

## SAVING ONTARIO'S LAND REGISTRY RECORDS

Some years back the Ontario Ministry of Consumer and Commercial Relations (MCCR), which is responsible for Ontario's 200-year-old land registry system, announced plans to automate the land registration process: a forward-looking administrative decision, but bad news for those who use Ontario's land registry records for historical research. Land records are essential sources for exploring such topics as land settlement, urban and suburban development, family economic strategies, inheritance, indebtedness, and speculation. The decision was made to automate the records of the last forty years of transactions; the paper records from before that time were declared superfluous and were microfilmed, the microfilms being declared the legal record. The pre-1867 documents (officially "instruments") were taken by the Archives of Ontario (AO); the 1868-1955 records were scheduled for destruction.

In the late 1980s the Ontario heritage community organized a strong lobby to prevent this destruction, concerned, in part, that the microfilming was substandard. The major provincial heritage groups and the academic community were represented on an Advisory Committee which in 1990 secured a five-year moratorium on destruction. Given the fiscal constraints of the day, few of the committee's recommendations were implemented and the five years stretched into seven. The copybook microfilms *to 1900 only* were assessed by the Latter-Day Saints (Mormons) who judged one-third of the films to be substandard and refiled them; the state of the post-1900 copybook films, and all the instrument films, can only be surmised.

These records are incredibly voluminous and their removal *in toto* to the Archives of Ontario was held not to be a realistic option. Late last year it was proposed that local repositories be given until June 30, 1997 to agree to take *all* the 1868-1955 documents, including abstract index books no longer in use, with removal to be completed by the end of 1997. All records not so claimed would be destroyed.

Unfortunately the situation proved even more serious than was at first appreciated. It was pointed out to the Archives of Ontario only late last year that the county Land Registry Offices have historically been the repositories for much more than land registration documents. They were originally called simply Registry Offices and the were, for example, the place where marriages were registered between 1858 and 1869. Though the copybooks of marriages were withdrawn in the 1890s by the Registrar General's Office and have been in the Archives of Ontario for many years, some volumes were lost. Some of these volumes can be reconstituted from the original clergymen's returns, which were given instrument numbers and interfiled with the deeds, where, in many instances, they remain.

This discovery led to informal discussions amongst a number of users of Land Registry Offices (LROs), who compared notes on what they had seen and began researching the statutory responsibilities of the Offices. They discovered that the Offices registered a variety of documents at various times under statutory mandate, and that the Offices were also used to varying degrees by local government and even by individuals as secure places of storage for an idiosyncratic array of documents and items. The statutory category includes marriages, civil court judgments, business partnerships (the only other class of records the Archives of Ontario called in, though they missed some) and incorporations of cheese and butter manufacturing companies, public libraries, mechanics' institutes, and co-operative associations. Material occasionally found includes chancery court records, debenture registers, applications for marriage licences, registers of cattle marks, naturalization records, voters' lists, and registers of shipping. Among the most interesting records discovered are orders of protection for married women. These were granted under 1859 legislation that empowered police magistrates to deny abusive husbands their usual claims on their wives' income; so far these have been discovered in at least three offices, nearly 100 of them in one office alone. Some of these documents constitute separate series; others were interfiled with land deeds.

The existence of so many unique documents apart from typical land transfer instruments was not appreciated by the 1990 Advisory Committee, nor was it the understanding of the Archives of Ontario or the MCCR. Though the Archives has examined thoroughly most of the county courthouses and collected numerous series of documents for centralized retention, the Archives accepted the common assumption that Land Registry Offices contained only land records and *never inventoried their holdings*. Now at the last minute it had neither the staff nor the resources to undertake the task.

The individuals who first reported the variety of records to be found in the Land Registry Offices responded to the crisis by organizing as the Association for the Preservation of Ontario Land Registry Office Documents (APOLROD), which has since been provincially incorporated. Negotiations with the relevant government agencies secured a stay of execution for the locally-held instruments, registers, and indexes until July 1999, and it was agreed that by June 1998 APOLROD volunteers would prepare inventories of the holdings of the LROs upon which distribution and retention decisions could be based. APOLROD was established only in January 1997 but its membership has climbed to nearly 1200, making it one of the largest heritage organizations in Canada. Inventories have begun in all fifty-five LROs, and a number have been completed.

The most pressing problem that remains is to find repositories willing to accession the instruments and abstract index books that will not be going to the Archives of Ontario. Homes must be found for these no later than July 1999. APOLROD would be grateful if CHA members would help publicize this project by impressing upon local repositories, such as university libraries and archives, and local museums, archives, and heritage associations, the importance of these records, and the necessity of finding local repositories willing to take the material into their holdings. Associations or repositories interested in this material *must* write to the local Land Registrar expressing that interest. The letter is not binding, but it must be written for the institutions to be considered when the distribution is made. The APOLROD exercise is a salutary example of productive cooperation between government agencies and members of the greater public interest in the preservation of historical records, but much remains to be done.

Further information, including the names and addresses of the local Registrars, is available on the association's website at <http://www.globalgenealogy.com/apolrod.htm>. Persons wishing to help with local placement may contact APOLROD's president Ruth Burkholder at [rburk@platinum1.com](mailto:rburk@platinum1.com) (Tel. 905 640-7391) or vice-president Fawne Stratford-Devai at [devai@fhs.mcmaster.ca](mailto:devai@fhs.mcmaster.ca) (Tel. 905 572-7044) to be put in touch with the local APOLROD team leader. Useful expressions of support may be made by sending a \$5 membership fee to APOLROD, 251 Second Street, Stouffville, Ontario L4A 1B9; because all efforts are voluntary, donations to help cover expenses are most welcome.

*Bruce S. Elliott*  
(Carleton University), Provincial Director, APOLROD

## PRIZES/PRIX

The American Historical Association and the Canadian Historical Association announce the **Albert B. Corey Prize in Canadian-American Relations** for 1998. Sponsored by the two associations, the Corey prize will be awarded in January 1999 at the annual meeting of the American Historical Association for the best book dealing with the history of Canadian-American relations or the history of both countries. Books bearing an imprint of 1996 or 1997 are eligible for the 1998 prize. **Deadline:** May 15, 1998. Entries not in the hands of all committee members by that date will not be considered. One copy of each entry must be received by each of the following:

**Note: Important! All entries must be clearly labelled "Corey Prize Entry"**

*Recipients will be announced at the January 7-10, 1999 AHA Annual Meeting in Washington D.C.*

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L'American Historical Association et la Société historique du Canada annoncent le prix Albert B. Corey 1998, qui souligne les ouvrages sur les relations canado-américaines. Parrainé par les deux associations, le Prix Albert B. Corey sera décerné en janvier 1999, lors de l'assemblée annuelle de l'American Historical Association, au meilleur livre traitant de l'histoire des relations canado-américaines ou de l'histoire des deux pays. Les ouvrages imprimés en 1996 et 1997 sont admissibles au Prix de 1998. **Date limite de dépôt des candidatures :** 15 mai 1998. Les inscriptions qui ne seront pas parvenues à tous les membres du comité à cette date ne seront pas retenues. Chacun des membres du comité (liste ci-dessous) doit avoir reçu un exemplaire de chaque candidature d'ici la date limite.

**Note : Les candidatures doivent porter clairement la mention « Candidature Prix Corey »**

*Les noms des gagnants seront dévoilés au congrès annuel de l'AHA qui aura lieu à Washington DC du 7 au 10 janvier 1999.*

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