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Heir & Devisee Commission, Upper Canada, 1777-1854.

This series has ~~not~~ been filmed by PAC *Indexed Summer '81*

*Claims Case Files, Series 1 forms the bulk of
PHC's collection*

Minutes, reports and recommendations of the Heir and Devisee Commission, together with notices of claims and various supporting documents (bonds, certificates, location tickets and the like) were forwarded with the reports to the Executive Council, where further records were created in response to the reports or as a means of controlling the documents on file. The majority of the documentation dates from the period 1797-1804, but some supporting documents bear dates as early as 1777 and reports were received until 1797.

The Heir and Devisee Commission was established in 1797 under the statute 37 Geo. III, cap. 3, to clarify the titles to lands in Upper Canada which had been granted before provision was made (in 1795) for the issuance of patent deeds on Crown grants. The life of the Commission was extended in 1799 (39 Geo. III, cap. 2) and alterations in mode of operation made in 1802 (42 Geo. III, cap. 1). A major revision of the composition, powers and duties of the Commission was effected in 1805 (45 Geo. III, cap. 2) and the three-year term was extended by further statutes until 1911.

Members of the Executive Council were ex-officio members of the first Commission and the supporting documents as well as reports on claims were maintained by the Clerk of the Executive Council on their behalf. After the reorganization of 1805, only reports were forwarded to the Council Office. With the exception of certain special cases, claims and supporting documentation on them were kept by the Commissioners' staff and eventually were deposited at Osgoode Hall in the custody of the Registrar of the Supreme Court of Ontario. In 1952, the records were transferred to the Archives of Ontario, where they now form Record Group 40 of that institution.

The records retained in the Executive Council Office are now arranged in sub-series by district, then by type of document and chronologically, alphabetically or numerically within that. The Commissioners' Reports after 1805 form a separate sub-series. The Shelf List which follows serves as the primary guide to the records. Many of the Commissioners' Reports are indexed and may serve as a means of access to the other records when used in conjunction with the Shelf List. Some of the volumes of supporting documents contain rough lists of contents, supplementing the arrangement by date, personal name or claim number.

For claims submitted after 1805, the researcher is best advised to consult the Archives of Ontario first, since in the vast majority of cases only the Commissioners' report on the claim will be available here.

The complete series was microfilmed in 1981 by the Genealogical Society of Utah. For conservation purposes, the originals have been withdrawn from circulation. RESEARCHERS MUST USE THE MICROFILM. The rules set for making photocopies of land petitions apply to this series as well.

first revised July 1973; reboxed and relabelled February 1981; retyped 28-7-77 & 27-2-81; microfilm accessioned 1-12-81

TO DO: describe uses of indexes to the Reports in relation to claims; establish correlation between PAC and OA records, if possible; consider indexing of supporting documentation (esp. vols. 52-79A)

P. Kennedy

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ARRANGEMENT
DESCRIPTION

MICROFILM
&
PHOTOCOPIES

H-1133 - H 1153

¹ 21.00/reel
2 reels
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<u>District</u>	<u>Dates</u>	<u>Title or description of records</u>	<u>Volume</u>	<u>Pages</u>	<u>Reel</u>
	n.d. (pre-1804)	Index of location certificates issued by the Land Boards -- arranged alphabetically, sub-divided by district	1	1-46	H-1133
EASTERN	1797-1802	Reports of the Commissioners, with the Surveyor General's reports thereon, with an incomplete index	4	1-185, index	H-1133 H-1133
"	1803-1804	Reports of the Commissioners, with the Surveyor General's reports thereon and some Orders-in-Council for the issuance of his descriptions of the lands claimed	2	1-110b	H-1133
"	n.d. (1803 ?)	Report of the Commissioners (folios 1-4 and endorsements missing)	3	5-28	H-1133
"	c. 1809-1841	Notices of claims, received but disallowed or unresolved -- arranged alphabetically by name of claimant, with a list of names	5	1-107b	H-1133
"	to 1804	Location certificates submitted in support of claims -- arranged alphabetically by name of claimant and numbered (missing claims identified from the Reports)			
		A 1-11	6	1-32a	H-1133
		B 1-18			
		C 1-34	6	33-	H-1134
		D 1-20			
		E 1-17		133a	
		F 1-17			
"	"	G 1-26			
		H 1-17			
		I/J 1-5			
		K 1-5			
		L 1-13	7	134-280c	H-1134
"	"	N 1			
		O 1			
		P 1-5			
		R 1-4			
		S 1-23			
		T 1-3			
		U,V 1-3	8	281-325 b	H-1134
"	"	second series of certificates, numbered 1-60 -- arranged alphabetically, with a list of names	9	326-391 a	H-1135
"	"	third series of certificates, numbered 1-47 -- arranged alphabetically, with a list of names	10	392- 452a	H-1135
"	(1789)	Contemporary copies of location certificates, prepared for the Commissioners, in several numeric sequences by district (Edwardsburg, Augusta, Matilda)	11	1-190 a	H-1135

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District	Dates	Title or description of records	Volume	Pages	Reel
JOHNSTOWN	1800-1803	Reports of the Commissioners, with the Surveyor General's reports thereon	12	1-123	H-1135
"	1801-1804	Orders-in-Council for the issuance of Surveyor General's descriptions on land claims recommended	14	1-47	H-1135
"	n.d. (1800-1803)	Notices of claims, numbered 1-410 -- arranged in rough numeric order, with a rough list of claimants	13	1-225 a	H-1135
"	1800-1840?	Notices of claims, numbered 1-33 -- arranged in rough alphabetic order, with a list of claimants	15	1- 83a	H-1135
"	"	Notices of claims, in numerical order unlisted	16	1-128	H-1136
"	to 1804	Location certificates submitted in support of claims -- arranged alphabetically by name of claimant and numbered (missing claims identified from the Reports)			
		A 1-24	B 1-79	17	1-107 a H-1136
"	"	C 1-51 E 1-6	D 1-11 F 1-22	18	108-213 H-1136
"	"	G 1-31	H 1-42	19	214-323a H-1136
"	"	K 1-19	L 1-37 M 1-35 M 37-93	20	324- 418a H-1136 419-480a H-1137
"	"	N 1-16 Q 1	P 1-30 R 1-28	21	481-567 ^b H-1137
"	"	S 1-88		22	568-663 ^b H-1137
"	"	T 1-13 V 1-8	U 1 Y 1	23	664-694 ^a H-1137
MIDLAND	1797-1803	Reports of the Commissioners, with the Surveyor General's reports thereon	24	1-400 401-524	H-1137 H-1138
"	(1790s) 1797-1803	Index of claimants Orders-in-Council for the issuance of Surveyor General's descriptions on land claims recommended	25	1-103	H-1138
"	1797-1804	Notices of claims, in no particular order, with some reports of the Surveyor General and Provincial Secretary relative to the issuance of patent deeds -- with a list	25	1-67 _a	H-1138
"	1797-1804	Notices of claims, in no particular order, with some reports of the Surveyor General and Provincial Secretary relative to the issuance of patent deeds -- with a list	26	1-178 a	H-1138

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<u>District</u>	<u>Dates</u>	<u>Title or description of records</u>	<u>Volume</u>	<u>Pages</u>	<u>Reel</u>
...		Surveyor General's descriptions, with annotation of Attorney General's fiats numbered 53-95	54	204-265	H-1143
	1848			266-440	H-1143
	1849	1-87		441-708	H-1143
	1850	1-128		708a-1001	H-1144
	1851	1-147		1002-1211	H-1144
	1852	1-103		1212-1361	H-1144
	1853	1-82		1362-1415	H-1144
	1854	1-27			
Home, &c		Affidavits, bonds, location certificates, powers of attorney and other documents relating to the conveyance of land title, chiefly by the debtors of Robert Hamilton of Queenston -- arranged by township			
"	1794-1799	Ancaster twp., with a 'Schedule' or list	55	1-59	H-1144
"	1797	Blenheim twp., with a 'schedule'	56	60-132	H-1144
"	1796-1797	Beverley twp., with a 'schedule'	57	133-156	H-1144
"	1796-1797	Burford, twp., with a 'schedule'	58	157-211	H-1144
"	1797	Charlotteville, with a 'schedule'	59	212-221	H-1144
"	1797	Crowland twp., with a "schedule"	60	222-227	H-1144
"	1812	Ernestown mills - bond for a lease	61	228-229	H-1144
"	1797	Etobicoke twp., with a 'schedule'	62	230-280	H-1144
"	1794-1797	Gainsborough twp., with a schedule			
"	1828	Grand River (see also vol. 75)			
"	1795-1796	Grimsby, with a schedule	63	281-316	H-1144
"	1796-1798	Humberton twp., with a schedule			
"	1794	Lansdown twp. Loughborough twp. Markham twp.			
"	1796-1799	Oxford-on-Thames twp., with a schedule	64	317-399	H-1145
"	1795-1799	Peiham twp., with schedule Rainham twp. Saltfleet twp. (list only) Southwold twp., with a schedule Thorold twp., with a schedule	65	400-436	H-1145
"	1797-1799	Townsend twp., with a schedule Vaughan twp., with a schedule Wainfleet twp., with a schedule	66	437-491	H-1145
"	1801	Wolford twp			
"	1802-1803	Yonge Street York	67	492-503	H-1145
"	1789	n.p. (unspecified lots) - bond to Hamilton			

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<u>District</u>	<u>Dates</u>	<u>Title or description of records</u>	<u>Volume</u>	<u>Pages</u>	<u>Reel</u>
---	to 1804	Certificates regarding the performance of settlement duties -- arranged in alphabetic order with a list at the beginning of each volume surnames A-F	68	0-152a	H-1145
---	"	G-Robertson	69	152b-295a	H-1145
---	"	Robinson-W	70	295b-449a	H-1145
---	"	second series, arranged by township, with a list	72	449b-475a	H-1145
---	"	third series, with a list alphabetically arranged (A-W)	71	0-44a	H-1145
---	1781-1817	Certificates attesting to good character, with a list	73	0-28a	H-1145
---	1777-1816	Certificates of Loyalist claimants, alphabetically arranged (A-W), with a list	74	1-370	H-1146
---	1788-1804, 1820 1856	Certificates and depositions regarding exchanges and surrenders, with a rough list; Draft of a surrender to the Crown of lands in the Grand River tract sold by William Claus to Lord Selkirk and later repossessed, made by George H. Markland as surviving Trustee for the Six Nations	75 75	1-68 1-9	H-1146 H-1146
---	1789-1801	Certificates and Orders from the Land Boards and other authorities giving entitlement to lands -- arranged alphabetically (A-W), with a list of names with a second series A-W for the Niagara and Home districts -- arranged alphabetically, with a rough list of names	76 76	1-220 221-265	H-1146 H-1146
Home	1800-1804	Assignments of title to lands by certificate or deposition, with a rough list	77	1-31	H-1146
---	1788-1835	Assignment of title to lands by agreement, bond, deed of sale, mortgage or other conveyance -- arranged roughly by type of document, alphabetically	78 78	1-127 128-258	H-1146 H-1147
---	1798-1803	Receipts acknowledging sales of lands and titles thereto, in no particular order;	79	259-278	H-1147
	1804-1805	Receipts to the Inspector General of Public Accounts for patent deeds;		279-323	H-1147
	1804-1815	Receipts of the Receiver General for land grant fees paid to him		324-332	H-1147
	1804	Receipts for documents sent to returning officers (election writs, etc.)		333-348	H-1147

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District	Dates	Title or description of records	Volume	Pages	Reel
---	1803	Orders-in-Council for the issuance of Surveyor General's descriptions for land claims recommended by the Commissioners -- numbered 1-36, in chronological order, with 5 extra for December 1803,	79A	349-491	H-1147
	1804	and unnumbered Orders of later date		492-716	H-1147
---	1797-1802	Register A: entrybook of Commissioners' Reports - with an index	80	1-400	H-1147
	1802-1803	Register B: entrybook of Commissioners' Reports - with an index	81	1-275	H-1148
	1803-1804	Register C: entrybook of Commissioners' Reports - with an index	82	1-159	H-1148
	1805-1822	Register D: entrybook of Commissioners' Reports (# 1-6 and A-S), including the Surveyor General's reports on # 1-4	83	1-133	H-1148
	1823-1835	Register E: entrybook of Commissioners' Reports (T-F2)	84	1-273	H-1149
	"	Index to Register E	85	1-74	H-1149
	1836-1845	Register F: entrybook of Commissioners' Reports (G2-) - with an index	86	1-315	H-1150
	1845-1853	Register G: entrybook of Commissioners' Reports	87	1-177	H-1150
	1826-1828	Register of Notices of Claims -- arranged alphabetically (see also vol. 99)	88	1-85	H-1150
	1837-1847	Minute Book of the Commissioners - with an index	89	1-228	H-1150
	1797-1804	Register of claims allowed -- entered chronologically, by district -- "A" (indexed in vol. 91, pp 1-46 & vol. 92, pp 1-117)	90	1-184	H-1151
	1805-1823	Register of claims allowed (in Reports 1-6 and A-T) -- "B" (indexed in vol. 91, pp 47-67 & vol. 92, pp 118-133)	93	1-41	H-1151
		Index of claimants in Registers A-B-C (see vols. 90 & 93; Register C not found)	91	1-116	H-1151
		Index of original nominees in Registers A-B (see vols. 90 & 93)	92	1-133	H-1151
		Index of original nominees in Register C (Register of claims allowed "C" not found)	94	1-40	H-1151

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<u>District</u>	<u>Dates</u>	<u>Title or description of records</u>	<u>Volume</u>	<u>Pages</u>	<u>Reel</u>
Western	1799	Report of the Commissioners (in special storage; see Negatives C 60221 to C-60224)	96	(roll)	H-1151
Western	1803	Report of the Commissioners (in special storage; see Negatives C 60179 to C 60185)	95	(roll)	H-1151
---	1805, 1812, 1818	Commissions appointing members of the Heir and Devisee Commission, 11 April and 26 December 1805; 1812, 1818	97	4 parchments	H-1151
---	1805- 1808	Reports of the Commissioners, submitted to the Executive Council First June 1805 Second March 1806 Third June 1806 Fourth March 1807 with the Surveyor General's report Fifth June 1807 Sixth March 1808 Draft register of Reports 1-6 and A-C	98	1-120	H-1151
---	1821-1823 1816-1817 c. 1830 n.d.	Schedule of Notices of claims; Schedule of claims in reports M and N; Incomplete schedule of claimants (H-R); Incomplete schedule of lots under claim (formerly vol. 97)	99	1-53	H-1152
---	1833-1836	Register of disposition of claims (in numerical order) (formerly v. 97)	100	54-62	H-1152
---	1808- 1829	Reports of the Commissioners (also entered in vol. 83, Register D) A June 1808 B March 1809 C June 1809 D March 1810 E June 1810 F March 1811 G June 1811 H March 1812 I July 1812 J July 1813 K July 1814 L July 1815 M July 1816 N July 1817 O July 1818 P July 1819 Q July 1820 R July 1821 S July 1822 T July 1823 U July 1824 V July 1825 W July 1826 (the original Report W is in vol. 88; the Inspector General's copy is found here) X July 1827 Y July 1828 Z July 1829	101	1-192	H-1152
		(formerly vols. 98, pt. 1A and 1B)			

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<u>District</u>	<u>Dates</u>	<u>Title or description of records</u>	<u>Volume</u>	<u>Pages</u>	<u>Reel</u>
---	1830- 1840	Reports of the Commissioners A2 July 1830 B2 July 1831 C2 July 1832 D2 July 1833 E2 July 1834 F2 July 1835 G2 July 1836 H2 July 1837 I2 July 1838 J2 July 1839 K2 July 1840 (formerly volume 98 part 2A and 2B)	102	193-388	H-1152
---	1841- 1850	Reports of the Commissioners L2 July 1841 M2 July 1842 N2 July 1843 (formerly vol. 99) O2 not found (see Register F, vol. 86) - July 1845 & January 1846 - - July 1846 - January 1847 - July 1847 - January 1848 - July 1848 - January 1849 - July 1849 (with draft of Jan. 1849, formerly vol. 99) - January 1850 (July not found) (formerly volume 98, part 2B and 3)	103	389-536 537-638	H-1152 H-1153
---	1851- 1854	Reports of the Commissioners - January 1851 - July 1851 - January 1852 - July 1852 - January 1853 - July 1853 - January 1854 - July 1854 (formerly volume 98 part 3)	104	639-821	H-1153
	1819- 1829	Contemporary copies of the Reports, prepared by the Clerk of the Executive Council for the Inspector General P July 1819 R July 1821 T July 1823 U July 1824 V July 1825 W (see vol. 101) X July 1827 Y July 1828 (two copies) Z July 1829 (formerly vol. 97)			

(prepared 27-2-81, following reboxing)

PK amended 15-4-81 with completed pagination

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