

Travel 200 Years In A Day

By Arthur Dias

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It is my belief that the measure of a society's level of refinement is best reflected in its method of land registration. The right to own a piece of land and have title to it, as against another person, is an inherent right passed down through thousands of years of society's evolution. Since we are, in a sense, a member of Earth's animal kingdom, like other animals we feel a need to mark out a territory and define it as our own - for our exclusive use. Although some ancient societies, like the North American Indians, did not recognize the concept of individual land ownership, they did function under a division of land amongst different tribes or nations. These areas did not have to be well defined but were usually recognized through the level of force one tribe was willing to use to defend its claim against other imposing tribes.

In modern society we have several methods of defining an area of land. It can be marked out on the ground by a surveyor. It can be defined on paper in a drawing showing its location, relative to adjoining properties, and its dimensions. Or it can be defined by description and ownership in a book of records in a land registry office. In combination, these three methods have been used to define every parcel of land created since the first Europeans

Indians who did not recognize individual land ownership, Canadian society does not recognize non-ownership of land. In other words, you cannot walk to the end of your parcel of land and step over your boundary onto a parcel of land owned by no one. It is this certainty that has spawned a variety of different areas of discipline with the sole purpose of administering the complicated land registry system we have today. Through the work of title searchers, conveyancers, lawyers and land surveyors, the whole system is kept running smoothly to assure that no parcel of land is left without title.

It was my earlier work in one of these disciplines, land surveying, that first peaked my interest in the land registry system. It is this interest that has led me down the path to discovering what the records really tell us about the land and the people who once laid claim to it.

To me, the registry office is a repository of time capsules. I view the records in a way different than most people working in the system today would view them. Their job is geared toward the daily addition of records. Prior to registering a new transaction, the records are checked for accuracy by confirming transactions pertaining to the property for the previous 40 years. Any records older than 40 years

to concentrate in noisy environments, then this is not the place for you to get your work done. Imagine a place (Toronto RO for example) with a hundred or more tables and twice that many people. Abstract books (log books) of all shapes, sizes and colours are strewn everywhere. People scurrying back and forth; the paging system going off every minute because someone is looking for someone else, or for a book that someone else has; the constant background clamor of whining photocopiers and microfilm reader machines, people chatting on cell phones, laughing with their neighbours, or yelling at others. With all this mayhem, it's still a place that I love to be. A place where the ever-so-busy present can somehow exist in harmony alongside hidden secrets from the past.

The registry office is filled with people of all ages and walks of life. Some with little or no experience in these surroundings. Others with years, or even decades, of experience - their knowledge allowing them to wander effortlessly through the building. Many of these title searchers have acquired their own sort of title over certain tables where they've sat, day in and day out for many years. Of course, it's not an ownership that can be enforced, since this is a public office paid for by our tax dollars. However, it is a recognized title to an area that is well respected by others in the office, and rarely ever encroached upon. Every day their job, for the most part, is to search the title to a property back forty years, in order to establish a good chain-of-title vested in the person who is selling the property to their client.

A good chain-of-title is defined as one without any encumbrances created through unpaid mortgages, liens, or registered claims against the property. I

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began to organize settlement in the Americas. Although dimensions of parcels are rarely ever fixed with absolute certainty, one aspect of land has always remained absolute in Canadian society, and this is ownership. In marked contrast to Native

are of little interest to a conveyancer, except under very rare circumstances. But in all cases, the old records and clues about the land's history hidden within them are what interest me most.

The registry office is a beehive of activity. If you suffer from an inability

often wonder if there may have been a time when it was common practice to openly and fraudulently offer a property for sale for which one did not have title to, or who's title was so fraught with encumbrances that the sale would not even be worth the paper it was written on. Anyone could be lead to this conclusion, just by looking around the registry office today. Every transfer in ownership is checked and re-checked each time a property changes hands. It's as if every title search conceals a bomb waiting to blow up in someone's face. It is not uncommon to come across a document that is so worn out from handling that it would seem more suitable for use in lining the bottom of a bird cage than as a legal document. But documents like these contain the history of our land and the names of the people who, for a brief period of time, could call this land their own.

Many people are very passionate about owning a home and piece of property. They quite often carry these feelings with them even after the home/property is no longer theirs - and in some cases located in far-off counties or countries. The memories we cherish most often, were born in a place called home. Some of the fondest memories we carry throughout our lives originated long ago, in the places where we grew up, once lived, surrounded by neighbours, family and friends. Although we can have exclusive ownership to the land for a small period of time, these memories are only kept alive when we share them with others. Discovering who these people were who came before us will ensure that this information will not be lost to those who will come after.

In the registry office, however, these memories do not mean very much to the average person. Seldom, I would imagine, while handling these books and documents every day, does a title searcher give much thought to the fact that so many memories are locked away inside. But when I look at these books, I am looking at them from a different perspective. There is nothing

boring or mundane about them to me. They are time capsules of history and I am like a time traveler at my desk, piloting my time machine where I want it to go. Sometimes I am so focused in my travels that I hardly notice I'm in one of the busiest places on the planet.

Every entry in the abstract book is like a zip file in a computer. All you see are the names of people who own(ed) the land. But similar to a computer, the names are actually little zip files of memories which may often reveal themselves, or may leave us only to imagine, ponder and speculate. For example, the majority of documents used in a transfer will disclose the amount of money that changed

the old documents can also reveal a lot about the people who once owned the property

hands for the transfer of ownership to take place. This says a lot about the land values in that area at that period of time. And, when compared to the other prices paid up to the present, a whole bevy of conclusions can be derived from this information alone.

In all land transfers, you will find a description of the property that makes it unique from the thousands of other properties in the registry system. Although often times convoluted to the average person, the description can also reveal a great deal about the property's history. In urban areas it is almost impossible to find a property whereby the description remains unchanged since its first creation. Most properties were first parceled out to settlers about 200 years ago in 100 or 200-acre farm plots. If you were to draw a square on a map with sidelines slightly over one half mile each, it would contain about 200 acres. This area would cover several city blocks in most urban centres today. The description of the property, therefore, may have changed several times over the years from what it is today. This can also reveal a lot about the history of the property. A very old house nestled

among some much newer houses may reveal its age quite readily if the history of the land's description is searched back far enough. It may be that the small parcel the house sits on today is still described as part of the old lot and concession fabric, whereas the surrounding houses are described as being part of a lot on a plan of subdivision. This information alone may reveal that the house is part of the original farm plots and may very well be the original farm house still in existence today.

An inspection of the old documents can also reveal a lot about the people who once owned the property. With the exception of only the last twenty years or so, it was common to give the occu-

pation or social status of the person named in a transaction. Some documents may reveal occupations which would be difficult to find today. Occupations such as a "harness maker" or a "carriage painter" were probably quite common at the time of the horse and buggy. Some people may have found it more significant to give their social status and thus titles such as "Gentleman", "Esquire" or "Yeoman" are commonly found in the documents.

Looking at the property's history as a whole is often the best way, and many times the only way, to appreciate the richness of the local heritage. It never ceases to surprise me how unpredictable one's property history can be. I encounter far too many people who mistakenly assume that because their house is relatively new it has almost no history to uncover. The following examples of some properties I've researched should dispel any doubts about whether your property has any history to contribute to the community.

I have found that regardless of the age of the house, each property has had on average 20 to 25 owners over its 200 year history. But wild variations from this average are not uncommon.

I have also found a property that was held under the same deed through 135 years

It seems to be just as common an occurrence to find less than 15 owners as it is to find a property with over 30 owners in its history. It is also important to note here that the age of the house is rarely a strong indicator in predicting the number of owners in the property's history.

A good example of this is one I often use and is a comparison of two houses 100 years apart in age. The older house built c.1863, is nestled in an old community of a big city that dates back about 100 years. The newer house was built c.1965 and is in a community within a big city no older than the house. It was quite surprising to find that the older house, since built, has had only 6 owners to date, while the newer house has had 4 owners. Now, when you look at the property's history as a whole, we see that looking at the age of the house alone can be misleading. The first land owner of the property pertaining to the older house dates back to 1797 while the newer house's property dates back to 1811. Again, this information alone could be deceptive without looking at the history as a whole. In this case, it is the newer property of 1811 with the newer 1965 house that has the greater number of owners in history, at 17, while the older property has had only 9 owners.

Other pitfalls that people may encounter could come from drawing conclusions from the surrounding neighbourhood as to the property's history. A good example of this came from a property I researched north of Toronto, the city in which I have done most of my work. The property is in an area still used extensively for farm land, but to this day is the only property I have found to have had over 40 owners in its 200 or so years of history, a totally unexpected and unpredictable occurrence.

I have also found a property that was held under the same deed through 135 years, having been passed down



through generations of one family without benefit of a transfer registration. Similarly, the longest I have ever found a property to be held by a living person was 75 years in the Cabbagetown area of Toronto. Two properties across the street from each other may quite often have nothing in common historically, other than the street they front on. There is only one way to know what tidbits of history are buried beneath the volumes of records, and that is to roll up your sleeves and dig through them.

It is my hope that this article has served as a vehicle to take you beyond the pondering stage of your property's history into the exploration phase. Your trip should be filled with wide-eyed wonderment and fulfillment. It has been my experience that there are no guarantees to hang your hat on. But with a little imagination, and a little more perseverance, you too can become the expert on your property's 200 years of history.



Arthur Dias, B.Sc.(Survey Science, 1990), has turned his passion for property history into a favourite past-time. After consulting for hundreds of property owners and with the creation of his "Property Memoir" certificates (www.property-history.com), he has made guest appearances on Breakfast Television and The Dini Show. If you would like a guided trip back through your property's history, you can reach Arthur for advice at (416) 823-0489.

Calendar of Events

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April 8th to 11th, 2002

GEOTec Event

The Global Conference and Exhibition on Geospatial Technology, Tools and Solutions

Toronto, Ontario

www.GEOTecEvent.com

April 19th to 26th, 2002

FIG 2002 XXII Congress

in conjunction with the ACSM-ASPRS Conference and Technology Exhibition

Washington, D.C.

www.fig2002.com

May 28th to 31st, 2002

Canadian Hydrographic Conference 2002

Toronto, Ontario

www.chc2002.com

June 10th to 12th, 2002

Geospatial World 2002

Atlanta, Georgia

www.intergraph.com/geospatialworld

July 8th to 12th, 2002

CIG 95th Geomatics Conference

Part of a Joint International Symposium on Geospatial Theory, Processing and Applications

Ottawa, Ontario

www.geomatics2002.org

February 19th to 21st, 2003

111th AOLS AGM

Niagara Falls, Ontario

www.aols.org