

Land Registry Copy Books
Real Property Registration Branch
Ministry of Consumer and Commercial Relations
Government of the Province of Ontario

TITLE PAGE

Date	1796-1955 (inclusive)
Description	800 linear meters of textual records (1145 volumes)
Accession Number	94-005
Access	Collection is open for research.
Reproduction	No reproduction is allowed, however photographs are allowed without use of a flash.
Custodial History	The registers were kept at the Land Registry Office until the early 1970's when they were shipped to the Archives of Ontario. In the fall of 1983, the books were transferred to the University of Windsor Archives, where they remain on permanent loan. An additional ten volumes of early records were transferred from the Registry Office to the Archives in July 1997.

NOTE: Eleven volumes still remain at the Land Registry Office, including "Old Records A" (1796-1805).

INTRODUCTION

This finding aid was created as a result of a research project that was conducted in order to study the record group collection of the Essex County Land Registry Copy Books (1796-1955) held at the archives. The study included background research into the history of the Land Registry Office and the legislative statutes which mandated land registration in Ontario.

HOW TO USE THIS COLLECTION

Each book has been given a University of Windsor Archives accession number. The Essex County Copy Books have been given accession numbers beginning with a "1", then each book has been numbered sequentially. They are arranged on the stacks by these numbers. To locate the number of the book you are interested in, consult the card catalogue. Each book has been indexed by series and municipality, and will indicate the dates covered, the instrument numbers and whether or not the book contains an index.

Since many of the volumes are not indexed, to best utilize the Area Series Copy Books, it is necessary to know either the year in which the property was purchased, or the lot and concession number of the property.

1) If you know the lot and concession number, check the Abstract Index to Deeds ("Abstracts"). These can be accessed at the Land Registry Office in Windsor, or on microfilm either at the Archives of Ontario

or on loan through your local LDS Family History Center. Check the abstracts (arranged by lot and concession number) to locate the date of transaction and instrument number for the land owner. The abstracts will give a one line history of the legal transactions affecting each parcel of land going back to the patent from the Crown.

2) Check the card catalogue at the University of Windsor Archives to locate the book number for the volume that contains the instrument number you are interested in. The archival assistant will then pull the book for you. (The Copy Books have also been microfilmed by the Registrar and these films are available at the Land Registry Office, however cannot be photocopied there. Microfilm copies can also be ordered through the LDS Family History Centers, and are also available at the Archives of Ontario in Toronto.)

3) If you do not know the lot and concession number, check The Land Records in Ontario for some suggestions on how to locate this information. It is possible to search the Copy Books without this information, however many of the books are not indexed. This would result in searching the books page by page to locate the name of the land owner. If you know the approximate year in which a transaction took place, this would help you to narrow down your search.

SCOPE AND CONTENT NOTE

The record group consists of large volumes of memorials and indexes of all registrations pertaining to the ownership of land in Essex County, Ontario after the Patent from the Crown. The Copy books described in this inventory cover registrations from the years 1796 to 1955 and total approximately 800 linear meters (1145 volumes). They are a part of Record Group 61 - Real Property Registration Records at the Archives of Ontario and are on permanent indefinite loan from the Archives of Ontario.

SERIES LEVEL DESCRIPTION

The Record Group is divided into three series: the Area Series, the General Register Series, and the Miscellaneous Series.

I. Area Series

The Area series include memorials of instruments from 1796 -1955, and consist of all types of land transactions, including bargain and sales, quit claims, mortgages, and deeds. Earlier transactions often took place several years prior to the actual enregistration of the memorial at the Registry Office. Instrument #432(Old Records B) is an example of a Bargain and Sale dated 29 Aug 1799, that was not registered at Sandwich until 20 Jan 1809. Additionally, a memorial could have been registered outside Essex County, but by statute, had to be brought to the Registrar to be entered in the copy books with at least one witness who could swear oath that he or she saw the same executed. The Registry Act of 1795 also required that memorials of all wills shall be registered within six months after the death date of the deceased. Even though the Registry Act only required the registration of memorials, the "Old Records" copy books (which date from 1796 - 1846), contain a wide variety of registrations including court judgements for trespassing or lands sold by the sheriff for arrears of taxes due. For a more complete list, see Types of Documents.

The more recent Area Series copy books begin to reflect the more structured and organized systems set forth by amendments to the Registry Act. For example, after the amendments of 1825, memorials were registered for deeds of gift, lands sold at public auctions, deed polls and release of dowers. After the 1865 amendments, the Area Series copy books included deeds to trustees for religious institutions, property for grammar schools, order of decree for alimony and declaration of the formation of Library Associations and Mechanics' Institutes.

Some of the copy books have indexes in the front of the volumes, although none of the "Old Records" are indexed. As the books come forward in time, they become more completely indexed. There are also more incorporations and many more lease agreements, particularly as oil companies began to move into area municipalities. In Colchester for example, a large number of lease agreements were made between Imperial Oil Limited and private land holders. The Area Series copy books directly mirror the influx of population growth and industry into Essex County, as well as the changes to the land registration system in Ontario.

II. Miscellaneous Series

These were copy books relating to a variety of transactions such as bylaws, deposits, bankruptcies, partnerships, joint stock ventures and judgements which began to be recorded in separate volumes after the 1865 amendments. Each of these copy books contain a wealth of information. To illustrate, bankruptcies could include the bankruptcy of an individual or a company. Certificates of partnership were registered for butchers, plasterers and wholesale egg merchants, while partnership deeds recorded partnerships in the trades of carpenters, cabinet makers and undertakers.

The card catalogue lists the first volume "Judgement Book A" as never having been received from the Registry Office. Additionally, one of the "Old Records" volumes, which is not lettered, contains judgements numbered 305 - 445 and "Judgement Book B" begins with number 584, so there are two gaps in the registration of judgements - one from instrument numbers 1 - 304, and from 446 - 583. It is possible that these copy books have been lost, or that these instruments are contained within other copy books, and have not been located to date.

III. General Register Series

The third series of copy books is the General Register Series, which also began with the Registry Act of 1865. This series is the most straight-forward and contains wills and letters of administration that were recorded at the Registry Office since most probates dealt with the transfer of land. The Treasurer of the County or City was to provide a General Registry book to be used for the entire county, not by municipality. These registrations list the name of the deceased, and often the death date, as well as a description of the property, both real and personal, that was to be dispersed among the heirs.

PHYSICAL CONDITION

The Copy Books are very large, bound volumes, and are generally in good condition. Even though some of the pages are brittle, they are still intact, and the writing is legible. Many of the oldest volumes have deteriorating bindings, and some pages are loose. Most of the books are stored on shelving units in the University of Windsor Archives, located in the basement of the Leddy Library. Due to space constraints, a large number of the older volumes are located in the shipping area, also in the basement of the

Library. The records are open for research, however due to the size and condition of the books, photocopying is not permitted. Photography is allowed in the Archives as long as a flash is not used.

RELATED RECORDS

The Ontario Archives Computerized Land Index is available on microfiche on the fourth floor of the Leddy Library. This is an index of some Crown Land records at the AO. Crown Land relates to property before the patent was issued by the government, while the Copy Books contain records after the patent has been issued to an individual. This index may be helpful in locating the lot and concession number for an individual who received a patent from the Crown. There are no related records at the University of Windsor Archives, however, the Abstract Indexes are on microfilm at the Land Registry Office in Windsor, and can be accessed there. The original plans of survey are also at the registry office, while the plat plans have been transferred to the Hamilton LRO. Post-1955 copy books are located at the Registry Office and can be viewed there.

Microfilm copies of the copy books from 1796 -1876 are available at the Archives of Ontario, and also on loan through the LDS Family History Centers. Microfilm copies of the 1754 -1796 land records (pre-Registry Act) are available at the Burton Historical Collection, located in the Detroit Public Library.

ADMINISTRATIVE HISTORY

I. Background History of the Land Tenure System in Ontario

After the Treaty of Paris in 1763, British territory included the Colony of Quebec with boundaries that encompassed what would become Upper Canada, and later, Ontario. The British Crown ruled the territory while French civil law continued to influence the system of land ownership. Following the American Revolution, there was an influx of United Empire Loyalists to the country. This brought demands for a system of land tenure based on British custom and common law. Governor Haldimand's initial plan of settlement was to create townships six miles square, yet there was no standard for laying out lot sizes, and even some townships varied with no regular classification. In Essex County, for example, Sandwich Township on the Detroit River was laid out with long, narrow lots to accommodate the French settlers.

In early 1789, Lord Dorchester established land boards in each of the four districts to monitor land ownership and help expedite the settlement process. The land board for the District of Hesse met at the Council Chamber of Detroit. In 1791, the Colony of Quebec was divided into the two provinces of Upper and Lower Canada, and the Crown Lands Department began to issue the patents for previously allotted lands of the loyalist settlers. Once loyalty to the British Crown was determined, settlers were allotted lands with the allotments described on location tickets. On 15 Oct 1792, British Parliamentary law changed the names of the four districts, and Hesse became the Western District. Settlers soon began trading tickets to increase their holdings or obtain more suitable locations, which led to lands frequently changing hands. By 1794, the land boards were abolished, and surveys were made under the direct supervision of the Surveyor General or his Deputy.

II. History of the Land Registry Office

In August of 1795, the Fourth Session of the First Parliament of Upper Canada passed the Registry Act of 1795. Under the newly established Registry Act, a registry office for each county and riding was established, and in 1796, a regulated system was instituted. In 1796, British administration was transferred to the Canadian side of the Detroit river where Sandwich became the capital of the Western District in Upper Canada. Richard Pollard, who lived at Detroit, was appointed Sheriff in 1792, Registrar in 1793, and Registrar of Surrogate Court in 1794, acting in many capacities for the people of the district. In 1796, Pollard was appointed the first Land Registrar for Essex County, and on 16 Mar 1796, the first registered memorial for Essex County in the Western District of Upper Canada was signed at Detroit.

In 1796 when the British began to vacate Detroit, residents were given one year in which to decide their loyalties. Many residents owned land on both sides of the river and merchants continued to buy and sell land on both sides of the river as if there was never any political division. In the late 1790's, the early registrations were still being registered at Detroit. It appears that all government functions were performed in one central location, particularly as Pollard was himself performing many of the government functions. As early as 1796, land was reserved in the heart of Sandwich for the Court House and Jail purposes. This accounts for the fact that all the different county buildings have stood on the same spot in Sandwich. When Sandwich became the county seat in 1796, officials were allowed to bring an old block storehouse from Chatham to be used as a "gaol and courthouse". This building was erected at Sandwich in 1797, however, burned when nearing completion late the same year. Circa 1800, the first brick court house and jail were erected on the same ground currently occupied by the prison in Old Sandwich Towne. The second court house was built in 1855, and is known today as Mackenzie Hall. During 1870-1871, the original brick courthouse and jail were torn down and a more modern prison was erected in its' place. In 1876, a contract was issued to build a new stone Registry Office in Sandwich, located on Bedford Street, in between the old courthouse (Mackenzie Hall) and St. John's Church. In 1978, the provincial government built the Ontario Government Building in Windsor, and the registry office was relocated there.

III. Land Registrars of Essex County

The first Registrar of Essex County was Richard Pollard who had come from England and settled at Detroit in 1782. He served as Registrar from 1796-1824, and was succeeded in turn by John Hands (1825-1830), James Askin (1831-1858), John A. Askin (1859-1875), J. Wallace Askin (1876-1913), Hon. Dr. J.O. Reaume (1914-1933) Thomas Edward Green (1934-1944) and Dr. Paul Poisson (1944-1959).

CHRONOLOGY

- 26 Sep 1760 France surrenders the Lakes Region to the British.
- 20 Sep 1783 The boundary between the U.S. and British North America is drawn at the center of the Lakes and the connecting waters. The communities of Oswego, Niagara, Detroit and Mackinac are now part of the United States. The British remain at Fort Detroit for thirteen more years.
- 24 Jul 1788 Four districts were named in British North America. Lord Dorchester determined that the western limit of the Hesse District included Detroit and all lands lying west of the Great Lakes. The Township of Sandwich was formed.

- Early 1789 Lord Dorchester appointed land boards for each of the districts to help expedite the settlement process.
- 26 Dec 1791 Canada was legally divided into Upper and Lower Canada.
- 16 Jul 1792 Richard Pollard was sworn in as sheriff.
- 26 Jul 1792 Lieutenant-Governor Simcoe proclaimed the boundaries of Essex County.
- 15 Oct 1792 Parliament changed the names of the four districts; Hesse was changed to the Western District. Deputy surveyors were appointed for each of the districts.
- 1793 Richard Pollard was appointed Registrar of the counties of Essex and Kent.
- 1794 Pollard was appointed Registrar of the Surrogate Court.
- 9 Sep 1794 Walter Roe was appointed the first Clerk of the Peace.
- 6 Nov 1794 The land boards were dissolved; from now on surveys were made under direct instructions from the Surveyor General or his Deputy.
- 10 Aug 1795 The first Registry Act was passed by the Provincial Parliament.
- 21 Aug 1795 Simcoe's proclamation directed all holders of certificates or tickets of occupation to deposit them with the Clerk of the Peace of the District.
- Jan 1796 The last Court of Quarter Sessions was held in Detroit.
- 16 Mar 1796 The first memorial for Essex County was registered and signed at Detroit.
- 3 Jun 1796 The "Exodus Act" required the departure of British authority from Detroit to Sandwich.
- Aug 1796 Michigan was ceded to the United States.
- 1796 Sandwich (also known as South Detroit) was made the county seat.
- 18 Jan 1802 Detroit was incorporated.
- 7 Jun 1802 Richard Pollard turned over his duties as sheriff to William Hands.
- 1808 Pollard appointed Hands Deputy Registrar for Essex, Kent and Suffolk counties.
- 1818 The U.S. Land Office opened in Detroit.

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