
From Grant to Patent: A Guide to Early Land Settlement Records, ca.1790 to ca.1850

215 Research
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1. Introduction

The Crown Land Records of Upper Canada date to the eighteenth century, when the American Revolution started the flood of immigrants from the American colonies who wanted to settle on British territory. The land that was to become known under the Constitutional Act of 1791 as Upper Canada was to be distributed under the control of, and according to regulations developed by, the Crown or representatives of the Crown. By 1795, a complex system of land titles and ownership had been established in the province under the direction of the surveyor general. Throughout the pre-Confederation period (prior to 1867), land policy and distribution remained one of the central occupations of the Crown Lands Department.

The Archives of Ontario holds most of the records relating to Crown land in Upper Canada, Canada West (the new name of the colony after the Union Act of 1840), and Ontario (the name that came into effect in 1867). The Library and Archives Canada (LAC) also holds some records – predominantly the Crown Land Records of the Executive Council of Upper Canada. Copies of most of these records are found at the Archives of Ontario on microfilm.

Crown Land records can be used for the study of a wide range of subjects such as family history, land use, local history, settlement patterns, and more. This Guide will provide researchers with a brief synopsis and links to the different series of Crown Land Records that

can be used primarily in researching family history. Because of the large volume and range of records found among the Crown Land Records, the Guide will introduce the researcher to Crown Land Records related to grants and patents from the eighteenth century to the mid- nineteenth century. It does not encompass all the land records available to researchers.

The Archives Descriptive Database (ADD)

This Guide is designed to be used with the Archives of Ontario's Archives Descriptive Database (ADD). Most of the records mentioned in the Guide are described in more detail in the ADD, making the latter a valuable tool in understanding the Crown Land Records and how to use them. It is recommended that researchers read the descriptions of the records in the ADD, which will explain the records in their relation to other records as well as indicating what information is being recorded. It should be noted that there are revised reference codes for many of the Crown Land Records series; however, the microfilm reels and the Ontario Land Records Index (OLRI) still use the old codes. The old codes can be searched in the ADD using the keyword search. There is also a conversion list available.

Steps in Acquiring Crown Land.

The procedure in land granting by the Crown evolved greatly over time. In very general terms, however, the following steps were involved in land acquisition:

- If an individual wished to apply for a land grant from the Crown, he (or she) may have submitted a **petition** to the Crown.
- If the petition was successful, the Crown would then have issued a land **grant** to the petitioner. It was a complex process to receive a land grant. Many offices were involved and each office (Executive Council Office, Receiver General's Office, Attorney General's Office, Surveyor General's Office, Provincial Secretary's Office, etc.) maintained its own numbering system for the documents it generated or received relating to these transactions.
- If the settler took up residence on the land and fulfilled certain settlement duties, he or she would have ended up owning the land, in which case that person would have been issued a **patent**, indicating that the ownership of the land had passed from the Crown to a private individual.
- If there were any later transactions relating to that property (e.g., sale to another individual, taking out a mortgage on the property, etc.), they would be documented in the records of the county **Land Registry Offices** (LROs).

2. Getting Started: The Ontario Land Records Index

In land-records research, it is useful to know the township, concession, and lot to which a person or corporation was associated. Although such information is not critical to researching all land records, a significant number of the records are arranged by the lot and concession numbers. If the location of the grant is unknown for a particular settler, it is best to consult first the Ontario Land Records Index. With that knowledge, a variety of other records can be consulted that may cast further light both on the settler involved and on the land that settler received.

The Ontario Land Records Index, ca. 1780-ca. 1920, is an index of settlers who received Crown land in Ontario by grant, lease, or purchase. The information is compiled from Crown Land Records, as well as some records from the Canada Company fonds and the Peter Robinson fonds. It is indexed by surname and township of homesteaders who obtained permission to live on a specific piece of Crown land. Also included are settlers sponsored by Peter Robinson and those individuals who obtained land from the Canada Company. The index is useful in determining whether a settler received a grant of land from the Crown and where the land was located. It provides the settler's name and residence (if known); the township, concession, and lot of the Crown property; the date and type of grant; and the archival reference code to the

source of the data. These records to which the Index refers are available on microfilm in the Main Reading Room and through microfilm interloan, with the exception of the Fenian land grants (RG 1-99-8, former code RG 1 C-VII-8). The Index is available on self-service microfiche in the Main Reading Room's Genealogy Reference Area. It has also been distributed to libraries, archives, and family history centres across Canada and in some parts of the United States. Refer to *Research Guide 205: How to Use the Ontario Land Records Index* for further information on how to use the index.

Once you have identified a settler or location of interest from the OLRI, there are a variety of options on how to proceed:

1. You can look up the original record on microfilm that is referenced by the OLRI to determine any more information or confirm the information found in the OLRI. However, this record often does not contain any information other than that found in the OLRI.
2. You can read the description of the referenced record in the ADD to determine if there are related records with more information about the land grant. This is especially the case for references to series of records that are *registers* of fiats or warrants (documents created in the process of land granting). There may be a corresponding sub-series of the copybooks of fiats or warrants that may contain further information on a particular settler.
3. If the settler received the land as a grant, you can look up the petition (application) the settler most likely submitted to the Crown to have received the grant.
4. If you wish to determine if the settler ended up owning the land, you can search for a land patent.
5. You can research the specific lot of land by using the following records: Township Papers (RG 1-58), Survey Notes and Diaries (RG 1-59), and Descriptions (RG 1-53).
6. If you wish to know the history of the buying and selling of a particular property, you can consult the Land Registry Office records.
7. In the OLRI, in cases where the type of free grant listed is COMM (granted through the Heir and Devisee Commission), you can consult the records of the Commission.

3. Applying for a Land Grant: Land Petitions

Settlers wishing to obtain a land grant had to submit a petition to the Crown stating the basis for their claim. Land petitions can be found predominantly in two series of records: Upper Canada Land Petitions (LAC RG 1, Series L 3) and Petitions for Land (RG 1-54).

Upper Canada Land Petitions, ca.1790-ca.1867

The series of the records called the Upper Canada Land Petitions were addressed to the Executive Council of Upper Canada and the originals are at the Library and Archives Canada. These records and their accompanying index are available on self-service microfilm in the Main Reading Room of the Archives of Ontario or through the Library and Archives Canada Interloan Service. Petitions submitted in Upper Canada are, for the most part, individual petitions, which often contain information about the petitioner and his or her family. Loyalists and discharged soldiers often mentioned the regiment in which they served. Sons and daughters of Loyalists gave their father's name. Civilian petitioners sometimes indicated their country or place of origin. Further information that can be found in some of the petitions is the following:

- arrival date in Canada;
- previous residence;
- date and place of birth;
- age;
- marital status and names of other family members;
- oaths of allegiance, and
- character references

The index for the Upper Canada collection includes references to two series:

Entries from the Land Books (RG 1 L1) indicate name, date, land book, and page number; and entries for Land Petitions (RG 1 L3) give name, place, date, bundle, and petition number (e.g., B12/43 indicates bundle B12, petition number 43). After consulting the index, refer to the list of microfilm reel numbers for the actual records:

List of Microfilm Reel Numbers for Index

List of Microfilm Reel Numbers for the Land Books

Lists of Microfilm Reel Numbers for the Land Petitions

Petitions for Land, 1827-1856

Between 1827 and 1856, some petitions were referred by the Office of the Lieutenant Governor to the commissioner of Crown lands. They are in the possession of the Archives of Ontario in RG 1-54, Petitions for Land. These petitions are arranged in alphabetical order and are available on self-service microfilm in the Main Reading Room and through the microfilm interloan.

Orders-in-Council, 1827-1904

If it is believed that a petition may have been filed but is found to be missing, it is worth consulting the Orders in Council (RG 1-50). Orders-in-Council were issued by the lieutenant governor, on the recommendation of the surveyor general or the commissioner of Crown lands, authorizing the sale, lease, or free grant of Crown lands.

Other Records

Other series also contain copies of petitions, the following of which have been identified as such:

Title of series / sub-series	Dates	Reference code
Correspondence and memoranda received by the Surveyor General's Office	1764-1800	RG 1-1
Register of memorials, petitions and letters referred to the Surveyor General's Office by Government House	1833-1836	RG 1-4
Crown land administration subject files	1790-1924	RG 1-9
Reports on petitions for grants of land prepared by the Executive Council by the Commissioner of Crown lands	1832-1835	RG 1-13-1
Lists of petitions or applications for land heard by members of the Executive Council	1824	RG 1-324

4. First and Second District Land Board Records

The records of the land boards of Upper Canada may provide useful information on an early settler. While many of these records dealing with individual settlers are indexed in the Ontario Land Records Index, it appears that, in the case of the Second District Land Boards, there is settlement information that is *not* indexed in the OLRI.

First District Land Boards

Two sets of district land boards existed in the Upper Canadian period. The first dated from 1789 to 1794. During this time, there were four administrative boards: Hesse, Nassau, Mecklenburg, and Lunenburg. They oversaw land matters in their districts and in general facilitated settlement in the districts by granting certificates of location to the early settlers.

The records include minutes, reports, correspondence, and instructions or regulations for the operations of the land boards. The Library and Archives Canada holds most of the records of the First District Land Boards. Their records contain a nominal index that identifies the name,

the volume and page, and the microfilm reel numbers corresponding to the records. On 6 November 1794 the land boards were abolished and land management was centralized through the Executive Council. To find out more about these records, please consult the Canadian Genealogy Centre's website. These records are also available in the Main Reading Room of the Archives of Ontario (consult inventory D 359).

The Archives of Ontario holds other records relating to the First District Land Boards, as listed in the following tables.

Title of series / sub-series	Dates	Reference code
Nassau District Land Board minutes	1788-1792	RG 1-177
Hesse District Land Board records	1789-1794	RG 1-178
Schedules, returns, and lists of certificates of occupation issued by magistrates, surveyors, and the First District Land Boards	1789-1816	RG 1-30
Upper Canada land board minutes and records diffusion material [contains records of First District Land Boards for the Hesse, Nassau, Lunenburg, and Mecklenburg districts, consisting of minutes, reports, instructions to the boards, and correspondence, which can be found at the Library and Archives Canada as RG 1, L 4].	[Microfilmed 19--], (originals, 1765-1804)	D 359

Second District Land Boards

Under an order-in-council dated 13 March 1819, land boards were again established in each of the districts of Upper Canada (with the exception of Niagara, where no grantable land was left) in order to expedite the process whereby settlers were located on land, since the abolition of the First District Land Boards was seen as slowing down the land-granting process. These land boards did not deal with applications from United Empire Loyalists or military claimants, who were responsible for going to York (Toronto), the colony's capital, in person. Instead, the boards handled applications from prospective settlers from the United States and granted land to these settlers if they could produce certificates of British birth. It also seems that the boards granted land to some post-War of 1812 immigrants as well.

The boards were required to record the applicant's age, birthplace, and date of entry into the province. Each applicant was required to supply a declaration that he or she had not previously received land from the Crown and to take an oath of allegiance. Once these terms and conditions were met, the applicant could be located upon a 100-acre lot after paying a fee provided to the board for the hearing. On 31 December 1825 the land boards were abolished.

The following series lists the settlers located by the Second District Land Boards. Although most of the records are not indexed in the OLRI (with the exception of RG 1-161-2-1), a number of the volumes in the series do contain nominal indexes.

Title of series / sub-series	Dates	Reference code
Second District Land Boards, returns of locations	1819-1826	RG 1-176
Fiats for land grants – Second District Land Boards	1820-1854	RG 1-161
List of locations to emigrants at the late land board, Bathurst District	1823-1824	RG 1-12-2-2

5. Settling Disputed Land Claims: The Heir and Devisee Commission Records

The Heir and Devisee Commissions were created by the government to settle disputes over who was entitled to receive the letters patent for a parcel of land. This issue arose in the Upper Canadian period when many individuals applied for and were located on land but did not go through with the process of actually obtaining the letters patent transferring ownership to them from the Crown. By the early 1790s, government officials were noticing that many location certificates had passed out of the hands of the original nominees to other individuals. In some cases, the original nominees had died without a will or had “devised,” or willed, their land to another person; in other cases, land certificates had been exchanged between or assigned to other individuals, or sold or mortgaged, sometimes several times over.

The Archives of Ontario's holdings of the Heir and Devisee Commission Records consist of a small number of records of the first commission (1797-1804) and most of the records of the second commission (1805-1911).

When to Use the Heir and Devisee Commission Records

Use these records when you know or suspect that there was a dispute surrounding the ownership of the land. You would also want to use these records when the Ontario Land Records Index refers to the type of free grant received as COMM, meaning Heir and Devisee Commission (RG 1-150-2, volumes 90–92).

The First Heir and Devisee Commission (1797-1805)

In 1797 the government created the First Heir and Devisee Commission. The commission acted as a Court of Equity, with jurisdiction to review and adjudicate claims to land in cases where letters patent had not been issued. Decisions of the commission could be appealed to the Executive Council, which also heard claims for larger tracts of land.

The Library and Archives Canada holds most of the records of the first commission (1797-1804) and some of the records of the second commission (1805-1911). These records are available on self-service microfilm in the Main Reading Room of the Archives of Ontario and through the Library and Archives Canada's interloan service. Consult Inventory D 352, *First Heir and Devisee Commission diffusion material*, in the Main Reading Room, or the Canadian Genealogy Centre's website for more information about these records.

The records of the First Heir and Devisee Commission do not contain a nominal index nor are there individual case files. The minutes and reports may contain some information on settlers.

The following tables contain references to records that are predominantly composed of material created by or relating to the First Heir and Devisee Commission. Please see the series descriptions for more information about these records:

Title of series / sub-series	Dates	Reference code
First Heir and Devisee Commission diffusion material	[Microfilmed 1981], (originals 1777-1854)	D 352 (inventory available in the Main Reading Room)
Eastern District Clerk of the Peace Heir and Devisee Commission claims books	1797-1803	RG 22-610
Minutes of search	1797-1806	RG 1-16-2

Title of series / sub-series	Dates	Reference code
Reports on land claims arising out of the First Heir and Devisee Commission	1797-1803	RG 40-2
Heir and Devisee Commission reports submitted to the Surveyor General	1802-1805	RG 1-15-1
Copies of Heir and Devisee Commission reports prepared by the Surveyor General	1797-1803	RG 1-15-2
Memoranda of undescribed land claims and related orders arising out of the First Heir and Devisee Commission	1803-1804	RG 40-1
[Register of] original nominees claimed under the First Heir and Devisee Commission	ca. 1808	RG 1-15-3
Miscellaneous documents collected by the First Heir and Devisee Commission	1796-1805	RG 40-3
Schedule of descriptions issued by the Surveyor General's Office which clash with Heir and Devisee Commission reports	1797-1804	RG 1-17

The Second Heir and Devisee Commission (1805-1911)

In 1805 new legislation was passed establishing what is generally referred to as the Second Heir and Devisee Commission. The Act specified the role of this commission to be that of affording "relief to those persons who may be entitled to claim lands in this Province as heirs or devisees of the lands" (*Statutes of Upper Canada*, 45 Geo. III, c. 2.). The new commission heard the claims of the heirs, devisees, and assignees of the original nominees. Supporting submissions included anything that had a bearing on the claimant's right to a particular lot of land, such as genealogical information about family relationships and individual land transactions. A separate report was prepared for each session of the commission. Within each report, each claim heard was assigned a unique number, beginning with the number one. In some cases a second application was made to the commissions by the heirs of the heirs of the Crown's original nominee. While the last meeting of the commission occurred in 1896, the commission was not formally abolished until 1911 with the passing of the *Ontario Act*.

Second Heir and Devisee Commission Database

To determine if someone made a claim to the Second Heir and Devisee Commission, use the searchable online database, which serves as an index to the 5,184 case files that document claims made to the commission. Detailed search results will provide information about a particular case file: the name or names of the applicant, the township or town of concern, the year of application, and the case file number. The search result will also show the microfilm reel upon which the case file is located. These reels are available in the Main Reading Room and on interlibrary loan, and they can also be borrowed through family history centres.

Determining who received land as a result of an Heir and Devisee claim is made difficult by the fact that it is the descendant of the original claimant who would have submitted a claim, and the descendant may not have the same surname. One way to determine the name of a claimant is by consulting the OLRI for the name associated with the lot of interest (if known), as well as checking the index to patents by township and the Abstract Indexes (part of the records of the Land Registry Offices) to get the name of the person who received the patent. With the name of the claimant, a search for the commission case file can take place.

Other Heir and Devisee Commission Records

The following tables contain references to records that are predominantly composed of material created by or relating to the Second Heir and Devisee Commission. Please see the series descriptions for more information about these records:

Title of series / sub-series	Dates	Reference code
Commissions of appointment to the Second Heir and Devisee Commission	1840-1879	RG 40-4
Correspondence and miscellaneous records of the Second Heir and Devisee Commission	1805-1891	RG 40-11
Certificates of search	1832-1872	RG 1-16-1
Reports or certificates of search submitted to the Second Heir and Devisee Commission by the Crown Lands Department	1844-1868	RG 40-8
Minutes of the Second Heir and Devisee Commission	1810-1895	RG 40-6
Indices to claims made to the Second Heir and Devisee Commission	[ca. 1850-ca. 1889]	RG 40-12
Second Heir and Devisee Commission case files	1804-1895	RG 40-5
Draft reports of proceedings of the Second Heir and Devisee Commission	1857-1891	RG 40-9
Heir and Devisee Commission reports submitted to the Inspector General	1823-1840	RG 1-18
Heir and Devisee Commission reports submitted to the Surveyor General	1802-1886	RG 1-15-1
Copies of Heir and Devisee Commission reports prepared by the Surveyor General	1811-1868	RG 1-15-2
Certificates documenting the fulfilment of settlement duties and the payment of fees on lands awarded by the Second Heir and Devisee Commission	1846-1848	RG 40-10
Lists of land claimed under the Second Heir and Devisee Commission	1805-1876	RG 40-7
Registers of fiats for land grants – Heir and Devisee Commission	[ca. 1800]-1854	RG 1-150-2
Individual fiats for land grants – Heir and Devisee Commission	1812-1854	RG 1-150-1
Western District Heir and Devisee notices and land claims	1838-1858	RG 22-1899
Eastern District Clerk of the Peace Heir and Devisee Commission claims books	1806-1812	RG 22-610

6. Promoters of Land Settlement: The Canada Company, Thomas Talbot, and Peter Robinson

Canada Company fonds (F 129)

Non-governmental records can also be a valuable tool in early land research. One such fonds is the Canada Company fonds (F 129). The London (England)-based Canada Company, established in 1825, was granted large tracts of land (approximately 2.5 million acres) in southwestern Ontario (much of which comprised the Huron Tract) during the 1800s which it then leased or sold for settlement. The principle aim of this company was to obtain land in Canada and to promote its sale to prospective settlers. It was also expected to build roads on its land to make the land more accessible.

Several series of records in the fonds can be used for family-history research. One series in the Canada Company fonds is the Canada Company registers of contracts and leases (F 129, Series B-3, Vols 19 to 41), which is indexed in the OLRI. The sale, lease, and deed number provided by this series allows one access to the books of sales, leases, and deeds, all of which provide more information on the property. Other series of records of the Canada Company fonds are applications for deeds (F 129, B-3, Vols. 42 to 48), registers of wills (F 129, A-5-13)

power-of-attorney files and burial certificates (both found in F 129, A-5-14, A-5-15 and A-5-16). For further information on how to access these series, see the series descriptions in Inventory F 129, located in the Main Reading Room.

In addition to its land business, the Canada Company acted as a remittance agent for its settlers when they wanted to send money to friends and family, and, acting in the same capacity, it arranged for money to be made available to settlers when they travelled outside Canada. The Remittance Books (F 129, C-7, vol. 1- 7) states the name of the settler who gave the money, the name of the place where he or she lived in Canada, the name and place of residence in Great Britain of the person to whom he or she was sending the money, the amount of money sent, and all relevant dates with regards to this transaction. For further information on how to access these series, see Inventory F 129. Some of the records from this series are also indexed in Ruth Holt and Margaret William's *Genealogical Extractions and Index of the Canada Company Remittance books, 1843-1847* (Weston, Ont.: R. Holt, 1990), available in the Main Reading Room's Genealogy Publications bookcase.

The Canada Company fonds also contains a significant amount of manuscript and printed township and town surveys. These plans may show the names of owners as well as details concerning the shape, size, and location of lots, and they are particularly useful when used in conjunction with the company's textual records. A listing of the plans is available in the F 129 inventory in the Special Collections Reading Room.

Thomas Talbot fonds (F 501)

In southwestern Ontario between 1802 and 1837, approximately one-half-million acres were entrusted to the control of Colonel Thomas Talbot, a successful and remarkable settlement promoter. Large portions of the so-called "Talbot Tract" remained unimproved by 1837, when the Talbot agency was transferred to the Crown. By this date, however, Talbot had managed to settle approximately 6,000 families in the present-day counties of Norfolk, Elgin, Middlesex, Kent, and Essex. The forty-nine Talbot town and township plans (F 501-1) held by the Archives of Ontario contain entries relating to the initial acceptance, retention, rejection, or replacement of settlers. Talbot pencilled in the names of settlers, and, in many cases, this information was subsequently erased or scratched out and replaced with the names of new locatees. Often a date, probably the date of location, appears beside the settler's name. Although settlers received their land patents from the Crown, Talbot reportedly exercised control over them. As with other township plans, clergy reserves are shown in grey, Crown reserves in red.

Also part of the Talbot fonds is a register or lease book (F 501-2) containing information relating to leases in ten townships in which Talbot oversaw settlement: Aldborough, Bayham, Charlotteville, Dunwich, London, Malahide, Southwold, Townsend, Woodhouse, and Yarmouth. This register is not indexed in the OLRI. See the series description for more information on this record and how to access it.

Records Relating to the Peter Robinson Settlers

In 1823, as a form of poor relief, the imperial government began a program to assist individuals from southern Ireland to immigrate to Canada. The settlement of these immigrants was entrusted to the civil administration of Upper Canada, and Peter Robinson, the brother of Attorney General John Beverley Robinson, was placed in charge of organizing and supervising the undertaking. He assisted with two waves of immigration. The first group of immigrants, arriving in 1823, were located largely in the townships of Ramsay, Huntley, Pakenham, and Goulbourn in the Bathurst District of Upper Canada. A second, much larger, group of immigrants was brought over in 1825, locating in townships in the Peterborough area, most notably, Douro, Otonabee, Asphodel, Smith, Emily, Ennismore, and Ops. Immigrants were given free transportation to Upper Canada, provisions during the voyage and for an additional year following their location on the land, and the tools and utensils required for settlement. Each male

immigrant between the ages of eighteen and forty-five was to receive a location ticket for seventy acres of land, with the option of purchasing an additional thirty acres at a later date.

The Archives of Ontario's Peter Robinson fonds (F 61) includes microfilmed records from the Peterborough Centennial Museum. Among this collection are lists of immigrants by ship (1823) and embarkation cards for 1825. There are also alphabetical lists of immigrants by township, giving birthplaces in Ireland; location lists specifying the tools, livestock, and clothing granted; and applications from intended immigrants, arranged alphabetically and often accompanied by letters of recommendation. Original records held by the Archives of Ontario contain correspondence from mostly, it seems, settlers whom Peter Robinson had assisted and who were now writing to him for additional help. For more information about these records, consult the inventory F 61 in the Main Reading Room, which contains a detailed list of the correspondence as well as copies of ship passenger lists. Note that the Peter Robinson settlers listed in this fonds are indexed in the OLRI.

Other records created by Peter Robinson are found among the Crown Land Records and are listed in the table below. Note that the records contained in RG 1-84-0-2 are indexed in the OLRI.

Title of series / sub-series	Dates	Reference code
Fiats for land grants – Peter Robinson settlers	1833-1862	RG 1-162
Returns of settlers in the Newcastle District	[ca. 1836]-1869	RG1-84
Records relating to the Peter Robinson settlers	[ca. 1823]-1835	RG 1-163

7. Township Papers

The series of Crown Land Records entitled the Township Papers (RG 1-58) consists of a miscellaneous collection of documents relating to land which were brought together by staff of the Department of Lands and Forests as a means of sorting and arranging otherwise unrelated land records. They date from ca.1783 to ca.1870. If an individual document dealt specifically with a particular piece of property and did not appear to fit within another records series, it was placed within the Township Papers. After the series was transferred to the Archives of Ontario, staff archivists continued to file miscellaneous material within the series. The Township Papers include copies of orders-in-council, location certificates and tickets, assignments, certificates of settlement duties, correspondence, and even some wills. The records are arranged by township, town, or village and, within each township, by concession and then lot number. Once you know the particular lot of land the settler was granted, it is worth looking at the Township Papers since there may be documentation among the records of the lot in question that will provide information about the settler. This series is available on interlibrary loan or in the Main Reading Room on microfilm.

8. Researching the Land: Descriptions, Surveyor's Notes and Diaries, and Crown Lands Correspondence

Descriptions

The Crown produced a description of the land after it had been granted to an individual or corporation. The series titled Descriptions (RG 1-53) can be consulted to determine the metes and bounds (boundary) of a particular grant of land as well as some (or all) of the following information: name of the grantee (or assignee); place of residence and profession; name of the original nominee; reason for the grant (e.g., as a discharged soldier); relationship between the nominee and the grantee; location of the lot granted (lot, concession, township); number of acres; details on clergy reserves; date of the order-in-council; date of location ticket; surveyor general's fiat number; warrant number; description number; and details regarding the

performance of settlement duties. The descriptions are arranged by the more than thirty different types of land grants and leases in existence at various times. See the sub-series descriptions for more information. Domesday Books (RG 1-63) can serve as indexes to the Descriptions as well as the Lists and Indexes to Descriptions in RG 1-53-1.

Surveyor Notes and Diaries

Another series of Crown Land Records that provide details of the land granted to a settler or corporation is the Crown Land Survey Diaries, field notes and reports (RG 1-59). Each surveyor was directed to keep a diary and a field book that documented vegetation cover, topography, and soil type, with remarks on the suitability of the land for agriculture. The records are grouped together by geographic location/general subject. The Archives of Ontario does not hold all the surveyor diaries and field notes. The Crown Surveys Office of the Ministry of Natural Resources, located in Peterborough, also holds a large volume of them. To access these records, contact the Ministry of Natural Resources in Peterborough.

Surveyor General and Commissioner of Crown Lands Correspondence

Correspondence of the surveyor general and his successor as commissioner of Crown lands can also be a valuable source of information about a particular piece of land or individual settlers or corporations in Upper Canada. Correspondence from and to the surveyor general/commissioner of Crown lands relates to all aspects of land administration and includes letters from individual settlers.

Much of the correspondence is arranged in chronological order. However, if the date of a possible piece of correspondence is unknown, a researcher can consult the Crown Land Papers Card Index available in the Genealogy Reference Area of the Main Reading Room. This catalogue indexes mainly records from the series Correspondence and memoranda received by the Surveyor General relating to surveys and land administration (RG 1-2), created between the late eighteenth century and 1868. It does not appear, however, that all correspondence created during this period was indexed. The Index provides a brief description of the piece of correspondence and a reference to the volume in which the correspondence is found. Among the index terms used are names of correspondents and the names of townships, counties, districts, etc.

Crown land correspondence can be found in numerous series of records. Some of the earlier correspondence is found in the following series:

Title of series / sub-series	Dates	Reference code
Correspondence and memoranda received by the Surveyor General's Office	1764-1800	RG 1-1
Correspondence and memoranda received by the Surveyor General relating to surveys and land administration	1777-1905	RG 1-2
Outgoing correspondence from the Surveyor General's Office	1792-1908	RG 1-3
Register of memorials, petitions, and letters referred to the Surveyor General's Office by Government House	1833-1836	RG 1-4
Outgoing correspondence from the Office of the Commissioner of Crown Lands	1827-1874	RG 1-6
Registers of letters received by the Commissioner of Crown Lands	1837-1869	RG 1-7

9. Maps and Plans

Maps and plans prepared for the Crown detailing land distribution in Ontario date to the eighteenth century. Maps produced by the Surveyor General's Office of the Department of Crown Lands are split between the Archives of Ontario and the Crown Survey Records Office of the Ministry of Natural Resources, located in Peterborough. The Crown Survey Records Office

retains the main group of Crown land maps, including original town and township surveys, road and exploration surveys, maps of Indian lands, resurveys of disputed boundaries, and the like. Maps and plans held by the Crown Survey Records Office are considered, for legal purposes, to be the first or the official map or plan. The Archives of Ontario holds largely those maps and plans considered for legal purposes to be copies. They can be accessed in the Special Collections Reading Room.

Survey Plans of Townships

Early survey plans of townships show the lot and concession gridlines. Often, however, plans were used as office or working copies and had additional information inscribed upon them. Crown and clergy reserves, swampy areas, and bodies of water were identified on township plans through the use of different colours of ink: grey for clergy reserves, red for Crown reserves, a yellowish green for swamps, and blue for water. Frequently, the names of occupants were superimposed on the survey grids.

Survey plans showing lots and concessions and additional information inscribed upon them will be found in the collection titled the Township Plan Collection (C 277) and the government series titled the Ministry of Natural Resources township survey plans (RG 1-470.)

Patent Plans

Patent plans (RG 1-100) are another important record created as part of the process of documenting the distribution of Crown lands. Patent plans show the status of alienation of Crown lands, that is, whether a lot was patented, leased, or under a licence of occupation. When a lot, or a portion of a lot, was patented, the name of the patentee (the grantee) was inscribed on the plan in the appropriate place. Sometimes, other information was recorded, such as order-in-council number, the licence of occupation number, or a lease reference. As with township plans, colours were used to distinguish Crown and clergy reserves. Patent plans are particularly useful when examined in conjunction with textual records such as land petitions and the index to land patents, since names mentioned on a particular lot of land on a patent plan did not guarantee that the person received the patent. There are approximately 5,600 patent plans. The patent plans are listed in Inventory 1 Appendix A30, titled the "Vault Index" by the Department of Lands and Forests, which is available in the Main Reading Room and the Special Collections Reading Room. The Domesday Books (RG 1-63) are also referenced with this Index.

10. Acquiring Ownership of the Land: The Patent

To determine if a settler received the official title of land from the Crown, a researcher can consult the land patents. The Crown issued the patents once the administrative fees were paid and the settlement duties were completed. Land Patent Books, 1793-1984 (RG 53-1) contain copies of letters patent. Indexes to the patent books include the Index to land patents by township, 1793-1852 (RG 53-55) and the Index to land patents by name, 1826-1967 (RG 53-56); they are available on self-service microfilm in the Main Reading Room and through microfilm interloan. The Indexes provide the name of the patentee, the date of the patent, the lot and concession number, the township, the type of transaction, the liber (book) and folio (page) numbers where the patent was located in the original patent books, and the number of acres obtained. The patent books themselves tend not to provide further information on the settler.

11. Land Registry Office Records

Once the patent for a particular lot of land is issued, any future transactions regarding that piece of property will be documented in the Land Registry Offices. A land registry system was established in Ontario in 1795 to document land ownership. Under this system, land transactions

are registered in county, district, and regional LROs. A variety of records have been produced documenting the transfer of ownership from and to individuals or corporations. To find out more about these records, please consult the Research Guide 299, Sources of Family History.

12. Further Reading: Resources on Early Land Settlement

Books

- Clarke, John. *Land, Power, and Economics on the Frontier of Upper Canada*. Montreal and Kingston: McGill-Queen's University Press, 2001.
- Coleman, T. *Canada Company*. [Stratford, Ont.] : Published by the Corporation of the County of Perth in Co-operation with the Perth County Historical Board and Cumming Publishers, 1978.
- Gates, Lillian F. *Land Policies of Upper Canada*. Toronto: University of Toronto Press, 1968.
- Merriman, B.D. *Genealogy in Ontario*. Toronto: Ontario Genealogical Society, 2002
- Winearls, Joan. *Mapping Upper Canada: 1780-1867*. Toronto: University of Toronto Press, 1991.

Published Articles

- Elliott, Bruce S., and Fawne Stratford-Devai. "Upper Canada Land Settlement Records: The Second District Land Boards, 1819-1825." *Families* 34, no. 3 (1995): 132-37.
- Gundy, H. Pearson. "The Family Compact at Work: The Second Heir and Devisee Commission of Upper Canada, 1805-1841." *Ontario History* 66, no. 3 (1974): 129-46.
- Kennedy, Patricia. "Deciphering the Upper Canada Land Books and Land Petitions." *Readings in Ontario Genealogical Sources*. Oakville, Ont.: Conference on Ontario Genealogical Sources, 1979: 41-64.
- Mezaks, John. "Records of the Heir and Devisee Commission." *Families* 16, no. 4 (1977): 199-206.

Archival Documents

Title of series / sub-series	Date	Reference code
Reports relating to the Surveyor General's Office made to the Commission to Investigate and Report to the Public Departments	1839	RG 1-12-3

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