

## Researching Crown Land Records

**225** Research Guide

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All land in Ontario was considered Crown Land (belonging to the Government) from the time it had been surrendered to the Crown by a First Nation, up to the transfer of ownership from the Crown to the first private owner. The Archives of Ontario holds records created during the process leading from the **petition** (application for land) to the **patent** (the document transferring ownership).

1. **Petition** (Settler applies for land) (Petition approved) →
2. Land **granted** to settler →
3. **Patent** (Requirements met \$) (*Ownership* transferred to settler)

This research guide provides information on how to research these records. Links in the electronic version of the guide lead to other guides or the **Archives Descriptive Database (ADD)** (both found in the “Access Our Collection” section of our website) and our **Microfilm Interloan Catalogue** (in the “Accessing Our Collection” section of our website), unless indicated otherwise.

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### WHERE TO START

Although the initial step in obtaining a free grant of land was submitting a petition (application for land), the best place to start your research for Crown Land records is

usually the Ontario Land Records Index, which documents records created at a later stage in the process. See section 2 of this guide for more information about the Index, and how to use it.

If the person you are looking for was not the first owner, or you want to trace the chain of ownership from the first owner on, you need to use the land registration records. These records may also be the place to start if you are not sure whether the person you are looking for was the first owner. For more information, please consult Research Guide 231: Finding Land Registration Records.

## 1. The Crown Land process

The rules and regulations governing the granting or sale of Crown Land varied over the years. From the initial petition to the issuance of a patent, the process often took years.

Originally, most Crown Land was transferred through a grant. Would-be settlers submitted a petition to the Executive Council or the Department of Crown Lands (in early years, a local Land Board may have also been involved). Then, an Order-in-Council granting land was issued, as well as various administrative documents confirming what piece of land was being granted. Receiving a grant did not make the settler the owner of the piece of land; the patent was issued only once certain requirements had been met, and rights could be sold or transferred between settlers.

Sales of Crown Land were few at first, but they became the norm after the 1820's. Most buyers leased the lot, and they received a patent once the final purchase payment had been made.

You will find more information about the early land granting process, and information about records pertaining to the initial surveying of land, in *Research Guide 215: From Grant to Patent: a Guide to Early Land Settlement Records, ca. 1790 to ca. 1850*.

## THE RECORDS

### 2. Documenting the process – The Ontario Land Records Index and related records

#### What is the Ontario Land Records Index?

The Ontario Land Records Index (OLRI) provides information about settlers who:

- Got involved in the process leading to the grant or purchase of Crown land
- Rented or purchased land from the Canada Company (a London, England, based company that received, then sold over half a million acres of land, mostly in and near Huron County)
- Came to the Peterborough area at the initiative of Peter Robinson, a politician involved in the movement of Irish emigrants to Upper Canada, for who the town of Peterborough was named after.

Information on the OLRI includes the settler's name, a township, lot and concession, the type of transaction, and a reference to a source document. Crown land records indexed in the OLRI were for the most part, created at the time land was granted or sold, and they include:

- Schedules and land rolls (listings of land granted)
- Registers of fiats and warrants (administrative documents issued to order various government offices to process a grant)
- Registers of locations and assignments (documents issued to settlers to confirm a grant)
- Descriptions of the land being granted
- Lease and sale registers

### **Accessing and using the index**

The index is available in two sets of microfiches (by individual name and by township), in the Reading Room. [Click here to also access the index through interloan](#), (some libraries have also acquired a set). See Research Guide 205: Using the Ontario Land Records Index for information about the index, the information included in the entries, and a list matching the reference codes found in the index with the microfilm reels that contain the records. In the Reading Room, the same information is in the binders that contain the microfiches.

### **Where to go after the index**

The microfilm containing the indexed records is available in the Reading Room. [Click here to also access these indexed records through interloan](#).

Once you have found the document on the microfilm reel, follow the steps below to find more information about it and related records:

- Copy or write down what you have found in the documents, in full;
- [Click here to use the conversion list in the Crown Land section of the Microfilm Interloan Catalogue to find the new reference code](#), (a copy of that list is also in the Reading Room);
- Check the description for the records in the ADD (click on "Advanced Search", then on "Search Groups of Archival Records" and enter the new reference code); the description will provide information about the record you have seen on microfilm, and how you can find related records.

You can also use the information found in the index to find the patent (see section 4).

## **3. Applying for land – the land petitions**

### **What are land petitions?**

Land petitions were submitted by would-be settlers wishing to obtain a grant of land. They usually contain personal information about the applicant which may include country of place of origin, family information, name of parents (if the father was a United Empire Loyalist), information about militia or military service, an oath of allegiance, and

certificates of good character. Most petitions were submitted to the Executive Council, although they could also be submitted to the Commissioner of Crown Land after 1826.

### Accessing the petitions

There are three groups of petitions:

*Lower Canada Land Petitions* (Petitions submitted before 1791): These petitions are *not* available at the Archives of Ontario. Please contact Library and Archives Canada. [Click here to access the Archives Canada website for more information.](#)

*Upper Canada Land Petitions*: These are the petitions submitted to the Executive Council in and after 1791. They have been microfilmed and a copy of the film is available in the Reading Room; it is also available at Library and Archives Canada.

In order to locate an Upper Canada land petitions on microfilm at the Archives, please consult the *User's Guide to the Upper Canada Land Petitions and Land Books* and pathfinder available in the Reading Room.

Even if the online index does not include a name, the microfilm index may include a reference to an entry in the Land Books (see section 5) where the decisions to accept or reject a petition were recorded.

*Petitions to the Crown Land Departments*: These petitions and the related indexes are available on microfilm, in the Reading Room. [Click here to also access these through interloan.](#) The petitions asking for land surveys have not been filmed and are available only in the Reading Room.

[Click here to consult the series descriptions for RG 1-54 in the ADD for information on how to access these records:](#)

- [Click here to consult the description for RG 1-54-1 for access to the indexes:](#)
  - Click on the online listing provided in the field marked *Finding Aid*;
  - Consult appropriate microfilm based on time period the petition would have been requested;
  - Copy or write down the information provided and consult the Petitions for Land (series RG 1-54-2).
- [Click here to consult the description for RG 1-54-2 for access to the Petitions for Land RG 1-54-2:](#)
  - Click on the online listing provided in the field marked *Finding Aid*;
  - Consult the appropriate microfilm based on the petitioner's name (as provided in the Index).

### Where to go after the petitions

If you have found an Upper Canada land petition, the **Upper Canada Land Books** will tell you whether the Executive Council accepted or rejected the petition (see section 5).

To find out if the petitioner was issued a **Land Patent** and owned land, see section 4.

If you did not find a petition and you know the township, lot and concession where the person settled, you can check if there is a copy in the Township Papers or the Orders-in-Council, 1827-1904 (see section 5).

## 4. Becoming the owner of the land – The Land Patents

### What are land patents?

Land patents were issued by the Crown to the first owner, to confirm the transfer of ownership. They include a description of the land granted, and may include legal restrictions or conditions. As the original patent was given to the owner of the land, the Archives of Ontario has microfilmed and original copies of the patent books which contain a copy of the patent. These books were created and maintained by the Recording Office and its successor, the Official Documents Section.

### Accessing the patents

You will first need to consult one of the following indexes:

1. Index by name, 1826-1967 (RG 53-56): This index is arranged chronologically into volumes, then by first letter of the surname. The index books up to 1912 are available on microfilm reels MS 1, reels 7-12 in the Reading Room. [Click here to also access this index through interloan.](#)
  - For more information and a detailed microfilm list for the indexes up to 1912:
    - [Click here to consult the series description for RG 53-56 in the ADD](#);
    - Click on the link to the microfilm interloan catalogue provided in the section marked *By Microfilm Interloan*;
    - Consult appropriate microfilm based on the patentee's surname.
  - For access to post 1912 Indexes by name, you will have to submit a retrieval request using the reference code (RG 53-56) and the year you require (you can also submit a request in advance, by phone or e-mail; our contact information is at the end of this guide). See Reading Room staff for more information.
2. Index by township, 1793-1852 (RG 53-55): This index is arranged by township, then chronologically. It is available on microfilm reels MS 1, reels 1-5 in the Reading Room. [Click here to also access the index through interloan.](#)
  - For more information and a detailed microfilm list:
    - [Click here to consult the series description for RG 53-56 in the ADD](#);
    - Click on the link to the microfilm interloan catalogue provided in the section marked *By Microfilm Interloan*;
    - Consult the appropriate microfilm based on where (township) the land was located.
3. Index by district, 1793-1825 (RG 53-2): This index is arranged by district, then chronologically. It is available on microfilm reel MS 1, reel 6 in the Reading Room and through interloan
  - For more information and a detailed microfilm list:
    - [Click here to consult the series description for RG 53-2 in the ADD](#);

- Click on the link to the microfilm interloan catalogue provided in the section marked *By Microfilm Interloan*;
- Consult the appropriate microfilm based on where (district) the land was located. **Please Note:** If you do not know the district you may wish to consult the Archives' online resource *The Changing Shape of Ontario: a Guide to Boundaries, Names and Regional Governments* (see section 5).

The Indexes will provide you with key information about the patent including:

- Township, lot and concession
- Type of patent
- Number of acres
- Date of patent
- Liber (book) and folio (page) of the patent

### Where to go after the index

Once you have found the record on either of the indexes, copy or write down, the *date*, *liber* and *folio* numbers as provided. This information will direct you to the appropriate patent book, which will provide you with a copy of the original patent.

### Patent books (RG 53-1)

- Patent books from 1793-1867 are on microfilm, but are not available through interloan.
  - For more information and a detailed microfilm list:
    - [Click here to consult the series description for RG 53-1 in the ADD](#);
    - Click on the online listing provided in the field marked *Finding Aid*;
    - Consult the appropriate patent book based on the liber code provided on the index.
 

**Please Note:** Different books may have the same letter, so check the list to make sure the date *and* the book match
- Patent books after 1867 are not on microfilm.
  - To view post 1867 patent books, you will have to submit a retrieval request using the reference code (RG 53-1), date and liber number. **Please Note:** Some of these records are located offsite and can take up to 24 hours to retrieve. See Reading Room staff for more information.

**Please Note:** Post-1867 patent books for *Indian Lands* are with Library and Archives Canada

You can also obtain a copy of the patent from the Ministry of Natural Resources:

Ministry of Natural Resources and Forestry  
 Regional Operations Division  
 Integration Branch  
 Program Services Section  
 Lands Business Unit  
 5<sup>th</sup> Floor, South Tower  
 300 Water Street  
 Peterborough, ON K9J 3C7

Phone: 1-888-551-5552

Fax: 705-755-2181

Web: [Click here to access the website page on Crown Patents and Crown Patent Records by the Ministry of Natural Resources and Forestry](#)

E-mail: [Click here to email the Crown Land Registry](#)

### **Where to go if there is no entry in the index to patents**

A patent was issued only once all requirements were met or all payments were made. This may have taken years. If there is no entry in the indexes to patent, the township papers (see section 5 of the guide) or the records in the Ontario Land Records Index (see section 2 of the guide) may provide a reason why the grant or sale process was not completed.

It is also possible the patent was issued by a local Crown land agent, with no copy sent to the Commissioner of Crown Lands. In this case, the abstract index to the deeds from the Land Registry Office will show the patent was issued. For information on how to access land registry office records, [click here to consult Guide 231, Finding Land Registration Records](#).

## **5. Other useful records**

### **a) Crown Land Correspondence (series RG 1-2-4)**

This correspondence was received by the Office of Surveyor General and his successor as Commissioner of Crown lands. It pertains to various issues regarding the administration of Crown land, including the management of land, surveying issues, and sales and grants to individual settlers.

Much of the correspondence is arranged in chronological order. However, if you do not know the date of a possible piece of correspondence, consult the Crown Land Papers Card Index, available on microfiche in the Reading Room. The cards are arranged alphabetically and cards exist for both the correspondent's name and topic. Each card contains a brief description of the piece of correspondence and a reference to the volume in which the correspondence is found. Some also include a date number within the volume. Copy or write down this information when using the Index in order to locate the correspondence.

**Please Note:** This is a partial index to the Correspondence and memoranda pertaining to lands administration received by the Office of the Surveyor General for the years 1795 to 1868.

### **Where to go after the index**

The correspondence is available on microfilm. For more information on these records, and a microfilm list:

- [Click here to consult the description for sub series RG 1-2-4 in the ADD](#);
- Click on the online listing provided in the field marked *Finding Aid*;
- Consult the appropriate microfilm based on the date of the correspondence.

### ***b) First and Second District Land Board Records***

The records of the land boards of Upper Canada contain useful information regarding early settlers. There were two sets of district land boards in the Upper Canadian period.

#### **First District Land Boards**

The first set dates from 1789 to 1794 and consists of four administrative boards: Hesse, Nassau, Mecklenburg and Lunenburg. These boards oversaw land matters in their districts and facilitated settlement by granting certificates of location to the early settlers. On November 6, 1794 these land boards were abolished and land management centralized through the Executive Council.

The records from the First District Land Boards include minutes, reports, correspondence, and instructions or regulations for the operations of the land boards. Library and Archives Canada holds most of these records. They are organized using a nominal index, which identifies the name, the volume and page and the microfilm reel numbers corresponding to the records.

The following series (Table 1) are available on microfilm in our Reading Room. Please consult the series descriptions in ADD for more information.

**Table 1**

<b>Reference Code</b>	<b>Title Of Series / Sub-Series</b>	<b>Dates</b>
<a href="#">Click here to access the description for RG 1-177</a>	Nassau District Land Board Minutes	1788-1792
<a href="#">Click here to access the description for RG 1-178</a>	Hesse District Land Board Records	1789-1794
<a href="#">Click here to access the description for RG 1-30</a>	Schedules, Returns, and Lists of Certificates of Occupation Issued by Magistrates, Surveyors and the First District Land Boards	1789-1816
<a href="#">Click here to access the description for D 359</a>	Upper Canada Land Board Minutes and Records Diffusion Material (has records of First District Land Boards for the Hesse, Nassau, Lunenburg, and Mecklenburg districts, consisting of minutes, reports, instructions to the boards, and correspondence, which can be found at the Library and Archives Canada as RG 1, L 4).	[Microfilmed 19--], (originals, 1765-1804)

#### **Second District Land Boards**



Under an Order-in-Council dated March 13, 1819, the Second District Land Boards were established in each of the districts of Upper Canada (with the exception of Niagara, where there was no more grantable land). These boards:

- Handled applications from prospective settlers from the United States and granted land to these settlers if they could produce certificates of British birth
- Granted land to some post-War of 1812 immigrants
- Were required to record the applicant's age, birthplace, and date of entry into the province. Each applicant was required to supply a declaration that he or she had not previously received land from the Crown and to take an oath of allegiance. On meeting these terms and conditions and after paying a fee to the board for the hearing, the applicant could be located on a 100-acre lot
- *Did not* deal with applications from United Empire Loyalists or military claimants. These applicants were responsible for going, in person, to York (Toronto), the colony's capital.

These land boards were abolished on December 31, 1825.

The following series (Table 2) contain records regarding the Second District Land Boards accessible at the Archives of Ontario. Most of these records are not indexed in the OLRI (except for RG 1-161-2-1). [Click here to access the description RG 1-161-2-1](#). A number of the volumes in the series have nominal indexes. Please consult the series descriptions in ADD for more information.

**Table 2**

<b>Reference Code</b>	<b>Title of series / sub-series</b>	<b>Dates</b>
<a href="#">Click here to access the description for RG 1-176</a>	Second District Land Boards, returns of locations	1819-1826
<a href="#">Click here to access the description for RG 1-161</a>	Fiats for land grants – Second District Land Boards	1820-1854
<a href="#">Click here to access the description for RG 1-12-2-2</a>	List of locations to emigrants at the late land board, Bathurst District	1823-1824

### ***c) Heir and Devisee Commission***

The government created the Heir and Devisee Commissions to settle disputes about who was entitled to receive the letters patent for a parcel of land. You should consult these records if you know or suspect there was a dispute about the ownership of the land or the OLRI refers to a COMM free grant. There were two Heir and Devisee Commissions created, be sure to consult the appropriate one for the time period you are researching.

### **First Heir and Devisee Commission (1797-1804)**

Library and Archives Canada has most of the records of the first commission (1797-1804) and some of the records of the second commission (1805-1911). These records are available on self-service microfilm in the Reading Room of the Archives of Ontario and at Library and Archives Canada.

For access to these records in the Archives' Reading Room:

- Consult the Inventory D 352, First Heir and Devisee Commission diffusion material.

### **The Second Heir and Devisee Commission (1805-1911)**

In 1805, new legislation was passed; this established what is generally referred to as the Second Heir and Devisee Commission. The act specified the role of this commission as giving "relief to those persons who may be entitled to claim lands in this Province as heirs or devisees of the lands" (*Statutes of Upper Canada*, 45 Geo. III, c. 2.).

### **Second Heir and Devisee Commission Database**

[Click here to find out if someone made a claim to the Second Heir and Devisee Commission, and consult the Archives' Second Heir and Devisee Commission Case Files Database.](#) The database provides an index to the 5,184 case files that record claims made to the commission.

To access information from the database:

- Type in the appropriate search terms (last name, first name(s), township or town and/or year) and click search;
- Select the appropriate search result by clicking on the individual's *last name*;
- Copy or write down all information provided, including the *year*, *case-file number*, and *microfilm reel*;
- Consult the appropriate microfilm. [Click here to access an index of the reels that are available in the Reading Room and through microfilm interloan.](#)

For more information and other related record groups pertaining to both Commissions, please consult **Section 3: Settling Disputed Land Claims** from Research Guide 215 From Grant to Patent: A Guide to Early Land Settlement Records, c.1790 to c.1850.

### **Orders-In-Council (series RG 1-50)**

The Lieutenant Governor issued Orders-In-Council (OIC) on the recommendation of the Surveyor General or the commissioner of Crown lands, authorizing the sale, lease, or free grant of Crown lands. OICs are a good source of information if you were unable to locate the original petition. For information on how to access these records, [click here to access the series descriptions for RG 1-50 in the ADD.](#)

You can access the OICs one of three ways:

1. For access to the Orders-In-Council arranged by name:
  - [Click here to access the sub-series description for RG 1-50-2;](#)

- Click on the online listing provided in the field marked *Finding Aid*;
  - Consult appropriate microfilm based on the surname of settler.
2. For access to the *Orders-In-Council arranged by place or subject*:
- [Click here to access the sub-series description for RG 1-50-3](#);
  - Click on the online listing provided in the field marked *Finding Aid*;
  - Consult appropriate microfilm based on the date, location and/or subject.
3. For access to the Orders-In-Council arranged by number (RG 1-50-4), you will first have to consult the Indexes to Land Orders-in-Council (RG 1-50-1).

To access the *Indexes to Land Orders-in-Council*:

- [Click here to access the sub-series description for RG 1-50-1](#);
- Click on the online listing provided in the field marked *Finding Aid*;
- Consult the appropriate microfilm based on the year the OIC was granted;
- Copy or write down the information provided, including the date and OIC number.

**Please Note:** These indexes will help to confirm if an OIC existed even if you could not find it in RG 1-50-2 or RG 1-50-3. The information provided in the column headed "Date of Order-in- Council" will provide a number corresponding to the Order-In-Council control numbers in RG 1-50-3.

To access the corresponding *Orders-In-Council arranged by number*:

- [Click here to access the series description for RG 1-50-4](#);
- Click on the online listing provided in the field marked *Finding Aid*;
- Consult the appropriate microfilm based on the OIC number (as provided in the Index).

#### **d) Patent Plans (series RG 1-100)**

Patent Plans (RG 1-100) are an important record created to record the distribution of Crown lands. Patent Plans show the property or title transfer status of Crown lands. When a lot, or a portion of a lot, was patented, the name of the patentee (the grantee) was written on the plan in the appropriate place.

**Please Note:** These records could have been active up until the 1970s. If a name is mentioned on a particular lot of land on a patent plan, this does not guarantee that the person received the patent. However it does indicate that the individual noted on the plan would have had title to the property at one time.

For more information regarding this series, [click here to access the series description for RG 1-100](#).

To determine if the Archives has a patent plan for the area you are researching:

- Select "Option 3: Advance Search" and click "Search files and items";
- Type the name of the location (county, district, township etc.) in the section marked "Keyword" and then type the reference code (RG 1-100) in the section marked "Archival Reference Code". This will provide you with any plans in RG 1-100 that match your search terms.

For a complete listing of all plans described in the ADD:

- [Click here to consult the series description for RG 1-100D](#);
- Click on the online list provided in the field marked *Finding Aid*.

#### **e) Township Papers (series RG 1-58)**

The Township Papers is a miscellaneous collection of Crown land documents. These records were compiled by the staff of the Ontario Department of Lands and Forests as a way to sort and arrange otherwise unrelated land records. The records date from ca.1783 to ca.1870. They include copies of Orders-In-Council, location certificates and tickets, assignments, certificates of settlement duties correspondence and some wills. The records are arranged by township, town, or village and, within each township, by concession and then lot number.

You can access a listing of the contents of the microfilms one of two ways:

1. [Click here to access the series description for RG 1-58 in the ADD](#);
- Click on the online listing provided in the field marked *Finding Aid*;
- Consult appropriate microfilm based on the location of the land.
  
2. [Click here to access the microfilm listing available through our online microfilm interloan catalogue](#):
- Select "Crown Lands Records";
- Click on "Township Papers" (located at the bottom of the page);
- Consult appropriate microfilm based on the location of the land.

For records *after* 1870, you may wish to consult ***Numeric land files system (series RG 1-246)***. This series consists of files containing Crown land correspondence and the indexing system used to track those files from 1853-1915. Files also sometimes contain survey information, copies of Orders-in-Council, assignments, and documentation of any other issues related to a particular plot of land prior to patenting. [Click here to access the series description for the Numeric land files system, RG 1-426](#).

#### **f) Upper Canada Land Books**

The Upper Canada Land Books were maintained by the Executive Council and recorded the decision to accept or reject petitions submitted to them. These records are a good source for information in association with the Upper Canada Land Petitions and can be used to help locate the petition, if the individual's name does not appear on the Land Petition's Index. The originals are held by Library and Archives Canada but there are microfilm copies available in the Reading Room. There are two ways you can access the Index for the Land Books:

1. The microfilm Index for the Land Books can be found with the Index for the Land Petitions. Please consult the *User's Guide to the Upper Canada Land Petitions and Land Books* available in the Reading Room for more information.

2. There is also a published multi-volume index entitled the *Index to the Upper Canada Land Books* available on the genealogical reference shelves in the Reading Room. This is an alphabetical Index that provides you with the petitioner's name, personal information (occupation, marital status etc.) residence and location upon application, date of the minutes, land book, page number and petition number (if available).

When using the microfilm or published index:

- Copy or write down the date, book (letter) and page number;
- Consult the microfilm list to find the appropriate Land Book (on microfilm) available in the *User's Guide to the Upper Canada Land Petitions and Land Book*.

## 6. Other useful resources

### **Books**

Brenda Dougall Merriman's book *Genealogy in Ontario: Searching the Records, 4th Edition* has a very informative section outlining the Crown land granting process in the chapter "Land and Ownership Records" (p.130 – 155). There is a reference (non-circulating) copy in the Reading Room.

Fraser Dunford's book *Municipal Records in Ontario History and Guide* is a great resource regarding the history of districts, counties, townships, villages, towns and cities in Ontario. This book is useful in determining locations of land throughout the various boundary changes in Ontario's geographical history (such as the previous counties and/or townships it might have been a part of). There is a reference (non-circulating) copy in the Reading Room.

### **Online Resource**

The Archives of Ontario's online resource *The Changing Shape of Ontario: a Guide to boundaries, Names and Regional Governments* provides background information regarding the changes to Ontario's borders. It is a great visual resource to help determine the location of land from the time it first belonged to the Crown (such as the previous counties and/or townships it might have been a part of or its original district). [Click here to access the Archives of Ontario's online resource The Changing Shape of Ontario.](#)

## Making Contact

### **Ready and Willing**

Although unable to do your research for you, our reference archivists are waiting to assist you. You may telephone or write to them by mail or email or — best of all — visit the Archives of Ontario.

### **Contact us**

**Telephone: 416-327-1600 Toll free (Ontario): 1-800-668-9933**

**Fax:** 416-327-1999  
**Email:** [Click here to email the Archives of Ontario](#)  
**Address:** Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5

### **Website**

For information about the Archives' holdings, as well as access to research guides and other customer service materials available through the Archives of Ontario. [Click here to visit our website.](#)

### **Customer Service and Research Guides**

The Archives of Ontario has published a series of in-depth research guides on a variety of specific topics. For more information, please see "Customer Service and Research Guides" under "Accessing Our Collection" on the home page of the Archives website.

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