City of Kingston in 1952 was taken from the Township of Kingston. It was the largest boundary expansion to that point in time. The Chapter also notes that the 1952 Annexation was highly controversial, and led to an *Ontario Municipal Board* decision. The 1952 Annexation of the lands was subsequently confirmed by a Provincial *Statute*.

**Chapter 11**
The Eleventh Chapter covers the development of the municipalities in the County of Frontenac, and provides background material to understand their role in the 1998 Amalgamation. The amalgamation not only affected the Townships of Kingston and Pittsburgh, but significantly affected the remaining Townships in the County of Frontenac. The Chapter examines the townships in the County of Frontenac from a jurisdictional point of view, as well as the role that the Councillors of the County of Frontenac, and the Councillors of the Townships within the County of Frontenac played in the process that led to the 1998 expansion of the new City of Kingston, and the restructuring of the County of Frontenac.

**Chapter 12**
The Twelfth Chapter covers the details of the 1978 failed attempt by the Council of the City of Kingston to incorporate into the City of Kingston large parts of the Townships of Kingston and Pittsburgh in the County of Frontenac, Amherstview, and other parts of the Township of Ernestown, in the County of Lennox and Addington. The failed attempt to expand the municipal boundaries of the City of Kingston was a significant historical bench-mark in the on-going saga
that eventually resulted in the 1998 Amalgamation. The Chapter also covers a number of other political events that kept the boundary expansion issue alive.

**Chapter 13**
The Thirteenth Chapter details the 11th *boundary expansion* that created the new 1998 City of Kingston, and restructured the remaining townships in the County of Frontenac. The Chapter also outlines the steps that led to the Ministerial *Order* of the Ontario Provincial Government.

**Chapter 14**
The Fourteenth Chapter deals with the Conclusions and Recommendations that complete the thesis story of Kingston and the County of Frontenac from a legal and land perspective. The study concludes with a finding of no cost savings by amalgamation, and that the boundaries of the City of Kingston were inappropriate. The new boundaries of the City of Kingston created serious other problems as well, as it included too much undeveloped rural land to the north and east that had little or no *Community of Interest* with the urban south. Of equal concern, the amalgamation failed to include part of the large urban area to the west in the County of Lennox and Addington. The Ontario Provincial Government’s failure to address the western boundary issue created another concern for the new 1998 City of Kingston, and as a result, the study recommends a reevaluation of the Provincial Government’s approach to *City size*.

**Comment**
This Chapter deals with the Literature and Legislation used in this thesis. It also records the Primary Source *Statutes* that were used in the study. The *Statutes* reflect the role of the Government of the day. They represent the most significant Primary Source material, as they verify exactly what transpired over the decades in terms of land development. The *Statutes* as
Primary Source research material verify the land transactions, and represents the only way that I could verify *when* and *how* the land developed. *Table 2, Archival Material* and *Table 3, Statutes Used* are located at the end of Chapter 2. The *Statutes* are the most significant Primary Source research material used in the study.
Chapter 2
Relevant Literature and Legislation

Overview of the Literature

Kingston has a long and fascinating history, and has been the subject of much interest by many researchers and writers. Over the years, a significant number of books have documented various aspects of the history of the City of Kingston and the surrounding area, and my research began with an examination of these sources. Many of the local books yielded scant research material on municipal boundaries however, there was a clue here or there to be followed. These works documented the many Kingston military, political, economic and social events, but in most cases gave only minimal reference to land development. This is understandable, given the fact that the purpose of the writing and the writer’s interest lay in these venues, rather than an interest in land development, especially from a legal perspective. As a consequence, these sources represented only a limited amount of usable reference material.

Virtually all of the works devoted to the history of Kingston were examined. Many writings were rejected for the absence of appropriate reference material from a land and legal perspective. The useful sources remaining were either recorded in the footnotes or referred to in the text of this study. One of the issues that arose was the approach taken by a number of local authors, and their use of secondary source material to determine the boundaries of Kingston. The process of a boundary expansion may begin at the municipal level by a motion, a resolution, or a By-law of a municipal Council, but a Council decision in itself has no legislative effect on boundary changes of the municipality. It is only when the process is completed at the provincial level that the municipality’s wishes may or may not be fulfilled. Boundary expansion is a
legislative matter that rests with the provincial authority, and the actions of local Councils can only be verified by the use of provincial statutes.

During the early years of development, the boundaries of Kingston were simply established by the provincial government. The provincial authority fixed the boundaries of the Town of Kingston in 1838, the City of Kingston in 1846, and again in 1850. These three expansions occurred with minimal input from the residents of the settlement as the provincial government had jurisdiction over expansions, not the people of the area. It was not until 1906 that a process was established to examine requests for territorial expansion by an Ontario municipality. This process was assigned to the Ontario Railway and Municipal Board. While the Ontario Railway and Municipal Board was empowered to consider boundary expansion, the actual boundary expansion of the municipality required legislative action in the form of a Private Member’s Bill in the provincial legislature. The Board Order set out in the Bill would be first scrutinized by a Parliamentary Committee and the Bill thereafter presented to the legislature where it would be rejected, changed or confirmed. It was only when the Bill was passed and became a Provincial Statute that the municipal boundary change actually took place. Boundary change was legislative in nature, and in each case required statute authorization for the changed boundary. For the ten boundary expansions of Kingston prior to the 1998 amalgamation, this was the process that was followed. These boundary changes are fully documented in the thesis.

The fact that boundary expansion was entirely legislative in nature required an examination of Provincial Statutes in order to determine which acquisitions by the City of Kingston actually expanded the City. Each annexation of land required statutory authorization, and to my concern, the many books and papers written about Kingston did not reference a
provincial Statute, but often merely cited a newspaper source, the writing of another historian, or a City Council by-law decision.

The first three boundary expansions of Kingston were referenced by many authors as *annexations*, a term that led to much confusion. The boundary expansions were not by municipal decision, but were instead dealt with wholly by the provincial government of the day by way of a *statute*. For my research, however, these issues were of paramount importance, and to my concern, the secondary sources cited by some of the writers were at odds with the *statute* in question. Consequently, for thesis purposes, I could not rely on these sources for authority, but required primary source evidence. Where these sources were in apparent conflict with the statutory evidence of an expansion, I have addressed the issue in the appropriate thesis chapter.

For events leading up to the 1998 amalgamation, I was fortunate to find or acquire the work of a number of individuals who had studied issues and events that led to the eventual amalgamation. These included Professor Frank Collom, Gary Bennett, David Bell, Jim de Hoop, and Jeff Lehman. Each of these individuals provided valuable reference material for my thesis study, and their work is referenced in the appropriate chapters of the thesis.

**Land Registry Abstract Books**

During my thesis research I discovered that much of the original historical documentation concerning land transactions in Kingston and area was on the verge of destruction. The local Land Registry *Abstract Books* that were used to record the historic legal documents pertaining to land in Kingston and the surrounding area from 1795 to the present no longer existed at the local Registry Office. These *Abstract Books*, along with the associated legal instruments such as Deeds, Mortgages, and Wills relating to land transactions were disposed of by the Province of Ontario a number of years ago. The Province of Ontario perhaps felt that these original records
and documents were no longer important once the Land Registry System for Kingston and area was replaced by a microfiche record and an electronic Land Titles Registration System.

Some *Abstract Books* and related legal instruments were eventually discovered at the Cataraqui Archaeological Research Foundation office on Princess Street in Kingston where I made good use of them for my study. These *Abstract Books* covered Kingston, the Township of Kingston, and the Township of Pittsburgh, but not the balance of the Townships in the County of Frontenac, as they were turned over to the Ontario Government before I commenced my research at the Foundation. Some month’s later the *Abstract Books* and the associated legal documents for the City of Kingston were turned over to the Queen’s University Archives, when the Cataraqui Archaeological Research Foundation closed its doors on June 10th, 2013. The *Abstract Books* have been retained and stored at the Kathleen Ryan Archives at Queen’s University, but apparently all of the associated legal instruments that correspond to the records in the *Abstract Books* were moved, and are now stored in Toronto under the control of the Provincial Government. Unfortunately, without access to the corresponding legal instruments that are recorded in the *Abstract Books*, the *Abstract Books* are useless to researchers.

Over the years, the Land Registry Office and local libraries preserved historical data on microfiche, but some of the rolls have become brittle and difficult to read. Of concern is the fact that information is lost when a tape breaks, and staff must cut the damaged portion from the roll, thereby reducing the stored legal material. Fortunately, the Provincial Government has recognized this problem, and is now in the process of reproducing these tapes in digital form.

In this thesis, multiple land transactions that describe the growth of Kingston and its surrounding area are recorded in detail for future reference, as the original documentation in future may eventually be difficult to find or become non-existent. While the legal land
descriptions are written in *metes and bounds* and may be difficult to read, they are at least preserved here in the event that the originals are no longer available for future researchers. Care was also taken to accurately record the wording from the *statutes* quoted in this thesis.

**Statute Law Books**

It is worth noting that valuable archival material such as the early *statute* books in the Law Library at Queen’s University are now suffering from age, although they see little or no use. At some two hundred years of age, the pages in most of the older *statute* books are indeed brittle, and in some cases the pages disintegrate on opening the book.

*Table 2 Statutes Used* may be found at the end of this chapter, and contains the most significant Primary Source Material used in the whole of the study.

**A Word with Regard to My Use of Footnotes**

The footnote method used in this study was selected to afford the researcher or user the maximum access to the referenced material. There are over four hundred relevant footnotes recorded in the body of the text that reference many authors, as well as other primary and secondary source research material. It is important in my view that the researcher or user of an academic work have immediate access to the material referenced, and to have the referenced material available on the same page as the written word. This in my opinion provides instantaneous information, rather than break the train of thought by turning to the end of the document to search for an author or referenced material. With years of experience working on text books and manuscripts for academics, I have found that the ‘footnote method’, rather than the ‘endnote method’, to be the most beneficial, as it is probably the most efficient use of valuable time, and permits the user of the material continuous flow of thought. The footnote, in
some instances, may offer additional information that is not written in the text, but at a glance is available. From a researcher’s point of view, footnotes are the most efficient method to view or record selected material than to hold the page in the text and the page containing the endnotes at the back of the text.

**Italics**

Throughout the study, *italics* were used to emphasis distinctive words such as *statutes* with its precise meaning, and to point out its importance as primary source material. Other words were also italicized such as boundary expansions to emphasize the number of expansions that were determined to answer the Research Question.

**The Literature and Legislative Material**

Due to the large number of writings by authors of Primary and Secondary Source research material, I have placed them into three specific categories and inserted them in Appendix 1. There are two tables: *Table 2 Archival Material* and *Table 3 Statutes Used* found at the end of Chapter 2. Table 2 contains the location and type of research material, and Table 3 consists of *statutes* that I used throughout the study.

**General Comment**

There are only a very small number of authors that have written material relevant to the thesis topic. Their interest or observations of the boundary expansions covered in the study from a legal perspective have largely been tangential, or of no reference value, and for this reason, the body of applicable primary source local literature related to the topic is limited. Fortunately, the City of Kingston specifically hired a knowledgeable/capable writer to record the 1997 negotiations and assigned other staff to deal exclusively with the amalgamation process. These
people had front row seats to the activities that led to the 1998 amalgamation, and their writings are most valuable.

There is a considerable body of historical literature written on Kingston and the surrounding area, and I made use of it where I could. Of the remainder, there were a number of authors that offered in their writings specific information that was applicable to my study. A detailed annotated bibliography, may be found in Appendix 1, and arranged in categories as follows:

**CATEGORY 1 – Primary Source Material**
This subheading contains the following: an annotated bibliography referencing Primary Source Material, a Discussion of Primary Source Material Authors, and reference to material related to the 1998 Amalgamation.

**CATEGORY 2 – Secondary Source Material**
This subheading consists of Secondary Source Material by Authors who wrote on specific topics such as Fort Frontenac. They provided valuable background material for my study.

**CATEGORY 3 – General Literature**
This subheading contains General Literature by Authors used in my study who provided valuable reference material.

**Interviews**
There were a number of interviews conducted with persons involved in the 1998 amalgamation. These names and dates are recorded in Appendix 2.
Comment

Chapters one and two together cover the introduction, methodology, relevant literature, and legislation used in the study, and complete this portion of the thesis. The next chapter covers the early years under the French Government at Fort Frontenac, and their approach to land development.
### Table 2: Archival Material

<table>
<thead>
<tr>
<th><strong>Primary Research Material Location</strong></th>
<th><strong>Primary Research Material</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>5. City of Kingston Utilities, Director of Engineering.</td>
<td>Ravensview Water Treatment Plant and McAdoo Lane. (Old Dump).</td>
</tr>
<tr>
<td>6. County of Frontenac Archives stored at Queen’s University Archives.</td>
<td>Material pertaining to 1998 amalgamation of the New City of Kingston and Restructuring County of Frontenac.</td>
</tr>
<tr>
<td>10. Kathleen Ryan Hall, (Archives) Queen’s University.</td>
<td><em>Fonds</em> Reports. Old newspaper clippings, etc.</td>
</tr>
<tr>
<td>12. Lederman Law Library, Queen’s University.</td>
<td>Multiple <em>Statutes</em> from Law Books.</td>
</tr>
<tr>
<td>14. Personal copies of Primary Source Material.</td>
<td>Material provided to me while on Township Council and County of Frontenac Council over the years that led to the 1998 amalgamation of the City of Kingston, and the restructured of the County of Frontenac.</td>
</tr>
<tr>
<td>15. Stauffer Library Map and Air Collection, Queen’s University.</td>
<td>Books. Microfiche material. Old maps.</td>
</tr>
<tr>
<td>Year</td>
<td>Statute Title</td>
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<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1763</td>
<td>George R. <em>The Royal Proclamation</em>, October 7, 1763.</td>
</tr>
<tr>
<td>1801</td>
<td><em>An Act to establish and regulate a farm market in Kingston</em>. <em>Statutes of Upper Canada</em>. 41 Geo. III c. iii (1801).</td>
</tr>
<tr>
<td>1841</td>
<td><em>An Act to provide for the better internal government of that part of this Province that formerly constituted the Province of Upper Canada by the establishment of Local Municipal Authorities</em>. <em>Statutes of the Province of Canada</em>. 4 &amp; 5 Vic. Cap. 10.</td>
</tr>
<tr>
<td>1846</td>
<td><em>An Act to Repeal the Town of Kingston and incorporate the City of Kingston</em>. <em>Province of Canada Statutes</em>. 9 Vic. CAP. 75. (1846) p. 1013.</td>
</tr>
<tr>
<td>1930</td>
<td><em>An Act Respecting the City of Kingston</em>. <em>Statutes of Ontario</em>. 20 Geo. V. Ch. 84. (1930).</td>
</tr>
<tr>
<td>1931</td>
<td><em>An Act Respecting the City of Kingston</em>. <em>Statutes of Ontario</em>. 21 Geo. V. Ch. 103. (1931).</td>
</tr>
</tbody>
</table>
Chapter 3
The Early Years and Land Development Under the French

This chapter briefly acknowledges the use of the site at Cataraqui by Aboriginal peoples prior to the arrival of the French. The chapter then examines the eighty-five year occupation by the French, and their involvement in the development of the land at Fort Frontenac and the surrounding area. One significant aspect of the chapter reveals the importance of ‘location’ that was recognized by the Aboriginal peoples, as well as the French government.

Land Use at Cadaracqui

Cadaracqui\(^5\) (now City of Kingston) at the confluence of the St. Lawrence River and the Great Cataraqui River was first used by Aboriginal peoples as a site for seasonal fishing and as a meeting place to assemble for joint attacks on other tribes.\(^6\) Limited exchange of goods took place during the seasonal gatherings at Cadaracqui, but by the 17\(^{th}\) Century, trading in furs with early French traders from Montreal took place at the same site. The visits by the traders, however, were sporadic, and only at times when furs were available, usually in late spring, after the rivers and lakes were free of ice.\(^7\)


\(^7\) Richard A. Preston and Leopold Lamontagne. *Royal Fort Frontenac.* (Toronto: University of Toronto Press, 1958), 15-16 and Memorandum By A Missionary, 1671, 103-104. These events took place a few years prior to the establishment of a fort at Cataraqui, and the early traders were probably Sulpicians in their travels between Montreal and their mission in Quinte.
Land Development Under the French Regime

The settlement of lands along the St. Lawrence River by the French during the 16th and early 17th Century was to some extent progressive, commencing in the Maritimes, then gradually moving westward to Quebec City, Montreal, and finally, to a few places along the north shore of the St. Lawrence River to the east of the Ottawa River. From a French perspective, Cataraqui during that time period was largely unexplored wilderness.

In 1615, Samuel de Champlain, on one of his voyages, claimed the land in the area for France. No French settlement of the land took place in the area, however, until another French explorer, the Governor of New France, Louis de Baude, Counte de Frontenac, arrived at Cataraqui on the 12th of July 1673. At that time, he obtained permission from local Iroquois Chiefs to erect a fort on a point of land where the Great Cataraqui River flows into Lake Ontario.

The point of land where the fort was to be situated had a natural harbour, and had previously been a meeting place for the local Iroquois and French fur traders from Montreal. A fort at this location was expected to protect and facilitate the operation of the French fur-trading network to both the north and west. Once established, the location was important, as it would essentially be a storehouse for goods and a trans-shipping point in the fur trade. Trade goods from Montreal would be shipped to Cataraqui where they would be either transferred to canoes to travel up the rivers for fur trading purposes, or transferred to larger vessels to sail to the head

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of Lake Ontario to a number of western French trading locations. On return, the process would be reversed, with the cargo of the vessels being furs for shipment to Montreal and thence on to Europe.¹³

*Figure 1 Champlain's Route* ¹⁴

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¹³ Preston and Lamontagne, 25.
¹⁴ Fischer Map by Jeffery I. Ward, 326.
While Fort Cataracoui\textsuperscript{15} was a hastily constructed log structure with a wooden palisade, the fort was intended to be a warning to the English and Dutch fur traders located along the south shore of Lake Ontario that the north shore of Lake Ontario was under French control\textsuperscript{16}.

\textit{Figure 2 1667 - First Successful French Settlements in North America}\textsuperscript{17}

\begin{center}
\includegraphics[width=\textwidth]{map_1667.png}
\end{center}

\begin{quote}
First successful French settlements in North America: Port Royal (1605) and Québec (1608). English settlement in Virginia begins (1606-07). French and English territorial claims overlap. Acadia, Acadia is recognized as French possession by the Treaty of Breda (1667). A Royal Charter (1670) grants sole trading rights in Hudson Bay drainage basin to the Hudson’s Bay Co.
\end{quote}

\textsuperscript{15} Various spellings used for Cataraqui by French, English and Aboriginal peoples.
\textsuperscript{16} Preston and Lamontagne, 25 and 27.
Land Development at Fort Frontenac

The French government made no attempt to formally or in a legal way acquire the land from the local Iroquois for a permanent settlement at Cataraqui. The military did, however, bring with them a number of farmers to clear the land around the fort in order to grow food for the military establishment. Two years later, in 1675, the French government did decide to increase the French presence at Cataraqui. Count Frontenac, on the direction of King Louis XIV, placed a land settlement project in the hands of a young adventurer and explorer, Rene-Robert Cavelier, Sieur de la Salle. The project involved the strengthening of the wooden fort, establishing a settlement, and the construction of a church for not only French settlers, but for the Iroquois as well.

As compensation for the land development project to be undertaken by LaSalle, King Louis XIV granted LaSalle Wolfe Island, and a seigneury that included not only the fort, but a large strip of land four leagues in length, running east and west from the fort along the north shore of Lake Ontario. The parcel of land had a depth of one-half league.

In 1675, LaSalle commenced work on the fortifications, and renamed the citadel Fort Frontenac in honour of his mentor, Count Frontenac. LaSalle replaced the wooden walls of the fort with substantial stone walls to strengthen the fortifications, and as a further defensive measure, excavated a deep fifteen foot wide ditch around the fort. A moat was also dug across the peninsula that effectively isolated the point of land where the fort stood. A number of

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18 The French asked the Iroquois for permission to erect a fort. The land was not transferred by a deed. Champlain had already claimed the land for France.
19 Preston and Lamontagne, 32.
20 Ibid., 31. A copy of the Letters Patent may be found on 121-122. A league distance varied from country to country, but in most cases was approximately 3 miles.
buildings were built within the confines of the fort, in particular, a squared log house one hundred feet in length, a blacksmith shop, officers’ quarters, and a cow-house for the cows that he brought from Montreal. A barn was also erected outside the fort. The local Iroquois built a lodge and a chapel outside the fort for the Récollet Friars who came to the fort to attend to the spiritual needs of the garrison as well as the French and Iroquois families. By 1677, the settlement had expanded to the point where between the chapel and the fort, there were approximately forty cottages built to house a population estimated at two hundred people. The French and Iroquois families resided in two small separate villages. By this time, the settlers had cleared approximately 100 acres of land in an area between present day Barrack Street, and Market Square.

LaSalle authorized several grants of land in the vicinity of the fort. On March 22, 1677, he granted the Récollet Friars a house lot located on the shore of Lake Ontario near the fort. On June 10, 1679, LaSalle granted another seigneury to his friend Francois de la Forest that consisted of Belle Isle and the adjacent islets.

Business activity also took place in the small community. In addition to the establishment of a settlement, LaSalle embarked on a ship-building enterprise, constructing four lake vessels ranging in size from 25 to 40 tons, one of which being a bark named the Frontenac.
The vessels were used to transport goods to a line of French trading posts established along the north shore of Lake Ontario that ran from Cataraqui to Niagara.\(^30\)

LaSalle’s development costs and his various expeditions soon depleted his personal funds, and by 1681, he had become virtually insolvent. In order to extricate himself from his debt situation, he received a loan of 2,141 livres from Mademoiselle Madeleine de Roybon d’Allonne, a French aristocrat who was in New France at the time.\(^31\) In return, LaSalle granted Mademoiselle Roybon a seigneury situated along the north shore of Lake Ontario that was one league in depth and it extended two leagues from Toneguignon (now Collins Bay) westerly to I’Anse au Baril (Barrel Cove).\(^32\) When Mademoiselle Roybon acquired legal title to the property, she became the first European woman landowner in what is now Ontario.\(^33\)

Once in possession of the land, Mademoiselle Roybon, along with the farmers that she had engaged to clear the land of trees, established a farm operation on the property. Her tenants raised animals and food crops to supply the military, as well as the small settlements near the fort. Mademoiselle Roybon also became an entrepreneur in the fur trading business, dealing

\(^{30}\) Preston and Lamontagne, 32. See also: 128. C10 - Report to the Minister of the Marine, Margry, Découvertes, Vol 1, 437-548.

\(^{31}\) Burleigh. Forgotten Leaves, 11-16. LaSalle was a brave, energetic, explorer. LaSalle never intended to live quietly at the fort, but to use the fort as a base for travels to Montreal, France and expeditions into the interior of North America. The French government financed specific expeditions, but did not finance additional expeditions LaSalle chose to undertake. Note: There are a number of spellings of the name Mademoiselle Madeleine de Roybon d’Allonne. See also: A story of Roybon d’Allonne, Madeleine. Retrieved October 10, 2012. http://www.biographi.ca/009004-119.01-e.php?id_nbr=1081&terms=de.

\(^{32}\) Ibid., 14.

\(^{33}\) Ibid., 10-19. See also: The Kingston Whig Standard article by Ian Elliott, dated September 5, 2009. The article is the story of Madeleine de Roybon d’Allonne who lived in the Collins Bay area on the seigneury granted to her by LaSalle in 1681 after she loaned him money. The document referred to in The Kingston Whig Standard article is a confirmation of a deed that she once possessed prior to her seigneury and belongings being burned by the Iroquois in 1687. The reference to this document as the ‘deed’ signed in 1681, when LaSalle granted her the seigneury is actually a document of confirmation that she once possessed a deed as owner to the property. It is a priceless piece of historical documentation, and it remains in the Fort Frontenac Library to this day.
with the local Aboriginal peoples by providing goods in exchange for furs, much to the annoyance of the fur traders in Montreal.  

A few years later, disputes between the French and the Iroquois tribes in the area resulted in an Iroquois attack not only on the fort and adjacent settlement, but also on Mademoiselle Roybon’s seigneury. In 1687, a band of Iroquois burned all of her buildings and torched her crops, then kidnapped her, and took her to an Iroquois encampment near what is now the city of Syracuse. A short time later, she was released to the British Governor stationed at Albany, and according to government correspondence, she returned in July of the next year to Montreal. In 1706, she sailed to France, where on appeal to the King, her seigniorial land grant was reinstated with the proviso that she was not permitted to trade in brandy. Unfortunately, when she tried to return to her seigneury, she was blocked by the Governor and Intendant of New France, who not only ignored the confirmation of her land grant by the King, but denied her permission to return to her property. Her farm land gradually reverted to the wilds. It is important to note from a land development perspective that Mademoiselle Roybon made no attempt to subdivide her seigneury or deal further with the property.

36 Ibid., 136-139. C22 Council of the Marine re: The Demoiselle Madeleine de Roybon d’Allonne. See also: C23 – Vaudreuil to the Council of Three also: Burleigh. Forgotten Leaves, 16-19. Note: attempts to identify the Roybon seigneury uncovered broken crockery, buttons and other artifacts from the French occupancy of the area, and perhaps identified the site of Roybon’s seigneury.
The plaque reads:

Madeleine de Roybon d’Allonne c. 1646 – 1718. Of noble French birth de Roybon was the first European woman to own land in what is now Ontario. She came to Fort Frontenac (Kingston) probably in 1679 where she acquired property from Rene Robert Caviler de La Salle governor and seigneur of the fort. In 1681 she loaned him money to finance his explorations and about this time he granted her a seigneury extending westward from Toneguignon (Collins Bay). On this land she built a house, outbuildings and a trading post, grew crops and raised cattle. Marauding Iroquois angry at the French for their campaign against the Senecas in 1686 destroyed de Roybon’s establishment in August 1687 and took her prisoner. Released the following year, she lived in Montreal until her death.

37 Situated on Lake Ontario at Collins Bay across the road from Bayview Drive (Highway 33). Photographer: Frances Mary Willes - January 9th, 2013.
In 1691, LaSalle granted Grande Isle (Wolfe Island) and a parcel of land near the fort to his clerk, Jacques Cauchois.\(^{38}\) The title to Grande Isle was later confirmed as valid by French authorities in Montreal. The French apparently had surveyed a portion of the Island, but there had been no permanent settlement established. Cauchois remained in the area until his death in 1708. The Island then passed down through Cauchois heirs until after the British occupation of the area when it was purchased by Captain Alexander Grant and Lieutenant Patrick Langan on May 6, 1795. Once the new owners had a survey completed, the first British settlers were placed on the Island.\(^{39}\)

The land surrounding Fort Frontenac was largely wilderness, but in the general vicinity of the fort some effort was made to organize the settlement, and direct land development. To this end, an informally planned village grew up around the fort by 1720. However, the French never prepared a town plan or subdivided the lands into lots and streets as private ownership of land was not part of their legal system at that time. As a result, the French settlement near Fort Frontenac had little effect on the pattern of land subdivision in the future City of Kingston.

The layout of Fort Frontenac in 1685 is illustrated on the next page.

\(^{38}\) Preston and Lamontagne, 133. The lot at the fort was 60’ square.
The informal settlement outside the walls of the fort did not have streets, blocks or privately owned land as it was a military site.

The following two pictures afford the reader a pictorial view of the ruins of Fort Frontenac as seen today.

*Figure 5 Fort Frontenac Archaeological Ruins with plaque*

The Fort Frontenac plaque reads:
*Count Frontenac erected a fort here in 1673 with LaSalle as Commandant. It was partially destroyed in 1758. In 1783 Major Ross built barracks (later called Tete de Pont) on the site. The original name was restored to the buildings opposite in 1938.*

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End of the French Presence at Cataraqui

In 1758, British troops under the command of Colonel Bradstreet attacked Fort Frontenac and defeated the French garrison. The battle was brief, and under the terms of surrender, the French troops and the civilians at the fort were permitted to leave for Montreal. The British troops then destroyed the fort, which virtually ended French military domination west of Montreal. The fort remained in ruins until 1783, when the British authorities returned to the area to consider it as a settlement location for United Empire Loyalists, retired military and loyal Mohawks.

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42 Figure - retrieved October 5, 2012, from http://www.ontarioplaques.com
The defeat of France at Quebec by Britain in 1759 gave essential control of the St. Lawrence River to the British, and at the end of the Seven Years War, under the Treaty of Paris,\textsuperscript{44} France ceded most of its territory in North America to Britain in exchange for the colony of Guadeloupe. The French government retained the Islands of Saint Pierre and Miquelon in the St. Lawrence, and fishing rights off Newfoundland. As a result of the treaty, the British allowed the French military to leave the St. Lawrence area. As for Fort Frontenac and its environs, at the end of the French Regime, little could be pointed to in terms of land development, and only the ruins of the fort remained as evidence of the French occupation in the area.

The land that was granted to LaSalle, and the land that he granted to others around Fort Frontenac was abandoned following the defeat of the French military by the British. Only the land grant on Wolfe Island continued to be occupied by the original grantee Jacques Cauchois, and he remained on the land after the British laid claim to Fort Frontenac, and the area surrounding the fort.

**Comment**

The French King, Louis XIV was interested in the presence of French settlers at Fort Frontenac. This was accomplished to a certain degree, as records show a small, French, village located near the fort (as well as a small village for Iroquois families). The King granted a large seigneur to LaSalle, as well as Wolfe Island, but there is no record of any sizable land development on either parcel of land. LaSalle granted Belle Island to his friend, and a large seigneur west of Fort

Frontenac to Mademoiselle Roybon, at Toneguigon (Collins Bay).\textsuperscript{45} However, land development was not LaSalle forte, as he preferred to explore, and therefore, was seldom at the fort. Perhaps additional land would have been cleared had there been an urgent need to establish French settlements in the wilderness. Nevertheless, it is important to note that if it had not been for the French establishment of Fort Frontenac, the British may not have considered the area as a potential settlement site.

The next chapter covers the British takeover of Fort Frontenac after the defeat of the French military. The chapter also examines the extensive British Government land development project undertaken and the prominent role that the government played in the lives of the settlers.

\textsuperscript{45} There are archeological findings of Roybon’s wilderness seigneury. (Toneguigon) (Collins Bay).
Chapter 4

Fort Frontenac and Area Under British Control

This chapter covers the early British era at Fort Frontenac, the purchase of the land by the British Government from the Mississaugas, and the surveying of the land for a permanent settlement.

Fort Frontenac Site

The passing of control of Fort Frontenac and the Cataraqui area from France to Britain in 1763 was not only significant in a political sense, but also in terms of land development. The early French explorers simply claimed the land for France, ignoring the fact that Aboriginal peoples were the occupiers and in possession of the land. The French policy with respect to Aboriginal peoples and their land was essentially one of complete indifference. In the eyes of France, the Aboriginal peoples had no right, nor title, to their ancestral lands, and no rights as individuals, except the theoretical right not to be treated with cruelty. As a result, the lands of the Aboriginal peoples were parceled out as seigneurial estates to French settlers without their consent, and traditional hunting grounds were subjected to feudal customs and rules that ignored tribal possession.  

In contrast to the policy of France, the British government policy from 1670 onward with regard to the Aboriginal peoples was one of protection of property rights and justice for the individual, notwithstanding the fact that their territory fell under the overall control and protection of the British Crown. While this policy established recognition of the possession and

occupation of the land by the Aboriginal peoples at the time when Canada came under British control, it is important to note that the actual ownership of the land became that of the British Crown. The ‘title’ of the Aboriginal peoples largely became one of possession, rather than one of actual ownership.\(^47\) This was, in a sense, the application of the British land ‘title’ system to all lands, in much the same fashion as it does today in the Province of Ontario. Under the Crown ownership system, the Crown issues a \textit{Crown Patent} for a parcel of land called a \textit{free hold estate}, and the recipient holds the land in \textit{fee simple}. This estate in land is essentially a form of permanent ownership in the sense that the land may be used, leased, sold, subdivided or passed on to heirs or others by Will or Testament.\(^48\)

These grants of land could be re-acquired by the Crown by expropriation, and while today the possession of the land is subject to numerous government restrictions as to use and subdivision, in the 18\(^{th}\) Century, the grantee of land in fee simple in Upper Canada held a largely unfettered title to the land.\(^49\) This system of land holding, as we shall see later, was at the root of the decision by Britain to acquire land from the Mississaugas at Fort Frontenac and along the north shore of Lake Ontario for settlement by United Empire Loyalists, retiring military personnel, and loyal Mohawks.

\(^{47}\) Ibid., 697.
\(^{48}\) For a description of the British system of land rights see: John A. Willes, and John H. Willes, \textit{Contemporary Canadian Business Law.} (10 ed.) (Toronto: McGraw-Hill Ryerson, 2012), 430-432. See also: \textit{The Constitutional Act}, 1791. 31 Geo. III, c. 31 s. XL111. The \textit{Act} provided “that all lands which shall be hereafter granted within the Province of Upper Canada shall be granted in free and common \textit{soccage} in like manner as lands are now holden in free and common soccage in that part of Great Britain called England.” The modern equivalent of \textit{common soccage} is \textit{fee simple}.
\(^{49}\) Christopher Moore. \textit{The Loyalists.} (Toronto: Macmillan, 1984), 174 and 190.
**Land Development During the British Years**

During the American Revolutionary War the fort and garrison held a strategic position on Lake Ontario, and the British military presence remained until long after the war ended. Apart from the hostilities, the American Revolutionary War created a problem for Britain, as the need immediately arose at the end of the war for some means of addressing the settlement issue for the many former British Loyalists who were now leaving a hostile environment in the former British Colonies of the United States. To address this problem, the British government concluded that a possible solution would be to provide lands for settlement along the north shore of Lake Ontario for the thousands of Loyalists that would be forced out of the newly independent country. The military expected that many of these Loyalists would find their way to the Fort Frontenac area, as the British Government had announced that some form of compensation would be granted to them for being loyal to the King of England. Much of the compensation would be in the form of land grants, as this would assist with the settlement of the uprooted Loyalists. However, to obtain the necessary lands, legal acquisition of the land would be required from the Mississaugas living in the area.\(^{50}\)

The acquisition of land for the new settlers raised the issue of property rights, as the British government under *The Royal Proclamation* of October 7, 1763 forbade the purchase of lands directly from Aboriginal peoples by an individual.\(^{51}\) In essence, the Crown would be obliged to acquire the land before any new settlers could be granted title to property.\(^{52}\)

\(^{50}\) Preston, xlvi.

\(^{51}\) See: ‘Fourthly’ under George R. *The Royal Proclamation*, October 7, 1763.

\(^{52}\) Gerald M. Craig. *Upper Canada; The Formative Years*. (Toronto: McClelland and Stewart, 1963), 5.
Land Settlement in the Cataraqui Area

Under the *The Quebec Act 1774*, all of the lands that were New France now became a part of the new Province of Quebec, and were to remain under a system of seigneurial tenure, a French system of land holding that was not only foreign in nature to the Loyalists, but also contrary to the freehold system of land holding that they were accustomed to in the former colonies from which they came.\(^{53}\)

Under the seigneurial system, each township was essentially a seigneury, and the inhabitants were basically tenants of the land, without freehold title to their property. Because the French system of land holding was unfamiliar to both the Loyalists and the retiring military personnel, as early as 1785 petitions were submitted to the government to abolish the seigneurial system in the new townships west of the Ottawa River.\(^{54}\) By 1791, the enormous growth in population in the new townships, and their objection to the seigneurial system, dictated that change was necessary.\(^{55}\) Loyalist objections to the seigneurial system, (along with other concerns) eventually resulted in a division of the province into Upper Canada and Lower Canada, with Upper Canada land policy being that of the English system, with freehold estates as the system for land grants and possession.\(^{56}\)

In spite of the delay in change of the land holding system, lots had been assigned in the newly created townships once they were surveyed. The Township of Kingston was originally

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\(^{53}\) *The Quebec Act*, 1774. 14 Geo III, c. 83 (U.K.). A British Act to create the Province of Quebec. (Rights and civil law).

\(^{54}\) Moore, 188.

\(^{55}\) Ibid., 189.

known as Seigneurie Number One. Under the Royal Proclamation of 1763 land grants were authorized for retiring military personnel based on rank, with officer entitlements greater than those in the non-commissioned ranks. In the Kingston area, a Field Officer was entitled to 5,000 acres, a Captain allocated 3,000 acres, and a Subaltern or Staff Officer 2,000 acres. Two hundred acres were allocated for Non-Commissioned Officers, and ordinary soldiers were entitled to 50 acres. Military units were usually granted lots in the same township, and Loyalists were granted lots on a similar basis to the non-commissioned soldiers. The actual grants of land by the Crown, however, could not be made until land was acquired from the local Aboriginal peoples.

The Crawford Purchase

A series of wars between Aboriginal peoples had ended many years before 1783 and left the Mississaugas in possession of most of southern Ontario lying to the east of the Trent waterway system. It was on this premise that the British Government concluded that the Mississaugas were the rightful ‘owners’ of the lands. On the basis of this knowledge, the British Government’s Indian Department authorized Captain William Radford Crawford to negotiate on behalf of the government a land purchase from the Mississaugas, whereby the land they claimed as theirs would be formally vested in the British Crown. The British Government’s procedure for the preparation and execution of deeds to the settlers was clear: the land could not be acquired by settlers until the land was officially purchased from the Mississaugas who had been deemed by

58 George R. *The Royal Proclamation*, October 7, 1763 at Fourthly.
60 Moore, 136.
the British to be the rightful owners of the land. In turn, the land had to be surveyed, and it could not be requisitioned for survey without the signed and sealed copy of the deed in favour of the British Crown.

The purchase document (known as the Crawford Purchase) was signed at Carleton Island on October 9, 1783, under which the Mississaugas received a significant quantity of goods and chattels in exchange for the necessary lands. Three copies of the deed were apparently drawn, and a copy provided to each of the participating parties. A copy would have been presented to the Mississaugas, a second copy forwarded to the Governor, and a third copy sent to the British Colonial Office in London, England.

The grant of land in modern day terms essentially included all of the lands lying and being along the north shore of Lake Ontario from the Toniata River, a tributary of the St. Lawrence River east of what is now Gananoque, and running west along the north shore of Lake Ontario to the Trent River. The parcel of land extended approximately thirty miles inland. Unlike later land transactions by purchase or treaty, the Crawford Purchase was not a Treaty, but an outright purchase of land, with no on-going payments or gift obligations to be made to the Mississaugas that sold the land to the British.

In 1783, François Louis Frédéric Haldimand, the Governor of the new British Colony, had the area around the old French fort examined by Surveyor General Samuel Holland to determine if the area was suitable as a settlement location for the United Empire Loyalists that

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61 Craig, 5.
62 Preston, 64.
63 Public Archives Canada, Indian Affairs. RG 10, Vol. 3228. File: 567 and 252. Public Archives—Certified copy B-158, 314. See also: Preston xlv – xlvi. Note: Travel in a day was assumed to be a distance of 30 miles by canoe.
64 Note: the current aboriginal land claims in Eastern Ontario exclude the lands in the Crawford Purchase at Kingston.
were expected to move north as a result of the American Revolutionary War. Holland’s favourable report began a new era of land development in the area. Shortly thereafter, the lands were surveyed, and permanent occupancy of the area by retiring military and Loyalists took place. At that point in time, the settlement at Fort Frontenac as a community in the wilderness had its beginning. The following 1784 survey was prepared prior to granting land to the United Empire Loyalists, et al. In the right hand top corner is inscribed an Order from Governor Frederick Haldimand.

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66 Lily Yuan Xu, and David Gordon. “Kingston’s First Plan” in D.L.A. Gordon (ed.) Urban Plans: Past and Present, Kingston ON: Queen’s University W.D. Jordan Special Collections and Music Library, 2004. “The first Town Lots and Streets are to be laid down as expressed/upon the Plan and according to their Numbers each lot being one Chain/or 66 feet in front by 2 chains or 132 feet in depth. The remaining Ground/to be laid out in the same Manner according as the shape of the Ground/will admit of, and to be drawn for together. Quebec 15th Oct 1784.”
Figure 7 1784 Survey Fort Frontenac and Town-site\textsuperscript{67}

Figure 8 1783 to 1784: Five UEL Townships, Military and Mohawks

68 Preston, liii.
The Crawford Purchase. The right line on the map drawn between the word Fort and the word Frontenac illustrates the east limit of the Crawford Purchase. The left line shows it ends, at the Bay of Quinte. The line parallel to Lake Ontario, and connecting the two lines illustrates the depth of the Crawford Purchase. The map refers to Crawford Purchases, it is an error. There was only one Crawford Purchase. Other lands in the area were dealt with under other purchases or treaties. Primary source material confirms these findings.

The plaque reads:

In October 1783, at Carleton Island Captain William Redford Crawford of the King’s Royal Regiment of New York met with the Mississaugas led by elder Mynass. Crawford, acting for the British government, purchased a large tract of land east of the Bay of Quinte for some clothing, ammunition and coloured cloth. The land was subsequently settled by United Empire Loyalists and Britain’s Indian allies who had been forced to leave their homes in the new United States.

Contributor: Wayne Adam.

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Plaque referencing Crawford Purchase of October 9, 1783. Left wall, main entrance, present day Fort Frontenac. One Ontario Street, Kingston, Ontario. (Tête du Pont Barracks) In spite of the clear and unambiguous statement on the plaque above, there is considerable confusion with regard to the Crawford Purchase. Some of the writings have mixed the details of the Crawford Purchase with those of other purchases or other Treaties. Note: Considerable research did not unearth a local copy of the deed for the Crawford Purchase. Retrieved August 6, 2012, from www.Ontarioplaques.com
Figure 11 Algonquins of Ontario Settlement Area Boundary September 2012

Current Algonquin Land Claims. It is important to note that the current Algonquin land claim does not include the lands that were purchased by the British Crown under the Crawford Purchase.

Administrative Structure for Land Allocation

The formal acquisition of the land by the Crown, coupled with the survey of the townships into lots required an administrative structure to oversee the process by which the new settlers would acquire and be settled on their respective lots. Certificates of Location were issued to settlers, and the obligations on settlers were set out in order for each to become entitled to a Crown patent for their land. In 1789, District Land Boards were created to deal with the issue of certification and to facilitate settlement. These Boards, however, were abolished in 1794, and in the period 1794-1797 all land related issues were dealt with by the Lieutenant Governor’s Executive Council. In 1797, the need arose once again for a government body to address settlement issues, and an Heir and Devisee Commission was set up to deal with disputes concerning persons entitled to Crown Patents, as well to deal with disputes concerning Certificates of Location. A Commission was deemed necessary, as in many cases the original holder of a Certificate of Location had died, exchanged the lot, sold or transferred it to another person. The Commission was replaced by a second District Land Board in 1805.

Registration of Land Titles in Upper Canada

The Government of Upper Canada at its 4th Session of Parliament in 1795 decided that a system should be established that would provide a means by which persons in possession of Certificates of Location or Crown Patents could permanently deposit and register their documentation in a safe location. To facilitate this process, the government under the Registry

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72 Library and Archives Canada. Inventory D352. RGI, L.4.
73 Ibid., D352. See also: An Act to Establish District Land Boards. Statutes of Upper Canada, 45 Geo. III c. 2. (1805).
Act 1795 74 established a system of Registry Offices throughout the province whereby land transaction documents such as deeds, mortgages, Crown Patents, wills and other related documents could be registered and the documents protected. To ensure that each document was registerable, 75 it was required to refer to or describe the parcel of land in order that it could be registered on the title of the appropriate township lot. The Lieutenant Governor in Council at the same time issued an Order that required all persons in possession of a Certificate of Location to deliver it to their local Magistrate in order that the documents could be submitted to the Attorney General, who would in turn have a Crown Patent issued for the lands in the name of the certificate holder. The Crown Patent could then be recorded in the appropriate Registry Office.76

King’s Town as a Community

The United States War of Independence and its aftermath indirectly produced an expansion of the population at Fort Frontenac, and it was the beginning of King’s Town as a small urban community and commercial centre.77 In the fall of 1783, Captain Michael Grass sailed from New York with a group of United Empire Loyalists destined for Fort Frontenac, and they arrived at their Cataraqui destination in the middle of June, 1784. The Michael Grass people were known as the first immigrant group to arrive in the area. Shortly after the Loyalists arrived, they informally renamed the settlement King’s Town.78

74 Registry Act 1795. Statutes of Upper Canada. 35 Geo. III c. 5.
75 Ibid., s. V. See also: Willes and Willes, 445-447.
The community was initially under military authority for a number of years after the arrival of the first United Empire Loyalists, but in 1788, the transfer of the community to civilian authority took place\textsuperscript{79}, and thereafter fell under the Court of Quarter Sessions of the Mecklenburg District. Local authority was delegated to appoint Magistrates.\textsuperscript{80}

*Figure 12  1790 survey illustrating the size of the Civilian Settlement*\textsuperscript{81}


\textsuperscript{81} The 1790 survey above was compiled from various sources by Robert J. Rowan. It shows the boundaries of the settlement two years after the transfer in 1788 from military authority to civilian authority.
Rapid development occurred in the early 1800s with the establishment of a permanent British military garrison at Fort Frontenac, and the designation of the settlement of Kingston as a supply point for the British military during the later War of 1812-1814 with the United States. This in turn resulted in the establishment of additional businesses in the small community, and the merchants who established warehouses and wharfs on the waterfront created a focal point for settlement in the years that followed. Transportation by water was the natural mode for the movement of goods during this period, and the harbour at Fort Frontenac provided excellent facilities for the handling of goods, and for shipbuilding as well.

Once the hostilities of the 1812 war ended, it became clear to the British Government that it needed to devise a land development plan to deal with additional new waves of immigrants. In effect, the flow was continuous, both during and after the American War of Independence, and during and after the War of 1812. Most of these immigrants settled adjacent to the Fort Frontenac site and along the north shore of Lake Ontario. In addition to Loyalist settlers, many military personnel, once discharged from the military, arrived in the area where they received land grants as part of their military discharge compensation. Other immigrants also arrived from Scotland and Ireland in an effort to escape the effect of the Closure Acts. Most of them came to

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82 The settlement was referred to as Kingston in the 1801 Statute to establish a market, and thereafter appeared to be the name used for the community until the incorporation of the Town of Kingston. See: 41 Geo. 111, c. iii (1801). The name Kingston was apparently in use before 1801. Preston notes that early court records of March and April 1789 refer to ‘Kingston’ and not ‘Kingstown’. See also: Preston, lvii.
84 Preston, xlvi.
85 Ibid., li - lv. Five Townships planned adjacent to Fort Frontenac: xlvi & lvii.
86 Roy, 109. The Closure Acts forced many Scots off the land, and the exodus was known as the Highland Clearances. There were many Enclosure Acts in the U.K. that displaced many tenants and small farmers over the years 1700-1846.
the area to establish homesteads where they could engage in farming and lumbering, but many also settled in the new community of Kingston.

**Land Expansion After the War of 1812**

After 1814, the settlement and the surrounding area continued to expand. There were less than one hundred homes in the area prior to the war, but because the area had escaped damage, Kingston for a brief time continued to grow more than its counterparts of Toronto or Niagara where damage inflicted by the war caused a delay in their recovery. While the community concentrated on commercial development, the British government recognized the need for stronger defences for the new town. The potential for further difficulties with the United States dictated a need for the existing defences to be improved and strengthened, and this was gradually accomplished over time.

Over the two decades that followed the end of the war in 1815, new major military-supported developments included the 1832 construction of the Rideau Canal system running north along the Greater Cataraqui River to ByTown (now Ottawa), and the construction of a new, substantial fort at Point Henry (1837). The 1812 War had also highlighted the need for solid fortifications to protect the harbour and the dockyard at Fort Frederick. These developments had a profound economic effect on the area. Later on, in 1846-1847, additional fortifications were deemed necessary, and Martello Towers at Cedar Island, Point Frederick, Harbour Shoal, and at Murney Point were built to provide strategic military control of the

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89 Ibid., 7.
90 Craig, 151 - 153.
waterway. The Stone Frigate on Point Frederick, and the Market Battery, a massive defensive wall, constructed in front of the present City Hall were also built for military purposes. These projects brought to the area large numbers of stone masons and other craftsmen. Many of these tradesmen and their families remained permanently in the Kingston area and the increased population created a need for further land development for housing in the military settlement area and beyond. By 1824 there were apparently an estimated 450 homes in the community.

Figure 13 1938 – Prior to Town Status: size, shape and location of the Settlement

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91 Roy, 119.
93 Angus, 9.
94 Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey to illustrate the settlement using colour and map key. Appendix 3 for Chapter 4 for additional surveys that may be of interest.
Property Development Prior to 1838

Prior to the incorporation of Kingston as a town in 1838, housing development tended to take place in and around the built-up central core of the settlement. The first subdivisions outside the original town-site took shape in what is now an area bounded by Brock Street and Johnson Street from Bagot Street to Barrie Street. The area was originally called Selma Park. Other housing development also occurred along what is now Rideau Street and Sydenham Street, closer to the military properties. Some house building took place in Park Lot 2 along Earl Street and Johnson Street as well, before a formal subdivision plan of Park Lot 2 was made in 1840. Overall, by 1838, the community had developed to the point where proper town status could be justified.

Events Leading to the Incorporation of the Town of Kingston

Kingston was initially a military settlement and under military control, but as the number of settlers increased, governance gradually moved to civilian control. The Constitutional Act of 1791 provided a bureaucratic structure in the form of a Lieutenant Governor and Council for Upper Canada, a territorial division of the area into Districts, and a court system to administer the law. Kingston initially was a part of the Mecklenburg District (later renamed Midland District). The administration of the laws of Upper Canada fell under the jurisdiction of the Court of Quarter Sessions, and locally, under appointed Magistrates. Local government in 1791 did not exist, but nevertheless, efforts were made to bring local issues to the attention of the government of Upper Canada.

95 Angus, 48.
96 Ibid., 49.
97 Ibid.
In October 1801, the local citizens of Kingston convinced the Court of Quarter Sessions of the Midland District to establish the first farmer’s market in their community. This important event had to be accomplished by *Statute*, and represented a significant first step toward self-government that was eventually realized in 1838. The market was of vital importance to the farmers, as it provided a place for them to display and sell their fresh garden produce to the fledging community. This was not only a significant economic boost for the community, but a gathering place for much needed social contact in a virtually isolated settlement.

The move to local control over the activities in the community was, nevertheless, a relatively slow, gradual process, with Kingston’s Honourable Richard Cartwright a strong and persistent advocate for local self-government. While local control was for the most part in the hands of the Midland Court of Quarter Sessions and administered by local magistrates, the ability of the Court to address the common problems of the community such as street repair, provision for street lights, fire prevention, and dealing with common nuisances, was the subject of much complaint by the residents. The response of the government to their complaints was to pass a *Kingston Police Act* in 1816 that permitted the Court to not only exercise greater powers over activities in the community, but also the right to impose a tax on the residents to cover the costs of exercising the new powers the *Act* granted to the Court of Quarter Sessions. In a sense, the imposition of a tax only raised a further issue for complaint, and a greater desire for local control by the inhabitants of the community.

98 *An Act to establish and regulate a farm market in Kingston. Statutes of Upper Canada. 41 Geo. III, c. iii (1801).*
99 Betts in Tulchinsky, 227.
100 Ibid., 225.
101 Ibid., 228.
102 *An Act to establish Kingston Police. Statutes of Upper Canada. 56 Geo. III. c. xxxiii (1816).*
103 Betts in Tulchinsky, 228.
With the signing of the Rush-Bagot Treaty of 1817, and its elimination of warships from the Great Lakes waterway, peace was achieved with Kingston’s neighbours to the south, and this change of events not only encouraged cross-border trade, but permitted the citizens of Kingston to concentrate on more peaceful pursuits, including further development of the land and commercial activities.  

A change of particular importance was the incorporation of the Cataraqui Bridge Company in 1827. Once the company was incorporated, the construction of the Penny Bridge was undertaken to span the Greater Cataraqui River. The swing bridge permitted better fixed access to the Township of Pittsburgh than by a ferry. The new bridge was clearly an invitation to develop the land on the eastern side of the river.  

The political and economic decisions that were made during this time period also enhanced the settlement and gave its citizens a certain amount of assurance that the community would be a stable, permanent entity.

**Citizens Petition Government for Self-Government**

The citizens of the settlement of King’s Town in 1786 had petitioned Lord Dorchester, the Governor of the Province of Quebec, for permission to conduct their own municipal affairs, and to remove them from the French *Civil Code* legal system that applied to their land. However, all of the requests in their petition were not granted. Nevertheless, pressure continued, and the passage of *The Constitutional Act of 1791* that divided the Province of Quebec into Upper

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104 Ibid., 54 - 55.
105 Alec Ross and John DeVisser. *Kingston and Frontenac County* (Erin: Boston Press 2009), 139. In 1917, the LaSalle Causeway replaced the Penny Bridge.
106 As early as 1785, the settlers in the townships had petitioned the Governor of the Province for the right to manage their own affairs. See: Moore, 188.
Canada and Lower Canada was a significant change in that it provided more precise land laws that were familiar to settlers who had been exposed to the English land holding system.

Some years later, the new Lieutenant Governor of Upper Canada, John Graves Simcoe (who for the most part remained unsympathetic toward local self-government) eventually did permit the local ratepayers of the settlement to elect a number of minor officials, such as fence reviewers, pound keepers and to regulate the police. The elected officials, however, were not responsible to the local ratepayers, but were responsible to the Court of Quarter Sessions. 107

Over the years, the Court of Quarter Sessions continued to appoint a town clerk, assessor, tax collector and an overseer for highways. Taxes collected were sent to the Court of Quarter Sessions, but some were used for such matters as road building, an important factor in the development of the community. 108 After 1816, local Magistrates were granted the power to regulate many municipal functions, such as the care of the streets, animals running at large, and regulation of the volunteer firemen and fire companies. This approach to local government continued until 1838 when the community acquired official town status. 109

Comment

The next chapter covers the 1st Boundary Expansion that examines and records the civilian settlement that grew out of the ruins of Fort Frontenac to an incorporated town. The Town of Kingston was officially incorporated in 1838, and the next chapter covers the events that led to the incorporation.

107 Betts in Tulchinsky, 225.
108 Ibid., 225-226.
At this point in the study, it was important to visually illustrate the boundary expansions using a survey by Surveyor Alexander Aitken of the Midland District, dated October 21, 1815. The Aitken survey is first used in the next chapter to illustrate the new boundaries of the 1838 incorporated Town of Kingston. On close examination one can readily see that the annexation of 1838 has been superimposed on the survey over the civilian settlement that existed prior to the incorporation. The same survey is used to deal specifically with ten of the eleven boundary expansions that occurred, prior to the 1998 new City of Kingston amalgamation. The survey turned out to be an excellent tool in order to visualize the boundary expansions that occurred.
Chapter 5
1838 Incorporation of the Town Of Kingston

This Chapter documents the development of the settlement, and in particular the area now known as the City core. It also traces the trials and tribulations of the citizens as they pushed for self-government. In 1838, the government incorporated the settlement as the Town of Kingston.

1st Statutory Boundary Expansion - 1838
Town-site Plus Farm Lot 25, Johnson, Earl, and Ferguson Lots

The residents of Kingston witnessed a steady population growth and building expansion during the period from 1814 to 1838. It was unusual to be at the centre of a war, and yet benefit from it, but this was the case for Kingston, due to the presence of the military and the shipbuilding that took place during that period of time. As a result, the community was able to concentrate on expanding and developing the land, as well as dealing with local governance issues in the years that followed the end of the hostilities.

Table 4  City of Kingston Population

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835</td>
<td>3,807</td>
</tr>
<tr>
<td>1836</td>
<td>3,618</td>
</tr>
<tr>
<td>1840</td>
<td>8,416</td>
</tr>
<tr>
<td>1842</td>
<td>6,292</td>
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<tr>
<td>1851</td>
<td>11,585</td>
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<tr>
<td>1861</td>
<td>13,743</td>
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<tr>
<td>1871</td>
<td>12,417</td>
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<tr>
<td>1881</td>
<td>14,193</td>
</tr>
<tr>
<td>1891</td>
<td>19,263</td>
</tr>
<tr>
<td>1901</td>
<td>17,961</td>
</tr>
<tr>
<td>1911</td>
<td>18,374</td>
</tr>
<tr>
<td>1919</td>
<td>23,737</td>
</tr>
</tbody>
</table>

By 1838, the area had grown to the point where it had acquired town status with a population of approximately 5,000. However, to reach the required population level, the military and the dockyard workers had to be included in the number.\textsuperscript{112}

Land development in Kingston was initially in accordance with the original town plan of streets that set out the military settlement boundaries. These boundaries consisted of North Street, West Street and Bagot Street (formerly Rear Street), a large block of land extending back from Lake Ontario and the Great Cataraqui River.\textsuperscript{113} These streets fell within the military defensive enclosures designed to protect the settlement during the war years, but by 1838 the settlement had reached the point where a number of small communities had developed outside the boundaries of the original town plan. These included Williamsville, in an area around Victoria and Princess Street, and Picardville (formerly Johnsville)\textsuperscript{114} at York and Raglan Streets. Picardville was laid out on Magdalen Ferguson’s lot in Concession West Great Cataraqui River. Other communities included Charlesville (north of Princess Street) and Stuartsville bounded by Barrie, King and Union Streets.\textsuperscript{115}

The British Crown grant to Sir John Johnson of Park Lot 1, that was located outside the original defensive structure of the settlement and an area that was enclosed by Brock Street (both sides), Bagot Street, Barrie Street and Johnson Street was one of the first areas to be developed

\textsuperscript{112} Horsey. *A Century Ago*, 6.
\textsuperscript{113} Ibid.
\textsuperscript{114} Land Registry Office, Kingston original *Abstract* Book # 1 for Kingston, 680 - 774. The Crown Patent for Lot A Plot was granted to Magdalen Ferguson on July 10, 1801, and registered on September 18, 1801. The lands were subdivided into lots referenced as Johnsonville, later renamed Picardville in the *Abstract* Book on the above noted pages. QUA.
\textsuperscript{115} Horsey. *A Century Ago*, 6. See also: MacRow in Patterson, 49. MacRow states that Charlesville and Picardville were included in the village of Kingston in 1836. However, there was no official boundaries at that time, and there was no incorporated village. The boundaries officially changed in 1838 with the incorporation of the Town of Kingston that included this land.
as a subdivision. The lot was purchased from Sir John Johnson by Reverend Alexander Macdonell, who in turn subdivided the land into building lots and called the area Selma Park.\textsuperscript{116}

Park Lot 2, the lands originally granted to Ann Earl,\textsuperscript{117} a parcel of land bounded by Johnson Street, West Street, Bagot Street and Clergy Street was also subdivided into house lots and sold, but not fully developed until the early 1840s.\textsuperscript{118}

In addition to these developments, a business community had also been established around the market square that extended from the waterfront to an area bounded by Sydenham Street, Quarry Street (Wellington) and King Street. While there were no formal planning controls on the land, the parcels of land were properly laid out on plans created by surveyors, most being trained professionals from England, Scotland and Ireland with the skills to accurately define each parcel.\textsuperscript{119}

\footnotesize
\textsuperscript{116} Angus, 48.
\textsuperscript{117} The spelling of Ann Earl was taken from the government \textit{Statute}. Other authors refer to \textit{Anne} Earl.
\textsuperscript{118} Angus, 49.
\textsuperscript{119} Ontario Ministry of Transportation and Communications Public and Safety Information Branch, 34-35. General commentary on surveyors who came to the country after 1783. 1785 legislation required the examination of surveyors by the Surveyor General. 2. Retrieved April 11, 2012, from \url{www.mnr.gov.on.ca/HistoryofSurveying}
Transportation Facilities Aid Expansion to Town Status

The advances in the development of transportation allowed the small town to expand from a back-water frontier community to a prosperous town.\textsuperscript{121} Transportation was vital to the town’s growth and its people, and developments in ways to move goods and people occurred promptly after the end of the War or 1812. One important development was the completion of a road from

\textsuperscript{120} Angus, 48.
\textsuperscript{121} Horsey. \textit{A Century Ago}, 7.
Kingston to Montreal in 1817, and the establishment of a regular stage coach run between the two cities. As early as 1812, the Kingston Road (known as the Danforth Road, now Highway No. 2) was also completed, and thereby established a land route between Kingston and York (now Toronto). By 1817, a weekly stage coach service also connected these two communities. Of equal importance was the fact that the road opened up a trade route from Kingston to Napanee, Picton, Port Hope, and the various other settlements along way. Regular contact in this fashion enabled the former wilderness community to expand its business and personal horizons, particularly when the roads were better in the winter season, as isolation was then less of an issue. As well, the construction of colonization roads into the interior townships of the Midland District that began in 1835 represented a provincial government effort to open the interior for settlers.

Other forms of transportation flourished, and records show that sailing vessels transported passengers to and from Kingston and Toronto bi-weekly. The completion of the Rideau Canal in 1832 also opened a water route to ByTown (Ottawa). While road building and the construction of the canal was funded by the government, the funding for many of the local commercial developments and improvements in the area was facilitated by commercial banks, and in particular by a branch of the Bank of Montreal that was opened in the settlement in 1819.

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122 Roy, 117.
123 MacRow in Patterson, 11.
127 Betts in Tulchinsky, 7.
Apart from residential development, by 1838, the townsite now had many public buildings, many churches, considerable industry, and a vibrant downtown business core that was enough to justify town status.

**Expanded Municipal Boundaries Created by Town Status**

Under the 1838 *Statute*\(^{129}\) that incorporated Kingston as a town, the original townsite was expanded to include a number of lots adjacent to the boundaries of the original settlement plan. The new land included Park Lot 1 that had been granted to Sir John Johnson, situated on both sides of Brock Street, and the North side of Johnson Street, Park Lot 2, that had been granted to Ann Earl, located between Bagot and Clergy Streets, as well as Magdalen Ferguson’s lot\(^{130}\) on the east side of the original townplot of Kingston, Concession West Great Cataraqui River.

The most controversial parcel of land that was included in the new Town of Kingston was Farm Lot 25 that had been granted to Captain Michael Grass. The lot was situated on the western boundary of the original townsite, in the 1\(^{st}\) Concession of the Township of Kingston.\(^{131}\) Some years before the community was incorporated as a town, Captain Grass had sold Farm Lot 25 to Henry Murney, and after his death, his widow subdivided the land into a number of blocks and building lots. The largest parcel (now City Park) was sold to the government in the expectation that City of Kingston would be the new seat of Parliament, and in anticipation of the need for land on which to erect the new Parliament buildings. Lots were also created on the waterfront along the south side of King Street, and these were sold to “a select few” for the

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\(^{130}\) Land Registry Office, Kingston. *Abstract* Book #1, 680-774. Crown patent to Magdalen Ferguson Lot A Plot. The Plot was later laid out as Johnsonville, and later called Picardville as in the original Registry *Abstract Book.* CARF and later QUA.

\(^{131}\) Angus, 48-49.
construction of prestigious homes. Mrs. Murney retained a lot at the corner of King Street and Maitland Street, and had a home constructed there for herself.\footnote{132}{Ibid., 46 and 49. Mrs. Murney’s home is located at 53 King Street.}

Farm Lot 25 was the subject of a certain amount of controversy around its inclusion in the new town. Prior to the incorporation of the Town of Kingston, the local politicians with an eye on tax revenue had petitioned the authorities to have Farm Lot 25 included in the new town upon its incorporation. However, the residents of Farm Lot 25 were divided in their opinion as to the benefits of being included in the new town. Those who favoured being a part of the town recognized and supported the implementation of the proposed new system of local self-government, while other residents of Farm Lot 25 were opposed. For those opposed, their reasons were two-fold: they were concerned that the property taxes levied by the new town would exceed those currently imposed by the Midland District, and second, in spite of the half century of fighting to attain governance over their local affairs, they felt that the new local government system that was proposed for the community would be limited in terms of self-determination.\footnote{133}{Horsey. \textit{A Century Ago}, 6 and 14-16.} In spite of their objections, however, in 1838 the residents of Farm Lot 25 found themselves a part of the new town of Kingston.

With Farm Lot 25 included, the 1838 Town of Kingston covered a much larger area than the original settlement, and to some extent set the growth pattern for Kingston in the years that followed.

The survey on the following page illustrates the surveyor’s layout of the townsite, concessions in the Township of Kingston, and the Township of Pittsburgh. Farm Lot 25 was situated in the new unincorporated Township of Kingston, and included at the time of the

\addcontentsline{toc}{section}{Notes and References}
Incorporation of the Town of Kingston along with Park Lot 1, (Sir John Johnson), Park Lot 2 (Anne Earl), and Magdalen Ferguson’s lot located in Concession West Great Cataraqui River. Expansion of the townsite marked on the survey below in red.

**Figure 15  1838 Incorporation of the Town of Kingston**

Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1838 Boundary Expansion using colour and map key.
Ward System in the Town of Kingston

The Town of Kingston was incorporated on the 6th day of March 1838, and the Statute divided the community into four Wards. The authority to bring into the town additional properties and to describe the new town limits was set out as follows.135

II. And be it further enacted by the authority aforesaid, That the Justices of the Peace of the Midland District, in General Quarter Sessions, on or before the first day of April next, be and they are hereby authorized and required to define and establish the limits between the said Town and Township, including within the said Town the tracts of land called Park Lots number one and two, granted from the Crown to Sir John Johnson, and Ann Earl respectively; the lot of land on the eastern side of the original Town plot of Kingston, granted to Magdalen Ferguson; and also Lot number twenty-five, in the first Concession of the said Township of Kingston, granted from the Crown to Michael Grass.

Four Wards

The newly incorporated Town of Kingston was divided into four Wards that were referenced by Wards numbered from One to Four. The intersection of Brock Street and Grass Street (now Wellington) was established as the dividing line that separated the town into four quadrants.

The Statute reads as follows:

IV. And be it further enacted by the authority aforesaid, That Ward Number One shall consist of all that part of the said Town which lies west of Brock-street, and south of Grass-street, to the line of Lot number twenty-four, in the first Concession of the Township of Kingston.

V. And be it further enacted by the authority aforesaid, That Ward Number Two shall consist of all that part of the said Town which lies west of Brock-street and north of Grass-street, to the line of the said Lot number twenty-four.

VI. And be it further enacted by the authority aforesaid, That Ward Number Three
shall consist of all that part of the said Town which lies east of Brock-street,
and south of Quarry-street.

VII. And be it further enacted by the authority aforesaid, That Ward Number Four
shall consist of all that part of the said Town which lies east of Brock-street,
and north of Quarry-street, including the land granted to Magdalen Ferguson; to
the line of the said Lot number twenty-four.

The Harbour

The *Statute* granted the town some authority over the harbour with the power to regulate wharves
and to prevent obstructions in the waterway, but the overall control was limited to minor
activities such as a prohibition on swimming and the setting of fish nets and weirs in the areas
around the wharves and quays. Actual control over ships and port activities was not included in
the powers granted to the town. The *Statute* briefly addressed the description of the Harbour as
follows:

VIII. And be it further enacted by the authority aforesaid, That the Harbour shall
consist of all that part of the River and Bay opposite the said Town.  

The limited powers of the Town of Kingston over harbour activities were set out in the
*Statute* in the following terms:

XLIV. And be it further enacted by the authority aforesaid, That the said Town of
Kingston shall have full power and authority ... “to regulate wharves and quays;
to prevent all obstructions in the Bay, Harbour or River, near or opposite to any
dock, wharf or slip; to regulate or prevent fishing with nets or seines, the use of
fishing lights, or the erecting or use of weirs for eels, or other fish; to prevent or
regulate swimming in and about docks, wharves, slips and shores within the
limits of the said Town...”

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136 *An Act to Incorporate the Town of Kingston. Statutes of Upper Canada.* 1st Vic. A.D. 1837- 8 CHAP. XXVII. The harbour was described in s. VIII.
137 *An Act to Incorporate the Town of Kingston. Statutes of Upper Canada.* 1st Vic. A.D. 1837-8 CHAP. XXVII s. XLIV (part) 111.
The Mayor and Council’s authority under the new town Statute was limited in scope, but nevertheless, the council was granted sufficient powers to deal with the everyday activities of the residents, to control animals that might present a problem, as well as the power to control a number of other activities that the town had to deal with, often on a daily basis. These included the licensing of taverns and places where food was provided or sold, dangerous products, fire regulations, and health and welfare matters. Borrowing power under the Act was limited to only those amounts that could be repaid within five years, based upon anticipated tax revenues. The only exceptions to this borrowing rule were borrowings authorized by an Act of Parliament, or to acquire a specific sum for the building of a new Market-House.

Planning Assessment of the 1838 Incorporation

The incorporation of the 1838 Town of Kingston by the Province of Upper Canada was a critical milestone in the development of the community. Prior to the incorporation of the town, the community was a military settlement, surrounded by a protective palisade and defensive structures. The harbour area was essentially a naval yard, under naval control. The residents of the community had no legislative structure to address their local issues, save and except through appointed magistrates. It is not surprising then that the residents pressed the province for some local control over their lives in the form of a municipal government. The result of this pressure was ultimately successful, and resulted in the incorporation of a municipality whose land mass was largely defined by the boundaries of the former military facility.

138 Ibid., s. XIII., 110-114.
139 Ibid., s. XIII.
From a planning perspective, the political structure changed, but the boundaries of the community remained essentially the same as before.

Comment

In spite of these limitations on local government, after a half a century of struggle, the United Empire Loyalists at King’s Town finally accomplished their mission in 1838. More specifically, the Incorporation of the Town of Kingston was the culmination of the efforts over the years prior to 1838 by a number of prominent Kingston residents, namely, Richard Cartwright and John A. Macdonald, who promoted town status notwithstanding much opposition.\textsuperscript{140}

\textsuperscript{140} Betts in Tulchinsky, 226. Not everyone was in favour of incorporation, and some, such as Assemblyman C. A. Hagerman, were opposed, 231-232.
Chapter 6
1846 Incorporation of the City Of Kingston

This chapter examines the events that led to the Incorporation of the City of Kingston in 1846, and the expansion of the municipal boundaries of the former Town of Kingston. The citizenry of the 1838 Town of Kingston were not happy with the limited self-government that had been granted to them under the incorporation of the Town of Kingston, and pushed Council to have the Town of Kingston status repealed, and replaced with an incorporated City of Kingston.

2nd Statutory Boundary Expansion – 1846
City of Kingston

Many of the citizens of the Town of Kingston were dissatisfied with the lack of authority of the town Council and the terms under which the town was incorporated in 1838. As a consequence, these residents on a number of occasions requested that the incorporation of the town be repealed and its status changed. This change was eventually accomplished in 1846, when the government incorporated the City of Kingston.\textsuperscript{141} The Statute to incorporate Kingston as a City repealed its town status,\textsuperscript{142} but in spite of this change of status, not everyone was happy with the result.

During the intervening years between the incorporation of the Town of Kingston in 1838 and the incorporation of the City of Kingston in 1846, there had been a constant push by the town Council and some of its citizens to include Farm Lot 24, Concession 1, of the Township of Kingston in the new City when it became incorporated. By 1846, Farm Lot 24 for the most part

\textsuperscript{141} Betts in Tulchinsky, 234-235. See also Osborne and Swainson, 117 and 119.
\textsuperscript{142} Province of Canada Statutes. An Act to repeal the Town of Kingston and incorporate the City of Kingston. 9 Vic. CAP. 75. (1846), 1013.
had developed into an unincorporated village known as Stuartsville, and was situated on the town’s western boundary. When the Council of the Town of Kingston petitioned the authorities for a change of its status to that of a City, the petition included a request to include Farm Lot 24.

The reason behind the request of the town Council was clearly that it was interested in the property tax revenue that the residents of Farm Lot 24 would provide to the new entity. Needless to say, the Midland District officials were opposed to the town Council’s request to include Farm Lot 24, as this would mean the loss of revenue to the District.Apart from the tax revenue issue, it is worthwhile to note that parts of Farm Lot 24 were not among the most desirable places to live, as undesirable but necessary business activities such as slaughter houses were located there. However, in spite of this, a small community had developed that was made up of largely working class people, mainly mechanics and labourers, and from the perspective of the town Council, their homes represented a significant source of property tax revenue.

The residents of Stuartsville were acutely aware of the actions of the town Council and the issue of taxation. They were strongly opposed to being a part of a new city, and organized themselves to oppose the petition of the town Council. Apart from the tax question, their main opposition was that they did not wish to be called upon to help pay the accumulated debt that the town had incurred for the construction of its new town hall complex. As one local author noted, the residents “fought annexation with vigor and often with vituperation.” In spite of the opposition, the town nevertheless petitioned for the annexation of Farm Lot 24, but to the dismay of the town Council, the request to include Farm Lot 24, was denied. The City of Kingston was

143 Osborne and Swainson, 119. See also: Betts in Tulchinsky, 235.
144 Angus, 73. It is interesting to note that Angus at 73 writes: “… the Municipal Act, [1850] which had a special section providing for the annexation of Farm Lot 24 …” There was no ‘special section’ for the annexation of Farm Lot 24. It was not annexed, the government simply passed a Statute and included Farm Lot 24. Furthermore, the Township of Kingston had no Municipal Government until 1850.
incorporated in 1846 without the lands and the tax revenue that Farm Lot 24 would have provided. The residents of Stuartsville (Farm Lot 24) remained undisturbed until the *Municipal Corporations Act* came into effect, and the residents became part of the new City of Kingston in 1850.

**City of Kingston Growth**

Apart from the financial problems of the town, development continued, and the growth of the town was reflected in the large number of churches and business structures that were built in the period 1840-1846. Among the many churches constructed were St. Mary’s (1840), St. James (1844), St. Paul’s (1846) St. George’s (facade and clock tower) (1846) and Cooke’s (1846) (now Chown Memorial Parking Garage), opposite the Hotel Dieu Hospital. During this period, many local merchants began to construct larger residents and new substantial business buildings in the area of Brock and Wellington Streets. Of particular note were the Empire Life building (the former Commercial Bank building), and the Frontenac Apartments.145

In 1840, the new Governor, Charles Poulett Thomson, chose Kingston as the location of the Parliament for the United Province of Canada, with the first meeting of the new Parliament held on June 14, 1841.146 The designation of the Town of Kingston as the capital created an environment whereby investors immediately recognized the need for rental housing to accommodate the influx of people that would surely come to the new seat of government, and four hundred rental houses on small lots were build over a period of three years. The residential

\[\text{\footnotesize 145} \text{ Horsey. } A \text{ Century Ago, 29.} \text{ \footnotesize 146 Osborne and Swainson, 76.}\]
as well as new commercial construction that took place created a ‘boom town’ environment. With the scarcity of homes, prices of residential real estate rose.

The building boom, however, was short lived. The Town of Kingston as the capital remained so for only a four year period (1841-1844), after which the capital was moved to Montreal.\textsuperscript{147} The loss of Parliament to Montreal had a devastating impact on a number of notable residents of Kingston who had invested heavily in the community in the belief that the new Town of Kingston would continue to be the seat of Parliament. The loss of the capital status was not only detrimental financially, but also in terms of municipal prestige. When the capital was moved, real estate prices dropped, and many local entrepreneurs were forced to declare bankruptcy. As well, a large and prestigious town hall had been built to reflect the town’s importance as the Capital of the United Province, and significant costs had been incurred by the town to build the municipal complex. Unfortunately, the new building proved to be unnecessary, and the town Council was obliged to rent parts of the building to recoup some of its building costs, or to find funds to maintain the building. Over the years, a desperate town Council rented parts of the building to a variety of lessees, ranging from the Free Scotch church to a saloon. The debt, however, continued to grow.\textsuperscript{148}

\textsuperscript{147} Horsey. \textit{A Century Ago}, 27.

\textsuperscript{148} Ibid., 23-28.
Expansion of the New City of Kingston

Under the *Act* to incorporate the City of Kingston the land area remained unchanged from the old Town of Kingston boundaries, but the harbour was enlarged to include a large water area in front of the City that extended to within 500 yards of Wolfe Island.

Another significant change was that the City Council was granted the power to levy and collect City taxes, and from the collected taxes, send the Midland District’s portion directly from the City Treasury. This change was in contrast to the prior system whereby the old Town of Kingston had to collect the taxes and turn the entire tax collection directly to the Midland District, and in turn, the Midland District would submit the town’s portion back to the town. These were important activities for the new city, especially when Council reflected on its long struggle for control over its local affairs. The incorporated City with greater power granted to the city Council was an indication that the new City of Kingston was a City in its own right, with its own duties and responsibilities to its citizens, and no longer only a remote player with the higher authority dictating orders. With its new City status, Kingston now had to organize a new Ward structure.

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149 The *Statute* provides “That the Town of Kingston shall from henceforth constitute the City of Kingston.” See: *Statute* 9 Vic. Cap. 75 (1846) s. III.

150 An *Act to repeal the Town of Kingston and incorporate the City of Kingston. Province of Canada Statutes*. 9 Vic. Chap. 75 (1846) s. XL111.

151 Ibid., s. LV111.
Figure 16 1846 City of Kingston Expansion of Harbour

Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1846 Boundary Expansion using colour and map key. Note: while the Plan is dated October 21, 1815, it lends itself to yet another revision to illustrate the new boundaries of the 1846 Incorporation of the City of Kingston. It is important to note that the boundaries of the 1846 new City of Kingston were the same as the 1838 Town of Kingston, except for the huge harbour that was included in the new boundaries, and extended to within 500 yards of Wolfe Island. The expanded harbour is outlined in purple to illustrates the change in jurisdiction of the new City of Kingston. The harbour was vital to the economy in 1815. An Act to incorporate the City of Kingston. Province of Canada Statutes. 9 Vic. Chap. 75. (1846) s. X.
New Ward Structure

The Statute incorporating the City of Kingston contained a number of changes. The new Wards were given names, rather than numbers, in contrast to its status as the Town of Kingston when incorporated in 1838. The Statute also revised the boundaries of the new City of Kingston by the creation of a new Ward, bringing the total to five. The Wards were described in the Statute as follows:

IV. And be it enacted, That the said City shall be and the same is hereby divided into five Wards, to be called respectively Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, and Cataraqui Ward.

V. And be it enacted, That Sydenham Ward shall consist of all that part of the said City lying westward and southward of a line drawn from the foot of William Street through the centre of said street to the limits of the said City.

VI. And be it enacted, That Ontario Ward shall consist of all that part of the said City lying between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of said street to the limits of the said City.

VII. And be it enacted, That Saint Lawrence Ward shall consist of all that part of the said City lying between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said street to the limits of the said City.

VIII. And be it enacted, That Cataraqui Ward shall consist of all that part of the said City lying eastward and northward of a line drawn from the foot of Princess Street, through the centre of said Street to Montreal Street; thence through the centre of said Montreal Street and across the Artillery Reserve to the present travelled Road known as the “Montreal Road;” thence through the centre of the said Road to the limits of the said City.

IX. And be it enacted, That Frontenac Ward shall consist of all that part of the said City lying northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess street), through the centre of Princess Street to the limits of the said City.153

153 An Act to repeal the Town of Kingston and incorporate the City of Kingston. Province of Canada Statutes. 9 Vic. Chap. 75 (1846) s. IV– s. IX.
The Harbour

It is interesting to note that the government specifically addressed the harbour under the Act of Incorporation for the 1846 City of Kingston. The Statute expanded the control of the City Council over the harbour, but limited its authority with the condition that Council could not engage in any building construction or alterations of the area without the express permission of the Governor of the Province, the Executive Council, the Commander in Chief of Her Majesty’s Forces, or the Principal Officers of Her Majesty’s Ordnance.\(^\text{154}\)

The Statute also expanded the size of the harbour beyond that of the incorporation of the Town of Kingston. Under the Act the City Council was granted jurisdiction over “all of the water lying between the front of the said City and the opposite shore of the Township of Pittsburgh as far as Point Frederick, and beyond Point Frederick all the water lying in front of the said City which may be distant five hundred yards from the main shore of Wolfe Island.”\(^\text{155}\)

The broader powers that the municipality had been given went beyond the authority to control the many activities of its inhabitants and the control of animals, as the new City had been granted greater authority over its harbour for the first time. The new Act granted the City the power to levy and collect harbour dues, in contrast to the former Town of Kingston that had only limited control over the wharfs and quays with regard to swimming and seining. While the Town had the duty to collect harbour fees, it was obliged to remit them directly to the Midland District.\(^\text{156}\)

\(^{154}\) Ibid., s. X.
\(^{155}\) Ibid.
\(^{156}\) Ibid., s. XLV11. (Seventhly).
The Statute extended the boundary of the 1846 City of Kingston under the water from in front of City Hall to the east shore line of the Township of Pittsburgh as far down as Point Frederick, and to within 500 yards of the shore line of Wolfe Island.\textsuperscript{157}

The legal described of the 1846 Harbour is set out in Appendix 4.

**Inaugural Meeting of City Council**

At the first meeting of the Council of the new City of Kingston, the Mayor informed Council that the financial statements revealed that a great deal of debt had accumulated under the leadership of the previous Council of the Town of Kingston between the years of 1838 and 1846, and this required Council’s attention. In particular, taxes and tax arrears were a serious problem. Tax arrears dating from 1842 to 1843 had created a deficiency of £3,000, due to the tax collectors’ neglect in failing to collect outstanding taxes,\textsuperscript{158} and the tax levy for 1846 had yet to be determined, as the out-going Town of Kingston Council had not prepared the necessary documentation for the issuance of tax assessments for the new tax year.\textsuperscript{159} The oversight delayed funds moving into the new City’s coffers. On top of the financial problems that the Mayor referred to during the address, the City Council had to deal with a number of other issues that were also financial in nature. Among the many issues referenced by the Mayor was the need to establish an arrangement or a manageable payment schedule for water and gas. Still another, the Council had to deal with the drainage problems on many of the streets, due to the topography of

\textsuperscript{157} Ibid., s. X.
\textsuperscript{158} Betts in Tulchinsky, 240.
\textsuperscript{159} Ibid.
the area. The latter issue, while time consuming and expensive, was necessary to protect the health of its citizens as the City grew larger.\textsuperscript{160}

The largest and most urgent debt was the loan procured from a bank in England to finance the building of the Town Hall complex prior to the Incorporation of the City. The sum of £23,919-9s.-5d was loaned to the City of Kingston by the Commercial Bank as a result of the request by Mayor John Counter on behalf of the Town of Kingston. The original amount of the loan was £20,000 with an interest rate of 9\% per annum. The previous town Council had stated one of the reasons for not paying the loan during their tenure in office was that the town hall and market complex had exceeded the estimated cost of construction. By late 1849, the total debt amounted to £40,500, and a plan to eliminate the debt was eventually negotiated by the new Council with the bank for payments of £3,500 per year until the debt was paid.\textsuperscript{161}

Apart from its formal problems, the City was nevertheless becoming more sophisticated as new services were becoming available to its citizens. These services included the incorporation of a gas company in 1847. The company provided illumination for the streets, as well as for residential homes and commercial establishments. Another company that significantly changed the City was the Incorporation of the Water Works Company on May 30, 1849. The company provided a means by which sewerage and water mains would be installed that would not only protect the health of the citizens, but would be a vital tool for fighting fires.\textsuperscript{162} In 1847, other technological changes followed with the advent of the telegraph that permitted the citizens of the city to reach beyond their community for personal and commercial communications. All of the changes were progressive steps in the development of the City.

\textsuperscript{160} Ibid., 241.
\textsuperscript{161} Betts in Tulchinsky, 240-241.
\textsuperscript{162} Osborne and Swainson, 132-133.
The *Key Map of Kingston* on the following page indicates a number of significant landmarks in the area. More recently, the part of Palace Road lying south of Johnson Street was closed with the construction of Sir John A. Macdonald Boulevard (not shown on the map, but lying west of and parallel to Palace Road).

*Figure 17 Key map of Kingston*
Planning Assessment of the 1846 Incorporation

The incorporation of the Town of Kingston in 1838 failed to give the municipality any meaningful control over the harbour, and no control over the rapidly developing settlements outside the boundaries of the town. These concerns were important issues for the municipality, and the Council of the Town of Kingston pressed the Province of Canada for expansion of the boundaries of the municipality to give it greater control over both of these areas. The response of the Province was in the form of an incorporation of a City in recognition of its growth in population, but it denied the Council of the Town of Kingston a territorial expansion of its boundaries, except in terms of greater control over a larger harbour area and the lands thereunder. From a planning perspective, the municipality failed to gain any control over the developed land on its borders, but did gain control over a large harbour area that was expanded to include the water within 500 yards of Wolfe Island.

Comment

There is still confusion over the status of Farm Lot 24, even today. The Province of Canada did not include Farm Lot 24, of the Township of Kingston in the boundaries of the new 1846 City of Kingston. However, Farm Lot 24 was later included in the boundaries of the new City of Kingston in 1850.

The next chapter deals with the large expansion of the City of Kingston under *The Municipal Corporations Act* of 1849 that came into force on January 1, 1850.
Chapter 7

1850 - *The Municipal Corporations Act*

This chapter covers *The Municipal Corporations Act* that came into force on January 1, 1850, and instantly expanded the City of Kingston. The chapter also includes details of the interpretation of the Act by some authors as a result of what was apparently reported in the local newspaper at the time. Available government primary source material is examined to establish the actual facts of what had transpired when the Act came into force.

**3rd Statutory Boundary Expansion – 1850**

*New City of Kingston Under The Municipal Corporations Act*

Four years after the 1846 incorporation of the City of Kingston, a significant change took place in not only the size of the City, but in the City’s governance, when new municipal government legislation in the form of a *Municipal Corporations Act* came into effect on January 1, 1850. Under *The Municipal Corporations Act*, the citizens of the City of Kingston were finally granted control over a considerable number of local matters without the previous close supervision of a higher level of government. These changes were most helpful, as by the 1850s, the City of Kingston had prospered, and according to the local *Chronicle-Gazette* newspaper, the

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*An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada. Province of Canada Statutes. 12 Vic. Cap. 81. 1849.* In this study the Act will be referred to as *The Municipal Corporations Act*, 1850. The date it came *in force.*
population of the City, including certain areas surrounding the City, now consisted of 13,047 persons.\footnote{Horsey. \textit{A Century Ago}, 36. The population figures were reported in the newspaper as follows: City of Kingston 10,160, military 1,200, soldiers, women and 400 children, the Village of Barriefield 200, the Village of Portsmouth 500, and the penitentiary 587.}

Political unrest had been a major issue in the Colony during the 1830s, and this was resolved to some extent by legislative reform at the provincial level,\footnote{The Rebellion of 1837 was followed by the Durham Report, and out of it the Union of the Province of Upper Canada and Lower Canada into a single Province of Canada. See: \textit{An Act to Re-unite the Province of Upper and Lower Canada and for the Government of Canada}. 3 & 4 Victoria Cap. 35 (1840).} but local government issues also needed to be addressed. Local discontent had remained, however, and pressure increased on the Province to provide some form of municipal reform. Like the City of Kingston, many other towns and small cities were developing elsewhere in the Province, and a new governance model was required for these growing communities.

The British Government, when faced with the issue of local government reform a decade earlier had passed legislation\footnote{The Municipal Corporations Act (1835). \textit{Statutes of the Realm} 5 & 6. Wm. IV Cap. 76.} that granted English communities greater local control over their municipal affairs, and when the issue of local governance became a Colonial matter of some concern, the provincial government, aware of the British experience, used it as its model. In 1849, new legislation was developed that was considered suitable to address local government issues in the communities in Canada West.\footnote{The Municipal Corporations Act, 1849. \textit{Province of Canada Statutes}. 12 Vic. CAP. 81. See also: Stewart Fyfe, an address to the City of Kingston in 1997 – \textit{Town and City}, 1846 on the occasion of the unveiling of a plaque with regard to The Municipal Corporations Act, 1849. Filed in Fyfe Fonds, 110. QUA. The Statute was designed to ensure the interests of each part of a municipality would have a voice and representation on Council by using a Ward system for the election of Councillors.} The \textit{Municipal Corporations Act} was subsequently passed, and became law on January 1, 1850.
New City of Kingston

_The Municipal Corporations Act, 1850_\(^{170}\) had a tremendous impact on the City of Kingston and area, as it did elsewhere in the Province of Canada. The legislation incorporated, authorized, and directed each township,\(^{171}\) village, town and city to establish its own elected Council, and provided the authority for each Council to deal with local matters within their municipality. Each newly created municipality also had its own designated land boundaries. It is worth noting that the model for local government put forward in 1850 has remained from a structural perspective in much the same basic form to this day. While the Act has changed in many respects since the 1850s, the _Municipal Corporations Act_ concept of a local government elected and responsible to its constituents has proven to be the most successful form of self-determination open to municipalities and their electorates.

The Act established a system of local government in the Province of Canada that placed significant local responsibility on the community to not only govern itself, but establish a direction that would fit the needs of its residents. Consequently, from 1850 on, the City of Kingston was able to direct its own affairs and exercise some minimal control over its development. No longer was the Court of Quarter Sessions the governing body that controlled the lives of the Kingston residents, and no longer was there a direct control of the community in the hands of a select few. The year 1850, in a sense, also marked the end of the local Family Compact.\(^{172}\)

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\(^{170}\) The Act was passed in 1849, and was effective on January 1, 1850, for the purposes of this study, I will refer to the 1850 date.

\(^{171}\) A minimum population of the township was necessary before it was obliged to form a municipal government. The number was usually 100 persons. _The Municipal Corporations Act, 1849. Province of Canada Statutes._ 12 Vic. CAP. 81 s. II.

\(^{172}\) _Fyfe Fonds Town and City_, 110. QUA.
Of special interest from a land development perspective, the Act permitted the municipality to exercise control over “the erecting of buildings and preventing wooden buildings and wooden fences from being erected in the city.” 173 Under the new legislation, the Mayor and Council were given the authority to not only regulate activities such as those for the peace, order and general welfare, 174 but also the authority to deal with certain financial matters that fell within the City of Kingston’s jurisdiction. These included (subject to a few restrictions) the raising of funds for roads, bridges, municipal buildings and services. 175

New City of Kingston Boundaries

The Municipal Corporations Act also addressed the size of the new City of Kingston, and under the Act, the boundaries of the new city were expanded to the west and north. The expansion of the western boundary of the new City of Kingston included Farm Lot 24 and a large block of land comprising of Farm Lot 23, Farm Lot 22, and Farm Lot 21, in the 1st Concession of the Township of Kingston, as well as Farm Lot 2, Farm Lot 3, and Farm Lot 4 in Concession West Great Cataraqui River, north of the old boundary of the 1846 City limits.

The boundaries of the 1850 new City of Kingston 176 are described in Appendix 5.

174 Ibid.
175 Ibid., (“Thirdly” and “Fourthly”), 491.
The survey below illustrates the huge expansion that created the new City of Kingston when the Act came in force on January 1, 1850.

**Figure 18  1850 Annexation - new City of Kingston**

Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1850 Boundary Expansion using colour and map key.
In a very general way, using the streets as they exist today, the enlarged 1850 new City of Kingston had as a western boundary a line running north and south along Helen Street that extended from Lake Ontario to Bath Road. The boundary then ran easterly along Bath Road to the intersection of Bath Road with Princess Street. From that point, the boundary line continued in an easterly direction along Concession Street to Division Street. At Division Street, the line traveled northerly along Division Street to the line between Farm Lot 4 and Lot 5, in the Concession West Great Cataraqui River and then easterly along the line between the lots to the Great Cataraqui River. From there, the line crossed the Great Cataraqui River, continued southerly along the easterly side of the Great Cataraqui River to a point in Lake Ontario 500 yards from Wolfe Island, Garden Island and Simcoe Island. Then ran westerly along Lake Ontario parallel with the shore to a point in the lake where the line extending south from Helen Street would intersect the shore-line and beyond to meet the line in Lake Ontario.

As a result of the expanded boundaries, two additional Wards were constituted for the new City of Kingston. The two Wards were designated as Rideau Ward and Victoria Ward, bringing the total number to seven in the City of Kingston as of January 1, 1850.\footnote{178}

The legal descriptions for the seven Wards of the City of Kingston under The Municipal Corporations Act of 1850 were set out as follows:

\textit{Seven Wards of the New 1850 City of Kingston}

The said City to be divided into seven Wards, to be called, respectively, Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, Cataraqui Ward, Rideau Ward, and Victoria Ward, and to comprise the following portions of the said City respectively, that is to say:

\footnote{178 Fn 175. The Municipal Corporations Act, 1849. Schedule ‘C’, 534-535.}
The said Sydenham Ward to comprise all that part of the said City which lies westward and southward of a line drawn from the foot of William Street through the centre of the said Street to the limits of the said City.

The said Ontario Ward to comprise all that part of the said City which lies between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of the said Street to the limits of the said City.

The said Saint Lawrence Ward to comprise all that part of the said City which lies between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said Street to the limits of the said City.

The said Cataraqui Ward to comprise all that part of the said City which lies eastward and northward of a line drawn from the foot of Princess Street through the centre of the said Street to Montreal Street; thence, through the centre of Montreal Street aforesaid and across the Artillery Reserve, to the present traveled road known as the “Montreal Road;” thence, through the centre of the said road to the limits of the said City.

The said Frontenac Ward to comprise all that part of the said City which lies northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess Street) through the centre of Princess Street, to the limits of the said City.

The said Rideau Ward to comprise all that part of the said lot number twenty-four, lying on the north side of the continuation of Arthur Street, through the said lot in a direct line to the Concession Road between the first and second concessions of the said Township of Kingston.

And the said Victoria Ward to comprise all that part of the said lot number twenty-four lying on the south side of the said continuation of Arthur Street aforesaid.
Figure 19  1850 Boundaries of the new City of Kingston, including the Liberties

179 Survey 1850. Compiled by Thomas Fraser Gibbs, Provincial Land Surveyor Hugh Scobie. QUA.
The Liberties

The Liberties were the former Midland District (Township of Kingston) lands situated to the west and north of the boundaries of the former 1846 City of Kingston. These lands became a part of the new 1850 City of Kingston to provide land for development as the City grew. In 1850, these lands were called Liberties, and were not ‘peculiar’ to the City of Kingston. The City of Toronto and the City of Hamilton also had Liberties in 1850, and these were set out in The Municipal Corporations Act of 1850 under Schedule ‘C’. It is important to note, however, that under the Statute, the Liberties became a part of the adjacent Wards of the City of Kingston when the Statute came into force on January 1, 1850. The Liberties of 1850 had never been ‘outer Wards’. The Colonial Government included the Liberties in its legal description of the 1850 boundaries of the new City of Kingston, and stated in the Statute that the Liberties ‘shall be attached’ to adjacent Wards. The word annexed or annexation was not used in the Kingston Statute. The attachment of the Liberties to the respective Wards were described in the Statute as follows:

And so much of the Liberties of the said City as are adjacent to the respective Wards, shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City, be ascertained by the extension of the boundary lines between the said Wards respectively and through the said Liberties.

As a result of the Statute of 1850, Farm Lot 24, Concession 1, of the Township of Kingston became a part of the new City of Kingston and was effectively divided between two

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181 Ibid., Schedule ‘C’, 535.
Wards named Rideau Ward and Victoria Ward. Arthur Street (now called Earl Street) was the dividing line for Farm Lot 24 with Rideau Ward lying to the north of Arthur Street, and Victoria Ward, lying to the south of Arthur Street. Rideau Ward and Victoria Ward, under the *The Municipal Corporations Act of 1850*, had attached to them Farm Lot 23, Lot 22 and Lot 21, lying to the west of their respective limits.

In the northern part of the new City of Kingston, Farm Lot 2, Lot 3 and Lot 4, Concession West Great Catarqui River were divided by Montreal Street and by extension Montreal Road (now Battersea Road) and added to Frontenac Ward and Cataraqui Ward. The 1850 description of Frontenac Ward and Cataraqui Ward simply included the portions of Farm Lot 2, Farm Lot 3, and Farm Lot 4, adjacent to each running north to the 1850 new City of Kingston boundary.

**Liberties Under The Municipal Corporations Act**

Some historians may have misinterpreted *The Municipal Corporations Act of 1850* with respect to the Liberties that were part of the new City of Kingston. Much of the confusion is perhaps related to an apparent editorial in a Kingston newspaper, the *Chronicle and News*, in its May 16, 1849 edition. This editorial is alleged to have reported on the Liberties in some form similar to the following:

City Councils were empowered to create “outer wards” out of the liberties of the cities and when the population and wealth of any such “outer ward” became equal to the population and wealth of the least populous and wealthy of the original wards, the mayor was required to annex it to the city.\(^\text{182}\)

\[^{182}\] Betts in Tulchinsky, 243.
An examination of the May 16, 1849, edition of the *Chronicle and News* contains no reference to the Liberties, or to the editorial. An examination of the other Kingston newspapers of the day (*The Daily British Whig*, *The British Whig*, and *The Argus*) each mention *The Municipal Corporations Act*, but make no reference to the Liberties as cited. The following is another author’s interpretation of the *Liberties* that appears to be based on the editorial:

The Municipal Act of 1849 also solved some problems that were peculiar to Kingston. Municipalities were empowered to create ‘outer wards’ of adjacent lands, and when such wards became as populous and wealthy as the least-populous and least-wealthy of the original wards, cities were required to annex them.\(^{fn 19}\) Accordingly, on 1 January 1850, Kingston exercised its powers, and Lot 24 and other “suburbs” were annexed...\(^{183}\)

Under *The Municipal Corporations Act of 1849*, effective January 1, 1850, the Liberties were not ‘annexed’ by the 1846 City of Kingston. Furthermore, the 1846 City of Kingston did not possess such powers as it was the Province of Canada in 1850 that used its powers to create a huge new City of Kingston.

Under the 1850 *Statute*, Farm Lot 24 west of the boundaries of the 1846 City of Kingston was divided into two new two Wards, Victoria Ward and Rideau Ward. Also west of the city, Farm Lot 23, Farm Lot 22, and Farm Lot 21, were divided and attached to the two new Wards. In the north, Farm Lot 2, Farm Lot 3, and Farm Lot 4, Concession West of the Great Cataraqui River were also divided and attached to Frontenac Ward and Cataraqui Ward by the *Statute*. The new City of Kingston of 1850 did not create ‘outer Wards’ nor did the City “create ‘outer

\(^{183}\) Osborne and Swainson, 121. Footnote 19, in Osborne and Swainson text refers to George Betts in Tulchinsky, 243.
wards’ of adjacent lands.” The Wards of the new City of Kingston were not annexed, but were created by Statute.

Some of the confusion with respect to the City of Kingston is perhaps related to the following sections of the Statute:

LXXXIX. And be it enacted, That it shall and may be lawful for the Corporation of any City which shall be or remain incorporated under authority of this Act, by act of Common Council, from time to time, as it may seem expedient, to erect any part of the Liberties contiguous to such city, as their boundaries shall be at the time, into one or more outer Wards; and may from time to time, as it may seem expedient, alter and vary the boundaries of such outer Wards, or any of them, before they shall be annexed to the said City, as thereinafter provided.

XC. And be it enacted, That so soon as it shall appear by the census of any such City, that any one of its outer Wards contains as many inhabitants as by the census first taken after the passing of this Act, or after the erection of such City, as the case may be, shall be found to be contained in the least populous of the Wards erected by this Act, or by the Proclamation erecting such City, and by the general Assessment Rolls of such City, that such outer Ward contains as much assessed property as by the first Assessment of the said City made after the passing of this Act, or after the issuing of such Proclamation as aforesaid, shall be found to be contained in the least wealthy of the Wards erected by this Act or by such Proclamation, it shall and may be lawful for the Mayor of such City, for the time being, and he is hereby required forthwith to issue a Proclamation, under the Seal of the said City, setting forth the same, and annexing such Ward to such City, calling it by such name as the Common Council thereof shall think fit.

XCI. And be it enacted, That from the date of any such last mentioned Proclamation such Ward shall cease to be a part of the liberties, and shall from thenceforth constitute a Ward of such City, and have incident to it, and its inhabitants every thing by this Act or any future

Act of Parliament, or any act of Common Council, incident to the Wards of such City, or the inhabitants thereof, in general, and every such Act shall extend to such Ward as it foes or shall to the other Wards of such City in general; Provided always, that no Election for Charter Officers for any such Ward, shall take place until the general Election for such Officers next ensuing the issuing of any such last mentioned Proclamation.

The Statute is clear. A city would be empowered to create ‘outer Wards’ when the population in the Liberties met the criteria set out in the Statute. However, these sections of the Statute did not apply to the new City of Kingston, as the issue was not the creation of ‘outer Wards’. No ‘outer Wards’ were created from the Liberties that were included in the new 1850 City of Kingston. The Municipal Corporations Act simply divided and attached the western Liberties to the two newly created Wards on the western boundary of the City. The northern Liberties on the northern boundary of the old City were divided and attached to the two previous northern Wards. The Municipal Corporations Act clearly included the western Liberties and the northern Liberties lands formerly in the Midland District in the two new Wards and the previous northern Wards of the old 1846 City of Kingston the moment the Statute came into force on January 1, 1850.

Commercial and Industrial Development

By 1851, a diverse iron industry had developed in the City of Kingston, as there were now five foundries making a variety of metal goods, mill products, locomotives, and marine engines. Development continued over the years, and by the end of the 1800s, the shipbuilding industry had also become a major employer that engaged in the construction and repair of ships, along with the production of pleasure yachts for some of the more affluent residents in the area. As a commercial centre, the City of Kingston by 1850 had firmly established itself as a major
business and manufacturing location in what is now Eastern Ontario. In addition to the many heavy industries, there were now many light industrial manufacturers that produced musical instruments, clothing, (including knitted woolen garments) and tobacco products, to name but a few.  

The City of Kingston continued to grow in the years that followed, and new technological changes, such as the telephone, changed the lives of the citizens. The telephone in particular enhanced the way commerce was conducted, as well as the way its citizens connected to the outside world. By 1888, additional technology, such as electricity, became available in most parts of the City that further changed the lives of the citizens of Kingston.

Planning Assessment of the 1850 Incorporation

The 1850 creation of the new City of Kingston by the Province of Canada represented good planning. By doing so, the province had provided the new City with ample land for the expansion of most of its residential and industrial needs. The decision on the part of the province to use its legislative powers to include sizable blocks of land for development was forward thinking. The province also provided for municipal government in the Township of Kingston. By providing development land for growth of the new City of Kingston, the provincial government was able to avoid disruption of the new boundaries of its new municipality for 65 years.

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185 Tulchinsky in Tulchinsky, 5-6.
Comment

The 1850 massive annexation that increased the size of the new City of Kingston also provided sufficient development land for at least a Century. With the exception of six rather small annexations after 1850 that took place prior to the equally massive annexation of 1952, there were no other sizable annexations during that time frame. However, the City of Kingston did require land for specific purposes, the first being a dumpsite. In 1867, City of Kingston purchased land situated on McAdoo Lane, in the Township of Kingston, a location beyond its boundaries. In this case, the City of Kingston did not annex the land at the time of the purchase, and as a result, the dumpsite remained under the jurisdiction of the Township of Kingston until the 1998 Amalgamation.

The City of Kingston also purchased land for the Ravensview Wastewater Treatment Plant in the Township of Pittsburgh. In this case, the Council of the City of Kingston followed the same acquisition pattern, and did not annex the land at the time of purchase. While the City of Kingston owned the land, the land was left under the jurisdiction of the Township of Pittsburgh until the 1998 Amalgamation. It is important to note that there was no land tax revenue from either property, and this may have been a reason for the City of Kingston to not annex the land. These purchases were researched and are recorded in Chapter 9.

Chapters 8 and 9 cover the Post-1850 years. However, the nature of the legal transactions were entirely different. It was necessary to distinguish for the reader ‘how’ the properties in the two Chapters differed. Each Chapter deals with the distinctively different legal procedures used by the City of Kingston to deal with the properties in Chapter 8 and Chapter 9. For example, Chapter 8 covers six additional boundary expansions that were annexed and
confirmed by Provincial Statute. While Chapter 9 also references six properties that remained outside the boundaries of the City of Kingston until the 1952 Annexation or the 1998 Amalgamation. The transactions in both Chapter 8 and Chapter 9 occurred after the aforementioned massive 1850 (3rd Boundary Expansion) of the City of Kingston, and prior to the equal massive 1952 Annexation.
Chapter Eight covers six annexations that expanded the City of Kingston boundaries on the date that each of the Statutes came in force. The six annexations actually occurred between the years 1915 and 1947, and prior to the large 1952 Annexation. This Chapter brings the total number of boundary expansions to nine at this point in the study. A number of the annexations recorded in this Chapter were unusual in the sense that they did not abut the City of Kingston’s existing boundaries when they were annexed. Four of the six annexations referenced here took place beyond the City of Kingston limits.

Usually, annexations take place when the land is adjacent to the receiving municipality, but in the case of The Kingston Elevator Company site, the Rail-Line connection to the C.N.R. Main-Line, The Canadian Terminal System Limited site, the large harbour, The Kingston, Portsmouth and Cataraqui Electric Railway Company land\textsuperscript{187} and The Cataraqui Golf and Country Club, Limited property referenced in this Chapter, all fell under the jurisdiction of the City of Kingston even though the land was not contiguous to the City of Kingston boundary when the annexations occurred.

\textsuperscript{187} The Kingston, Portsmouth and Cataraqui Electric Railway Company (1895 - March 4, 1930). There were two other Incorporations in its historical past. The first Company was Incorporated as The Kingston Street Railway Company (May 9, 1877-1893). The second Incorporation The Kingston, Portsmouth and Cataraqui Street Railway Company (1893 – 1895).
In 1915, the City of Kingston purchased a parcel land on the City of Kingston’s northern boundary, in part of Farm Lot 5, Concession West Great Cataraqui River, in the Township of Kingston. It was simultaneously annexed by way of an Order of The Ontario Railway and Municipal Board. The Order declared that upon annexation the land was to become part of Frontenac Ward in the City of Kingston. The Ontario Railway and Municipal Board Order confirmed the purchase and annexation as a Consent Order for the land together with a right-of-way. No objection to the annexation was raised by either the Township of Kingston, or the County of Frontenac, and both municipalities were consenting parties to the Order. The annexation by the City of Kingston is described in the Order of The Ontario Railway and Municipal Board and may be found in Appendix 6.

Planning Assessment of 1915 Annexation

The annexation of the parcel of land in Farm Lot 5, Concession West Great Cataraqui River, in the Township of Kingston was adjacent to the City of Kingston and was recognized by both the City of Kingston and the Township of Kingston as an appropriate annexation to the City of Kingston in the sense that the use of the land was essentially tied to the use of adjacent lands within the City of

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189 The Order of The Ontario Railway and Municipal Board was Registered April 10, 1915, in the Land Registry Office, Kingston. Instrument #29249. Note that after 1906 when the Ontario Railway and Municipal Board was established, boundary adjustments and annexations were dealt with by the Board. The name of the Board was changed to the Ontario Municipal Board (OMB) in 1932.
Kingston. The annexation placed the complete use of the property within the confines and control of the City of Kingston, and represented an example of good land use planning.

Figure 20  1915 Part Farm Lot 5, Concession West Great Cataraqui River

The Depression Years

In 1930, after several decades of growth, the City of Kingston was affected by the onset of the depression in much the same fashion as many other small cities. There was very little residential or commercial growth, and therefore, no pressure to expand the boundaries of the City of Kingston. However, with its relatively high public sector employment at the prisons, universities (Queen's and Royal Military College), the military base, the hospitals, harbour and ferry services, the City of Kingston was stable enough to survive the prolonged economic down-turn, and suffered limited change in population numbers during the decade preceding World War II.

5th Boundary Expansion – 1930 and 1931 Annexations

The Kingston Elevator Company lands (annexed 1930) and The Canadian Terminal System Limited lands (annexed 1931)

During the latter part of the 19th Century, the City of Kingston continued as a transshipping port for grain and other commodities destined for Montreal and points east. By the early 20th Century, however, changes in the size of grain handling vessels required upgrading of the port at Kingston in the form of a deep harbour and an opening of the Inner Harbour to accommodate larger vessels.

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191 Osborne and Swainson, 285.
192 Fyfe Fonds: KINGSTON BOUNDARY ADJUSTMENT 1950. Table 1, Section II, 23. QUA. The population in 1930 was 22,534, and gradually grew over the decade to 25,792 in 1939, a rather modest increase for the period.
193 The first Agreement was negotiated between the City of Kingston and The Kingston Elevator Company Limited on February 20, 1930. The sites are shown on Registered Plan #172, Land Registry Office, Kingston. A second Agreement was negotiated on October 13, 1930, between the City of Kingston and The Canadian Terminal System Limited. The Canadian Terminal System Limited site is shown on Registered Plan #181, Land Registry Office, Kingston.
vessels. The refurbished harbour and rail access to service the grain handling facilities were completed by the early 1920s, but by this time the Federal Government had directed its attention to the establishment of a major deep-water grain handling facility. The end result was the selection of Kingston as a site for a grain elevator and port facility. The location selected was not the Kingston harbour, however, but a site west of the City of Kingston at the mouth of the Little Cataraqui River that became known as Little Cataraqui Bay, in the Township of Kingston.

The Grain Elevator facility was to be constructed on lands under water, and extensive dredging of the Little Cataraqui Bay was required in order to provide a base for the elevator, dockage and deep-water ship access to the facility. This required the acquisition by the City of Kingston of a large part of the lake-bed in Little Cataraqui Bay from the Federal Government, as only a small portion of shore-line in Lot 15, south of Front Road, in the Township of Kingston was utilized for the erection of grain storage and dock facilities. The grain facility and dock area were annexed under two separate Statutes, the first Statute dated 1930, and the second Statute dated 1931.

After the City of Kingston acquired the necessary land for the construction of the elevator, dockage and rail line connection, an Agreement was entered into between the City of Kingston and the operator of the proposed grain facility. A provincial Statute confirmed the financial

194 Osborne and Swainson, 222-230.
195 Ibid., 232-242. The pages offer a detailed description of the events and negotiations that led to the City of Kingston being selected for a grain elevator site and dock facility.
arrangements and other aspects of the Agreement with the elevator company. The actual size of
the land under the water was defined to some extent by the proposed construction of the dredged
dock area as well as the plan of the facility to be constructed.\(^{197}\) The location of the grain elevator
property is described in Schedule ‘A’ of the Agreement, and recorded in Appendix 6. The lands
are also shown on Registered Plan #172, on the next page.

Almost immediately, a second terminal was proposed by The Canadian Terminal System
Limited, and the site was reconfigured for a revised harbour consisting of 3 basins with a 600’
wide central basin (basin 2) to be shared by the two companies.\(^{198}\)

The second terminal site to be operated by The Canadian Terminal System Limited was
annexed in 1931 by a second Statute that also annexed Township of Kingston Broken Front
Concession Lot 16 to the City of Kingston.\(^{199}\) The second statute also annexed a large harbour
area that extended into Lake Ontario to include all waters lying south of the Little Cataraqui Bay
to within a line lying 500 yards north of Wolfe Island, and west of a southern extension of the line
between Lot 16 and Lot 17, to meet a line drawn westerly from the southerly boundary of the City
of Kingston harbour.\(^{200}\) These described lands may be found on Registered Plan #181, shown on
page 126 of this study.

\(^{197}\) Land Registry Office, Kingston. Registered Plan #172. Registered June 7, 1930.
\(^{199}\) An Act Respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch.103 (1931).
\(^{200}\) Appendix 6. Schedule B of the Statute. The description of the harbour area in the Statute covers a
larger water area than the area illustrated on Plan #181 shown on the following page.
Figure 21 1930 Annexation – The Kingston Elevator Company and Rail-Line to C.N.R.

201 Land Registry Office, Kingston. Registered Plan #172.
Figure 22 1930 Annexation - The Kingston Elevator Company\textsuperscript{202}

\textsuperscript{202} Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1930 Boundary Expansion using colour and map key.
Planning Assessment of the 1930 Annexation

The 1930 purchase of land by the City of Kingston with its annexation by Statute enabled the City of Kingston to have full jurisdiction over the large commercial site. Financing was provided by the City of Kingston for the land acquisition, and the annexation permitted the City of Kingston to

\[203\] The Kingston Elevator Company at Little Cataract Bay on the north shore of Lake Ontario. The Grain Elevator site was purchased and annexed by the City of Kingston in 1930. QUA.
not only have some control over its investment, but also acquire tax revenues from the
development.

6th Boundary Expansion – Annexed 1930
Rail-Line Leading to C.N.R. Main-Line

The parcel of land for a Rail-Line from the Grain Elevator site to the C.N.R. Main-Line was also purchased and annexed by the City of Kingston in 1930. The acquisition consisted of a parcel of land (1,000’ in width) over part Lots 14 and 15, Concession 1, as well as parts of Lot 15, Concession 2, in the Township of Kingston. The parcel of land followed the right side of the Little Cataraqui River, in a northerly direction, crossing Bath Road in Concession 2, and then westward to connect with the C.N.R. Main-Line. Once the acquisition of the land for the rail access was arranged, the lands and rail access completed the land assembly process. The Rail-Line was also a part of the lands that were annexed to the City of Kingston by the 1930 Statute. Appendix 6 contains the description of the Rail-Line property.

204 An Act Respecting the City of Kingston. Statutes of Ontario. 20 Geo. V. Ch. 84. (1930). Annexation of the Rail-Line was included in the 1930 Statute s. 5 (1).
My alteration to the original survey illustrates the 1930 Boundary Expansion using colour and map key.

Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC.
Planning Assessment of the 1930 Annexation

The annexation of the Rail-Line lands leading from the Grain Elevator site to the C.N.R. Main-Line ensured that the City of Kingston would have control over the entire commercial development, and the City of Kingston would immediately collect the land tax from the development.

7th Boundary Expansion – Annexed 1931

*The Kingston, Portsmouth and Cataraqui Electric Railway Company*

The Kingston Street Railway Company was incorporated in 1876, and operated a street railway system in the City of Kingston. In 1894, the Company established a rail-line that ran from the City of Kingston to a parcel of land that had been leased from the Federal Government in Broken Front Concession Lot 16, in the Township of Kingston. The Company developed a beachfront amusement facility on the property that became very successful.

Later, in 1921, The Kingston Street Railway Company, now called The Kingston, Portsmouth and Cataraqui Electric Railway Company purchased all of Broken Front Concession Lot 16, lying south of the Front Road, in the Township of Kingston, from the Government of Canada by way of a Crown grant. A part of these lands were subsequently leased to The Cataraqui Golf and Country Club, Limited in 1925. The leased lands consisted of the westerly


16.4 acres of Broken Front Concession Lot 16, lying south of Front Road. In April 1930, The Kingston, Portsmouth and Cataraqui Electric Railway Company sold the 16.4 acres parcel of land to The Cataraqui Golf and Country Club, Limited.\(^{209}\)

A few months later, a fire destroyed The Kingston, Portsmouth and Cataraqui Electric Railway Company’s car barns in the City of Kingston, and the Company ceased its regular operations. The Company’s land and assets were then acquired by the City of Kingston in August 1930. The purchase provided the City of Kingston with the easterly part of waterfront in Broken Front Concession Lot 16, in the Township of Kingston.\(^{210}\) Of equal importance, the purchase ensured that the City of Kingston would have some municipal land available for future Grain Elevator expansion, and that the land was now in the public rather than the private domain.

To complete the assembly of public owned land, the City of Kingston purchased the westerly part of Broken Front Concession Lot 16 from The Cataraqui Golf and Country Club, Limited.\(^{211}\) The second phase of the City of Kingston land assembly plan gave the City of Kingston the necessary land for any expansion purposes of the Grain Elevator facilities.

As we shall see in the 8\(^{th}\) Boundary Expansion, the lands acquired from The Kingston, Portsmouth and Cataraqui Electric Railway Company and The Cataraqui Golf and Country Club, Limited were included in the 1931 statutory annexation of all of Broken Front Concession Lot 16, by the City of Kingston.\(^{212}\) The following survey illustrates the lands owned by The Kingston, Portsmouth and Cataraqui Electric Railway Company, and are shown as the orange parcel on Registered Plan #181.

\(^{212}\) An Act Respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch.103 (1931).
Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1931 Boundary Expansion using colour and map key. Lands annexed by Statute (1931) included The Canadian Terminal System Limited site, the harbour, and all of Broken Front Concession Lot 16, that consisted of two properties being The Kingston, Portsmouth and Cataraqui Electric Railway Company (known as Lake Ontario Park) and The Cataraqui Golf and Country Club, Limited.
In late 1930, the City of Kingston entered into negotiations with The Cataraqui Golf and Country Club, Limited with the intention of acquiring the 16.4 acre parcel of land that the club owned in Broken Front Concession Lot 16, lying on the south side of Front Road. These lands separated the recently acquired Kingston, Portsmouth and Cataraqui Electric Railway Company lands from the Grain Elevator site and were considered a necessary acquisition in the event that the Grain Elevator enterprise required additional land for future expansion purposes. The negotiations were successful, and in December 1930, the City of Kingston purchased the 16.4 acres in Broken Front Concession Lot 16, that completed the City of Kingston’s ownership of all of Broken Front Concession Lot 16, lying south of the Front Road. At this point in time, the City of Kingston not only had land for future expansion of the Grain Elevator site, but also had ample land for continued use as parkland.

In order to acquire The Cataraqui Golf and Country Club, Limited property, the City of Kingston required provincial statutory approval of the purchase. This was done in due course, and the purchase duly approved in the 1931 Statute. The purchase details to acquire the land were set out in s. 2 of the statute confirming the By-law as follows:

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216 An Act Respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch. 103. (1931). s. 2.
217 Ibid.
s. 2. By-law number 35 (1930) of the corporation of the city of Kingston passed the 22nd day of December, 1930, to provide for the rising by way of loan on the credit of the debentures of the said corporation of the sum of $50,000 for the purchase of part of the broken front of lot number 16, in the first concession of the township of Kingston from *The Cataraqui Golf and Country Club, Limited*, and the debentures issued or to be issued there under are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

The 1931 *Statute*, however, covered not only the lands acquired from The Cataraqui Golf and Country Club, Limited, but also the lands that the City of Kingston had purchased from The Kingston, Portsmouth and Catartaqui Electric Railway Company, the second elevator site, and the lake-bottom lying to the south and west of Broken Front Concession Lot 16. This latter parcel represented an extensive harbour area over which the City of Kingston now had full control. In the end, the City of Kingston had annexed the entire Broken Front Concession Lot 16, in the Township of Kingston.\(^{218}\)

\(^{218}\) Ibid. See also: Schedule ‘A’ of the *Statute*. 
My alteration to the original survey illustrates the 1931 Boundary Expansion using colour and map key.

Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC.
Planning Assessment of the 1931 Annexation

The 1931 annexation to the City of Kingston of the land purchased from The Cataract Golf and Country Club, Limited, together with the land acquired from The Kingston, Portsmouth and Cataract Electric Railway Company were intended to be acquisitions of land for the future expansion of the elevator site. The two annexations by the City of Kingston from a planning perspective were examples of good land use planning as they ensured that not only adequate land was available for the expansion of the Grain Elevator site, but that the City of Kingston would have some control over its use and development as well. The purchase also ensured the preservation of additional waterfront parkland.

220 Beach at Lake Ontario Park with the Grain Elevator in the background. QUA.
Misunderstanding of the Planning Process

A number of local authors have written that the Grain Elevator site, the Rail-Line leading to the C.N.R. Main-Line, The Kingston, Portsmouth and Cataraqui Electric Railway Company site (known as Lake Ontario Park) and The Cataraqui Golf and Country Club, Limited, lands lying south of Front Road, were all annexed by the City of Kingston in 1952. Their references to the above noted lands being included in the 1952 annexation are not correct. Once again, the Statutes determine when annexations occur. Obviously, the Statutes were not examined for the aforementioned properties, otherwise the errors would have been discovered. The two Statutes, dated 1930 and 1931 respectively, annexed the aforementioned properties when the Statutes came in force. The Authors’ errors in these instances were perhaps based on a logical assumption that the properties were situated west of the City of Kingston limits, in the Township of Kingston. Nevertheless, in 1930 and 1931 the properties were annexed by the City of Kingston on the dates of their respective Statutes. In other words, these properties were already a part of the City of Kingston in 1930 and 1931, and were not included in the City of Kingston annexation of 1952.

The following authors made reference to the 1952 annexation. Kathy MacRow, in Neil Patterson’s History of the Township of Kingston stated that the Grain Elevator site, and The Kingston, Portsmouth and Cataraqui Electric Railway Company property (known as Lake Ontario Park) were annexed in 1952. Jennifer McKendry, In the Chronology of Lake Ontario Park, referenced Lake Ontario Park as annexed in 1952. Based on their writings, these authors were

221 An Act Respecting the City of Kingston. Statutes of Ontario. 20 Geo. V. Ch. 84. (1930). and An Act Respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch. 103. (1931).
222 MacRow in Patterson, 9 and 51. The properties above were annexed in the 1930 and 1931 Statutes.
unaware that *all* of Broken Front Concession Lot 16 had already been annexed in the 1931 *Statute* to the City of Kingston. It is important to note, that Broken Front Concession Lot 16 consisted of two properties, The Kingston, Portsmouth and Cataraqui Electric Railway Company lands (locally known as Lake Ontario Park) and The Cataraqui Golf Club and Country Club, Limited, land. These properties were annexed on the *in force* date of the 1931 *Statute*, not in the 1952 Annexation.

Authors Brian S. Osborne and Donald Swainson in *Kingston: Building on the Past for the Future* also stated that Lake Ontario Park was annexed in 1952. They also missed the fact that the Kingston, Portsmouth and Cataraqui Electric Railway Company land (known as Lake Ontario Park) in Broken Front Concession Lot 16, was annexed in the 1931 *Statute*. With regard to the Grain Elevator site and the Rail-Line leading to the C.N.R. Main-Line, Osborne and Swainson included a quote from the Whig-Standard, October 23, 1930, issue as follows, “we will be unable to annex the land to the city and it will remain in the township and the township will collect the taxes.” Authors Osborne and Swainson made reference to the Grain Elevator site as “Annexation had to wait another two decades to be realized...” Another quote from their book, “In 1952, the city’s western limits were pushed out from Palace Road to Little Cataraqui Creek, thus acquiring the village of Portsmouth, and also Lake Ontario Park, and the Cataraqui grain elevator, both of which had hitherto been functionally outliers of the city surrounded by Kingston Township.” The Village of Portsmouth was indeed annexed to the City of Kingston in 1952. However, as previously stated, Lake Ontario Park was not annexed to the City of Kingston in

224  Osborne and Swainson, 318.
226  Ibid., 243. The Grain Elevator site and the Rail-Line, 243-244. The other properties purchased by the City of Kingston were annexed in the *in force* date of the 1931 *Statute*, not in the 1952 annexation.
227  Ibid., 318.
1952, but became a part of the City of Kingston in the annexation of 1931. Perhaps these errors may have been due to the authors referring to the City of Kingston by-laws, and the local newspaper (Whig-Standard), instead of examining the Statutes to verify what actually transpired, and especially when. The misinformation by the authors created difficulties for me as a researcher, as each piece of misinformation had to be traced to a Statute to determine if the writings were in fact correct.

The final note on the properties purchased and annexed by the Statutes of 1930 and 1931: Usually annexations occur when land abuts the receiving municipality. However, in these cases the Ontario Provincial Government permitted the annexation of the land as it was well aware that the land did not abut the boundary of the City of Kingston in either 1930 or 1931. In 1930, the City of Kingston acquired the lands for both the Grain Elevator site and the Rail-Line that was connected to the C.N.R. Main-Line by way of an Agreement subject to statutory confirmation, but it was the Statute that annexed the lands to the City of Kingston on the in force date of each of the Statutes. The first Statute clearly annexed The Kingston Elevator Company site and the Rail-Line to the C.N.R. in s. 5 (1) of the Statute.\(^{228}\)

The annexation of The Canadian Terminal System Limited site\(^{229}\) was further confirmed in a subsequent Statute with respect to the acquisition by the City of Kingston of land south of Front Road owned by The Kingston, Portsmouth and Cataraqui Electric Railway Company and The Cataraqui Golf and Country Club, Limited in 1931. In the 1931 Statute,\(^{230}\) The Kingston Elevator Company site was described as a starting point for the description of the Second elevator site (The

\(^{228}\) *An Act Respecting the City of Kingston. Statutes of Ontario.* 20 Geo. V. Ch. 84. (1930).
\(^{229}\) Osborne and Swainson, 243, the Authors stated that “While the Canadian Terminal System Limited elevator was never constructed…”
Canadian Terminal System Limited), The Kingston, Portsmouth and Cataraqui Electric Railway Company lands and The Cataraqui Golf and Country Club, Limited property when it was purchased by the City of Kingston, and in the description refers to The Kingston Elevator Company site as annexed by Statute in 1930. The relevant sentence in the description in the 1931 Act is as follows:

Commencing at a point where the line of the easterly face of the dock of The Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said township, the said easterly face of dock being the easterly limit of the land annexed to the City of Kingston by The City of Kingston Act, 1930.

There was nothing in the 1930 Statute that postponed the annexation of the Kingston Elevator Company until the 1952 annexation. The 1930 Statute clearly stated that the annexation to the City of Kingston took place on April 3, 1930, the effective date of the Statute for the annexation of The Kingston Elevator Company site, and the Rail-Line to the C.N.R.

The annexation of the whole of Broken Front Concession Lot 16, in the Township of Kingston, being the lands purchased by the City of Kingston from The Kingston, Portsmouth and Cataraqui Electric Railway Company land (known as Lake Ontario Park) and The Cataraqui Golf and Country Club, Limited, land lying south of Front Road, occurred on the effective date of the Statute, April 2, 1931.
In 1947, the City of Kingston annexed a number of small subdivisions bounded by Johnson Street, Helen Street, Highway # 33 (Bath Road) and Palace Road.

While this annexation was relatively small, it was significant in terms of the City of Kingston western boundary, as the annexation of 1947 extended the 1850 boundary from Helen Street to Palace Road by Statute. The western municipal boundary of the City of Kingston was moved a distance of 677.76’ along Johnson Street and 679.5’ along Highway #33 (Bath Road) to the west in Lot 20 of the 1st Concession, in the Township of Kingston. It is from this new western boundary that the next annexation of 1952 moved the municipal boundary of the City of Kingston to the west side of the mouth of the Little Cataraqui River at Cataraqui Bay on the north shore of Lake Ontario. While the distance does not appear to be substantial, the City of Kingston gained the tax revenue from a number of subdivisions located within the annexed area. The 1947 Annexation legal description is located in Appendix 6.

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231 The metric distance would be approximately 207 meters.
Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1947 Boundary Expansion using colour and map key.
Planning Assessment of the 1947 Annexation

The 1947 annexation of land from Helen Street in the City of Kingston to the west side of Palace Road in the Township of Kingston was a natural annexation, given that the City of Kingston was supplying the area with water and sewers. This move by the City of Kingston was recognition of a Community of Interest in this area, as the residents looked to the City of Kingston rather than the Township of Kingston, for its services and interests. This Community of Interest was urban-residential rather than rural, and therefore appropriate. While the block of land annexed covered only a short distance along Johnson Street, it made good planning sense, as the lands were separated from the rest of the Township of Kingston by the large block of land that the Federal Government used as penitentiary lands. No research material could be found to determine if the Township of Kingston objected to the annexation.

Comment

While the annexations covered in this chapter were not massive, their occurrence was constant, and expanded the municipal boundaries of the City of Kingston at a steady pace. The large number of confirmed annexations indicated that past Councils of the City of Kingston were aggressive in their efforts to expand the boundaries of the municipality between the years Post-1850 and prior to the large 1952 Annexation.
Chapter nine covers six properties that were researched and recorded in this Chapter. Some authors believed that these properties had been annexed by the City of Kingston during the 1850-1951 period of time, but my research confirmed that none of the six properties were annexed to the City of Kingston at the time, and as a result, the boundaries of the City of Kingston did not change. Technically, all six of the properties could have been annexed by the City of Kingston, but my research confirmed that they did not become a part of the City of Kingston until the 1952 Annexation, or the 1998 Amalgamation.

Five of the properties are situated in the Township of Kingston: McAdoo Lane, Grass Airport lands, the Aluminum Company of Canada Limited, Wartime Housing, and the Norman Rogers Airport. The Ravensview Wastewater Treatment Plant, lying in the Township of Pittsburgh was the sixth property examined in this Chapter.

Population growth of the City of Kingston, particularly during the years prior to the 1952 annexation was slow but steady, and by 1949 had reached 32,742. The Township of Kingston, and to a lesser degree, the Township of Pittsburgh also showed a slow, steady population growth pattern. The population growth in the area from 1911 to 1949 may be found in the next Chapter, Table Five.
1867 – McAdoo Lane (Joined the City of Kingston in 1998)

In 1867, the City of Kingston purchased a block of land north of the City limits in the Township of Kingston. The land was situated east of Division Street on McAdoo Lane (beyond present day Highway #401). Prior to the purchase by the City, the Township of Kingston had used the land as a ‘dump,’ and later as a small industrial site. The City of Kingston acquired the land, and after the purchase continued to use the land as a ‘dump’ for over a century. This parcel of land was considered by some to have been annexed in 1867. However, I could find no evidence of the annexation in the Statute Books. In my opinion, the ownership of the land remained with the City of Kingston, until it became a part of the City of Kingston in the 1998 Amalgamation.

One explanation might be that while the land was owned by the City of Kingston there was no obvious reason to annex the property as it did not represent a source of tax revenue, and consequently, there would appear to be no incentive for the City of Kingston to annex the land. While the land was under the ownership of the City of Kingston, it was under the jurisdiction of the Township of Kingston, but this would not have been a problem for the City of Kingston, as the Township of Kingston’s use of the land was initially for a dump. It was not until later that landfill sites became the norm whereby the waste was required to be managed and monitored.

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233 During that period of time it was a ‘dump,’ which means that it was not a sanitary landfill site that was carefully managed by the municipality, and monitored by the Provincial Government to protect the environment.

234 The Deed was registered in the Land Registry Office, Kingston, as Instrument #85487. In Mr. Bill Bishop’s Interview dated May 20, 1998, he stated that he was aware that the City of Kingston was the owner of the land, but he did not know if the City had annexed it at the time. A search of the Statute books did not reveal a Statute to annex the property.
1929 - Grass Airport Lands (Annexed in 1952)

In 1929, the City of Kingston leased a parcel of land consisting of 70 acres (known as the Reid farm) situated in the Township of Kingston beyond the northern boundary of the City. The City of Kingston in turn leased the land to the Kingston Flying Club for a grass strip airport facility. The parcel of farmland was situated west of Division Street, east of Nelson Street, and north of Concession Street (now Kingscourt Subdivision west of St. Mary’s Cemetery). The City lease, however, expired in September 1933, and the lease was not renewed by the City. The Kingston Flying Club, nevertheless, entered into its own lease of the airport lands, and continued to operate the airfield until 1942 when the airport license was terminated.

Following the termination of the airport license, possession of the lands reverted to the landowner. After World War II, the land was developed for residential housing, and eventually became part of the City of Kingston during the 1952 annexation.


A great deal of construction occurred in the Township of Kingston during World War II. On May 1, 1939, the Federal Government Department of Munitions and Supply expropriated a large block of land in the Township of Kingston for the construction of an aluminum plant. The

237 Chapter 10 contains the details of the 1952 Statute that confirmed the annexation to the City of Kingston. The Statue references the description of the land used in the Ontario Municipal Board’s Decision, and its subsequent Amendment, and referenced in Appendix #7.
238 MacRow in Patterson, 80.
expropriation consisted of 310 acres in Farm Lots 20 and 21, in Concession 2, in the Township of Kingston, on the north boundary of the City. While politicians talked about annexation, there was no formal attempt recorded, and it was not until the 1952 annexation that the plant property became a part of the City of Kingston.

*Figure 30  Picture of Alcan site as it now appears*²³⁹


The Federal Government in 1939 also required land to house the 1,000s of workers who would be employed at The Aluminum Company of Canada Limited plant. The land expropriated for this purpose was situated north of the City limits, and consisted of part of Farm Lot 24, Concession 2, in the Township of Kingston.\textsuperscript{240} Today, these lands are part of the Dovercourt neighbourhood, located north of Concession Street, and west of Division Street. Large numbers of houses were built on this site during the war years, and as early as 1942 proposals for the annexation of the new wartime developments were suggested by a number of Council Aldermen. However, no action was taken at the time, and the lands were annexed to the City of Kingston in 1952.\textsuperscript{241}

1940 – *Norman Rogers Airport (Joined the City of Kingston in 1998)*

During the early years of World War II, the Federal Government developed an air training facility on lots 2, 3, 4, and 5, in Concession 1, and Lot 3 Broken Front Concession, in the Township of Kingston, known as the Royal Air Force Service Flying Training School. After the war, the facility was first named the Norman Rogers Aerodrome Kingston, and later named the Norman Rogers Airport. The airport remained as a Federal Government Airport for many years, but in 1972, the airport was offered to the City of Kingston. The control of the airport was granted to the City of Kingston on June 17, 1972, and the lands were acquired by deed in 1974.

\textsuperscript{240} Ibid., 81. Wartime Housing Limited (WHL) 1941-1947. Later renamed Canadian Mortgage & Housing Corporation.

\textsuperscript{241} Osborne and Swainson, 309.
The airport was included in the amalgamation of 1998. An unique feature of the grant to the City was a reversion clause that would return the airport lands to the Federal Government if the lands ceased to be used as an airport.

Figure 31  Norman Rogers Airport

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242 Land Registry Office, Kingston Film 357, Document 46. The land is described in Instrument #98576 as part lots 2, 3, 4 and 5, Concession 1, and part of Lot 3, Broken Front Concession, Township of Kingston, County of Frontenac, Province of Ontario. Grant from Crown to the City of Kingston dated June 17th, 1974.

The grant of land for the Norman Rogers Airport to the City of Kingston from the Crown reads as follows:

THOSE certain parcels or tracts of land being parts of Lots two (2), three (3), four (4) and five (5) Concession 1, and part of Lot three (3) Broken Front Concession, Township of Kingston, County of Frontenac, in the Province of Ontario, as shown as Parts one (1), three (3) and five (5) of Reference Plan 13R-396, deposited with the Registrar of Deeds for the Registry Division of Frontenac on November 29, 1972, EXCEPTING THEREOUT AND THEREFROM: Parts two (2) and four (4) of Reference Plan 13R-396, said parts being located within Part One (1) of the said plan.

The conditional aspect of the grant reads as follows:

To have and to hold the said lands unto the grantee and its successors for so long as the said lands are continuously used as an airport.244

1950 - Ravensview Wastewater Treatment Plant (Joined the City of Kingston in 1998)

In the 1950s, the City of Kingston purchased 17.6 hectares of land from a private landowner in the Township of Pittsburgh for the construction of a wastewater treatment plant known as Ravensview. The plant is situated five kilometer’s east of the Great Cataraqui River, and south of Highway #2, on the north shore of the St. Lawrence River. The original treatment plant building was erected in 1957. The City of Kingston also purchased a right-of-way for the installation of a pipe-line connection laid under the Great Cataraqui River between the City of Kingston and the Ravensview facility. By an Agreement with the Township of Pittsburgh the facility also serviced a number of areas in the Township of Pittsburgh, and as a result, was not considered an annexation matter. The property became a part of the City of Kingston in the Amalgamation of 1998.

244 Grant of Land by the Crown to the City of Kingston dated June 17, 1974, and recorded as #98576 in the Land Registry Office, Kingston.
Comment

The six properties in this Chapter were analyzed and recorded to illustrate how the City of Kingston grew over a Century and to verify when the six properties became a part of the City of Kingston. The findings also shed light on the number of land dealings of previous Councils of the City of Kingston.

The next Chapter is dedicated entirely to the 1952 annexation, and the 10th boundary expansion. It was the largest boundary expansion of the City of Kingston after 1850. The 1952 annexation was not only controversial, but was strenuously opposed by the Township of Kingston.
Chapter 10

City of Kingston Council Decision to Expand

10th Boundary Expansion – 1952 Annexation

This chapter examines the tumultuous 1952 annexation that resulted in a significant portion of land in the Township of Kingston being annexed to the City of Kingston. In spite of the boundary expansions referenced in Chapter 8 for the years 1850 to 1951, by 1952 the City of Kingston needed more land, as the City had reached a critical state in terms of land available for development. A detailed surveyor’s metes and bounds description of the lands annexed to the City of Kingston in 1952 are set out in Appendix 7, Schedule ‘A’ and Appendix 8, Schedule ‘B’. However, in order to fully understand the extensive 10th boundary expansion set out in this chapter, it is also necessary to examine the general description of the lands annexed by the City of Kingston in 1952. These lands are described as follows:

… the Village of Portsmouth, part of broken front lots twelve (12) and thirteen (13) and all of Lot seventeen (17) in front of Concession 1 in the Township of Kingston; part of lots twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty Concession 1, Township of Kingston; part of lots fourteen, fifteen, sixteen and seventeen Concession 2 Township of Kingston; all of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four Concession 2 Township of Kingston; part of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four Concession 3 Township of Kingston; all of lots six and seven and Part Lots five and nine West of the Great Cataraqui River Township of Kingston; all lots one, two, three, five, six, and seven, as shown on the registered plan No. 68 for the County of Frontenac. All the lots and registered plans shown on the

above-mentioned Village of Portsmouth and the Township of Kingston lots, all
the marsh and the Great Cataraqui River lying between the east limit of
Registered Plan No. 68 and lots five, six, seven, (5, 6, 7) and part of lot nine (9)
west of the Great Cataraqui River; and the easterly water’s edge of the Great
Cataraqui River.

It is equally important to reference the land under the water in order to fully understand
the 1952 annexation. The annexation included part of the harbour, and part of Lake Ontario,
described as follows:

… and all the waters and land under the waters of Lake Ontario and the Harbour
lying south of the land lying between the said south-west angle of the Broken
Front Lot 21 in front of Concession 1 Township of Kingston formerly and now
in the City of Kingston and the concrete monument standing at the intersection
of the southerly limit of the Front Road with the High Water Mark of the
Cataraqui Bay. The westerly limit of said waters, and the land under the waters
is a [line] through the above described concrete monument on limit of the [Front
Road, and] is a line parallel to the limit between lots 12 and 13 Concession 1
Township of Kingston. And the said waters and land under waters extend
southerly to within 500 yards of the shores of the Township of Wolfe Island.

The City of Kingston in 1951

The boundary expansions during the years between 1850 and 1951 were annexed for specific
needs, and did not provide extra land for residential or commercial development. As a result of
the situation, the Council of the City of Kingston embarked upon an extensive annexation of a
large part of the Township of Kingston that significantly enlarged the boundaries of the City in
1952.247

QUA.
Ontario Municipal Board Order and Confirmation Statute

By 1952, there were “only 157 lots” in the City of Kingston suitable for residential building purposes, and most of these were in the hands of private owners. As well, there were only forty-five acres of land zoned industrial in the north of the City.248 At the same time, the City of Kingston also desired more taxable industrial assessment, and the City prepared an annexation application that would extend north to include The Aluminum Company of Canada Limited plant, and far enough west to include the DuPont plant that was situated on the west side of the Little Cataraqui Bay, in the Township of Kingston.

The Council of the Township of Kingston vigorously objected to the annexation when the matter came before the Ontario Municipal Board. After the hearing, the Ontario Municipal Board issued an Order249 that denied the City of Kingston the DuPont plant, and set the new western boundary of the City of Kingston on a line “Westerly along the water’s edge and across the mouth of the Little Cataraqui Creek to a concrete monument planted at the intersection of the Southerly Limit of the Front Road with the High Water Mark of the Cataraqui Bay.” As a result of this new boundary line, the DuPont plant remained in the Township of Kingston. The City of Kingston, nevertheless, not only expanded to the west, but also to the north on an East-West line that crossed lots 18, 19, 20, 21, 22, 23, and 24, Concession 3, in the Township of Kingston. The Statute also included a block of land that contained part of Farm Lot 5, part of Farm Lot 9, and all of Farm Lots 6, 7 and Marsh Lot 8, Concession West Great Cataraqui River.250

The Village of Portsmouth, situated west of the limits of the City of Kingston, was included in the 1952 annexation. It is worth noting that the Council of the Village of Portsmouth

248 Ibid., 1.
requested the City to annex its lands, which included along with other lands, lots 18, 19, 20 in Concession 1, that were originally in the Township of Kingston prior to the incorporation of the village.\textsuperscript{251} This was not unexpected, as the Village of Portsmouth at the time faced serious financial and development problems. Their tax rates were already higher than those of the City of Kingston, and the Village of Portsmouth was in need of not only water and sewer, but road paving as well.\textsuperscript{252} Annexation was essentially the only reasonable solution for their problems. The Council of the Village of Portsmouth had initially requested the City of Kingston to annex their village on August 4, 1950, and in 1952 their request was accepted.\textsuperscript{253}

The subdivisions that had developed beyond the 1850 boundaries of the City of Kingston and annexed in 1952 were as follows: Grenville Park, Phillips, Hillendale, Marydale, Fears and Valleyview, York, Dovercourt, Dayville, and Rideau Heights. As well as the aforementioned subdivisions, there were also numerous rural houses and the Aluminum Company of Canada Limited plant situated north of Princess Street,\textsuperscript{254} a total of 5,708 acres.\textsuperscript{255} The annexation of 1952 is well-known to many for not only its significant expansion of the municipal boundaries of the City of Kingston, but for its political controversies. It was also an important step in the land planning process, and illustrates the role of the Provincial Government (and in particular the Ontario Municipal Board) in the annexation.

\textsuperscript{251} Fyfe \textit{Fonds}. Boundary Adjustment Report 9. Note to future researchers: Use Stewart Fyfe’s Report to the City of Kingston on Kingston Boundary Adjustment 1950, to avoid misinformation from other authors on the subject.
\textsuperscript{252} Ibid., 30-31.
\textsuperscript{253} Ibid., 9. Annexation, however, did not occur until 1952. The “entire village area of approximately 517 acres.”
\textsuperscript{254} Ibid., 10-11.
\textsuperscript{255} Muirhead in Betts, 244.
The 1952 annexation of lands in the Township of Kingston ran from Palace Road to the west side of the mouth of Little Cataraqui Bay, and to a line north of Concession Street designated as the right-of-way for the new Highway # 401. The 401 right-of-way divided lots 18 – 24 of Concession 3, in the Township of Kingston, and placed the southerly parts of each of the lots within the new boundaries of the City of Kingston in 1952. Included in the 1952 annexation were part of Farm Lot 5, and part of Farm Lot 9, and all of Farm Lot 6, Farm Lot 7, and Marsh Lot 8, Concession West Great Cataraqui River. This was considered appropriate in the eyes of the Ontario Municipal Board, the reasoning being that much of the residential area was closely integrated with the City of Kingston, and the vacant lands to the north were suitable for commercial and industrial use with easy access to both road and rail transportation routes. In its annexation, the City of Kingston, nevertheless, was obliged to accept the good with the bad, as some residential areas included in the annexation represented past questionable land planning. The former City of Kingston Planner, George Muirhead in his assessment of the 1952 annexation wrote the following:

___________________________

256 Highway #401 was under construction, and was not completed beyond Kingston until 1954.
257 It may be of interest to other researchers that at no time during my research did I find an author who had written on this northern portion of the 1952 annexation. There has been a number of references to the northern boundary, but no specific reference to the actual lots in Concession West Great Cataraqui River that became a part of the City of Kingston in 1952. Furthermore, there was a gap in the history of this area prior to the 1952 annexation as well. All of my references in the various chapters where I dealt with this interesting part of Kingston Township had to be constructed from Statutes that dealt with the changes in this area. Only the Statutes could confirm what happened to the land in this area over the decades.
Much of the Annexation Area was undeveloped and thus there was an opportunity to apply modern planning principles of subdivision control, comprehensive land use planning and zoning. Notwithstanding, parts of the annexed area had already developed in a very haphazard manner and twenty years later one area in particular had to be rehabilitated at a public cost of $232,000, an example of how lack of planning costs the taxpayer money.  

After 1952, the City of Kingston had on its hands a very large and diverse block of land with only very basic planning tools to address the future development issues that came with annexation. In a sense, the annexation could be looked upon as a turning point for the City of Kingston, as at that point in time the City had to consider if it should grow further, or settle into its present size as a community. It chose to grow.

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258 Muirhead, 244. Note: consider the value of the 1952 dollar as it was more than 40 years ago.
Survey by Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NAC. My alteration to the original survey illustrates the 1952 Boundary Expansion using colour and map key.
In the years that followed the annexation of the lands in 1952, the City of Kingston was faced with the issue of its own growth, and the growth of the surrounding townships within the County of Frontenac. Of particular concern were the Township of Kingston and Township of Pittsburgh. At this point in time any significant expansion of the City to the east or west would have a serious impact on the townships and their tax base, as well as raise the question of appropriate city size. How large should the City of Kingston be in the future, and what would be the benefits to the residents if the City of Kingston were to expand again? These were questions on the minds of politicians and interested citizens in the years that followed the 1952 annexation.

A 1952 Alternative Approach from a Planning Perspective

Before concluding this chapter, I would like to offer two alternative planning approaches that could have been considered instead of the decision the Council of the City of Kingston made with regard to the 1952 annexation. While obviously irrelevant at this point in time, a different decision of the Council of the City of Kingston might have been more desirable in the end.

The Council of the City of Kingston was at a ‘critical juncture’ from a planning perspective in 1952 when it decided to expand its boundaries to absorb parts of the Township of Kingston. However, a slightly different expansion approach might have been to petition the Ontario Provincial Government to amalgamate all of the Township of Kingston. A proposal of this nature could perhaps have been a wiser land use planning alternative. If this had been the case, development under the City of Kingston with its Official Plan and Zoning By-laws might
have been very different from what actually occurred under the direction of the Township of Kingston between the years 1952 and 1998.260

If all of the Township of Kingston had been annexed, the City of Kingston might have been in a position to establish a number of satellite communities in the outlying areas of the former township lands. Elginburg in the north comes to mind as one possibility, and Collins Bay to the west might have been another site for residential and commercial development. This would require careful planning on the part of the City of Kingston and the Province of Ontario, but perhaps would have better addressed the issue of Community of Interest for the rural areas by providing them with appropriate services. This approach could have also permitted the City of Kingston to establish a green belt to limit future expansion, an idea proposed by Ebenezer Howard.261

A second approach instead of choosing to grow ‘bigger’ from a planning perspective might have been for the Council of the City of Kingston to decide not to expand its boundaries in 1952, but instead to use the existing land within the City of Kingston more efficiently. While the City of Kingston by 1952 had only a few lots left for development, as an alternative, the City of Kingston could have changed its Official Plan and Zoning By-law to permit higher density in appropriate residential areas, with redevelopment and infilling in other areas. Had this been the

260 The poor planning in some of the areas of the Township of Kingston mentioned by George Muirhead could have been avoided as the City of Kingston had some planning control at the time. The 1960s brought Official Plans and Zoning By-laws to the county level, and other townships. Planning was in its infancy in the Counties at the time.
case the Provincial Government could have dealt with the Township of Kingston’s deficiencies using its *Planning Act*.

The size of the City of Kingston prior to the 1952 expansion would have been an ‘ideal’ 1898 city in Ebenezer Howard’s estimation. If the City of Kingston had not expanded into the Township of Kingston, it would have remained as an ideal small city by 19th Century standards. To remain so, however, would have required the cooperation of both the Township of Kingston and the Ontario Provincial Government to establish a protected area in the form of a green belt or agricultural zoning at that point in time would have been possible, as there was plenty of undeveloped rural land that could have been zoned for such a purpose. Some boundary adjustments could have been made to accommodate the existing industry and housing located on the edge of the City of Kingston, and these lands could have been added to the City at that time.

An expansion of the City of London, Ontario that occurred in the 1950s raised similar issues to the 1952 City of Kingston annexation. One similarity noted was that it was essentially a “political struggle between the annexing municipality and the municipalities facing potential loss of territory.”

Time has shown that the expansion in 1998 simply created many of the same municipal problems that existed in 1952. It is important to emphasize that 1952 was a turning point in the history of land use planning in the City of Kingston. For those who believe that “bigger is not better,” this would have been an opportunity to develop an ideal small city. The City of Kingston could have kept its unique historical character that had defined it for so many decades,
and with a properly planned Township of Kingston, it could have developed a number of satellite communities surrounded by open green space similar to Ebenezer Howard’s concept. The historic character of the City of Kingston would require careful consideration in this regard, and high density residential development necessarily relegated to areas away from historic neighbourhoods. If the city size was essentially frozen, residential needs could probably be accommodated by an appropriate number of multi-story buildings, and the careful rejuvenation of housing in some of the older areas of the City of Kingston.\textsuperscript{265}

**Planning Assessment of the 1952 Annexation**

The 1952 annexation of the Township of Kingston lands both west and north of the City of Kingston was justifiable according to the Council of the City of Kingston, as the City required more land to grow. The population between 1945 and 1949 declined from 33,215 to 32,742, while the Township of Kingston had been growing quickly from 4,181 to a population of 7,000\textsuperscript{266} (see Table ). The acquisition of these lands also gave the City of Kingston the opportunity to take control of the lands that had in some cases been poorly developed along its borders. As well, the Community of Interest of the residents and businesses located on these lands were urban, rather than rural, and from a planning perspective, would fit well in the urban setting.

\textsuperscript{265} For a detailed examination of density issues for residential housing. See: Leung, 112-119.
\textsuperscript{266} Also: Support services for the community are covered on 96-98.  
Fyfe *Fonds*. Section II. 23.
Table 5  Kingston and Area Population

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<th>City of Kingston</th>
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<sup>267</sup> Fyfe *Fonds*. Kingston Boundary Adjustment 1950. Table 1, Section II. 23. QUA.
Comment

As a result of the decision of the Council of the City of Kingston in 1952 to expand its municipal boundaries, the City of Kingston moved down a path of no return in terms of growth. The 1952 annexation provided much needed land to the west and to the north of the City of Kingston to satisfy its decision to expand. However, the growth of the City continued, and the need for additional land became apparent in 1978 with a proposal by Alderman Bishop to expand the City of Kingston. Nothing, however, materialized, and it was not until 1995 that the topic was once again raised by the Council of the City of Kingston.

The next chapter covers pertinent information on the County of Frontenac, and the townships it encompassed, as these municipal entities played prominent roles in the final boundary expansion that created the new City of Kingston in 1998. It is important to note that the amalgamation in 1998 also restructured the remaining townships in the County of Frontenac. The County of Frontenac was renamed Frontenac Management Board under the Provincial Order.
Chapter 11
County of Frontenac

This chapter provides the historical background of the County of Frontenac in order to establish a framework to view its development in conjunction with the City of Kingston. The County of Frontenac played a vital role in the eventual 1998 amalgamation of the new City of Kingston and the restructuring of the remaining townships in the County of Frontenac.

Early Settlement in the County of Frontenac

The influx of immigrants during the period from 1784 to 1812 resulted in the gradual opening of the townships along the north shore of Lake Ontario. The Township of Kingston, west of Fort Frontenac, and the Township of Pittsburgh on the east side of the Great Cataraqui River, both contributed to the development of the new settlement and its fortunes.  

Over the years, however, other parts of the County of Frontenac lying to the north also played a part in the development of the area and the growth of Kingston. How the townships in the County of Frontenac developed following the United Empire Loyalists who arrived in 1784 at Fort Frontenac is the subject matter of this chapter. The chapter records their journey and sets the stage for their eventual restructuring in the form of four new townships within the County of Frontenac in 1998.

The following two figures set the stage for the material in this chapter on the County of Frontenac.

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268 Preston, li. Note: (No. 1 Township, Cataraqui).
The map below covers the County of Frontenac, and is used to illustrate the shape and placement of each township in the County, prior to the 1998 amalgamation. It also shows the placement of the County of Frontenac in relation to the adjoining Counties.

*Figure 34  County of Frontenac, c. 1974*
The survey below is used to show the Township of Kingston to the west of the town-site starting at Lot 25, and its Concessions to the north in the County of Frontenac. The survey also shows the Township of Pittsburgh east of the Great Cataraqui River, in the County of Frontenac.

Figure 35  Survey of Settlement prior to the 1838 Town Incorporation

Survey by the Surveyor of Midland District, Alexander Aitken. Dated October 21, 1815. NCA. My alteration to the original survey illustrates the Settlement using colour.
Township of Kingston

The Township of Kingston, situated to the west of King’s Town, was laid out on the first survey above, dated October 27, 1783. The township was the first of five townships established as United Empire Loyalist settlements, and according to the instructions given to the surveyors, all townships were to be laid out as blocks of land six miles square, and except for broken front lots, each lot was to be eighty rods by 400 rods (200 acres). In the end, most of the townships facing Lake Ontario varied considerably in size, with the Township of Kingston approximately six miles along Lake Ontario, and nine miles in depth.  

The lake front advantage of the first inhabitants of the township permitted the use of water as a mode of transportation. This benefit advanced the development of the area at a faster pace than the development that took place later in the interior and rear townships. By 1800, all of the waterfront farm lots had been settled by United Empire Loyalists and military retirees. Later settlers were obliged to settle on land in the interior and rear lots of the townships. Settlers on these lands nevertheless produced crops to supply the military at Fort Frontenac, as well as the inhabitants of the settlement of King’s Town.

The Township of Kingston’s largest settlements were Cataraqui and Portsmouth, and most of the settlers were United Empire Loyalists. For more than a century, the Township of Kingston remained as a largely rural area with its commercial activities centred in the two villages. In 1784, the tiny settlement of Cataraqui developed inland along the Little Cataraqui River, and was initially referred to as Sandville. In 1815, the Sandville name was changed to Waterloo, and finally the name was changed to Cataraqui in 1868. By this time, the community

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270 MacRow in Patterson, 4. Note: The size of lots were laid out in chains with a chain equal to sixty-six feet.

271 Osborne in Tulchinsky, 67.
was relatively small but busy commercial centre that boasted a distillery, churches, four hotels, a tannery and a bakery, as well as three physicians and numerous skilled trades people such as wagon-makers, millwrights and carpenters.\textsuperscript{272}

\textit{Figure 36 Waterloo or Cataraqui}\textsuperscript{273}

\textsuperscript{272} Gordon D. Smithson. \textit{Old Cataraqui Village.} (published by the author, 1990), 32.

Another relatively large settlement in the Township of Kingston at the time was the Village of Portsmouth, originally known as Hatter’s Bay, a community located a few miles west of Fort Frontenac with a natural harbour on the north shore of Lake Ontario. The village was surveyed in 1783 as Farm Lots 18, 19, and 20 of the 1st Concession in the Township of Kingston. The village possessed a suitable harbour, and was particularly active in ship construction during the War of 1812. Later on, M. W. Strange located the Portsmouth Tannery in the village. The growth of the village was gradual, and in 1858 it was large enough to be incorporated as a separate entity outside the Township of Kingston. The village developed into a small, but busy waterfront community with most businesses related in some fashion to the shipping or the handling of goods moving in and out of its harbour. Commercial operations located in the village included merchants and trades people that served the residential community. Some of the residents later found employment at the penitentiary adjacent to the village after it was officially opened in 1836. The balance of the Township of Kingston was essentially farm lots, and the area remained a rural setting with a few other scattered small settlements such as Elginburg, Collins Bay and Glenburnie until well into the 20th Century.

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274 The village was incorporated by an Order-in-Council under An Act to Amend The Municipal Laws of Upper Canada Relating to the Incorporation of Villages. Statutes of Canada 20 Vic. CAP. 67 s.1 (1857) that permitted village incorporation of a community that had more than 750 inhabitants. Corporation was done by petition to the Governor, and Portsmouth did so in 1858.
275 Malcolmson in Tulchinsky, 264.
276 Johnson in Tulchinsky, 144.
Figure 37 Village of Portsmouth

Original J. H. Meacham & Co., 89.
During the 20th Century, the Township of Kingston saw gradual, steady growth in Concessions 1 and 2, particularly in the lots adjacent to the City of Kingston. Development was not only residential, but also commercial and industrial. In 1930, a grain elevator and rail-line were established at Little Cataraqui Bay on Lake Ontario. The lands had been acquired from the Federal Government by the City of Kingston. A decade later, during World War II, an aluminium plant was located on Farm Lots 20 and 21, in Concession 2, along with government constructed housing for the large work force on nearby lands.279 Around the same time, the DuPont Corporation established a large industrial operation to produce nylon cord and fabric for parachutes along the waterfront west of Little Cataraqui Bay. Residential development took place on Lot 10 in Concession 1 and the Broken Front lot in the years that followed the plant construction.280

Population growth after WWII provided the impetus for commercial development in the Second Concession (along the north side of Bath Road) in the form of large retail establishments such as the Frontenac Mall. Thereafter, commercial development continued along both the Bath Road and outer Princess Street, as well as along Gardiners Road during the period 1980 -1998. In spite of the extensive commercial and industrial development, the township remained a bedroom community of the City of Kingston until amalgamation in 1998.

279 MacRow in Patterson, 80-83. Government constructed housing was built on lots in Kingsland subdivision Plan 298 in Farm Lot 24, Concession 2.
280 Ibid. Note: Development took the form of residential subdivisions along and to the west of Day’s Road, and south of Front Road adjacent and to the west of the DuPont property (Reddendale and Point Pleasant subdivisions, in the Township of Kingston.)
Township of Pittsburgh

Pittsburgh Township, located to the east of Fort Frontenac and the Great Cataraqui River was for the most part rural, and its early development was predominantly agricultural. The area provided food for the military, but its initial claim to fame, however, was for its military establishment and naval site that was of particular importance during the War of 1812.

In 1812, initial development in the Township of Pittsburgh occurred at Point Frederick with the construction of a dockyard and the commencement of shipbuilding. Shortly thereafter, the facility produced a number of naval vessels for the War of 1812. Angus notes “Point Frederick was, in fact, at first recommended as the best site for the proposed settlement. On a second look – to consider terrain, exposure of the bay to west winds, and adequate defences – the recommendation was rejected.”281 A map entitled Across the River illustrates the location of Fort Frederick and Fort Henry and may be found on page 171.

On the east side of the Great Cataraqui River near the dockyard, the Village of Barriefield was laid out in 1814, and by 1820, the small settlement had expanded into a recognizable community. In addition to house construction, the village boasted several taverns, and by 1831, the population of the village had reached 2,587 inhabitants. After a brief building boom in the 1830's, decline set in, and over the balance of the century the shipyard and taverns closed. After the close of the shipyard, the Village of Barriefield was gradually reduced to a small residential community, leaving only Fort Henry as a symbol of a once important British military presence in the area. The remainder of the Township of Pittsburgh, however, was slow to develop due to poor soil conditions. In 1792, surveyor Alexander Aitken arbitrarily decided that the soil in the

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281 Angus, 106.
rear portion of the Township of Pittsburgh was so ‘bad’ that he discontinued the survey on the basis that no one would ever settle on such poor land, and he would save the government the cost of surveying land that was in his opinion unsuitable for development.  

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282 Osborne in Tulchinsky, 66.
Figure 39 Across the River

1. Fort Frederick
2. Stone Frigate
3. Commandant's House
4. Fort Henry
5. Barriefield House
6. St. Mark's Church

Navy Bay
Royal Military College

ACROSS THE RIVER

284 Angus, 106.
During the early part of the 1900s, the military base in the Township of Pittsburgh was expanded as a training site for World War I contingents, and its use as a base continued until 1940, when a major expansion took place in order to serve military needs in World War II. Residential development took place after World War II, and the areas on the east side of the Great Cataraqui River gradually shifted from farms to a residential community. The large military institution remained, but the southern part of the Township of Pittsburgh during the period 1960 -1995 continued to develop as a residential bedroom for the City of Kingston. Apart from a few small industries scattered about the township, the area has remained largely farmland in the north, and residential in the south. In total, the population had reached 11,416 by 1995.285

The Hinterland

Development during the early 19th Century occurred within about fifteen miles inland of the north shore of Lake Ontario, but some development occurred on lands beyond the Townships of Kingston, and Pittsburgh.286 Once surveyed, these new townships were designated as the Townships of Loughborough, Portland, Hinchinbrooke, Oso and the Bedford. After 1815, the Township of Miller and the Township of Palmerston, were also surveyed.287

By 1860, the northern part of Frontenac County was surveyed and opened for settlement, as the Townships of Kennebec, Olden, Barrie, Clarendon, and North Canonto and South Canonto had been added to the County of Frontenac. The Township of Storrington had also been created

286 Osborne in Tulchinsky, 64.
287 Ibid., 77.
from a reorganization of the Townships of Pittsburgh, Kingston and Loughborough in 1845.\textsuperscript{288} The Township of Storrington lies to the north of the Townships of Pittsburgh and Kingston, and is largely an agricultural township.\textsuperscript{289}

Access to the northern townships in the County of Frontenac required road and railway development, and while colonization road construction was undertaken by the Province as early as 1835, it was not until the construction of railways to access the timber and minerals in the hinterland of the County that any significant colonization took place. The townships beyond the Township of Kingston were forested, rugged lands with many lakes, but due to the geographical proximity of the Precambrian Shield, the soil was poor.\textsuperscript{290} The area, however, had an abundance of lakes that during the early years provided fish, wild fowl, and wild meat, such as venison, for the military and the settlement around the fort. The poor soil in the rear townships, nevertheless, was offset by timber, and mineral deposits that were eventually discovered. During the early years of settlement, these resources contributed a great deal to the development and economy of the fort and Kingston. Of particular importance, due to its geographical location, and the uniqueness of the soil, the northern townships had a special, valuable resource in the form of the many white pine trees that grew in the area. These trees were logged by settlers, and were sought after by the British navy for use as ship masts, to be used both locally and for shipment to Britain. As evidence of the importance of white pine for ship masts, \textit{Crown Patent} grants of land

\begin{footnotes}
\footnote{MacRow in Patterson, 6. Also Smale in Patterson, 106. On this issue there was disagreement as to the township’s involvement. MacRow cites the three townships noted here, but Smale in the same text at 106 stated that the third township was Bedford, not the Township of Pittsburgh.}{288}
\footnote{Ibid.}{289}
\footnote{Osborne in Tulchinsky, 69-70.}{290}
\end{footnotes}
during the early 1800s frequently included a reservation to the Crown of any white pine trees growing on the property.\textsuperscript{291}

**County of Frontenac Land Development**

The land development pattern in the townships of the County of Frontenac to the west, east and north of Fort Frontenac occurred in three intervals.\textsuperscript{292} Each of the three stages of settlement corresponded to the mode of transportation that was available to the settlers at the time. The settlement pattern was for the most part transportation driven. Initially, settlement took place in Kingston and Pittsburgh Townships where the land was water accessible, and from 1784 to the end of the War of 1812, lots along Lake Ontario, as well as along the banks of the Great Cataraqui River basin were fully occupied and under development as farm properties. The back lots in each township required at least some form of road access, and this remained a slow process, notwithstanding the Province’s emphasis on colonization and the need to open up new lands for the influx of new immigrants. Road building eventually provided access to the back concessions of both Kingston and Pittsburgh townships, and made settlement in Loughborough, Portland, and Bedford townships possible. Colonization roads after 1835 also provided access to the more northern parts of these townships, and of the lands to the north.

Technological change in the form of steam power became the final means by which it was possible to reach the more northern parts of the County. The construction of railways to

\textsuperscript{291} Conversation with Dr. Lloyd B. Jones, author of several historical books on the Township of Bedford, County of Frontenac. He is presently researching material for a book covering the mast industry in the rear townships of the County of Frontenac. Also: observation by John A. Willes, Esq. A solicitor who examined numerous \textit{Crown Patents} in his investigation of titles to land in Eastern Ontario where the Crown reserved gold, silver and white pine, whether the land was an ordinary Crown Grant or a Reserve.

\textsuperscript{292} Osborne in Tulchinsky, 64-73.
access the timber and mineral resources during the years from 1850 to the end of the century provided an easy method of access to the most northern areas of the County for colonization as well as resource development.

Road, and eventually rail connections tended to centralize services in places where roads or rail lines existed, and small communities soon developed at these locations. In many cases these locations were either road or rail accessible places with mill sites to process timber or minerals, or to warehouse agricultural produce for shipment to Kingston or beyond. In any event, the hinterland over the years after 1850 gradually became dotted with small communities supported by agricultural surroundings or some form of timber or resource developments.

The 20th Century saw a decline in lumbering as the timber resources in the northern townships were depleted. A decreased demand for mica, feldspar, and lead, some of the main minerals extracted in the northern townships also had a serious impact on the area. The resultant closure of mills and mines reduced commercial and industrial activity in the townships to agricultural related pursuits, and these were for the most part concentrated in the southern parts of the townships of Bedford, Loughborough, Portland, and Storrington.

By the 1950s, recreational development in the form of cottage construction around the many lakes, and residential development along arterial roads leading to the City of Kingston helped maintain the population levels, but by and large the townships surrounding the City of Kingston were gradually becoming bedroom communities of the City. While new residential and cottage communities helped maintain the tax base in most townships, all of the lower tier municipalities were finding it increasingly difficult to maintain services, and like the City of Kingston, were becoming more dependent upon provincial government grants and subsidies for their operation.
Early Local Government

Settlement in Upper Canada during the period following the War of 1812 had reached the point where by 1840 a re-examination of the governing of the province at a lower tier level was necessary. Lord Durham reviewed the system in 1840, and following his report, the Provincial Legislature introduced and passed a statute to re-organize the District system of local governance. The new legislation provided for greater local representation on District Councils using the election process. Each township was granted the right to elect a Councillor to the District Council for the District where the township was located. The Councillors so elected would then choose from their numbers a Warden. The Council, once established, would then proceed with the conduct of District business as required under the statute. This local form of government remained in place until 1849, when an extensive overhaul of local government took place. Under the 1849 Municipal Corporations Act, each township was required to establish a lower tier municipal government to address local township issues. Broader issues would be dealt with at a county level by a successor government for the former District Councils.293

Township Government Post-1850

The governments of the townships and the County of Frontenac came into existence on January 1, 1850, and held their inaugural Council meetings shortly thereafter. These new municipal bodies represented a shift in British Colonial policy from a centralized administration to local communities, with an accompanying shift of the costs of administration of government.294

293 Statutes of the Province of Canada. 4 & 5 Vic. Cap. 10 (1841). An Act to provide for the better internal government of that part of this Province that formerly constituted the Province of Upper Canada by the establishment of Local Municipal Authorities.

Under the new *Municipal Corporations Act*, 1850, the County of Frontenac replaced the former Midland District Council, and represented a first and very limited attempt at shifting government from a centralized authority to the local level. Under the *District Council’s Act*, much of the political power and authority had been retained by the central authorities out of a concern that the District Councils would not have the ability to properly manage their own affairs. This concern was carried over after 1850 to the new county governments as well.

The *Municipal Corporations Act* required the establishment of township governments for rural areas as a lower tier level of government. As well, it placed cities and incorporated towns as a separate level of government outside the county system. For each level of government, however, the municipality was to some extent considered by the provincial authorities as a supplier of local services, rather than an important democratic institution.

The county and township concept of government continued largely unchanged after 1850, but by the end of the 20th Century, lower tier municipalities found themselves subject to ever increasing provincial regulation of their power and the services that they offered to their residents. The emphasis placed upon local government by the Ontario Provincial Government gradually diminished over the period in terms of municipal legislative jurisdiction, as well as the authority to manage the services that local governments were created to provide. A particular shortfall of the system had been the inability of municipal governments to fulfill

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296 Tindal and Tindal, 18.
297 No Statute. Decreed by Governor.
298 Tindal and Tindal, 18.
299 Ibid.
300 Ibid., 32.
their political role: the delivery of services and to keep local property taxes low. Throughout most of the 1900s, the provincial government had increasingly shifted decision-making authority from the municipal level to either a variety of different provincial boards or commissions or to the province itself in order to exercise final decision-making authority over municipal matters. These boards and commissions in particular were unelected, and in virtually all cases the justification for their use was that the issues were either too complex or sensitive to be handled at the local level.302

During the last half of the 20th Century, some efforts were made to realign municipal and provincial responsibilities over the delivery of services at the local level, ostensibly to eliminate overlap and to capture some economies of scale. The introduction of regional governments for areas surrounding large municipalities was an apparent attempt to address these problems,303 but rural municipalities outside of these areas continued to struggle to provide services within the close confines imposed on them by the provincial authorities.

By the 1980s the province was finding it increasingly difficult to support municipal services, and began to accelerate its reduction of unconditional municipal subsidies and grants.304 Restructuring of the local government system was clearly in order. An attempt to shift greater authority and control to the county level of government was considered in 1988, and proposed in an all-party committee report that was tabled in the Legislature in January, 1989.305 The County Report concluded that the county tier of government in Ontario should be strengthened, and that

302 Ibid., 4.
303 Ibid., 5.
305 Ibid.
the county should assume greater responsibility over local services. The County Report also recommended that the county have the appropriate decision-making authority to effectively carry out its responsibilities, and recommended that a clear division of responsibilities be established between county and municipal governments. As a result of the report, some changes were made in the division of powers between the three levels of government, such as greater county responsibility in planning matters, but in the main, few significant changes to the system were introduced.\textsuperscript{306}

In the decade that followed, the provincial and lower tier government levels had to deal with the problems encountered by municipal governments. The problems and issues were eventually addressed in Frontenac County when the three levels of government finally faced the issue of expansion of the City of Kingston in 1998.

\textbf{Comment}

It is clear from an examination of the County of Frontenac that the county government played an important role in the lives of its citizens, and those in Kingston as well.

The next chapter sets the stage for the eventual amalgamation of 1998. Between the years 1952 and 1995 there was considerable talk among local politicians with regard to yet another municipal boundary expansion of the City of Kingston, but it was not until a meeting of the Council of the City of Kingston in 1978 that it became an official issue.\textsuperscript{307}

The following chapter covers the 1978 failed annexation attempt by the Council of the City of Kingston spearheaded by Alderman Bill Bishop. In the years that followed, the 1993

\textsuperscript{306} The delivery of certain social services were shifted to the county level, but most of the funding and control remained with the Province of Ontario. Some changes were also made in the planning area. \textsuperscript{307} William (Bill) F. Bishop, Barrister and Solicitor, Kingston. Interview, May 20, 1998.
Collom Report, as well as the efforts of Mayor Gary Bennett set the stage for the amalgamation of the new City of Kingston in 1998.
Chapter 12

The Intervening Years, 1952 – 1995


This chapter examines the intervening years between 1952 and 1995. At the end of this period of time, the Council of the City of Kingston passed a Resolution to Petition the Ontario Provincial Government to amalgamate the City with its municipal neighbours. The chapter also covers events the Council of the City of Kingston encountered in their search for change in governance and jurisdiction at the local level. The Council of the City of Kingston activities are followed in a chronological order, and are used to arrive at conclusions concerning the involvement of the Harris Conservative Ontario Provincial Government in the local amalgamation of 1998.

Post-1952 Annexation

Economic changes in the decades following the 1952 annexation had a profound effect on both the City of Kingston and the neighbouring townships. The years during the 1950s and the 1960s saw a major expansion of Queen's University and some commercial development in the form of shopping centres in the Township of Kingston, but the economic stimulus of these developments on the area were offset by economic loss in the form of the closure of much of the City of Kingston’s heavy industry on the waterfront near City Hall.

By 1970, the closure of the heavy industry in the City of Kingston left the waterfront in need of redevelopment. The population also continued to decline in the early part of the decade, but following the energy crisis of 1974 to 1976, the movement of population gradually shifted
back in the direction of the City from the suburbs, and the decline ceased. Redevelopment of some of the waterfront for residential, commercial, tourism, and recreational operations began during this period, and the downtown business core gradually revitalized in an effort to compete with the larger shopping centres located beyond the City limits, particularly in the Township of Kingston. 308

Of particular interest to the City of Kingston were the industrial lands on its western boundary in the Township of Kingston. In 1971, Northern Telecom Limited, a large industrial company, located in the Township of Kingston. The company built a massive plant for the production of wire and cable on land to the east of Gardiners Road, and the employment it offered drew more people to the Township of Kingston to reside and work. 309 The Township of Kingston also provided ideal conditions for new industry, with inexpensive industrial land, low property taxes, a relatively large, skilled labour force, as well as convenient transportation routes on land, air, rail and water. However, in spite of the attractiveness of the Township of Kingston, the energy crisis of the 1970's, coupled with an economic recession, caused the population pattern to change. In a sense, the revitalized downtown urban core became attractive to those who no longer desired suburbia and wished to reduce the time spent commuting to work with its associated costs. 310 As a result, the central City population growth slowed during this period, but nevertheless gradually continued to increase in the area, until by 1986 the population in the City

308 LaSalle Park Plaza and the Frontenac Mall were the largest shopping Malls located on Bath Road, in the Township of Kingston. The Sentry Plaza was located on Princess Street in Kingston Township. 309 Osborne and Swainson, 314. 310 Ibid., 318.
of Kingston and adjoining townships reached a new figure of 108,502. However, only 55,336 were residents of the City of Kingston.\footnote{Ibid., 319.}

**1978 Annexation Proposal By Alderman Bill Bishop**

After the annexation of 1952, a number of City of Kingston politicians continued to entertain the idea of an additional municipal boundary expansion, much to the consternation of the Council of the Township of Kingston. In 1969, Mayor E. Valorie Swain attempted to establish a regional government with the Township of Kingston and the Township of Pittsburgh. However, his proposal was immediately rejected by Reeve J. Earl McEwen of the Township of Kingston, and the idea was not further pursued.\footnote{Fyfe Fonds. *The Kingston Whig Standard. Special Report Companion Section Amalgamation!* Saturday, September 23, 1995, 9} While there had never been a motion tabled at Council, some Councillors made known their support for expansion,\footnote{Isobel Turner, former Reeve of the Township of Kingston. Interview: May 6, 1998.} and the next official attempt to expand the municipal boundaries of the City of Kingston occurred almost a decade later.

On December 4, 1978, at a City of Kingston Council meeting, newly elected Alderman Bill Bishop suggested that the City of Kingston annex a large strip of land on the boundaries of the City of Kingston that would include parts of the Township of Kingston and the Township of Pittsburgh in the County of Frontenac, as well as Amherstview, and parts of the Township of Ernestown, in the County of Lennox and Addington. Alderman Bishop's reasoning for the proposed annexation was that the area was largely a contiguous urban band along Lake Ontario, and the City of Kingston was its focal point. Alderman Bishop visualized a northern boundary running on a line along Unity Road through the Village of Elginburg, in the northern part of the

\footnote{Ibid., 319.}
Township of Kingston that would enclose adequate virgin land for all categories of land development for the next 20-50 years. The City of Kingston would, figuratively speaking, straddle Highway #401, particularly for industrial and commercial development with access by way of bridges and the underpass at Division Street. Alderman Bishop's justification for a municipal boundary expansion that would include lands to the west of the County of Frontenac boundary was that the City of Kingston would then possess a potential deep water port facility on Lake Ontario that might be beneficial for new industry.³¹⁴

Alderman Bishop noted that City of Kingston’s water and sewer lines were essentially connected to the adjoining Township of Pittsburgh and the Township of Kingston and the City could provide an extension of these services at virtually no additional construction cost to 'tie in' operations to the newly expanded urban lands. Alderman Bishop also noted that the City of Kingston’s sewage treatment plant at Ravensview was located in the Township of Pittsburgh, and was built on a large block of land sufficient to provide for expansion of the facility as required.³¹⁵

Alderman Bishop's suggestion for the expansion was well received, and members of Council were prepared to support and second the motion. However, Mayor Ken Keyes suggested that Council delay the motion until the potential township partners could be approached and the matter discussed with them.³¹⁶ While Mr. Bishop would have preferred that the City of Kingston approach the Province of Ontario directly, and without a meeting with the neighbouring townships, he recognized that such an approach would create a certain amount of animosity amongst the adjoining townships. He also feared that pursuit of the matter with the

³¹⁵ Ibid.
³¹⁶ Ibid.
politicians of the adjoining townships would only give them the opportunity to marshal their opposition to the proposal. His fears were realized. A local newspaper reporter had attended the meeting and reported on the proposal. Before Council could follow through with its intentions, the politicians of the adjoining townships strenuously rejected the potential motion for the annexation of any land from their townships. In spite of considerable public approval, the proposal was not acted upon.\textsuperscript{317}

In retrospect, Alderman Bishop believed that the timing of his proposal would have been appropriate to deal with the municipal boundary expansion, and was of the opinion that had Council moved unilaterally for annexation, the Province of Ontario may well have accepted the proposal, given the Provincial Government’s preference at the time for larger municipal units, if they made economic and administrative sense.\textsuperscript{318}

Following the failed 1978 attempt to expand the boundaries of the City of Kingston, the matter continued to simmer. In 1990, Mayor Helen Cooper was quoted in an interview with \textit{The Kingston Whig Standard} that an “amalgamation of the City of Kingston and its neighbouring municipalities may become an economic necessity.”\textsuperscript{319}

\textbf{Collom Report – 1993}

The City of Kingston’s eventual proposal for amalgamation was encouraged in several economic studies. In 1993, Professor Frank Collom of Queen’s University prepared a Report for the City of Kingston on the internal operations of the municipality. The Report, released in July of 1993,

\begin{flushright}
\textsuperscript{317} Ibid.
\textsuperscript{318} Ibid.
\textsuperscript{319} Fyfe Fonds. \textit{The Kingston Whig Standard}. Saturday, September 23, 1995, 9
\end{flushright}
also suggested that the amalgamation of the City of Kingston with its adjoining townships should be considered.\textsuperscript{320}

Professor Collom concluded in his Report that an amalgamation of the City of Kingston with the Township of Ernestown in the County of Lennox and Addington, and the Townships of Kingston and Pittsburgh in the County of Frontenac would result in millions of dollars in tax savings.\textsuperscript{321} While his Report found much for the Council of the City of Kingston to deal with in terms of its internal City problems, the point here is what he proposed in his Report with regard to amalgamation and land development.\textsuperscript{322}

While the issue of amalgamation of the City of Kingston was often on the minds of the council members, it was not until 1995 that the new Council of the City of Kingston became engaged in the formal amalgamation process.

**Shared Services Issue**

By 1995, the region had become known as the Greater Kingston Area, and the City of Kingston found that it could no longer continue to operate by the use of inter-municipal service arrangements, joint shared agreements with the nearby townships, and local bodies in and around the area. The service agreements only tended to confuse municipal issues and made it more difficult to identify who was responsible for the delivery of certain services. More importantly,

\begin{center}
\textsuperscript{322} Ibid.
\end{center}
as Mayor Bennett commented: “Who should speak to these municipal issues at any given point in time?” 323

Jeff Lehman also concluded in his examination of the City of Kingston:

Shared servicing agreements have helped to resolve some issues of service spillover, but the lack of overall, co-ordinating policy has made long-term planning nearly impossible, and led to confusion and competition in many areas of service provision. 324

Prior to the 1998 expansion, the City of Kingston governance had been on a destructive course. The City of Kingston had reached the point where it no longer had control over its destiny due in part to the number of legally binding agreements it had entered into with other municipalities. Strangely, this did not come about by direction from the Province. The loss of autonomy came in a quiet unassuming manner through many inter-municipal agreements and cost sharing arrangements that had been reached while the City of Kingston conducted its mandated functions. It was not the Province that kept the City of Kingston from functioning as it should, but external forces. The adjoining townships and the City of Kingston had gradually eroded the City of Kingston’s autonomy by acting as joint providers of services to their respective municipalities.

It was not a surprise to Mayor Bennett when he took office to find that the administrative environment at City Hall was in a confused state, and inefficient. It was also not difficult for him to recognize that the governance problem had existed because too many decision-makers beyond City Hall were making decisions that affected the City of Kingston directly. The Council of the City of Kingston, without realizing it, was an enabler for the adjoining townships at the expense of the City of Kingston.

323 Gary Bennett, Mayor of the City of Kingston. Interview April 22, 1998.
324 Lehman, 53.
of its own autonomy. As far back as 1952, the Report prepared for the City of Kingston with regard to boundary adjustments referenced the need for water and sewer in the adjoining Township of Kingston.\textsuperscript{325} The Report stated that the City of Kingston would need to plan for a larger water and sewerage system if the City of Kingston annexed the land in the Township of Kingston, as the City of Kingston would need a system large enough to supply the township as well. The Report concluded that sooner or later the City would need to provide the services to the township.

The City of Kingston was not expected to be ‘the keeper’ of the adjoining townships, but the decision to jointly provide services to the township began the erosion of the City of Kingston’s autonomy when other ‘voices’ were added to the decision making process that seriously affected the City of Kingston. These issues plagued the City of Kingston for many years, and it was not until 1995 the Council of the City of Kingston petitioned the Provincial Government to amalgamate with its neighbours that it moved to ultimately place the delivery of services in a rational and more efficient manner within the jurisdiction of the City of Kingston.

By 1995, Mayor Bennett was aware it had become imperative that the \textit{Greater Kingston Area} be a single entity in order to speak with one voice, instead of many. This took courage and political will, and while in the end the boundaries were far from ideal from a \textit{Community of Interest} planning perspective, the change would at least bring the various inter-municipal services under one roof.

\textsuperscript{325} Stewart Fyfe. Report for the City of Kingston on Kingston 1850 Boundary Adjustment. Fyfe Fonds. QUA.
Bennett Contribution and the Amalgamation Process

Mr. Gary Bennett undertook an examination of the City of Kingston as a part of a Master's degree in the Policy Studies at Queen's University during the years 1991-1992, and completed his thesis by July of 1994. The thesis documented the City of Kingston's financial history, and as
a result of his findings, he proposed alternative approaches to governance, including the need to consider amalgamation to create a single municipal government within the Greater Kingston.\footnote{326}{Gary H. Bennett. Local Government Reform: *A Consideration of Alternative Approaches To Governance Within The Greater Kingston Area*. Kingston, Canada: Queen's University, Master of Public Administration Thesis, 1994, 94-96.  Also: Bennett Interview.}

Mr. Bennett had been pondering the process for ten years prior to writing his thesis, and was well aware of the proposal of Alderman Bishop in 1978. Jeff Lehman’s assessment of Bennett’s thesis was that it “… provided a clear manifesto for amalgamation…”\footnote{327}{Lehman, 59.}

In 1994, Mr. Bennett was elected Mayor of the City of Kingston for the following term, and Lehman wrote that “The campaign was fought partly on the issue of amalgamation, and Bennett emerged with the political mandate to turn his thesis into reality. Upon taking office … he immediately began to do so, having been urged on by the members of his new Council, who were unanimous in their support for an amalgamation effort.” Events moved rather quickly thereafter, as all successful members of Council had amalgamation as one of the planks in their election platform. On August 8, 1995,\footnote{328}{Ibid., 60.} the Council passed a resolution to petition the Ontario Provincial Government to appoint a Commissioner to deal with the problems of the Greater Kingston area.\footnote{329}{de Hoop, 7.} The resolution of Council also proposed the amalgamation of the City of Kingston with the adjoining Townships of Kingston and Pittsburgh, as well as Amherstview and the Township of Ernestown in the County of Lennox Addington.

Meanwhile, at the Ontario Provincial Government level, funding problems existed. The financial difficulties of the Province had reached a crisis level in the early 1990’s that forced the Provincial Government to examine its cost structures and its ability to do all things for all people.
The frantic efforts to control spending by the NDP government then in power eventually resulted a few years later in a change of government in 1995 with the election of a party dedicated to the control of spending and to the rationalization of government.

One of the first efforts of the new Conservative government was to examine the relationship between the various levels of government, and to conclude that a number of provincial responsibilities should be shifted to lower tiered governments, with the costs to be paid through locally raised taxes. To succeed in this endeavour however, it became clear that the present structure of the city, and township governments required rational reorganization. In particular, rural townships required consolidation into more viable units, with adequate tax bases and sufficient size to take advantage of alleged cost efficiencies in administration and ‘economies of scale’ in the delivery of services at the local level. The result of this examination was the introduction of Bill 26, which was passed on November 26, 1995, and later became The Savings and Restructuring Act.\textsuperscript{330} This Statute was an Omnibus Statute that amended a number of existing provincial laws, one of the most important being the Municipal Act.\textsuperscript{331}

Andrew Sancton\textsuperscript{332} listed the City of Kingston among the cities that were obliged to be legally bound by Bill 26. While it was a fact that the City of Kingston, and the County of Frontenac were legally bound by The Savings and Restructuring Act, effective January 1, 1996, the City of Kingston had its amalgamation plans underway in August of 1995, prior to the introduction of Bill 26 on November 29\textsuperscript{th}, 1995 by the Harris Government, or later the passing of

\textsuperscript{331} Ibid. See also: Longo, Leo F. and Christopher J. Williams. “Bill 26: The Omnibus Bill and Municipalities – The Revolution Revealed!” February, 1996, 7. The Statute gave the Minister of Municipal Affairs and Housing the authority to restructure municipalities by Ministerial Order.
The Savings and Restructuring Act with its regulations. The Harris Government’s decree of Bill 26 was clearly not the catalyst for the 1998 amalgamation. My research clearly indicates that amalgamation had been brewing for a number of decades, and the elected candidates in the 1994 municipal election had amalgamation as part of their political platforms. All of this activity took place prior to the provincial election of Premier Harris. It was simply a matter of timing. The City of Kingston was not ‘forced’ to amalgamate by the Harris Government as the City of Kingston had petitioned the Ontario Provincial Government for amalgamation of its neighbouring townships prior to the introduction of Bill 26.

The restructuring process outlined in Bill 26 was essentially simple and straight forward: a restructuring proposal could be initiated by either a municipality or a local body, and if it met a certain level of support by the municipalities in question, the Minister of Municipal Affairs and Housing would implement the restructuring proposal through an Order. It was in this climate of change that the City of Kingston in 1995 took the necessary steps to institute an amalgamation process that would affect all of the municipalities in the County of Frontenac as of January 1, 1998.


Most of the population of the Townships of Kingston and Pittsburgh was located in the southern parts of the townships, and largely residential, except for some industrial and commercial businesses in the Township of Kingston. The remainder of the land in each township was for the most part rural in character. By 1995, some reorganization of the


333 Longo and Williams, 7-8.
municipal boundaries was clearly in order, in view of the significant growth of both the Townships of Kingston and Pittsburgh. There was also significant growth of Ernestown Township in the County of Lennox and Addington to the west of Kingston Township. The Township of Kingston and the Township of Pittsburgh had promoted extensive development of their lands immediately adjacent to the City of Kingston, and the Township of Ernestown had done the same with its lands adjacent to the western boundary of the County of Frontenac. An extension of the boundaries of the City of Kingston to incorporate these large, developed urban parts of the three townships into the City of Kingston would, at least in the eyes of the City of Kingston politicians, clearly make good planning sense.

At a Council meeting of the City of Kingston on August 8, 1995, the Council had virtually duplicated the actions of the 1978 Council of the City of Kingston when members of Council were prepared to table a motion to enlarge the City of Kingston by including parts of the Township of Kingston, Township of Pittsburgh in the County of Frontenac, and the Township of Ernestown, in the County of Lennox and Addington. Mayor Gary Bennett asked Council to hold off their motion so that there would be an opportunity to consult with the townships that would be affected. Mayor Bennett stated that he preferred not to start off on the wrong foot, but his Council was adamant that the motion be passed immediately at that meeting with a request for a Provincial Commissioner to deal with the amalgamation process. The motion was passed at the meeting.

Much media attention was given to the City of Kingston’s request for expansion of its boundaries and its implications for the adjoining townships. Opposition, predictably, from the

335 Bennett Interview. Mayor Bennett stated that all members of Council were unanimously in favour of amalgamation. See also: de Hoop. de Hoop writes Bennett “turned his thesis into reality.” He also writes: Bennett’s thesis conclusion “provided a clear manifesto for amalgamation.”, 59.
adjoining municipalities was swift. The Township of Kingston immediately objected to any amalgamation, and met with the Minister of Municipal Affairs and Housing on August 26, 1995, in an effort to convince him that the City of Kingston's request should be rejected.336 As a result of this attention, a number of public meetings were held to discuss the issue, and to hear the concerns of the residents of the neighbouring municipalities. Public support, at least in the City of Kingston, favoured enlargement, and a number of politicians, notably Ian Wilson, the former Reeve of the Township of Ernestown, and Councillor Jim Bennett of the Township of Kingston openly supported the move to enlarge the City of Kingston. Support also came from Queen’s University Professors Frank Collom, and Tom Plunkett, as well as the Kingston Chamber of Commerce. By mid-September, the polls conducted in the City of Kingston and the surrounding townships indicated relatively strong support for amalgamation by 58% of Kingston residents, and 40% combined support among residents of the Township of Kingston and the Township of Pittsburgh.

Anticipating that the adjoining Township of Kingston and the Township of Pittsburgh might propose an expansion of joint services rather than boundary changes, the Ministry of Municipal Affairs and Housing made its intentions clear. On September 25, 1995, Minister of Municipal Affairs and Housing Al Leach denied the request for a Provincial Commissioner, and directed the Council of the City of Kingston to negotiate locally with the townships.337 All of these events occurred before the appearance of Bill 26. While the Ministry of Municipal Affairs and Housing was clearly interested in reducing the cost and size of local government, it was not prepared to consider the 'status quo’ as an option for the municipalities, an ordered the parties to

336 Ibid.
337 Bennett Interview. Mayor Bennett was a ‘mover and shaker’ throughout the whole of the amalgamation process.
deal with the matter locally, and initially at least, without a Commissioner. The process was dragging, so the government issued an ultimatum: failing agreement, the Ministry of Municipal Affairs and Housing would consider appointing a Commission on local government only if the parties could not successfully deal with their own restructuring by early 1996.  

Efforts were made to comply with the Ministry of Municipal Affairs and Housing directive by the City of Kingston, and the Counties of Frontenac, Lennox and Addington, as well as the twenty-nine townships within the two counties. They met on October 5, 1995, at which time they established the “Kingston, Frontenac, Lennox and Addington Governance Review Committee” known as the GRC. At the meeting, the City of Kingston presented its position paper on municipal reform in the Kingston area. The paper stressed the fact that the current municipal organizations could not continue as they were, and suggested that short term or new cost-sharing programs amongst the municipalities would not solve the problems that existed in the area. By the end of the meeting, those present were prepared to concede that change of some sort was inevitable, and before the meeting concluded, the parties laid out the ground rules for future discussion. The parties also decided to proceed on the basis that all decisions would be made by consensus, but the ultimate commitment to the decisions made by their representatives could only be finalized by their respective Councils.

A consulting facilitator, Mr. Milt Farrow, was engaged by the GRC to assist with the negotiations, but was not given a mandate to mediate, and as a result, he was unable to secure a consensus on issues that were put forward for discussion at the meetings. A deadline

338 de Hoop, 13.
339 Ibid.
340 Ibid.
341 Ibid., 13-14.
nevertheless was established. A completion date of December 1995 was set in order to comply with the Minister of Municipal Affairs and Housing's directive that a completed report must be submitted by January 31, 1996.\textsuperscript{342} In an effort to comply with the deadline, the consulting firm of C. N. Watson & Associates was engaged to provide an Assessment of Governance Options, and their potential costs.\textsuperscript{343}

The events that followed, however, did not proceed smoothly, and on November 23, 1995, the County of Lennox and Addington, and the Township of Ernestown withdrew from the discussions, and proceeded with their own undertaking to restructure the municipalities in the County of Lennox and Addington.\textsuperscript{344} This was done on the basis that they had a different Community of Interest from that of the City of Kingston and the surrounding municipalities in the County of Frontenac. Again, all of these events took place before the issue of government Bill 26.

On November 29, 1995, the Provincial government issued Bill 26\textsuperscript{345} that provided information to all parties, and indicated that approval for restructuring would be based on majority support on a county-wide basis. Bill 26, in effect, required the development of a plan to restructure municipal governments within each county, and this enabled the County of Lennox and Addington, and its townships to avoid becoming a part of the New City of Kingston by developing its own streamlined county structure.\textsuperscript{346} Several attempts, nevertheless, were made to bring the County of Lennox and Addington back to the negotiating table, but these proved

\textsuperscript{342} Ibid., 14.
\textsuperscript{343} Ibid., 14-15.
\textsuperscript{344} Ibid., 14.
\textsuperscript{346} de Hoop, 14.
unsuccessful. As a result, this left the adjacent suburb of Amherstview out of the future City of Kingston, and the Townships in the County of Frontenac were now required to consider proposals for the restructuring of not only the City of Kingston, but that of the County of Frontenac as a whole.

C. N. Watson & Associates completed their preliminary review on local government options for the meeting of the Governance Review Committee that was held on December 14, 1995. The Watson Report provided four Reform Models for the City of Kingston, and the County of Frontenac, together with financial impact assessments for each model based on equalized mill rates for all 16 municipalities. The Report suggested that only two options would provide significant cost savings:

- **Option, (2.2)** would restructure the City of Kingston to include the municipality of Kingston Township, and divide the remaining 14 Townships in the County of Frontenac into four larger municipalities. The report estimated that this model would produce a potential annual savings of approximately $2.1 million.

- **Option, (3.2)** would produce cost savings in the amount of $1.9 million, and would restructure the County of Frontenac by including the Townships of Kingston and Pittsburgh in the City of Kingston, and divide the balance of Frontenac County into four new local municipalities.

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347 Bennett Interview.
348 Ibid.
349 de Hoop, 15.
351 Ibid., Appendix F, F-1.
While the options proposed were subject of some debate, much of the concern with regard to the Watson Report centered on the potential cost savings that would be obtained through restructuring.

The Watson Report was subject to considerable criticism from the Townships. In particular, the Township of Pittsburgh challenged the proposals, and on December 18, 1995, began a series of public meetings to bring before its constituents the Watson Report and to discuss its implications for the Township of Pittsburgh.\(^{352}\) Observers at the meetings determined that a large percentage of those who attended were opposed to the proposed amalgamation of the Township of Kingston and the Township of Pittsburgh with the City of Kingston (Option 3.2) particularly since the Watson Report indicated that amalgamation with the City of Kingston would result in significant tax increases in the Township of Kingston and the Township of Pittsburgh with a decrease in municipal taxes in the City of Kingston.\(^ {353}\) The Watson Report, however, was based on a number of broad assumptions as to service levels and operational efficiencies, and questioned by the townships.\(^ {354}\)

As a result of these findings, concerns were raised as to whether the Watson Report as it stood would form the basis for a submission to the Ministry of Municipal Affairs and Housing. Opposition to the proposals in the Watson Report was sufficient to require second thoughts by the Governance Review Committee, and the Watson Report was sent back for further clarification to C. N. Watson & Associates. The Governance Review Committee also concluded that the Watson Report in its present form could not represent a part of the submission to the

\(^{352}\) de Hoop, 16.
\(^{353}\) Ibid., 15.
\(^{354}\) Ibid.
Minister of Municipal Affairs and Housing that was required by the January 31, 1996, deadline.\textsuperscript{355}

At the January 11, 1996, meeting of the Governance Review Committee, C. W. Watson & Associates reported that they would require more time to complete their final report, as they had received over fifteen separate submissions, consisting of 130 separate comments or suggestions for change. In particular, the Governance Review Committee was concerned that some of the C. N. Watson & Associates assumptions were based on the limited potential cost savings that would be obtained through restructuring. The Watson Report suggested that the savings would only be $225,000, if the tax structure in the three municipalities was not altered.\textsuperscript{356} The Governance Review Committee sought further clarification of this matter, and in view of the nature of the assumptions made in the Watson Report, decided to change the title of the Watson Report to "Preliminary Information Towards the Preparation of an Impact Assessment of Local Government Options."\textsuperscript{357} The Governance Review Committee also decided to hold five to seven public meetings in order to inform the public of its progress, and to allay public concerns over the lack of information available concerning the status of the restructuring process. However, the revised Watson Report was not received until January 31, 1996, and due to the short time available to prepare a submission to the Minister of Municipal Affairs and Housing, the public meetings were not held by the Governance Review Committee. Jim de Hoop in his analysis states that “subsequent events would prevent the Governance Review Committee from hosting any of these meetings.”\textsuperscript{358}

\textsuperscript{355} Ibid., 16.  
\textsuperscript{356} Ibid., 17.  
\textsuperscript{357} Ibid., 17.  
\textsuperscript{358} Ibid., 17.
The receipt of the final report from C.N. Watson & Associates permitted the Governance Review Committee to submit a "Reflections Paper" along with a request for an extension of the time to complete their final report to the Minister of Municipal Affairs and Housing. The extension of time was granted. However, this only provided those opposed to the restructuring with the opportunity to mount public opposition to the proposed changes. Both the Township of Kingston and the Township of Pittsburgh then began in earnest to promote their own models for the restructuring of the County of Frontenac.

Township of Kingston Proposal

In response to the Watson Report, the Township of Kingston prepared a “Refined Model” that they emphatically stated was non-negotiable. The Refined Model was submitted to the Minister of Municipal Affairs and Housing on February 8, 1996, and proposed the consolidation of the rural municipalities into a single municipality, with an urban consolidation of the City of Kingston, the Township of Kingston and the Township of Pittsburgh that would ensure that the townships would not be adversely affected, tax-wise, through restructuring. The centre-piece of the Township of Kingston model was a restructuring based upon cost reductions in the aggregate expenditure budgets throughout the area of approximately 8% and binding agreements to lock in the identified expenditure reductions. The ‘Refined Model’ also proposed elections-at-large for the first twenty years, and the establishment of infrastructure standards to be met within each area within seven years. The ‘Refined Model’ also included a detailed proposal with respect to

359 Ibid., 19.
360 Ibid.
361 Ibid., 21-22.
the assignment of assets and liabilities, and addressed financial matters such as reserves and debt.\textsuperscript{362}

The ‘Refined Model’, needless to say, was unacceptable to the City of Kingston in view of the fact that it would not only encumber future councils for a period of twenty years, but was non-negotiable on a large number of contentious issues. In response, the City of Kingston submitted its own proposal entitled ‘The Road Ahead’\textsuperscript{363} that set out an implementation process and a framework for restructuring.

**Pittsburgh Township – Status Quo Proposal**

The Township of Pittsburgh released its own statement on restructuring which proposed joint agreements and servicing contracts under a ‘Service Arranger Agency’\textsuperscript{364} as a means of reducing the cost of government services, leaving the existing municipal boundaries intact. This proposal was vigorously promoted by Reeve Carl Holmberg of the Township of Pittsburgh, in spite of the fact that the Minister of Municipal Affairs and Housing had made it clear earlier that the *status quo* was not an option that the municipalities could consider.

\textsuperscript{362} Ibid., 19.
\textsuperscript{363} Ibid., 21.
\textsuperscript{364} Ibid.
Chamber Of Commerce 7- Point Plan

Even the local Chamber of Commerce became involved in the restructuring process. When no progress had been made in the negotiations by March 20, 1996, the Chamber issued a ’7-Point Plan’365 that proposed a municipal consolidation that would decrease local taxes through cost saving efficiencies associated with innovative methods for the delivery of services.

Ministerial Directive

The talks, however, continued to languish, and no progress was made until the parties were informed that Al Leach, Minister of Municipal Affairs and Housing, would be meeting with the parties on May 9, 1996.366 In an effort to revive the virtually moribund negotiations, the City of Kingston and the Township of Kingston met in an effort to resolve some of their differences. Don Carter, former Dean of the Faculty of Law, Queen's University, and staff from the Boundaries Branch of the Ministry of Municipal Affairs and Housing agreed to assist with the discussions, and a meeting was scheduled for Saturday, May 4, 1996.367 The meeting, however, failed to resolve the differences, due in part to the insistence by the Township of Kingston that their model was non-negotiable. One issue that was agreed upon, however, was willingness on the part of both municipalities, if merger was inevitable, to dissolve the existing municipalities and establish a new entity that would be named the "New City of Kingston."368

365 Ibid.
366 Ibid., 22.
367 Ibid.
368 Bennett Interview and Turner Interview. During the negotiations, the Township of Kingston agreed that the name ‘City of Kingston’ could be used, but ‘New’ had to be placed in front of it. Thus, the negotiated agreement was to be the ‘New City of Kingston’. However, the Ministerial Order to Implement the Proposal for the Restructuring of the County of Frontenac, Its Constituent Municipalities and the City of Kingston (1997), made under section 25.2 of the Municipal Act, does
On May 9, 1996, the Minister of Municipal Affairs and Housing, Al Leach, met with the parties in Napanee, and bluntly informed the parties that he would require a submission from them by the end of June 1996 at the very latest, otherwise he would establish a Commission to complete the restructuring in time for the November 1997 municipal election process. The Minister also indicated that if a Commission was established, the terms of reference would include both the County of Frontenac and County of Lennox and Addington.

**Mediator Gardner Church**

At the next meeting of the Governance Review Committee, representatives of the County of Frontenac and the Township of Ernestown in the County of Lennox and Addington attended, and efforts were made to establish a mediation process that would enable the parties to determine if a consensus was possible. When this need became apparent, the parties decided to obtain the services of Gardner Church, a former government Deputy Minister, to act as a Mediator. Mr. Church, however, was not available until June 15, 1996, and negotiations were put on hold until that date. In the meantime, however, the County of Lennox and Addington and its townships continued with their own restructuring. Shortly after mediation began, their representatives informed Mediator Church that an Agreement had been reached to restructure the County Lennox and Addington, and that they would withdraw from the negotiation process effective June 17, 1996. As a result, the municipalities in the County of Frontenac were left with the

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369 de Hoop, 23.
370 Ibid.
372 de Hoop, 26.
task of restructuring the municipalities that remained. The City of Kingston, the Township of Kingston and the Township of Pittsburgh then continued with negotiations, and the balance of the municipalities were left to decide their own outcome. It is important to emphasize that the two townships that were amalgamating with the City of Kingston took with them 84% of the tax revenue of the County of Frontenac.

1996 County of Frontenac Agreement

The mediation process was conducted for the most part in private, and it was not until July 8, 1996, that an Agreement was reached. On August 9, 1996, Minister Leach was informed by letter that an Agreement had been reached by the remaining townships of the County of Frontenac, the City of Kingston, the Township of Kingston and the Township of Pittsburgh. The letter also included a request for the appointment of a Provincial Commissioner to establish an appropriate ‘western boundary’ for the proposed new City of Kingston.

Comment

I would like to reiterate, once again, the difference between reference to the City of Kingston in Merger Mania and the sequence of events that occurred in 1995 and 1996. My view of the events concerning Schedule “M” in Bill 26 is that while the City of Kingston had to abide by the laws of the land, the Council of the City of Kingston continued with its own plan for amalgamation. It was coincidental that the Council of the City of Kingston’s plan was the same

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373 Lehman, 40 and 65.
374 Letter dated August 9, 1996, to Minister Al Leach, Municipal Affairs and Housing. Frontenac County Archives.
as that directed in *Bill 26*. All of my research indicates that the City of Kingston had plans to expand under consideration for many years, prior to the introduction of *Bill 26* in the legislature.\textsuperscript{376}

The background information in this Chapter sets the stage for the next Chapter that is devoted entirely to pertinent details of the planning process with regard to the 1998 creation of the new City of Kingston, the restructuring of the County of Frontenac, and the role of the Ontario Provincial Government.

\textsuperscript{376} The were two choices in Schedule “M”—25 (2) the municipality could negotiate with the adjoining municipalities, and if they did not, then there was 25 (3) whereby the Ontario Provincial Government would appoint a Commissioner to draw the new boundary lines for the municipality.
Chapter 13
The New 1998 City Of Kingston and the Restructured County Of Frontenac

This chapter has a specific significance in that it concludes a central part of the study of Kingston. It also examines the largest expansion in the history of the City of Kingston, as it sets out the crucial facts related to the amalgamation, the actions of the parties involved, and the role of the Ontario Provincial Government. It concludes with an evaluation of the 1998 amalgamation based on a set of criteria developed from the document review of primary and secondary source material related to the 1998 amalgamation, interviews of participants in the amalgamation proceedings, and my own observations. This evaluation is located in Table 6: Evaluation of the 1998 Amalgamation.

11th Boundary Expansion – 1998
Amalgamation

Proposed Amalgamation Agreement
The proposed amalgamation Agreement would significantly alter the nature of the old City of Kingston and the County of Frontenac. Under the Agreement, the Corporation of the City of Kingston, and the Corporations of the Township of Kingston and the Township of Pittsburgh would be dissolved, and a ‘new’ municipal Corporation would be created as of January 1,
The political boundaries of the new City of Kingston would incorporate all of the lands in the former City of Kingston and the lands in both the Township of Kingston, and the Township of Pittsburgh. This was an important political decision according to Reeve Turner of the Township of Kingston, who did not wish the township to appear to have been “taken over” by the City of Kingston.

Once the old City of Kingston ceased to exist, all of its employees, as well as the employees of the former Township of Kingston, Township of Pittsburgh, and County of Frontenac would be obliged to seek employment with the new City of Kingston.

**New Townships in the Restructured County of Frontenac**

The Restructuring Agreement that ultimately became the basis for the Ministerial Order also proposed a restructuring of the remaining townships of the former County of Frontenac. Under the terms of the Agreement, the former County of Frontenac as an incorporated body was dissolved and replaced by a management board called the Frontenac Management Board. The thirteen remaining municipalities of the former County of Frontenac were reorganized into four larger municipalities. The townships of Bedford, Loughborough, Portland, and Storrington were incorporated under the name of the Corporation of the Township of South Frontenac.

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379 Turner Interview.

380 Supplementary Proposal Of The Thirteen Municipalities Comprising The New Township of Frontenac In Accordance with sections 5 (b) and 7 (b) Of “The Proposal For The Reform Of Local Governance Kingston/Frontenac.” September 5, 1996. Frontenac County Archives, 1-5.

381 Ibid., 5-6.

382 Province of Ontario *Order,* 355-356.
townships of Hinchinbrooke, Kennebec, Olden and Oso were named The Corporation of the Township of the United Municipality of Central Frontenac.\textsuperscript{383} The most northerly townships, consisting of Barrie, Clarendon, Miller, Palmerston, North Canonto, and South Canonto, formed The Corporation of the Township of North Frontenac.\textsuperscript{384} The most southerly townships of Howe Island and Wolfe Island were merged and named The Corporation of the Township of Frontenac Islands.\textsuperscript{385}

The services formerly provided to all of the townships in the former County of Frontenac by the county level of government were also reorganized. Responsibility for the construction and repair of the former County of Frontenac roads were transferred to the respective new municipalities where the roads were located. Land use planning was also delegated to the respective new municipalities. The ferry services (except for the Howe Island Ferry) were placed in the hands of the new Township of Frontenac Islands. The remaining services formerly provided by the former County of Frontenac were transferred to the new Frontenac Management Board.\textsuperscript{386}

The Frontenac Management Board, that consisted of the Mayor of each of the four new Townships, was given all of the powers of the former County of Frontenac, including responsibility for Fairmount Home for the Aged, General Welfare Administration, Kingston-Frontenac Library Board, and appointments to certain local boards, such as the Children's Aid Society, Kingston, Frontenac, Lennox and Addington Board of Health, and the Kingston,
Frontenac, Lennox and Addington District Health council. The Frontenac Management Board was also responsible for the allocation of road payments and the operation of the Howe Island Ferry. Responsibility for welfare was subsequently transferred to the Province of Ontario.

The incorporation of the new City of Kingston had significant implications for the remaining municipalities in the former County of Frontenac. Without the financial support previously obtained from the Township of Kingston (and to a lesser degree from the Township of Pittsburgh) the remaining municipalities would be faced with significantly higher operating costs for those services formerly provided by the County of Frontenac. In the past, the former Township of Kingston, and the Township of Pittsburgh provided approximately 84% of the operating revenue of the County of Frontenac, and the loss of this revenue was expected to create future hardships that the Management Board and the new municipalities would have difficulty managing without significant tax increases.

**New City of Kingston – January 1, 1998**

One of the most contentious areas was the establishment of a system of representation for the new City of Kingston. The parties eventually resolved the issue by the establishment of a Council consisting of seventeen members. Twelve of the Councillors would be elected on a Ward (or District) basis, and four members and the Mayor would be elected "at large." The City of Kingston would have a Board of Control that would consist of the four members and the Mayor elected "at large."

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387 Ibid., 7.
388 Province of Ontario Order, 356.
389 Turner Interview.
390 Province of Ontario Order, 356.
The Board of Control of the new City of Kingston would be charged with the executive responsibilities permitted under Subsection 64 (1) of the Municipal Act, and any other responsibilities assigned by Council. The decision to have a Board of Control was unusual in that it represented a form of government that, while common at the turn of the 20th Century, had gradually fallen into disfavour. Only the City of London, Ontario, and the new City of Kingston would use this method of municipal government organization. Perhaps realizing that the Board of Control method of governance would prove to be unsuitable, the parties incorporated in their proposal an additional clause that would permit the Board of Control to be dissolved at any time by way of a vote of thirteen of the seventeen members of Council in favour of its dissolution. This proved to be a wise decision. On November 7, 2000, the Council of the City Kingston passed a motion to eliminate the Board of Control.

The new City of Kingston would be directly responsible for the operation of the former Public Utilities Commission of the old City of Kingston, and of the Public Utilities function throughout the new municipality. This change would give the new City of Kingston greater control over the operational cost of such services as electrical power, water, sewers, gas, and public transportation that were formally beyond the control of the City of Kingston in terms of tax policies. The new Hydro-Electric commission for the new City of Kingston would consist

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392 Bennett Interview. Mayor Bennett said it was “the by-product of compromise, particularly with the Township of Kingston.”
393 Province of Ontario Order, 356.
394 City of Kingston Procedural By-law No. 2000-299 passed on November 7, 2000, to eliminate the Board of Control.
395 Bennett Interview.
of three members, including the Mayor and two members of Council.396

**Work Force of the New City of Kingston**

The Provincial *Ministerial Order* provided that the work force for the new City of Kingston would be selected from a large single labour pool consisting of not only all of the employees of the former City of Kingston, its Boards, and Commissions, but also all of the employees of the former Townships of Kingston and Pittsburgh, and the remaining townships in the former County of Frontenac. The parties agreed that on this basis the former employees of all of the municipalities would have an equal opportunity to seek employment with the newly formed municipal corporation. Protection was given to employees in that the years of service of both union and non-union employees would be treated on an equal basis if hired by the new City of Kingston in any bargaining units represented by the new city union. This was of particular importance to the employees of those municipalities (such as Pittsburgh Township) where they were not represented by a union, and would be competing for unionized positions in the new City of Kingston.

**Transition Boards**

Transition Boards were established for the new City of Kingston, and for each of the four new Townships in the County of Frontenac, as well as for the Frontenac Management Board.397 These Transition Boards were mandated to deal with the many issues affecting each of the old entities prior to January 1, 1998. After that date, the new councils for each of the newly-

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397 Ibid., 360.
incorporated bodies would then be responsible for all decisions made on behalf of their respective citizens.

The City of Kingston Transition Board consisted of the Mayor and the Reeves of the Townships of Kingston and Pittsburgh prior to the official amalgamation date of January 1, 1998. Similarly, each of the four new Townships were represented by the Reeves of each former Township making up each of the new entities. The Transition Board for the Frontenac Management Board would be composed of the Reeves of each of the former townships of the County of Frontenac, with the exclusion of the former Reeves of the Township of Kingston and the Township of Pittsburgh.\(^{398}\) Because of the size of the Transition Board for the Frontenac Management Board, it was directed to establish an Executive Committee consisting of four members chosen from their membership who would represent the Frontenac Transition Board in any discussions with the new corporation of the City of Kingston.\(^{399}\)

Each of the Transition Boards had specific powers that were clearly set out in the Provincial Government Order. Section 10.3 (3) of the Order lists the obligations and duties in Appendix 9.\(^{400}\)

**Assets and Liabilities Transition Board**

An Assets and Liabilities Transition Board was established to deal with the assets and liabilities in each of the old entities.\(^{401}\) This Board was composed of the Treasurers from each of the former municipalities, and was chaired by staff selected by the Ontario Provincial Government

\(^{398}\) Ibid.
\(^{399}\) Ibid.
\(^{400}\) Ibid., 360-361.
\(^{401}\) Ibid., 361.
The task of the Board was to make a final adjustment of the assets and liabilities of the various merging municipalities that would be effective as at January 1, 1998. The Asset and Liabilities Board had the duty to review and approve all financial transactions of the former municipalities that were not included in approved municipal capital budgets for 1997, if the amount exceeded ten thousand dollars. Additional powers included the review and approval of expenditures of the former municipalities during the 1997 year, and to review and approve any salary or wage increases where the increase was not in accordance with a former municipality’s job evaluation process, or if the increase was outside the salary/wage grid of the former municipality.\footnote{Ibid.}

The Provincial Order provided for the establishment of a Rural-Urban Liaison Committee to be set up prior to February 1, 1998 that would consist of six members, being the Mayor, two members of the Board of Control of the new City, and the Chair and two other members of the Frontenac Management Board. Meetings were to be held quarterly with the Chief Administrative Officers of the new City and the Frontenac Management Board to discuss joint agreements and to deal with matters of common concern. Other areas dealt with in the Provincial Order included restrictions on further boundary adjustments, dispute resolution, and the establishment of twelve Electoral Districts in the new City of Kingston.\footnote{Ibid.}

Another important aspect of the Order was the restriction that it placed on 1998 budgets. The 1998 budget of the new City of Kingston was to be reduced by at least 15\% of the total 1996 discretionary expenditures of the combined three former entities, or by a minimum of seven

\footnote{Ibid., 362-363.}
million dollars. The savings realized were to be applied first, to transitional costs for the incorporation of the new city, and secondly, any remaining amount be placed in a reserve fund to improve the linkage to the former Pittsburgh Township. Thirdly, any remaining savings would go to reduce the impact of any tax increases in the new City of Kingston as a result of the new incorporation.  

The 1998 budgets in each of the new four Townships in the County of Frontenac were to be less than the combined 1996 budgets of each of the former entities. Also in 1998, tax rates in each of the newly-formed townships were to be reduced by a minimum of 5% of the total discretionary expenditures in 1996 of each of the former townships that formed the combined new entities. Realized savings were to be applied to transition costs and the incorporation of each of the four new Townships. Any remaining amount was to be used to reduce property taxes. Frontenac Management Board's 1998 budget was not to exceed the former County of Frontenac's 1996 budget. Further, the former Frontenac County's discretionary expenditures for 1996 were to be reduced by 5% in the new 1998 budget. Phase-in tax increases and financing tax phase-ins were dealt with in the Order as well.

The Provincial Order also provided that all by-laws of the former entities were to become the bylaws for the new entities effective January 1, 1998, and would run until they were either amended or repealed. Other municipal services were covered in the Provincial Order. In particular, the Fire Departments, and Fire Chiefs in each of the old Townships and City would continue as before. What the Provincial Order did, in effect, was establish the legal framework.

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405 Ibid., 359.  
406 Ibid.  
407 Ibid.  
408 Ibid.  
409 Ibid.
for the creation of a new City of Kingston, and the four new larger municipalities to replace the numerous small townships in the County of Frontenac. It also provided the legislative authority to the various Transition Boards to undertake the many policy and administrative tasks necessary to set the stage for the emergence of the new municipalities as fully operational entities on January 1, 1998.

Planning Assessment of the 1998 Amalgamation and the Restructuring of the Remaining Townships in Frontenac County

The 1998 amalgamation of the lands of the Township of Kingston and the Township of Pittsburgh, with the City of Kingston had all of the hallmarks of a political decision to expand the boundaries of the City. From a planning perspective, the amalgamation would resolve the many problems associated with the multiple municipal-service agreements it had with its adjoining neighbouring townships. However, the 1998 configuration failed to recognize the fact that the urban area was essentially a continuous strip of land that should have included Amerstview and parts of the Township of Ernestown in the County of Lennox and Addington. Alderman Bill Bishop in 1978, Professor Frank Collom in 1993, and Mayor Gary Bennett in 1995 recognized that the new city needed to be predominately urban, hence the proposal for a northern limit to be Highway #401 or Unity Road in the Township of Kingston. Politics, however, managed to scuttle good planning, in part aided by a Provincial Government that was unwilling to allow the inclusion of lands outside the neat compartments of existing county boundaries.

County boundaries are essentially ‘soft barriers or ‘political boundaries’ that should be removed where appropriate to ensure good planning, particularly where a county boundary interferes with an area that has a similar Community of Interest. The negotiating parties should
also have given serious consideration to ‘hard barriers’, such as the Great Cataraqui River that interfere with good planning. River boundaries usually require new crossings, and the costs should be determined during the negotiation process. There may have been a discussion on the topic of integrating the Township of Pittsburgh with the City during the negotiations, but there are only two references, albeit brief, in the final report of Mediator Church to the Governance Review Committee that read as follows: “to create a transportation reserve fund for an improved road/bridge linkage to the Township of Pittsburgh (minimum $2,000,000.00).” The second reference reads: “The council of the New City is advised and strongly recommended that, consistent with clause (g) (ii) hereof, that a high capital priority is placed upon road linkages between the New City core and the urban area east of the Cataraqui River.” However, there is unfortunately no reference to this issue or the Great Cataraqui River in the Ministerial Order.

The 1998 restructuring that resulted in a new City of Kingston and a changed County of Frontenac raised serious questions as to the effectiveness of the new structure from the outset. The boundaries of the new City of Kingston clearly should have continued to the west to absorb the urban area of Amherstview, and the urban parts of the Township of Ernestown in the County of Lennox and Addington. As well, the boundaries to the north in the Township of Kingston would have been better defined if the boundary line had been drawn at Highway #401 or Unity Road, and extended eastward through the Township of Pittsburgh to include only the portion of the township South of Highway #401. The remaining lands of the Townships of Kingston and

\begin{footnotes}
\item[411] Ibid., (m) 31.
\end{footnotes}
Pittsburgh, being largely rural, could have been attached to the adjoining townships to the north of these lands.

Another alternative, had the Ontario Provincial Government permitted crossing county boundaries, the northern part of the Township of Pittsburgh could have joined with the County of Leeds and Grenville. The rural Township of Pittsburgh had a Community of Interest with Gananoque and according to Jeff Lehman: “Much of the rural area is functionally more connected to Gananoque than Kingston...”\(^{413}\) Lehman, also noted Kingston City Hall was “forty kilometres from Brewer’s Mills, one of several hamlets in northern Pittsburgh Township.”\(^{414}\)

The lands to the north of Highway #401, and especially the area to the north of Unity Road in the Township of Kingston are ‘rural oriented’ with fewer services and employment. The residents of these areas are there for agricultural reasons, or interested in the benefits of living in a less congested area. Their interests also tend to centre around the small villages where basic services are offered. They may work or shop in the City of Kingston, but their residential community is their focus in terms of local schools, churches, and neighbours. In a very real sense, they have little in common with the typical urban resident, and the issues associated with living in and around the heavily populated urban core.

The 1998 amalgamation process, unfortunately, included the northern rural areas of both the Township of Kingston and the Township of Pittsburgh in the new City of Kingston, with predictable results. As Lehman noted in his examination of the amalgamation process, “... the pursuit of a satisfactory degree of homogeneity of interest should always be considered in

\(^{413}\) Lehman, 72.
\(^{414}\) Ibid., 73.
boundary adjustment. The inclusion of geographically-defined groups with radically different priorities in the same municipality is a recipe for on-going political conflict.\textsuperscript{415} For the new City of Kingston, this has proved to be the case.\textsuperscript{416}

In the end, the 1998 amalgamation left Amherstview, and the Township of Ernestown in the County of Lennox and Addington to the west with an urban area separated from the new City of Kingston at the County of Frontenac boundary line, but still dependent on the City of Kingston for some of its services. The City of Kingston had also absorbed the large northern rural areas of the Township of Kingston and the Township of Pittsburgh that had virtually no Community of Interest with the south, yet with demands for a different set of services. Unfortunately, no group of citizens pressed the Province of Ontario to correct these obvious deficiencies at the time, and the Agreement was confirmed and enshrined in the Ministerial Order.\textsuperscript{417} These planning errors were obviously apparent, and now cry out for correction, but any further restructuring of the City of Kingston will require strong political wills on the part of local politicians for change, and a receptive Ontario Provincial Government to a proposal that would represent good land use planning.

\textsuperscript{415} Ibid., 25.
\textsuperscript{416} The Kingston Whig-Standard Thursday, November 21, 2013, reported that two City Councillors, Jeff Scott (Countryside) and Brian Reitzel (Pittsburgh) proposed a Notice of Motion to have their Districts severed from the City of Kingston. Reason: “that the 1998 amalgamation of the Township of Kingston and Township of Pittsburgh with the City of Kingston has not produced any economic benefits to rural residents, only higher taxes.”
\textsuperscript{417} Bennett Interview. Mayor Bennett commented that the City of Kingston participants put no pressure on the Township of Kingston or the Township of Pittsburgh to decide where each of their boundaries should be drawn in their respective townships. It is interesting to note in the Final Report of the Mediator dated July 8, 1996, his report stated “At the option of Pittsburgh Council, all of that municipality may be included in the new urban municipality instead of the partial inclusion proposed. A decision to include the entire township in the urban municipality must be made by July 31, 1996 or the original proposal will, by default, apply.” Pittsburgh decided to place all of its lands under the jurisdiction of the new 1998 City of Kingston.
A new configuration of the 1998 City of Kingston is essential, and perhaps in time the urban parts of the new Loyalist Township may become a part of the City of Kingston. It will undoubtedly be long overdue when it occurs, but it would create a viable municipality with an east-west Community of Interest relationship that would create a natural urban city.

Notwithstanding the perceived deficiencies of the new City of Kingston, the restructuring represents an important milestone in the historic development of local government in the area. January 1, 1998, marked the disappearance of the historic County of Frontenac as a legal entity and its replacement with a ‘Management Board’ to carry on some of its former County of Frontenac responsibilities. For the new Management Board the restructuring of the former County also raised the question of Community of Interest of the various new district entities as well. The issue of staying within current County boundaries prevented the former Township of Bedford, in the County of Frontenac from considering a move to join the County of Leeds and Grenville as an option. It was noted during the negotiations that the Township of Bedford had a Community of Interest with the Village of Westport situated in the County of Leeds and Grenville. This might have been an appropriate change at the time, as the township represented a different type of land mass in the sense that it was largely under-developed rural and essentially ‘cottage’ country with no population centres such as small villages or communities.

418 Note: Since the 1998 amalgamation the Frontenac Management Board changed its name back to the County of Frontenac. The reason one of the Mayors representing the Frontenac Management Board indicated to me was that when the representatives of the Frontenac Management Board attended joint county meetings with other counties from across Ontario, they wanted to appear to have an equal voice with the other counties in attendance. There is something to be said for that thought, and it should have been considered at the time of the negotiations.
The day the Ontario Provincial Government lifts its restrictions on eliminating county boundaries when it interferes with Community of Interest could result in endless possibilities.

The elimination of ‘soft barriers’ could make the difference between good land use planning and poor land use planning.
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<tr>
<th>Factor</th>
<th>Evaluation</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Topography &amp; Municipal Services</td>
<td></td>
<td>- Constraints presented by the topography not given consideration during the boundary change process.</td>
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<tr>
<td>Community of Interest</td>
<td></td>
<td>- Existence of Community of Interest recognized in planning process, but subsequent boundaries do not reflect this.</td>
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<td>- Boundary change resulted in inclusion of rural populations within the new urban area.</td>
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<td></td>
<td>- City of Kingston and the Township of Pittsburgh constitute two separate communities of interest, with separate needs - boundary does not reflect this.</td>
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<tr>
<td>Hard Barrier</td>
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<td>- The hard barrier represented by the Great Cataraqui River not taken into consideration at all during boundary change.</td>
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<td></td>
<td>- Boundary change created a community divided by the River, with inadequate transportation infrastructure linking the two.</td>
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<td></td>
<td>- Citizens of Pittsburgh are consequently not reaping a proportional share of benefits, despite paying higher taxes.</td>
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<td>- Addressing this issue will result in a significant cost to the New City of Kingston.</td>
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<tr>
<td>Soft Barrier</td>
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<td>- County barriers were given higher priority than considerations of community of interest, resulting in a boundary that bisects the community of interest in a number of ways, resulting in poor land use planning.</td>
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<tr>
<td>Land to be Acquired - Measured</td>
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<td>- Rural lands in excess of the immediate needs of the municipality were included in the boundary change.</td>
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<td>Cost of Servicing</td>
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<td>- Inclusion of unserviced rural land within the urban boundary poses a significant financial risk to the City of Kingston.</td>
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<td>- Direction of boundary expansion does not reflect reality of the topography, which makes piped service extension to the west easier, and therefore less expensive.</td>
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<td>- Disregard of the hard barrier represented by the Great Cataraqui River will result in significant infrastructure costs if the City decides to address the inadequate linkages between the City of Kingston and Pittsburgh.</td>
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<tr>
<td>Viability of Remaining Municipality</td>
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<td>- Tax base of remaining communities significantly eroded by boundary change.</td>
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<td>Role of the Public</td>
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<td>- The 1998 amalgamation was characterized by a lack of public involvement.</td>
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<td>- Council meetings were &quot;secretive&quot;; there was a virtual media blackout with regard to the process.</td>
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<tr>
<td>Role of the Media</td>
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<td>- The media were shut out of the process.</td>
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<td>- Only occasional press releases were published.</td>
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**Evaluation**

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<tr>
<th>Not Applicable</th>
<th>No Consideration</th>
<th>Minimal Consideration</th>
<th>Adequate Consideration</th>
<th>Very Good</th>
<th>Excellent</th>
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<td>N/A</td>
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Comment

Kingston was witness to a great deal of change over the last amalgamation, and Gardner Church noted that: “Restructuring, by definition is politically very difficult because the vast majority of municipal politicians oppose restructuring. ... It creates a destabilized environment. It threatens political stability. It threatens their own jobs. It threatens the jobs of people they love. It upsets their community identity. It upsets their historical connection. Restructuring is a very painful process.”419

The three maps that follow are used to indicate the many changes that occurred to the City of Kingston as a result of the 1998 Amalgamation.

The next and final Chapter draws a number of conclusions. There are also a number of recommendations based upon the study as a whole.

419 Bell, 39.
Figure 41  1994 Ward Boundaries
Figure 42  1997 Electoral Districts, Municipal Election, New City of Kingston
Figure 43 1998 Boundaries of the new City of Kingston
Chapter 14
Conclusions and Recommendations

Conclusions

The focus of this study is on land development from a legal perspective. Early in the initial research phase it became clear that in order to fully explain the events that occurred, this could only be accomplished by examining the role of government. The approach automatically created two significant themes: boundary expansions and the legal process. These two concepts were used to answer the Research Question as to how many Kingston boundary expansions took place between the years 1838 and 1998. As a result, the legal process became the dominant theme of the study, and was essential to the determination of what had transpired to bring about the eleven boundary expansions. This, of course, required the use of legal primary source research material. This was the only approach. There were no alternative methods.

Role of the Province in the growth of Kingston

The expansion of Kingston for the most part was a continuous process, marked by a number of significant land developments. The study examines these developments and the effect of both the government involvement and the responses of the adjacent townships in each outcome. The need for the City of Kingston to have land for development was recognized by the Province early on, and in 1850 the government established large blocks of land within the City of Kingston for development purposes known as the Liberties. Significant changes occurred in the City of Kingston during the next 100 years, with the early years taken up largely by the growth of the city within its new boundaries. By the early 20th Century, however, the City of Kingston
began an expansion into the neighbouring Township of Kingston. Land acquisition by the City of Kingston in most cases met with strong opposition, and the issues between the two municipalities were invariably resolved by the *Ontario Municipal Board* and the Provincial Government.\(^{420}\)

Throughout the long history of the Kingston, we see a pattern of land development that was sanctioned and supported by the provincial government of the day, and from the annexation of 1952 to the amalgamation of 1998 there was a continued and understandable opposition by the Township of Kingston.

From my perspective, the expanded new City of Kingston in 1998 was the result of a long-standing desire of a number of previous Councils of the City of Kingston that culminated in an action plan that was put in motion prior to the election of the Harris Conservative Provincial Government. It was only by coincidence that the City of Kingston acted on its amalgamation plan around the same time that a new municipal restructuring policy of the Ontario Provincial Government was announced.

Jim de Hoop, in his commentary on the amalgamation process noted that prior to the election of the Council of the City of Kingston in 1994, “The first development involved the advancement of the idea of amalgamation which evolved slowly but steadily over the last thirty years as material economic and social conditions changed.”\(^{421}\) My research and personal experience support this observation.

\(^{420}\) Disputes were initially resolved by the government, and after 1906, many were resolved by *The Ontario Railway and Municipal Board*. The name of *The Ontario Railway and Municipal Board* was changed to *The Ontario Municipal Board (OMB)* in 1932. Retrieved July 10, 2013 from, [http://www.omb.gov.on.ca/english/OMBInformation/OMB_History.html](http://www.omb.gov.on.ca/english/OMBInformation/OMB_History.html)

\(^{421}\) de Hoop, 5.
The boundary expansion issue was first officially proposed in 1978 by Alderman Bill Bishop and represents an example of the long-standing ambition of a previous Council of the City of Kingston to expand the boundaries of the City into its neighbouring townships. As well, the Collom Report for the City of Kingston released in July 1993, addressed and supported amalgamation in the following terms: “I join others who have advocated that consideration be given to amalgamation of the four municipalities...” 422 And finally, it is worth noting that in the municipal election held in November 1994, all of the elected candidates had run on the issue of amalgamation.

It is also significant that prior to the election of November 1994, Gary Bennett had completed his Queen’s University Master’s thesis entitled “Local Government Reform: A Consideration of Alternative Approaches to Governance Within the Greater Kingston Area,” and in it he advocated alternative approaches to restructuring. Mr. Bennett had been a member of City of Kingston Council prior to the 1994 municipal election, and was familiar with the state of affairs at City Hall. In the November 1994 municipal election he became Mayor for the following term, and was then in a position to officially promote his 1994 election platform on amalgamation.

**An Assessment of the 1998 Amalgamation Process**

For an urban community such as the City of Kingston, the size of a municipality is often a major catalyst in its development, as size, particularly if the population is over 100,000, tends to attract industry and commercial development, especially big box stores. 423 The boundaries of the new

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422 Collom Report.
423 Bennett Interview.
City of Kingston contained an abundance of land for expansion for both commercial and residential development, but some doubt existed as to whether the boundaries were appropriate for proper development, or whether a suitable Community of Interest existed within the municipality to support development. Mayor Gary Bennett expressed reservations about the boundaries of the new City of Kingston in that it excluded the developed parts of Amherstview, and other parts of the Township of Ernestown in the former County of Lennox and Addington, yet included a large block of northern rural land in both the Township of Kingston and the Township of Pittsburgh. In his view, a greater Community of Interest existed with the residents of Amherstview to the west than with the rural inhabitants of the northern part of the Townships of Kingston and Pittsburgh. His belief was that the Community of Interest was in an east-west relationship, rather than a north-south relationship. He was concerned that the boundaries as defined in 1998 would require some change in the future, when Council members of the new City of Kingston, its residents, and those on its boundaries settled into the new reality, and assessed the decisions that were made.424

Too Much Rural Land

It was clear to me and a number of other participants in the amalgamation process that the new City of Kingston included too much unserviced, rural land within its new urban boundary to be a viable and efficient entity. This was particularly so when Reeve Turner of the Township of Kingston insisted that all of the Township of Kingston be included in the new City of Kingston

424 Bennet Interview.
to “avoid the appearance of being taken over by the City of Kingston.”\textsuperscript{425} During an interview after the Ministerial Order had been issued, Mediator Gardner Church\textsuperscript{426} also recognized the problem, and commented that there was too much rural land included in the new City of Kingston, but that there was only so much that a Mediator could accomplish in a locally negotiated Agreement.

As a result of the amalgamation, the new City of Kingston now had more than an adequate supply of land for development purposes, as well as a new problem in that much unserviced rural land to the north was occupied by inhabitants with very little \textit{Community of Interest} with the urban areas to the south. The creation of a new City of Kingston did little to change the status quo in terms of governance; it simply became larger, with a new set of problems. The final boundaries also had a downside for the residents of the northern rural areas of the former Township of Kingston and the former Township of Pittsburgh. As Professor Thomas Plunkett noted in his interview, “It is not fair to rural areas to impose an urban government on them.”\textsuperscript{427}

\textsuperscript{425} Turner Interview. Also: During the final negotiation meetings, with all of the municipal parties present, Reeve Turner requested that the boundary for the new City of Kingston be extended beyond the northern boundary of the Township of Kingston, to take in Concession 1 to Concession 4, in Loughborough Township. As Deputy-Reeve of the Township of Loughborough, I asked “why”? Reeve Turner’s answer was “to have a northern green belt next to the new City of Kingston.” I suggested that she take the last four Concessions in the Township of Kingston as their green belt for the new city. There was no answer, nor any further discussion, and the matter was immediately dropped.

\textsuperscript{426} Church Interview.

\textsuperscript{427} Fyfe Fonds. \textit{The Kingston Whig Standard.} Saturday, September 23, 1995. Professor Thomas Plunkett Interview with Jeff Outhit, 3. Note to researchers: This nine page section of the \textit{Whig} is useful and informative. However, in the chronology article by Ann Lukits there are a number of significant dates referenced that are incorrect, 9. The Ontario Provincial Government \textit{Statutes} provide the correct dates as noted in my thesis. Furthermore, there is no reference to the game changing date of 1850 on the list.
Boundary Issue

The involvement of the Province of Ontario is a different matter with respect to the 1998 boundary expansion. The Province was aware that the City of Kingston intended to include parts of Ernestown Township in the adjoining County of Lennox and Addington, but unfortunately, the Province permitted the County of Lennox and Addington to withdraw from the negotiations as they had prepared their own governance plan. The Ontario Provincial Government at this point failed to consider the implications of its decision to limit the size of the proposed new City of Kingston to the west. By fixing the western city limits at the County of Frontenac boundary, it destroyed the opportunity to create a dynamic urban community that would represent good land use planning. As a result, the configuration of the western, northern and eastern boundaries was not just poor land use planning, but bad land use planning. The concentration should have been an urban expansion with an appropriate mix of rural land, rather than an extensive incorporation of all of the northern land in both the Township of Kingston and the Township of Pittsburgh.

Unfortunately, the restructured new City of Kingston did not solve the problems of either governance or boundaries. The new City of Kingston now found itself with a split urban Community of Interest on the western boundary, too much rural land to the north with little or no Community of Interest with the urban area to the south, and a hard barrier to overcome on the mid-east. In the end, it was a missed opportunity by the Ontario Provincial Government to establish a more productive, expanded urban entity.

The eastern boundary from a planning perspective was assumed to be appropriate throughout the amalgamation process, as it included the Township of Pittsburgh. However, there is no contiguous boundary between the City of Kingston and the Township of Pittsburgh. They represent two separate entities, divided by the Great Cataraqui River, a significant hard barrier
that prevents easy integration of the two communities. Jeff Lehman notes in his writing that “A single bridge accessing the Great Cataraqui River has long been a barrier to development especially commercial development across the river”.428

Integration of the two entities will require the construction of expensive transportation routes over the river, and this raises the matter of the costs necessary to integrate two diverse communities. This also raises the question: was an amalgamation that included the Township of Pittsburgh worth the cost? The residents of the Township of Pittsburgh are now justifiably demanding greater access to the City core, and their demands must be met at a significant cost to all of the taxpayers of the City. In retrospect, one might from a good planning perspective ask if the eastern boundary of the City should have been the river. The boundary however, “is what it is” in terms of the City of Kingston, and the current Council must now address the cost issues associated with additional bridging of the Great Cataraqui River.

Of greater concern to the new City should be the condition of the sewage pipe crossing under the Great Cataraqui River, and the environmental catastrophe that would occur with a break or leak in the single pipe. Collom expressed this concern in his 1993 report to the Kingston City Council of the day, and nothing has been done to address the potential environmental disaster in the past twenty years. The pipe, which is now over sixty years old, is the only means by which sewage is transported from the City of Kingston to the Ravensview plant in the Township of Pittsburgh. As Collom pointed out in his 1993 report: “If a rupture were to occur in the forty year old existing pipe, the pumps would have to continue pumping because to stop would mean that all sewage from the City would back up. The alternative is

428 Lehman, 47.
equally disastrous: raw sewage pumped into the river and eventually into the lake. And, how
would you repair it?”

The sewage pipe line issue was apparently ignored during the 1998 Amalgamation
process, even though the City of Kingston Council was (or should have been) aware of the
potential environmental problem that the pipe line posed to the new municipality. The pipe line
represents an issue of concern that cries out for attention.

**Cost Savings**

The financial aspects of the amalgamation are not a part of the principal focus of this study, but it
is worth noting that in the end, the hopes of the residents for property tax savings did not
materialize. On the issue of cost savings, there is little that can be said in favour of
amalgamation for the new City of Kingston, and the restructured municipalities surrounding the
City. As Barber observed, there are no cost savings in amalgamation, as salary levels tend to rise
to those of the highest paid employees of the previous municipalities, and service groups such as
volunteer firefighters cease to raise funds for equipment, and simply become a part of the full
time paid firefighters.

Cost savings projected to occur through amalgamation in some cases failed to recognize
that at least some of the services were already jointly provided and managed by the
municipalities prior to amalgamation. Sancton notes that this was the case in Toronto where in

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429 Collom, 12.
430 Personal observations of taxes on properties in the County of Frontenac since amalgamation.
431 David Barber, Director, Cordillera Institute. “Low Expectations for Municipal Amalgamation
www.fcpp.org/publication.php/247 4. See also: Barry Weller, “Municipal Amalgamation in
Ontario: Boon or Boondoggle, Who Knows?” Retrieved September 29, 2011, from
2000 of the $5.5 billion expenditures, $4 billion were for services that had previously been jointly provided, and only $1.5 billion of the amount not previously amalgamated was an amount that he suggests represented only a 10% reduction in expenditures.\footnote{Sanction. \textit{Merger Mania}, 129.} Saneton also notes that the Toronto Status Report states that the large number of unionized employees with their labour agreements would not likely represent an area where cost savings could occur.
Recommendations

Five Year Review

Of special importance at the time of the local amalgamation was a verbal promise (presumably made on behalf of the Provincial Government) by the Mediator that there would be an opportunity to review the negotiated Agreement within five years. Many of the Councillors of the Frontenac County Council voted to accept the negotiated Agreement on the strength of that promise, and each of the Township Councils within the County of Frontenac also appear to have voted in favour of the negotiated agreement based on the promise as well. 433

After the five years had passed, there had been a change of government in Ontario, and unfortunately there was a new Minister of Municipal Affairs and Housing who was not prepared to honour the promise or alter the amalgamated municipal boundaries. 434 As a result, the new City of Kingston was left with a poorly organized and inefficient territory to manage. This was a short-sighted government approach to an important issue, as other provinces that undertook municipal amalgamations recognized the need to ‘get the changes right.’ For example, the need for a review of the suitability of municipal boundaries was recognized as important by the Province of Manitoba, and incorporated into the Statute restructuring the City of Winnipeg in

433 My personal position on the vote to accept the Agreement was based on the promise of a five year evaluation and review. It was my belief that many of my fellow Councillors also based their vote upon the promise of a review. The final negotiations were held out of sight of the press. There were no taxpayers in attendance, or the media, and in my opinion the process lacked openness that would otherwise have reported the promise.

434 This was attempted by the new South Frontenac Township (unofficially – on a one to one basis between the Minister and the Mayor). The Minister of Municipal Affairs and Housing stated he had no intention to permit a review after the five year period. As Deputy- Reeve of the Township of Loughborough, and a Councillor of the County of Frontenac Council at the time of the negotiations, my recollection of the statement was that the Agreement would be reviewed after a five year period at which time the Provincial Government would address problems municipalities had discovered in the interval.
The Statute provided for a re-evaluation of the appropriateness of the Ward structure of the new City in three years after its Incorporation, and a further, more extensive review of the suitability of the City boundaries and the governance of the City to be undertaken not more than six years later (i.e: on or before 1977).

Given the experience and outcome of the amalgamation of the City of Kingston, my first recommendation would be for the Ontario Provincial Government to establish a policy that all future annexations or amalgamations would be reviewed after a period of five years to identify any significant deficiencies, and to rectify any serious problems that the municipal entities discovered in the interval that were unattainable or unworkable.

**Cross County Boundaries**

The Ontario Provincial Government in future dealings with annexations or amalgamations should permit municipalities to cross county boundaries (where appropriate) to maintain a *Community of Interest*, rather than continue with boundary lines that may represent barriers to good land use planning. No provincial government policy apparently existed on this point in the 1998 amalgamation. As a result of this lack of a firm policy, the Ontario Provincial Government allowed cross county boundary restructuring in the Trenton area of Quinte West, yet refused to do so with the proposed municipal boundary change of the City of Kingston during

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436 Ibid., s. 5 (2).

437 Ibid., s. 660.

438 Lehman, 26. Lehman also noted: “In other areas close to County borders (Ernestown in the County of Lennox and Addington, but closely tied to Kingston) inter-county Agreement was not possible and restructuring was approved even though county boundaries still bisected urban areas that were otherwise part of the same urban fabric.”, 109.

the negotiations of 1998 where it would have been clearly appropriate from a land use planning perspective.

County lines are soft barriers to be considered when dealing with most annexations or amalgamations in order to determine an appropriate outcome. Artificial, outdated, county boundaries that no longer represent the settlement patterns that have changed over the centuries need to be reconsidered. The original county boundaries were useful to provide orderly development and control in the 19th Century, but in some cases today, county boundaries appear to be useful only as a way to protect political entities from change.

**Boundary Expansion Review Tribunal**

As a final recommendation, I would recommend that the Ontario Provincial Government consider the establishment of an independent quasi-judicial administrative tribunal to oversee expansions of municipal boundaries in the future. This body in some respects would be similar to the Ontario Municipal Board with its appeal process for local land use planning. It would be important that the Tribunal be organized as a quasi-judicial entity in order to have the power to make final and binding decisions on the parties. The structure of the Tribunal should include non-political members who possess expertise in land use planning, transportation, and economic development. The Tribunal’s mandate to assess the appropriateness of proposed boundary changes should include *Community of Interest* among other criteria, rather than simply the wishes of sitting municipal politicians. Such a Tribunal’s decision in any boundary change might prevent some of the errors in territorial re-organization in future annexations or amalgamations. This would also take the decision beyond that of local politicians in order to arrive at a boundary expansion based on recognized land use planning principles.
The Tribunal members should be selected from beyond the local political scene where they reside to avoid bias or perceived bias in their decisions. The Tribunal should also be required to provide a hearing where the public could make constructive submissions or presentations on the matters before it. An opportunity for serious public input in a Tribunal setting would perhaps have avoided some of the negative assessment of the events of the amalgamation for the City of Kingston in 1998.

Mr. David Bell, in his record of the meetings during the amalgamation process dealt with the lack of input from the public and secrecy. At one point, Mr. Bell noted the following: “The mediation process remained cloaked in secrecy, as it continued under a media blackout with only an occasional press release being published.” Jim de Hoop was yet another who recorded in his work: “Little is known about the mediation, since it took place under a media blackout.” Lehman recorded frequently in his documentation of the amalgamation process statements similar to “... highly secretive process, lacking in public input...” and “... their efforts were often conducted in secret without public involvement and perhaps more ominously, without the involvement of many members of municipal staff.” and “Finally, the lack of public involvement in the amalgamation process in Kingston due to the secretive meetings and lack of media exposure meant that the citizens of the three municipalities had difficulty buying into the idea of amalgamation.” There were comments from others as well, but these references

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440 Bell, 40
441 de Hoop, 26. I can empathize with the two writers, during the last month of negotiations, the Mediator informed the participating parties to not reveal anything that had happened at the meetings to the media, or to their spouses.
442 Lehman, 76.
443 Ibid., 64.
444 Ibid., 66.
clearly indicate that neither the public nor the media were involved to the degree in which they
should have been in the process that would affect their lives indefinitely.

The Tribunal should also remain seized of its decision until the Ontario Provincial
Government issued a Ministerial Order to finalize the boundary change. There should also be
some mechanism in place to ensure that all of the issues ‘negotiated’ find their way into the final
Ministerial Order. For example: The Ontario Provincial Government’s Ministerial Order, dated
January 7, 1997, failed to reference the Mediator’s Final Report with respect to access via a
bridge or linkage to the Township of Pittsburgh over the Great Cataraqui River. This access
should have been a concern to the Ontario Provincial Government. The Great Cataraqui River,
being a hard barrier, should have been considered in the 1998 amalgamation and seriously dealt
with as part of the Ministerial Order. The failure to do so has raised difficulties for the present
Council of the City of Kingston, as well as for any future Council. It is also unfair to the citizens
of the former Township of Pittsburgh as they not only have higher taxes, but no new or improved
access over the Great Cataraqui River to the rest of the City and its services.

445 The Ontario Gazette Order c. M. 45.
446 Gardner Church. Final Report of The Mediator To The Governance Review Committee for
Kingston, Frontenac and Lennox and Addington. July 8, 1996, 29 (g) (ii) and 31 (i) (m).
Frontenac County Archives.
Final Comment

The Kingston region has a remarkable history, given that it was an active participant in a number of wars, survived the wars with a minimum loss of life, and developed into a large and vibrant community.

The study of Kingston was both challenging and satisfying from a land use planning perspective. For me, it expanded my knowledge of the community and its long history, and I can no longer walk down any street in the old City core without considering its past, and sometimes its future. To record the history from a land and legal perspective was a privilege and a pleasure on my part. It is my hope that others may find the primary source material that I gathered both useful and informative.

In the final analysis, there were eleven boundary expansions over Kingston’s long history, as well as six properties the City of Kingston acquired for specific purposes. Over the centuries, Kingston had gained much land from its neighbouring townships, but in the end, it was left with three of its new misplaced boundaries from a land use perspective. Fortunately, the City of Kingston’s southern boundary was a permanent hard barrier that could not be moved politically or figuratively. Its problems however, are related to the soft barrier to the west, the ill-conceived soft barrier to the north, and the now internal hard barrier to the east. These problems should be laid at the feet of the Ontario Provincial Government for not overseeing an amalgamation that was based on political expediency instead of a solid foundation of land use policies. The public should be concerned that their representation has been significantly eroded as a result of the massive amalgamation. Local political representation in municipalities in my view has been diminished by the Ontario Provincial Government. Historically, we have come full circle to the complaints of the United Empire Loyalists, and their long struggle for self-
government. The Ontario Provincial Government’s policy with respect to boundary expansions using the new *Ministerial Order* approach should worry each and even citizen as it seriously reduces local public input. We need to be mindful of the writings of Alan Broadbent with regard to city size. Are we going down the same path as Toronto, Vancouver and Montreal? When is a municipality too large is a question to be asked, particularly where it results in reduced representation for its residents.

Finally, note that ten of the eleven *Boundary Expansions* of Kingston are illustrated by the use of colour and key on the following page.

On the final page of this Chapter may be found the layout of the *11th Boundary Expansion*. The Amalgamated 1998 new City of Kingston, and the Restructured County of Frontenac with the four new Townships (Township of Frontenac Islands, Township of South Frontenac, Township of Central Frontenac and the Township of North Frontenac) are also featured.
Figure 44  The survey below illustrates 10 of the 11 Boundary Expansions.\textsuperscript{447}

\textsuperscript{447} Survey by Surveyor of Midland District, Alexander Aitken. October 21, 1815. NAC.
My alteration to the original survey illustrates 10 of the 11 Boundary Expansions using colour
and map key.
Figure 45  New 1998 City of Kingston, and the Restructured County of Frontenac
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APPENDIX 1
Annotated Bibliography

Category 1 – Primary Source Material

This subheading contains the following: an annotated bibliography referencing primary source material; a discussion of primary source material (three authors), and an annotated bibliography referencing primary source material related to the 1998 Amalgamation.

Note the use of ** to indicate source material of particular importance.

Annotated Bibliography


*Royal Fort Frontenac* is a detailed and meticulously referenced history of Fort Frontenac and the surrounding area. The author’s approach to the work includes an extensive array of historical documents (drawn in many cases from official French Government sources) that support his writing. For the benefit of the reader, official French documents have been accompanied by English translations.

The text, as the title denotes, concerns Fort Frontenac and the French settlement in the area, but also covers the years thereafter. Official recognition of grants of land to LaSalle, Cauchois and Roybon are duly referenced. From a land development perspective it references the fort under LaSalle, and his grant to Mademoiselle Madeleine de Roybon d’Allonne, a French aristocrat who was the first European woman to own land in what is now Ontario. Roybon’s
seigneury was located west of Toneguigon (Collins Bay). Of special significance, the work provides copies of official French government records of her seigneury and the issues related to her land holdings. The text also addresses the English occupation of the area after the defeat of the French garrison, and documents the events of the day through letters and reports. The primary source material on this period in time provides an unique documentation of the pre-Kingston era.

For my thesis, these primary source documents were most useful to support my own research and writing, and are duly recognized in footnote references throughout the study.

2) **Fyfe, S. 1952 Report on Kingston Boundary Adjustment. Report to the City of Kingston. Fyfe Fonds. QUA.**

Professor Stewart Fyfe was personally involved in the development of the Report to the Council of the City of Kingston on a proposed land annexation in 1952. The Report was later forwarded to the Ontario Municipal Board in support of an application by the City of Kingston for the annexation of a large portion of the Township of Kingston. The Report fully documents the justification for the proposed 1952 annexation. The Report also provides a rich store of general and statistical information on both the City of Kingston and the adjacent lands.


As Director of Planning for the City of Kingston, George Muirhead was well-known for his expertise in land use planning, and the need to preserve the City of Kingston’s heritage. The author describes Kingston as really two cities: An ‘old’ city and a ‘new’ city. Muirhead proposes preservation of the old city with careful planning for development of the new city lands.
that were included in the 1952 annexation. He also suggests careful redevelopment planning in the old parts of the city, particularly along the waterfront.

This selected quote from Mr. Muirhead’s writing is recorded in Chapter 10. It basically sums up his assessment of the 1952 annexation.

Much of the Annexation Area was undeveloped and thus there was an opportunity to apply modern planning principles of subdivision control, comprehensive land use planning and zoning. Notwithstanding, parts of the annexed area had already developed in a very haphazard manner and twenty years later one area in particular had to be rehabilitated at a public cost of $232,000, an example of how lack of planning costs the taxpayer money.

Mr. Muirhead’s writing was also used as a primary source to correct works by other authors on the 1952 annexation.


The Collom Report was the result of a perceived need to examine the operation of the City of Kingston from a strategic planning perspective. Professor Collom noted at the outset of his Report that the City of Kingston had no plan for the future, no control over its current operations, and no concept of what it should be doing as a municipality.

Professor Collom questioned the priorities of Council in the sense that it had concentrated on providing a wide array of social services such as day care, senior's housing, theatres, recreational facilities (parks, pools, arenas, marinas) and social assistance services, while its roads and sewer systems crumbled from neglect. He was particularly concerned about the vulnerability and possibility of a break down of the sewage system. His recommendation was
that the city must "decide what business it is in," then organize its resources and utilize them to that end.

Professor Collom is critical of the absence of overall control of the many departments, and cited numerous examples of the overlap of functions, resulting in unnecessary duplication and waste. In particular, he noted that four different departments each have a planning section staffed by planners, and recommended that the planning function be centralized in the Planning Department.

Apart from the need for internal control and reorganization to streamline city operations, he also recommended the amalgamation of the city with the surrounding Township of Kingston, the Township of Pittsburgh and the Township of Ernestown. He cited the potential cost savings that would accrue, since each of the townships operated its own planning, fire, roads, and other service departments. One single department covering all four municipalities would potentially save millions of dollars. As his interest was centred on the City of Kingston, he suggested that expansion of the city boundaries is essential for the long term, as the steady erosion of the city assessment base through the movement and location of industry and business to the adjacent townships would reduce the ability of the city to maintain its services.

5) **Bennett, G. H. (1994). Local government reform: A consideration of alternative approaches to governance within the greater Kingston area (master's thesis).**

Mr. Bennett's research examines the various approaches that might be taken to rationalize local governance in the Kingston area in a time of political and social change. He recognizes the need for municipalities to examine their ability to function in the light of federal and provincial funding cut-backs, and to decide how these funding cut-backs should be addressed in order to
survive as viable communities. His work examines the City of Kingston and adjacent townships of Pittsburgh and Kingston in this light.

Gary Bennett offers a number of approaches to the problem, and to identify the barriers to change within the Kingston area. He proposes solutions to the problem in order to insure that the viability of the community would not be adversely affected by the changes in governance. He notes that senior levels of government as sources of funding have become unpredictable and have had a serious negative impact on municipalities through their cutbacks of resources. In particular, he notes the 1994 cutback of the federal government's grants in lieu of property taxes by 50%, leaving the municipality with an unexpected operating deficit of two million dollars.

Bennett devotes much of his paper to the economic justification for changes in local governance, but he also discusses the effects of different Official Plans and Zoning approaches to land use in the city and surrounding townships. He outlines how these very different visions of how the area should be developed may create difficulties in the area of planned growth and the joint delivery of services.

While the research and findings tend to concentrate on the City of Kingston, Bennett does look at the economics of viability of a municipality and the various ways that it may be organized in order to remain so. In all, Bennett identifies four approaches to governance: status quo, regional government, amalgamation, and county restructuring. He examines each in terms of efficiency, public acceptability, political feasibility, and fiscal equity.

The research in this work was completed before the provincial government embarked on a restructuring or streamlining of municipalities in Ontario, but clearly, much of Gary Bennett's work remained applicable to the changes that later occurred. A useful proposal, however, was that planning needs to be done on a regional basis, and that the various municipalities would need to coordinate or cooperate on such a project. Mr. Gary Bennett at the time did not openly
advocate amalgamation as the most desirable approach to changing local governance, but from his findings and observations, amalgamation would appear to provide the greatest opportunity for rationalizing local issues. In the 1994 election Mr. Bennett ran on a proposal for amalgamation.
Discussion of Primary Source Material (Three Authors)

The next three authors, David Hamilton Bell, Jim de Hoop and Jeff Lehman documented the amalgamation process in 1998 on behalf of the City of Kingston. All three were part of the City of Kingston’s contingent throughout the process. Both de Hoop and Lehman produced a thesis for their university degrees at Queen’s University as a result of the knowledge they gained through their direct, non-political, participation.

**David Hamilton Bell**


Mr. Bell was specifically hired as a Consultant by the City of Kingston to document the amalgamation process. Mr. Bell not only attended and documented the proceedings throughout the amalgamation process, but taped ten interviews of key officials from the City of Kingston, the Township of Kingston and the Township of Pittsburgh who participated in the 1998 amalgamation process. During my interview with Mayor Bennett, he stated “that it was necessary to have the right people in the right places for the amalgamation process, and that Mr. Bell had recorded conversations verbatim.” Mr. Bell produced approximately one hundred and seventy pages of text with corresponding endnotes. His documentation was titled: *A Year of Change: The Kingston Transition. Kingston, Canada. City of Kingston, 1997. Analysis of the Amalgamation Process.*

Bell’s work provides an analysis of the events that led to the amalgamation of the Townships of Kingston and Pittsburgh with the City of Kingston, and more importantly, an assessment of the aftermath. The author sets the stage by first providing a brief history of the city and its surrounding area, and then examines the negotiation process. A full account of the
transition boards and their outcomes follows. Their decisions are then analyzed, and the issues for the new City Council outlined. The work is valuable in the sense that the author based much of his work on tape interviews of not only the Mayor and Reeves of the townships, but of the Mediator, senior officials, and local union representatives.

**Jim de Hoop**


Jim de Hoop was an employee at the City of Kingston at the time of the amalgamation process. He was elevated to the position of Special Projects Manager, and Assistant to the CAO, Rick Fiebig, and the former CAO, John Morand during the process. The knowledge de Hoop gained from his experience during the amalgamation process permitted him, thereafter, to produce a report that he submitted to complete a degree of Master of Public Administration at Queen’s University.


The fifty page paper is essentially an analysis of the amalgamation process of the new 1998 City of Kingston based upon the author’s presence and participation in the negotiation proceedings. The author acted in a professional capacity in the process on behalf of the City of Kingston, and his insight and documentation of the negotiations and outcome of the
amalgamation provides a useful and valuable record of the amalgamation of the 1998 City of Kingston.

**Jeff Lehman**


Mr. Lehman was a Special Projects Manager at the City of Kingston during the Amalgamation process. As a result of his participation in the amalgamation process, he produced a thesis for his undergraduate Bachelor of Arts (Honours) degree for the Department of Political Studies at Queen's University, entitled: *An Analysis of the 1996 Kingston Amalgamation Agreement*. The thesis of approximately seventy-five pages contained many valuable facts and astute observations, as well as a number of geographic, political and economic approaches to the amalgamation of the City of Kingston with the neighbouring Township of Pittsburgh and Township of Kingston. His examination used a variety of concepts, including both *Community of Interest* and *accessibility* in his evaluation of the amalgamation Agreement.

His theoretical framework also followed an historical/geographic perspective in the examination of the political, social and economic issues of the Greater Kingston Area.

Mr. Lehman’s analysis is divided into five chapters, with the first chapter providing a theoretical framework for the examination, based upon the above-noted concepts of community of interest and accessibility. From these, he formulates what might be described as the theoretically most appropriate size of local government. The second chapter continues to examine the various theoretical arguments as to the appropriate size for a local government, based upon social, economic and political criteria, as well as from the perspective of geography.
Chapter three of the analysis looks at the historic development pattern of the City of Kingston to determine the evolution of the *Community of Interest* in terms of services and government. Chapter four then takes the issue of *Community of Interest* and compares it to the delivery of services in the past within the particular municipal boundaries. The final chapter provides an evaluation of the argument, focused in part on the appropriateness of the boundaries and the governing body in the context developed in the preceding chapters.

Through the application of the criteria the author concluded that the boundaries established would not be appropriate for the new City of Kingston, given that a large Ernestown Township community on the western outskirts of the new City of Kingston should have been included in the city on the basis of *Community of Interest*. He also notes that this omission runs counter to the historic development of Kingston and all planning studies, traffic studies, service arrangements, recreation, markets, and patterns of social interaction that would normally point to the inclusion of this area in the new City of Kingston. He suggests that the new relationship between Kingston and Ernestown Township will in future be similar to that of the old City of Kingston with the former Township of Kingston in terms of development, and Ernestown Township will become the new area of suburban growth and industrial development. In his view, the new City of Kingston will be obliged in future to annex the area, and the process will likely be bitter and corrosive to future relations between the two communities.
Category 2 – Secondary Source Material

This category contains secondary source material by authors who wrote on specific topics such as Fort Frontenac. They provided valuable background material for my study.

Annotated Bibliography

1) **Craig, G. M. (1963). Upper Canada; the formative years, 1784-1841. Toronto, ON: McClelland and Stewart.**

Eastern Ontario Upper Canada The Formative Years provides a detailed commentary on the early years of development in Ontario. The years covered are from the 1770’s to 1841, and the author traces the development of from the end of the French occupation through the early expansion of the province under British domination. The author addresses the military and Loyalist settlement of the province, and provides considerable detail on the settlement process in the eastern area of the province.

   Apart from the account of early settlement in the Kingston area, the author’s emphasis is largely directed to the social, political and military issues associated with the early growth of the province.


Margaret Angus produced a detailed little history book on the architecture of the old homes and other structures in Kingston. Over a period of twenty years, she constructed a book consisting of approximately one hundred pages that included many photographs of the homes, most of them made of cut limestone. Her work also covered numerous other structures such as churches, the city hall, the court house, as well as commercial buildings.
Unfortunately, her work did not use footnotes or endnotes to identify her primary source material. However, she stated that she collected her research material from “private and public archives.”

My interest in her book, over and above the illustrations, was to identify particular pieces of land granted to the United Empire Loyalists. A number of times the book identified a seldom mentioned piece of land that I was trying to locate, albeit from a different perspective. Margaret Angus’ book was the only volume that discussed the first subdivisions near the core of the settlement, apparently written with access to private Primary Source material. Her book was a valuable reference for my thesis.


*Forgotten Leaves of Local History Kingston* is a readable history of Fort Frontenac, Wolfe Island, and the area. Of particular interest is the author’s detailed history of Mademoiselle Madeleine de Roybon Dallonne, and her time in the Fort Frontenac area as the first woman to own and develop land. Her adventures, as well as her association with LaSalle are fully described. Of interest is the author’s report (no date given) of an attempt to locate the Roybon seigneury in the vicinity of Parrott’s Bay, where artifacts were found that appeared to be of French origin and typical of the era. A government historical plaque now marks the spot. Burleigh’s work covers other historic events as well, and provides a number of early useful maps of the area.

The history covers significant as well as relatively ordinary events that took place in Kingston over the years that followed, and provides an interesting and very readable history.
While the author occasionally refers to ‘reference material’ in the body of his work, the lack of formal references limits the value of his writing as a research source.


*Fort Frontenac in Historic Kingston* provides a detailed history of Fort Frontenac and the French presence in what is now Kingston. The writing in a sense is specialized, as it deals with only a fixed block of time in the history of Kingston. The work begins with the arrival of de LaSalle at Fort Frontenac, then proceeds with a detailed description of the construction of the Fort. LaSalle’s disputes with his compatriots and the French government are also detailed.

Of particular interest is the description of the small community located outside the fort, but this information is not referenced as to source. In fact, the lack of footnote or endnote reference detracts from the authenticity of the work from a researcher’s point of view. The history ends with a description of the British attack on the fort in 1758. Of general interest, the author concludes the work with a discussion of efforts by military personnel at Kingston to find and unearth the foundations of Fort Frontenac.


*To Preserve and Defend: Essays on Kingston in the Nineteenth Century* is a collection of essays written by a number of historians with an interest in various aspects of 19th Century Kingston. The essays cover a broad range of topics that reflect the areas of interest of the writers, and
include works on the military, social, economic and political history of the 19th Century Kingston.

Of particular interest, and useful for my thesis research were The Settlement of Kingston’s Hinterland (Osborne), Municipal Government and Politics 1800-1850 (Betts), and the Introduction by Professor Tulchinsky. All of the essays were well documented, and in many cases, reference in the endnotes to primary source material. Overall, the collection provided interesting historical snapshots of Kingston during its critical growth period.


The Patterson book is a collection of historical writings by several local authors. The book was prepared by Neil Patterson for the Township of Kingston. In describing the historical events in the Township of Kingston, the authors referenced a number of annexations by the City of Kingston, but the main thrust of the history was of the social and economic development of the Township of Kingston. The history covers the growth of the area from the first settlement of the Township of Kingston to the 1952 annexation by the City of Kingston of a significant part of the township.

A particular weakness of the work from a research point of view is the absence of reference to primary source material with respect to land development. Overall, the history represents a valuable story of the Township of Kingston for the average reader.
Local Government in Canada provides an historical background and a current examination of local government in Canada, with special emphasis on the structure and operation of local governments. The text also examines government interaction and intergovernmental participation at all levels of government, including provincial-local, federal-local, local-local, and all three levels of government. The text provides a description of municipal institutions and practices in a clear and concise fashion, and notes that there are many classifications of municipalities ranging from rural to metropolitan. The authors also examine the many other bodies, such as the boards and commissions that make up local government.

The book points out that the provision and maintenance of local infrastructure is a key responsibility of local governments, and this includes roads, streetlights, and sidewalks that must be maintained both summer and winter.

The text notes that while local government is a provider of local services, it is also used as a vehicle to carry out Provincial and Federal government policies, and is subject to a great deal of regulation and control by the upper tier level of government.

The Tindals suggest that local governments are the first to hear the needs of the taxpayers, and the first expected to respond promptly to those needs. Their ability to respond, however, is often limited to those services over which they have some control, as they cannot act outside their mandated jurisdiction.

*Kingston Building on the Past for the Future* represents the most recent historical examination of the development of Kingston as a City. The history begins with the French presence in the area, and traces the development of the settlement through the years to its current position as a midsize city.

The work is detailed and well documented. Of particular interest to a researcher are the extensive footnotes, tables, and reference sections of the book. Professor Osborne’s Chronology on Kingston was a most helpful reference source.

From a personal perspective, the history was a valuable resource for my thesis, but unfortunately marred by several references to secondary source material that proved in the end to be in error.
Category 3 – General Literature

This subheading contains General Literature by Authors who provided valuable reference material for my study,

Annotated Bibliography


Professor Hok-Lin Leung’s book is a comprehensive reference guide and practitioner's manual for land use planning, providing both planning theory and planning process guidance in a single volume. In essence, it provides guidance to planners on the process of making and implementing land use decisions based upon appropriate planning theories and principles.

The text is clear and concise in the presentation of a vast array of planning issues and topics, and places the public interest in a proper context in so far as the planning process is concerned. The need for accurate and useful information on the community and its residents for planning purposes is stressed, in order to avoid planning decisions based on false assumptions. Of importance in this regard are some of the advisory comments included in the text, as well as warnings, such as caution on the use of economic studies for land use in planning, for while they provide useful information, they should not be considered land use planning in themselves. The planning process is also inter-dispersed with an enormous amount of useful information for planners in the form of comments on various topics.

The author is refreshingly blunt in his assessment of planning, and of the unrealistic expectations put forward by some members of the profession. Three of his nine major problems encountered by planners are as follows:
i. There are no uniform definitions of what constitutes land use planning. The contents and scope of plans vary often exceeding what can be realistically pursued. The analyses are uneven in depth and sophistication. As a result, both governments and the public are confused about what land use planning is and what it can do for them.

ii. Land use planning principles are based on outmoded idealism and romanticism used to protect the status quo while ignoring the disparate social needs of a pluralistic society. Many planning decisions have yielded more adverse than beneficial impacts. For instance, environmental protection measures such as the greenbelt have brought about land shortage and high land prices, hurting those who are least able to pay.

iii. Because of the confusion between land use planning and development, many municipalities have opted to do plans only on an area-by-area or use-by-use basis, thus losing sight of the geographic comprehensiveness and functional integration needed for good planning. Worse still, since most development control decisions involve specific land parcels or proposals which are not apparently related to any overall development pattern of the city and can thus be made without reference to the plans. Governments do not feel the pressure to make plans. The piecemeal and “muddling through” approach is good enough until the cumulative effect of inappropriate individual decisions manifests itself in some dramatic crisis. It has been difficult to convince governments to pay sufficient attention and devote enough resources to planning until it is too late.

The remaining six problems continue in the text, and are written in the same vein.

Overall, the text is one of the clearest and most comprehensive guides to planning that this writer has encountered in her examination of planning literature.


Hodge and Gordon’s *Planning Canadian Communities* is a comprehensive textbook that not only provides an analysis of urban development on an historical basis, but introduces community planning principles and their application to urban development. The approach taken is one of
integration of a community participatory process in the development of a plan, as well as the application of proven planning principles in urban development. An extensive examination of the historical development of planning principles and practices applicable to municipal growth provide background for the statutory development of planning legislation in Canadian jurisdictions.

The examination of numerous instances of community development on an international basis illustrate the universality of many municipal growth issues and the planning principles used to address the problems. These examples are useful in the sense that planning issues may be creatively resolved through the use of a proper planning process with community involvement as an essential element in its success.

The outline of the development and application of the Ebenezer Howard approach to urban development provided a comparative source for my examination of the various growth options available to the City of Kingston at the time of its 1952 annexation.


Professor Meligrana’s case study of London, Ontario in the late 1950’s examines the City of London’s attempt to annex the surrounding lands in an effort to resolve its financial issues through the acquisition of revenue generating commercial and industrial territories. The study outlines the various tactics and strategies devised by the city to achieve its goals in order to persuade the Ontario Municipal Board to expand its municipal boundaries.

The author also provides a detailed background to the issues faced by urban municipalities as well as an historical documentation of the political and economic pressures
facing most municipalities in 2000. The discussion of the Ontario Municipal Board was a helpful resource and reference that enhanced my thesis.


Professor Sancton and his book *Merger Mania* provides an extensive examination of mergers of municipalities in Canada and internationally. The study in part is an historical examination of past mergers, as well as an analysis of the particular advantages and disadvantages of each in an effort to determine if “bigger is better.” The author concludes that in some cases, particularly with larger municipalities, that some consolidation would make sense, particularly where efficiency in the provision of major infrastructure services is concerned (e.g.: sewage treatment and public transportation), but in most cases smaller municipal units tend to provide better and more efficient delivery of community services.

*Merger Mania* provides a broad overview of municipal consolidation, but with respect to Kingston, fails to recognize that the amalgamation of Kingston with its adjacent townships was well underway prior to the Harris Government’s *Bill 26* to restructure the municipalities in the Province of Ontario. Apart from this one issue, the work provides an invaluable analysis of the 1998 municipal consolidation process.


David Barber’s paper addresses the question of ‘bigger is better’ in the amalgamation process instituted by the Ontario Government under *The Savings and Restructuring Act, 1996*. Barber suggests that the amalgamation process was promoted by government bureaucracy, and
encouraged by business organizations such as the Metropolitan Toronto Board of Trade, and when the opportunity arose, convinced the government of the day that significant cost savings would occur if an overhaul of the municipal structure of the Province could be achieved.

Barber concluded that the cost savings would not likely occur, as restructured municipalities would not produce the expected cost savings anticipated. He cited numerous examples to support his position and noted for example that all wages in an amalgamated community would rise to those of the highest paid employees of the prior municipalities, and that work previously performed by volunteers would now shift to paid employee service.

Barber also concluded that one method to undo the damage of amalgamation would be to permit communities to establish their own separate municipality more responsive to their needs.


Professor Wellar’s paper is essentially a question paper in that he raises his concerns over *Bill 26 (The Savings and Restructuring Act)* for Ontario municipalities and attempts to determine the government’s justification for the legislation. He queries the methodology used to collect and assess the data, and finds it a difficult matter to reach any conclusion that amalgamations or annexations should occur.

Wellar expresses considerable concern that these decisions appear to be made without consultation with local municipalities, and more importantly, without regard for the constituents. He notes the broad powers conferred on the Minister of Municipal Affairs and Housing under *Bill 26* and the manner in which these powers are exercised. The *Bill 26* later became *The Savings and Restructuring Act, 1996. (Statutes of Ontario. 1996. c. 1. In force January 1, 1996).*
After an examination of the amalgamation ‘spree’ of government in 1996-1998, the author looks back on the events in 2009 to evaluate the effect of the amalgamations, and concludes that most constituents found it to be a failure.
APPENDIX 2

Interviews

A number of interviews were conducted with persons involved in the 1998 amalgamation. The names and dates are as follows:


6. Thomas Plunkett, Professor (Queen’s University). Interview: February 8, 1999.
APPENDIX 3
1800 Survey Plans
and 1815 List of Proprietors

This section contains two 1800 survey plans and an 1815 list of proprietors. The survey below refers to the “TOWN LOTS KINGSTON CITY CA. 1800.” It is important to note that the Incorporation of the City of Kingston did not occur until 1846.
Settlement and List of Proprietors in 1815

The Survey Plan on the next page is dated October 27, 1815, prior to the 1838 incorporation of the Town of Kingston. The Survey Plan illustrates the size of the 1815 settlement, along with the names of proprietors who possessed the lots.

Note: while the copies of the List of Proprietors are not perfect, it is important to record their existence.
List of Proprietors continued. Preston 280b. Digital copy QUA.

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<td>67. Jas. Robins</td>
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<td>122. C. J. Peters</td>
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<tr>
<td>69. Ph. Pemberton</td>
<td>123. C. J. Peters</td>
</tr>
<tr>
<td>70. Christ. [Cook]</td>
<td>124. [see 127]</td>
</tr>
<tr>
<td>73. (and 86) John Gray</td>
<td>127. [see 124]</td>
</tr>
<tr>
<td>74. (and 83) Peter Smith</td>
<td>128. [see 123]</td>
</tr>
<tr>
<td>75. Cartwright Junr.</td>
<td>129. [see 122]</td>
</tr>
<tr>
<td>76. [and 82] Robt. McCasley</td>
<td>130.</td>
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<td>77. (and 81) Wm. Coffin</td>
<td>131.</td>
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<tr>
<td>78. (and 80) Mahlon Knight</td>
<td>132. [and 158] Henry Cassady</td>
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<tr>
<td>79. [blank]</td>
<td>133. [and 157] Wm. Loomis</td>
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<tr>
<td>80. [blank]</td>
<td>134. [and 156] Thos. Sparham</td>
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<tr>
<td>82. [See 69]</td>
<td>136. [and 154] Thos. Markland</td>
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<tr>
<td>83. [blank]</td>
<td>137. [and 153] Chas. Peters</td>
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<tr>
<td>85. [See 66]</td>
<td>139. [and 149] Andw. Tenyke</td>
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<tr>
<td>86. [See 64]</td>
<td>140.</td>
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<td>87. [See 64]</td>
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<td>88. [See 64]</td>
<td>142. [and 148] Henry Cassady</td>
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<td>95. Henry Cassady</td>
<td>149. [and 141] Andw. Tenyke</td>
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<td>97.</td>
<td>151. [see 149]</td>
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<td>98. F X Rochest</td>
<td>152. [see 148]</td>
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<td>99. [See 94]</td>
<td>153. [see 147]</td>
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<td>155. [see 145]</td>
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<td>102. [See 91]</td>
<td>156. [see 144]</td>
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<td>103. (and 114 and 115) James Clarke</td>
<td>157. [see 143]</td>
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<td>106. [and 111] Elijah Grooms</td>
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<td>109. [see 107]</td>
<td>163.</td>
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<td>110. [see 106]</td>
<td>164. Thos. Markland</td>
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<td>111. [see 105]</td>
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<td>114. [see 103]</td>
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<td>115. [see 113]</td>
<td>169. [and 173] Hugh Earl</td>
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<td>116. [see 112]</td>
<td>170. [and 174] John Ferguson</td>
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<td>117.</td>
<td>171. [see 171]</td>
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<td>118. Edwd. Walker</td>
<td>172. [see 172]</td>
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<td>125. John Cannon</td>
<td>178. [and 207] Dond. McDonell</td>
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<td>126.</td>
<td>179. [and 201] Nathl. Lines</td>
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<td>129.</td>
<td>182. [and 200] Stepd. McLean</td>
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## List of Proprietors continued. Preston 280b. Digital copy QUA.

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APPENDIX 4

Legal Description

of the 1846 Harbour Expansion

This section contains a legal description of the land from the government statute relevant to the 1846 harbour boundary expansion described in Chapter 6.

The Harbour under the incorporation of the new City of Kingston is described in An Act to repeal the Town of Kingston and incorporate the City of Kingston. Province of Canada Statutes. 9 Vic. Chap. 75 (1846) s. X as follows:

X. And be it enacted, That the Harbour of the said City shall consist of all the water lying between the front of the said City and the opposite shore of the Township of Pittsburgh as far as Point Frederick, (except such parts as may belong to private individuals, or be under direct control of Her Majesty’s Naval or Military authorities) and beyond Point Frederick all the water lying in front of the said City (except as aforesaid) which may be distant five hundred yards from the main shore of Wolfe Island, and that from henceforth the said Harbour shall vest in the said City Council and their successors, legally constituted:  Provided always, that it shall not be lawful for the said City Council or their successors to make or construct, or cause to be made or constructed, any work or building of any kind whatsoever, within or upon any part of the said Harbour hereby vested in the said City Council, unless the making or constructing of such work be authorized by the Governor of the Province, by and with the advice and consent of the Executive Council thereof, or by the Commander in Chief of Her Majesty’s Forces in this Province, or by the Principal Officers of Her Majesty’s Ordnance.
APPENDIX 5

Chapter 7

Legal Description 1850 Expansion

This section contains a legal description of the land from the government statute relevant to the 1850 boundary expansion in Chapter 7. The boundaries of the 1850 new City of Kingston were described in *The Municipal Corporations Act, 1849. Province of Canada Statutes. 12 Vic. CAP. 81. Schedule ‘C’, 533-534* as follows:

Commencing at the water’s edge on Lake Ontario in the direction of the line between lots number twenty and twenty-one in the first concession of the Township of Kingston; thence, in a direct line to the second concession of the said Township of Kingston and across the road, between the first and second concessions to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the side line of the said lot number twenty-four to a point in line with the limit between lots numbers four and five on the west side of the great river Cataraqui produced from the said river; thence, along the said limit to the water’s edge at low watermark; thence, along the said edge of the great river Cataraqui and along the water’s edge at low mark of Lake Ontario with the windings and turnings to the place of beginning, together with all the water lying between the front of the City and the opposite shore of the Township of Pittsburgh, as far as Point Frederick, and beyond Point Frederick all the water lying in front of the said City and Liberties which may be distant five hundred yards from the Main shores of Wolfe Island, Garden Island and Simcoe Island.
APPENDIX  6

Chapter 8

Legal Descriptions Covering Six Boundary Expansions (by Annexation)

Appendix 6 contains the legal description of boundary expansions numbered 4 to 9 inclusive. All of the boundary expansions described in this Chapter were by annexation.

4th Boundary Expansion (1915) - Order of the Ontario Railway and Municipal Board

1915 Annexation
Part Farm Lot 5 Concession West Great Cataraqui River

The Ontario Municipal Board Order references several deeds as a part of its description, and would require a Title Searcher to determine the location of the parcels of land in those deeds in order to have a description of the lands in question (Part Farm Lot 5 Concession West Great Cataraqui River). A proper survey should have been made for the property annexed in the Order, but none was found. The lands annexed by the City of Kingston were described in the Order of The Ontario Railway and Municipal Board as follows:

The Board hereby orders that the following described lands and premises in the said Township of Kingston be annexed to the City of Kingston from the date hereof and form part of Frontenac Ward in said City, and that said lands and premises be subject to the taxation, assessment and improvements now in force existing in the
City of Kingston at the date hereof, said lands being more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Concession West of the Great Cataraqui River in the Township of Kingston in the County of Frontenac and Province of Ontario, and being part of Farm Lot Five (5) in the said Concession which parcel may be more particularly described as follows; that is to say; - Commencing at the north-easterly corner of a tract of land conveyed by one James Druce to the Corporation of the City of Kingston by deed dated June 23rd, 1913. Thence north-westerly along the north-easterly limit of the last above mentioned tract five hundred and twenty feet, more or less, to the most northerly corner thereof; thence southerly along the westerly limit of the last above mentioned tract two hundred and fifty-six feet, more or less, to an intersection with a line running northerly parallel to and two hundred feet easterly from a fence along the westerly limit of the tract conveyed by Mrs. A. E. Hodgson to James Druce, by deed dated the 5th day of March, 1914; thence north 6° 01’ west along the last above described intersecting line Three hundred and eighteen feet, more of less, to a point such that the area hereby conveyed shall be Three and one-half acres no more or no less; thence north 83° 59’ east at right angles to the last above described course Six hundred and seventy-nine feet, more or less, to the westerly limit of an allowance for a road near the easterly limit of the above mentioned tract conveyed by Mrs. A. E. Hodgson to James Druce, thence southerly Two hundred and twenty-eight feet, more or less, to an intersection with a line running north 2° 30’ east from the point of Commencement; thence south 2° 30’ west seventy-four feet, more or less, to the point of Commencement. The above described tract hereby intended to be conveyed comprising parts of subdivision lots thirty-four (34) thirty-five (35) forty-three (43) and forty-two (42), shown on a plan of subdivision made for John McLean by George Bruce, P.L.S. and filed in the Registry Office for the County of Frontenac on the 22nd day of March, 1847.

TOGETHER with a right-of-way thirty feet wide on which to construct and use a railroad siding from the Kingston & Pembroke and Grand Trunk Railway tracks over the field adjoining on the west of land above described.
The 1930 Annexation of The Kingston Elevator Company site

The lands of The Kingston Elevator Company site were under water and located in the Township of Kingston, at Cataraqui Bay on the north shore of Lake Ontario.

These lands are also shown on survey Registered as Plan #172.

The annexation of The Kingston Elevator Company site was set out in the Statute. s. 5 (1). The location is described in Schedule ‘A’ of the Agreement as set out in the Statute as follows:

Commencing at a point in the high water mark of Cataraqui Bay, an arm of Lake Ontario, in the southerly side of the travelled Road known as the Front Road, which point is distant westerly from the south-east angle of Lot Number Fifteen (15) approximately two hundred and sixty feet (260’); Thence southerly nineteen degrees and thirty minutes east (S. 19º 30’ E.) along the face of the site of the proposed elevator fourteen hundred and seventy-five feet (1475’), more or less, to the southerly face thereof; Thence north seventy degrees thirty minutes east (N. 70 º 30’ E.) along the said southerly face one hundred and fifty feet more or less to the easterly face of the said site; Thence north nineteen degrees thirty minutes west (N. 19º 30’ W.) along the easterly face of the said site one thousand feet (1,000’) more or less to the north-westerly angle of the proposed dredged basin shown on the plan attached hereto as basin 3; Thence north seventy degrees, thirty minutes east (N. 70º 30’E.) along the edge of the proposed basin one hundred and seventy-five feet (175’) more or less, to the high water mark of Cataraqui Bay an arm of Lake Ontario; Thence north-westerly along the said high water mark approximately five hundred and fifty feet (550’) more or less to the point of commencement; All of which is shown coloured Red on the plan attached hereto, prepared by D. S. Ellis, O.L.S.
A satisfactory Deed, grant or conveyance of said portion of said water lots shall be deliver to the Company when and so soon as the Company has duly executed this agreement and has furnished the bonds provided for the Paragraph 7 hereof. The Corporation further agrees to likewise transfer and convey, or cause or procure to be transferred and conveyed, to the Company the lands shown in Black on the said plan attached hereto and described as follows: -

Commencing at a point in the high-water mark of Cataraqui Bay, an arm of Lake Ontario, in the southerly side of the travelled road known as the Front Road, distant six hundred feet (600’) from the production of the easterly dock face of the elevator of the Kingston Elevator Company, such measurement to be made on a line north seventy degrees thirty minutes east (N. 70 30’ E.) which point is distant westerly from the south-westerly angle of Farm Lot Number Fifteen (15) of the First Concession of the Township of Kingston, two hundred and sixty feet (260’) more or less;

Thence easterly along the southerly limit of the said travelled road eight hundred feet (800’) to a point;

Thence south nineteen degrees thirty minutes east (S. 19 30’ E.) two hundred and thirty-five feet (235’) to the line produced of the northerly edge of the proposed basin Three (3), as shown on the plan of the site of the proposed elevator of the Canadian Terminal System Limited, prepared by D. S/ Ellis, O.L.S., dated August 30th, 1930;

Thence south seventy degrees thirty minutes west (S. 70 30’ W.) four hundred and forty feet (440’) more or less to the high-water mark of Cataraqui Bay.

Thence south-westerly along the said high-water mark five hundred and fifty feet (550’) more or less, to the point of commencement.
6th Boundary Expansion (1930) - *An Act Respecting the City of Kingston. Statutes of Ontario. 20 Geo. V. Ch. 84.*

1930 Annexation
Rail-Line leading to the C.N.R. Main-Line

The Rail-Line connected to the C.N.R. Main-Line. The parcel of land was 1,000 feet in width over Lot 14 and 15, Concession 1, and Lot 15, Concession 2, in the Township of Kingston. The Rail-Line was laid out in a northerly direction, crossing Bath Road in Concession 2, swinging westward to connect to the C.N.R. The Rail-line annexation is set out in s.s.1 of the same Statute that described The Kingston Elevator Company annexation. *An Act Respecting the City of Kingston. Statutes of Ontario. 20 Geo. V. Ch. 84 (1930).* Note: The Kingston Elevator Company site covered by the grant from the Crown acquired by the City of Kingston are referenced in the last three lines of the description. The southerly part of the Right-of-way of the Rail-Line is shown on Registered Plan #172.

The Rail-Line lands are described as follows:

s. 5 (1) - Part of lots 14 and 15 in the first concession of the township of Kingston and of the water lots in front thereof hereinafter described are hereby detached from the said township and shall be deemed to be annexed for all purposes to the City of Kingston, that is to say, firstly, a strip of land 1,000 feet in width, no more and no less, throughout its length, and being 500 feet on either side of the centre of the railway siding when constructed to the said elevator and running from the northerly limit of the said lots to the southerly limit of concession 1, and secondly commencing at a point where the line of the easterly face of the dock of the *Kingston Elevator Company* produced intersects the southerly limit of concession 1, thence southerly south 19° 30’ east along the line of the face of the said dock to a point where said line produced southerly would intersect
the extension of the westerly production of the harbour line of the city of Kingston, thence westerly at a right angle to said line, 1,000 feet, thence northerly and parallel to said line to a point in the southerly limit of concession 1, thence easterly along the southerly limit of concession 1 to the place of beginning. Together with all the land covered in the grant from the Crown to the city of Kingston, dated the 9th day of November 1929, in book L324, folio 135, under the hand of F. Costello, Deputy Provincial Registrar.
1931 Annexation

The Kingston, Portsmouth and Cataraqui Electric Railway Company

The Kingston, Portsmouth and Cataraqui Electric Railway Company land in part Lot 16 Broken Front Concession was acquired by the City of Kingston in 1930. Shortly thereafter, the City of Kingston acquired the balance of Broken Front Concession Lot 16 from The Cataraqui Golf and Country Club, Limited. Both of these parcels of land are shown on Registered Plan #181 and described as a single parcel in the Statute.
8th Boundary Expansion (1931 Annexation) An Act respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch. 103. (1931)

1931 Annexation

The Cataraqui Golf and Country Club, Limited

The Canadian Terminal System Limited, the Harbour area, The Kingston, Portsmouth and Cataraqui Electric Railway Company, and The Cataraqui Golf and Country Club, Limited were all annexed by Statute in 1931. The combined parcel of land is also shown on Registered Plan #181.

The following description of land for The Cataraqui Golf and Country Club, Limited first makes reference to the annexation of The Kingston Elevator Company site in order to determine the place of beginning for the description of the land for The Cataraqui Golf and Country Club, Limited. The lands covered by the grant from the Crown for The Kingston Elevator Company site acquired by the City of Kingston are referenced in the first three lines of the description.

Line 3 and 4 of the description in the Statute also refers to the annexation of The Kingston Elevator Company site. Note that the 1931 annexation Statute also includes a harbour site that covers an area lying south of Little Cataraqui Bay and Broken Front Concession Lot 16 and runs southward to a line extended from the City of Kingston’s southerly harbour boundary westerly from a line drawn southerly from the easterly boundary of Broken Front Concession Lot 16 to a point in Little Cataraqui Bay as shown on Registered Plan #181.

Schedule ‘B’ of the Statute reads as follows:
Commencing at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said township, the said easterly limit of the land annexed to the City of Kingston by *The City of Kingston Act, 1930*, thence south 19º 30’ east along the face of the said dock to a point where the said line produced southerly would intersect the extension of the westerly production of the harbour line of the said city; thence easterly along the said westerly production of the said harbour line to a point where the said harbour line intersect the production southerly of the line between Lots Numbers 16 and 17 in the First Concession of the said township; thence northerly along the said line between said Lots 16 and 17 to the southerly limit of said first concession; thence westerly along the southerly limit of said first concession to the place of beginning.

The land purchased from *The Cataraqui Golf and Country Club, Limited* was also annexed to the City of Kingston under *An Act respecting the City of Kingston. Statutes of Ontario. 21 Geo. V. Ch. 103. (1931)* of the Statute s. 5 (1) reads as follows:

5. (1) The lands described in schedule “B” [of the Statute] now forming part of the township of Kingston are hereby detached therefrom and for all purposes are hereby annexed to and shall form part of the city of Kingston.
The 1947 Annexation

The 1947 annexation was bounded by Johnson Street, Helen Street, Highway #33 (Bath Road) and Palace Road and the Statute reads as follows:

Commencing at the intersection of the limit between Township Lots 20 and 21 with the southerly limit of Johnson Street; thence north 4 degrees and 2 minutes west along the said limits between Lots 20 and 21 (being the present westerly limit of the City of Kingston) a distance of 3,590 feet to the southerly limit of the King’s Highways No. 33; thence south 83 degrees and 10 minutes west along the said last mentioned limit 679.5’ to the western limit of Palace Road; thence south 4 degrees and 3 minutes east in and along the last mentioned limit and its production across Johnson Street a distance of 3,574.9 feet to the southerly limit of Johnson Street; thence north 84 degrees and 39 minutes east across Palace Road and along the southerly limit of Johnson Street a distance of 677.76 feet more or less to the point of commencement.

The Statute also confirmed the annexation of the lands to the City of Kingston in An Act respecting the City of Kingston. Statutes of Ontario. 11 Geo. V. Ch. 129. (1947). s. 1.

(3) in the following terms:

s. 1. (3) The lands annexed to the City of Kingston, when added to the assessment rolls of the City of Kingston for the year 1946 pursuant to the said Order, shall be assessed and all proceedings shall be taken under The Assessment Act as if the lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and conformed the said lands shall be liable to taxation in the year 1947 at the same rate as other lands in the City of Kingston.
APPENDIX 7
Chapter 10
Legal Description of 1952
Schedule ‘A’

An Act Respecting the City of Kingston 1952. Statutes of Ontario. Ch. 123. Schedule ‘A’, 435-439. The lands annexed to the City of Kingston in 1952 are description as follows:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate lying and being in the Village of Portsmouth, Township of Kingston, the marsh and the Great Cataraqui River; being composed of all the Village of Portsmouth, part of broken front lots twelve (12) and thirteen (13) and all of Lot seventeen (17) in front of Concession 1 in the Township of Kingston; part of lots twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty Concession 1, Township of Kingston; part of lots fourteen, fifteen, sixteen and seventeen Concession 2 Township of Kingston; all of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four Concession 2 Township of Kingston; part of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four Concession 3 Township of Kingston; all of lots six and seven and Part Lots five and nine West of the Great Cataraqui River Township of Kingston; all lots one, two, three, five, six, and seven, as shown on the registered plan No. 68 for the County of Frontenac. All the lots and registered plans shown on the above-mentioned Village of Portsmouth and the Township of Kingston lots, all the marsh and the Great Cataraqui River lying between the east limit of Registered Plan No. 68 and lots five, six, seven, (5, 6, 7) and part of lot nine (9) west of the Great Cataraqui River; and the easterly water’s edge of the Great Cataraqui River are included in the lands herein described.

COMMENCING at the water’s edge of Lake Ontario in the direction of the line between lots twenty and twenty-one in the first and broken front Concession of the Township of Kingston, being the south-west angle of Broken Farm Lot 21 in front of Concession 1, in the City of Kingston;
Thence South 4 deg. 03 min. East two hundred feet (200’);

Thence South 65 deg. 37 min. West along the Southerly limit of the Village of Portsmouth (as set out by By-Law No. 91 – 23rd Dec. 1858 C.C.F.) a distance of 4144.8 feet.

Thence North 4 deg. 03 min. West along the West limit of the Village of Portsmouth two-hundred feet (200’) to the water’s edge of Lake Ontario;

Thence Westerly along the water’s edge 1323 feet more or less to the limit between Lots Sixteen (16) and Seventeen (17);

Thence South 4 deg. 03 min. East along the Southerly production of the said last-mentioned limit to a point distant 3300 feet more or less from the Road Allowance between Concession One (1) and the Broken Front Concession;

Thence Westerly along the Southerly limit of the parcel annexed to the City of Kingston by R.S.O. 1931, Chapter 103, to the South-Easterly angle of the parcel annexed to the City of Kingston by 20, GEO. V., CHAPTER 84, 1930;

Thence along the Southerly limit of the above-mentioned parcel South 70 deg. 30 min. West one thousand feet (1000’);

Thence North 19 deg. 30 min. West 4150 feet to the Southerly limit of Concession One (1);

Thence Easterly along the last-mentioned limit to the Westerly limit of the parcel annexed to the City by 20, GEO. V., CHAPTER 84, 1930;

Thence Northerly along the last-mentioned limit to the water’s edge of Cataraqui Bay;

Thence Westerly along the water’s edge and across the mouth of the Little Cataraqui Creek to a concrete monument planted at the intersection of the Southerly Limit of the Front Road with the High Water Mark of the Cataraqui Bay.
Thence North 42 deg. 49 min. West one hundred and twenty-one and seventeen-tenths (121.7’) feet to a concrete monument;

Thence North 76 Deg. 35 min. West four hundred and eighty-seven feet (487’) to a concrete monument;

Thence north 27 deg. 45 min. East seventy-six and ninety-seven one-hundredths feet (76.97’) to a concrete monument, planted in the Southerly limit of the road allowance between Concession 1 and the broken front in front of Concession 1, distant therein easterly nineteen and seven-tenths feet (19.7’) from the limit between lots twelve and thirteen.

Thence North 72 deg. 47 min. West one hundred and eleven and seventy-five one-hundredths feet (111.75’) to a concrete monument planted in the north limit of the abovementioned road allowance;

Thence North 68 deg. 41 min. West three hundred and thirty-seven and twentynine-tenths feet (337.2’) to a concrete monument;

Thence North 66 deg. 58 min. East five hundred and twenty-one and fifteen one-hundredths feet (521.15’) to a concrete monument;

Thence North 35 deg. 34 min. West four hundred and eighty and forty-six one-hundredths feet (480.46’) to a concrete monument;

Thence North 79 deg. 34 min. East three hundred and ninety-four and eighty-five one-hundredths feet (394.85’) to a concrete monument;

Thence North 3 deg. 16 min. West three hundred and twenty-eight and eighty-twone-hundredths feet (328.82’) to a concrete monument;

Thence North 88 deg. 21 min. West four hundred and thirty-four and eighty-five one-hundredths feet (434.85’) to a concrete monument.

Thence North 39 deg. 52 min. West four hundred and thirty-two and ninety-five one-hundredths feet (434.95’) to a concrete monument;
Thence North 65 deg. 24 min. West two hundred and fifty feet (250’) to an iron bar;

Thence North 43 deg. 41 min. West seven hundred and sixty-five and seven-tenths feet (765.7’) to an iron bar;

Thence North 3 deg. 44 min. West four hundred and eighty-two and nine-five one-hundredths feet (482.95’) to an iron bar;

Thence South 83 deg. 52 min. East one thousand one hundred and thirty-six and thirty-seven one-hundredths feet (1,136.37’) to an iron bar;

Thence North 49 deg. 20 min. East one thousand two hundred and ninety and sixty-five one-hundredths feet (1,290.65’) to an iron bar;

Thence North 36 deg. 41 min. East five hundred and twenty-eight and twenty-five one-hundredths feet (528.25’) to an iron bar;

Thence North 21 deg. 24 min. West four hundred and twenty-seven and three-tenths feet (427.3’) to an iron bar;

Thence South 76 deg. 3 min. West one thousand and forty-four and four-tenths feet (1,044.4’) to an iron bar;

Thence North 3 deg. 56 min. West four hundred and nineteen and sixty-five one-hundredths feet (419.65’) to an iron bar;

Thence North 43 deg. 28 min. East one thousand six hundred and fifty-one and ninety-two one-hundredths feet (1,651.92’) to an iron bar;

Thence South 69 deg. 18 min. East two hundred and twenty-six and sixty-five one-hundredths feet (226.65’) to an iron bar;

Thence North 46 deg. 25 min. East four hundred and ninety-three and three-tenths feet (493.3’) to an iron bar;
Thence North 13 deg. 49 min. West three hundred and eighty-eight and twenty-five one-hundredths feet (388.25’) to an iron bar;

Thence North 27 deg. 9 min. East three hundred and fourteen and seven-tenths feet (314.7’) to an iron bar;

Thence North 62 deg. 52 min. West two hundred and thirty-nine feet (239’) to a concrete monument;

Thence North 7 deg. 49 min. East two hundred and ninety-seven and sixty-five one-hundredths feet (297.65’) to a concrete monument planted fifty feet (50’) northerly from the centre line of The King’s Highway No. 33;

Thence North 31 deg. 50 min. East two hundred and eighty-seven and two-tenths feet (287.2’) to a concrete monument.

Thence North 72 deg. 39 min. East four hundred and eighty-four and two-tenths feet (484.2’) to a concrete monument.

Thence North 39 deg. 14 min. East four hundred and fifty-eight and seven-tenths feet (458.7’) to a concrete monument;

Thence North 0 deg. 3 min. West six hundred and seventy-three and three-tenths feet (673.3’) to a concrete monument;

Thence North 11 deg. 10 min. East eight hundred and eight and two-tenths feet (808.2’) to a concrete monument.

Thence North 14 deg. 53 min. West two hundred and sixty-three and eight-tenths feet (263.8’) to a concrete monument;

Thence North 29 deg. 37 min. East five hundred and eighty-four and nine-tenths feet (584.9’) to a concrete monument;

Thence North 27 deg. 12 min. West across Dawson Creek and the marsh adjoining said Creek, a distance of one thousand five hundred and ninety and five-tenths feet (1,590.5’) to a concrete monument;
Thence North 20 deg. 36 min. East one hundred and fifty and fifty-five one-hundredths feet (150.55’) to a concrete monument;

Thence North 36 deg. 0 min. West four hundred and ninety-one and twenty-five one-hundredths feet (491.25’) to a concrete monument;

Thence North 13 deg. 56 min. East two hundred and ninety-seven and eighty-five one-hundredths feet (297.85’) to a concrete monument;

Thence North 17 deg. 23 min. West two hundred and seventy-five and twenty-five one-hundredths feet (275.25’) to a concrete monument planted in a fence line, marking the southerly limit of the Canadian National Railway right-of-way, (Toronto – Montreal main line);

Thence North 51 deg. 46 min. East in the last-mentioned limit, one thousand one hundred and sixty-five feet (1,165’) to a concrete monument planted fifty feet (50’) southerly from the centre line of The King’s Highway No. 2;

Thence North 52 deg. 6 min. and 46 sec. East, on a line parallel to and distant southerly at right angles thirty feet (30’) from the southerly rail of the southerly track of the Canadian National Railway main line; a distance of two thousand one hundred and sixty-six and one-tenth feet (2,166.1’) to a concrete monument planted in the northerly limit of the road allowance between Concessions 2 and 3 and distant therein on a course South 88 deg. 15 min. West one thousand and eighty-two and seven-tenths feet (1,082.7’) from the southwest angle of lot 19 Concession 3;

Thence North 51 deg. 58 min. 32 sec. East, parallel and distant southerly thirty feet (30’) from the south rail of the south tracks of the Canadian National Railway, a distance of one thousand three hundred and sixty-one and nine-tenths feet (1,361.9’) to a concrete monument planted in the limit between lots 18 and 19, distant therein northerly eighty hundred and four and six-tenths feet (804.6’) from the south-west angle of lot 19 Concession 3;

Thence North 0 deg. 39 min. West, in the limit between Lots 18 and 19, three thousand seven hundred and sixty-one and four-tenths feet (3,761.4’);
Thence North 88 deg. 0 min. 4 sec. East seven thousand seven hundred and fifty-five and one-tenth feet (7,755.1') to a concrete monument, planted forty-three feet (43') westerly from the centre line of Division Street;

Thence North 84 deg. 15 min. 7 sec. East across Division Street, eighty-six feet (86') to a concrete monument;

Thence North 84 deg. 15 min. 7 sec. East, along the limit between lots 3 and 4 as shown on Registered Plan No. 68, a distance of two thousand eight hundred and nineteen and five-tenths feet (2,819.5') to a concrete monument;

Thence North 5 deg. 39 min. 13 sec. West, along the line between lots 4 and 6, Registered Plan No. 68, a distance of one thousand one hundred and twenty-four and thirty-five one-hundredths feet (1,124.35') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the line between the northerly limit of lot 6 Registered Plan No. 68, and the southerly limit of Township lot 9 west of the Great Cataraqui River; a distance of three thousand eight hundred and thirty-five and two-tenths feet (43') westerly at right angles from the centre line of the Montreal Road;

Thence North 84 deg. 9 min. East, across the Montreal Road, one hundred and five and fifty-seven one-hundredths feet (105.57') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the limit between lot 7 Plan No. 68 and Township lot 9 west of the Great Cataraqui River, and its production easterly, nine hundred and seventy feet (970') to a concrete monument planted in the right-of-way of the Canadian National Railway;

Thence North 74 deg. 49 min. 26 sec. East (astronomic) six thousand five hundred feet (6,500') more or less, to the easterly water’s edge of the Great Cataraqui River;

Thence Southerly and Westerly along the Easterly water’s edge of the Great Cataraqui River, to the point of intersection with the Easterly production of the limit between Townships lots 4 and 5 West of the Great Cataraqui River;
Thence Westerly along the said production and the limit between the said lots 4 and 5 itself, and its production Westerly, to the Westerly limit of Division Street;

Thence Southerly along the Westerly limit of Division Street, to the South-east angle of lot 24 Concession 2;

Thence Westerly in a direct line crossing Concession Street to the North-west angle of lot 21 Concession 1;

Thence southerly along the limits between lots 20 and 21 to the South limit of The King’s Highway No. 33;

Thence Westerly along the said last-mentioned limit to the Westerly limit of Palace Road;

Thence Southerly along the last-mentioned limit to the Southerly limit of Johnson Street;

Thence Easterly along the last-mentioned limit to the line between lots 20 and 21;

Thence Southerly along the said last-mentioned limit to the point of commencement of the herein described parcel;

SAVE AND EXCEPT from the above-described lands, the lands annexed to the City of Kingston (1) 20, GEO. V CHAP. 84, 1930; (2) by R.S.O., 1931, CHAP. 103 and (3) by Municipal Board Order [as set out] in Instruments Numbers [27146A] and 29249 and filed in the Registry Office for the Registry [division of] Kingston and Frontenac. The above-described lands to be annexed [are outlined in red] on the accompanying plans.

And all the water lots lying south of the Village of Portsmouth, the City of Kingston and the Township of Kingston to which patents have been issued by the Crown; and all the waters and land under the waters of Lake Ontario and the Harbour lying south of the land lying between the said south-west angle of the Broken Front Lot 21 in front of Concession 1 Township of Kingston formerly and now in the City of Kingston and the concrete monument standing at the
intersection of the southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay. The westerly limit of said waters, and the land under the waters is a [line] through the above described concrete monument on limit of the [Front Road, and] is a line parallel to the limit between lots 12 and 13 Concession 1 Township of Kingston. And the said waters and land under waters extend southerly to within 500 yards of the shores of the Township of Wolfe Island.
APPENDIX  8
Chapter 10
O.M.B. Order

Schedule ‘B’


**O.M.B. Order Schedule ‘B’** – Represents the existing boundaries of the City of Kingston just prior to the 1952 annexation. The lands of the City of Kingston at that time were described as follows:

**ALL AND SINGULAR** that certain parcel or tract of land and water being the present City of Kingston, County of Frontenac and Province of Ontario; which said parcel or tract may be described in parts as follows:

PART ONE: COMMENCING at the point where the water’s edge of Lake Ontario is intersected by the lot limit between Farm Lots 20 and 21 in the First Concession of the Township of Kingston formerly and now City of Kingston;

Thence northerly along said lot limit to the point where in intersects the southerly limit of Johnson Street;

Thence westerly along the said southerly limit of street to the point where it intersects the westerly limit of Palace Road;

Thence northerly along said westerly limit of road to the point of intersection of said limit with the southerly limit of Highway Number 33;
Thence easterly along said southerly limit of Highway to the point where this limit intersects the said lot limit between lots 20 and 21;

Thence northerly along this lot limit to the northwest corner of Lot 21;

Thence easterly in a direct line crossing Concession Street to the southeast angle of Lot 24 Concession Two Township of Kingston;

Thence northerly along the westerly limit of Division Street to the point where this limit is intersected by the westerly production of the limit between Lots 4 and 5 in the Concession West of the Great Cataraqui River;

Thence easterly to, along and on production easterly of said limit between lots 4 and 5 to the easterly water’s edge of the Great Cataraqui River;

Thence southerly along said River’s easterly edge to the extreme southwesterly point of Point Frederick in the Township of Pittsburg;

Thence southerly and parallel to the said lot limit between lots 20 and 21 a distance of 500 feet from the said southwest point of Point Frederick;

Thence westerly in a straight line to the point of Commencement. And also as part of the Harbour of the City of Kingston, all the water lying southerly of the above described straight line from the described point 500 feet southerly of Point Frederick to the point of commencement, which may be 500 yards from the main shore of Wolfe Island.

The limits of the above described part one from the point of commencement to the easterly water’s edge of the Great Cataraqui River are shown outlined in red on the plans accompanying schedule A made and signed by Campbell T. Smith O.L.S. dated Sept. 25, 1951. And the properties in Lot 5 West of the Great Cataraqui River owned by the Gould Storage Battery Limited and the Frontenac Floor and Wall Tile Co. Limited.

PART TWO: Being the land annexed to the City of Kingston by 20 George V Chap. 84, 1930, and said land is particularly shown on Registered plan numbered 172 of registered date June 7th 1930 in the Registry Office of Kingston and Frontenac.
PART THREE: Being the land annexed to the City of Kingston by Chapter 103 of the statutes of Ontario 1931 as given in Schedule B and more particularly described as follows:

ALL AND SINGULAR that parcel of land and land covered with water now situate in the Township of Kingston, in the County of Frontenac as follows:

COMMENCING at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said Township, the said easterly face of dock being the easterly limit of the land annexed to the City of Kingston by City of Kingston Act 1930, thence south 19 degrees 30 minutes east along the line of the face of the said dock to a point where the said line produced southerly would intersect the extension of the westerly production of the harbour line of the said City; thence easterly along the said westerly production of the said harbour line to a point where the said harbour line intersects the production southerly of the line between lots numbers 16 and 17 in the First Concession of the said Township; thence northerly along the said line between the said lots 16 and 17 to the southerly limit of said first concession; thence westerly along the southerly limit of said first concession to the place of beginning.
Transition Boards had specific powers that were clearly set out in the Provincial Government Order. Section 10.3 (3) of the Order set out the obligations and duties on 360-361 as follows:

a) adopt transition plans for 1997, including budgets;
b) conduct studies, research and consultations regarding municipal functions, organizations, staffing, standards and performance;
c) require the production of financial and other data, information and statistics from each of the former municipalities and their local boards;
d) establish organizational structures, administrative and management systems, positions, preliminary job definitions, job descriptions, policies, adopt bylaws and budgets and other documents for the new municipalities;
e) establish fully operational municipal organizations which shall, on January 1, 1998, become the new municipalities;
f) approve those expenditures, execute such contracts and act as the employer for each of the former municipalities which constitute part of the Board, where necessary for transitional purposes;
g) purchase, lease or dispose of any assets of each former municipality which constitute part of that Board or require the approval of the Board before a former municipality purchases, leases or disposes of any asset;
h) offer, or require the approval of the Board before a former municipality constituting part of the Board offers employees of the former municipalities employment with the new municipalities and this may include appointments to the new municipalities, inducements to terminate employment, severance allowances, training assistance or such other benefits as are necessary to fill the
positions in the new municipalities or to meet the requirements of the budgets of the new municipalities for 1998;
i) may give notices of layoff, or provide for severance or compensation in lieu of notice or both notice and compensation, as required;
j) establish mechanisms for identifying, selecting and appointing employees to the new municipalities;
k) ensure that appointments to positions with the new municipalities and their local boards are made from among those employees who have been employed by the former municipalities and their local boards since at least June 22, 1996.
l) negotiate and enter into agreements with employees and groups of employees of the former and new municipalities, or require the Board's approval before a former municipality which constitutes part of the Board negotiates and enters into a contract with its employees or groups of employees;
m) with the assistance of a human resource advisory committee, establish uniform policies relating to offers of employment or termination of employment, and ensure their fair application;
n) establish the positions and offices necessary for transitional purposes for interim municipal administration;
o) despite paragraph (k), may appoint, in 1997, interim employees to positions with the new municipalities for a period not exceeding 12 months for the purpose of organizing and implementing the new municipalities;
p) shall provide that employees who held non-bargaining unit positions with a former municipality or its local boards, who are offered employment with and will be employed by the new City, a new Township, the Frontenac Management Board or their local boards, in a bargaining unit position, be credited with seniority at a rate of one hundred percent for the employee's length of service with the former municipality or its local boards as if the position or positions held with the former municipality or its local boards would have been a bargaining unit position with the new city, new Township, Frontenac Management Board or their local boards;
q) may retain employees, officers and advisors of the transition boards and incur expenses on behalf of the transition boards and their employees and agents;
r) establish electronic or manual information systems, records and books of accounts for the new municipalities and for the operation of the Board;
s) establish and implement communication plans for employees and the public;
t) attribute costs for transitional activities including direct and indirect costs for the operation of the Board, new municipalities, employee voluntary exit payments and severance payments made in 1997 to the former municipalities according to each municipality's share of the costs except where the Board determines that a cost has been incurred to benefit one or more of the new municipalities solely, in which case costs shall be attributed, as determined by the Board, on a proportional basis to the benefiting municipalities;
u) issue debentures on behalf of the former municipalities or require the approval of the Board before a former municipality constituting part of the Board issues debentures for some or all transitional costs, for a period which shall not exceed ten years;
v) may despite paragraph (u) cause some or all of the transitional costs allocated to a former municipality to be borne in 1997 and reduce the debt repayment and service costs attributable to the ratepayers of that area forming part of the new municipality to retire a transitional cost debenture; and
w) determine the amount of the discretionary expenditures for the purposes of 1998 budgets of the new municipalities.