

Land Registration In Niagara North, 1792-1978

BY D. W. BAIRD

This article is reprinted from the March 1978 issue of "The Land Registrar."

The Registry Division of Niagara North (formerly Lincoln) can fairly claim to be the first in Ontario.

In 1779 the nearest settlement to Niagara was Fort Niagara on the east side of the mouth of the Niagara River. Haldimand, the Governor-General of Canada, who was concerned about provisioning Fort Niagara as well as the maintenance of the refugees from the American Revolutionary War, suggested that lands the government had bought from the Indians, on the west side of the Niagara River, be divided into plots for farming. The land was to remain government property while providing rent free homes to Loyalist farmers, they in turn providing food to the Fort.

By 1782 there were sixteen families established in the new colony, named Butlersburg (now Niagara-on-the-Lake). As it became evident that this new land was to be their future home, the Loyalists became dissatisfied with their insecurity of land tenure, and petitioned for the granting of leases. On the 16th of July 1783 the King approved the surveying and granting of lands.

As more families crossed the River after the war they were obliged to take an oath of allegiance and then allowed to occupy land. It appears that for the first few years they were merely allowed "squatter's rights". In 1789 a Land Board was appointed by the Crown. They secured a surveyor — Augustus Jones, to draw a map of the various Townships, examined the loyalty and character of persons claiming a settlement, and specified the quantity of land the applicants were entitled to.

In 1791 agitation by settlers, accustomed to the British tradition of Parliamentary Rights, accomplished the passing of the Canada Bill in the House of Commons establishing constitutional government in British North America. The Act divided Canada into two parts and Col. John Graves Simcoe, former commander of the Queen's Rangers was appointed the first Lieutenant-Governor of Upper Canada.

Simcoe issued a proclamation on the 16th July 1792 at Niagara dividing

Upper Canada into nineteen counties. Later, in 1798, Upper Canada was divided into eight districts and twenty-three counties.

Lincoln County, when established by Simcoe, covered a much greater area than Lincoln as we knew it recently. Originally it included Lincoln, Welland and five townships south of Dundas Street, now in Wentworth. This area plus the County of Haldimand made up the District or Niagara.

The first legislature for Upper Canada met at Niagara in September 1792, and in their fourth session they passed an act for the public registering of wills, deeds, and other encumbrances on land. This was the beginning of our land registration system. At that time the original instruments were not registered, but rather a "memorial", attesting to the fact that a conveyance or mortgage had been given, was registered.

The fifth act of the new Parliament provided for the construction of a Court House in each district and presumably the Court House built in Niagara included the Registry Office.

During the war of 1812 all the buildings in Niagara including the Court House were burned by the Americans. All registry office records were destroyed except for two memorial copy books which we still have in our office. The books are of high quality hand-made paper, in which you can readily see the watermark giving the paper maker's name and the date it was made — 1794. The paper, in spite of its age is still sound and serviceable.

After the war Commissioners were sent out through the District to obtain copies of deeds or other documents owners might have in their possession. There are two of these Commissioner's Books in our office.

A new Court House was built in Niagara in 1816 and another larger and better in 1847.

In 1851 the Niagara District was divided into the Counties of Lincoln, Welland and Haldimand, with the District, government being divided in 1856 and moved to the respective county seats. Niagara remained the county seat for Lincoln until St. Catherines won the

honour. St. Catherines Town Hall built in 1848 became the County Building in 1862 and continues to be used as the Court House today. A Registry Office was built in St. Catherines at that time at the corner of King and Chestnut (now Carlisle) Streets. Recently torn down, it was solid brick with walls some sixteen brick thick. It continued in use until 1923 when a new building was built at the corner of King and Ontario streets. This building, a fine piece of architecture, looks outwardly like a miniature castle. It has walls of hollow tile faced with brick both inside and out. The roof is reinforced concrete a foot thick. Coats of arms and other designs from England were used in the stained glass windows. Crude 'bubble-glass' was used in imitation of ancient glass used in old buildings in England. On a cornice is a copy of the Lincoln Imp from Lincoln Cathedral. This building was the Registry Office until January 1974 when the office moved to rented space in the Landmark Building, at 43 Church Street.

Our modern office presents some interesting contrasts with the ancient documents it contains. A hundred-year old file entitled "Mortgages on Vessels" has mortgages, assignments and discharges relating to ships, their keels, and propellers. They are probably the forerunners of today's Chattel Mortgages. The fine quill penmanship is replaced by the typewriter. Until 1950 the Registrar was paid on a fee basis out of the office revenue. Legend has it, that a Registrar of the early 1900's paid three thousand dollars to obtain his appointment. This would be equivalent to one year's income.

The first Registry Office in St. Catherines which was in use until 1923 had a counter for the public to search at about the size of a standard desk. Today's office has fifty feet of counter space plus tables seating sixty-four for title searching.

While today's records are more detailed, more complex, and more precise than those burned in the War of 1812, they serve the same purpose, that is to record ownership of land and encumbrances against it.

LAND REGISTRARS

1800 - 1827 . . .	John Powell
1827 - 1844 . . .	John Lyons
1844 - 1882 . . .	John Powell
1882 - 1901 . . .	J. G. Currie
1902 - 1927 . . .	C. E. Fisher
1927 - 1931 . . .	Horton E. Byrnes (Acting Registrar)
1931 - 1949 . . .	W. D. Fairbrother
1950 - 1964 . . .	Horton E. Byrnes
1964 - 1973 . . .	L. G. Brittain
1973 - . . .	D. W. Baird