

Researching Upstate New York

Class 3: Using and Understanding New York Land Records

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Why use New York land records?

- Identify family relationships
- Estimate dates
- Identify former residence
- Identify occupations
- Glimpse into ancestor's financial status
- Determine the site of a house or farm
- Trace generations of ownership
- Land record books often contain other types of records like powers of attorney and slave manumissions.

Strategies for finding ancestors in New York property records:

- Make a timeline to help track transactions and movements.
- Check maps for boundary changes, land location, and neighbors.
- Study migration routes to see where else the ancestor may have lived along the way.
- Search other record types—particularly probate, tax, and court records.
- *Understand jurisdiction levels.*

Town Land

Town or person(s) to person(s)

- Colonial towns kept records containing deeds and discussed land transactions at town meetings.
- Many continued to record at town level even after counties formed but rarely after the American Revolution.

Records: Held by town clerk's office; Some town records (especially for Long Island) have been published and/or microfilmed and digitized.

County Land

Person(s) to person(s)

- Counties first created in 1683
- Deeds/Conveyances books
- Mortgages books (beginning in 1753)
- County clerks mandated to record all deeds (beginning in 1830)

Records: Held by county clerk's office; Microfilmed/digitized by FamilySearch.org

Colony/State Land

Colony/state to person(s)

- New York controlled the land grants/patents – not the crown or federal government.
- Eastern counties are described in metes & bounds, while western counties are divided by lots, townships, and ranges.
- The Dutch granted patroonships in their New Netherland Colony. Rensselaerswijck (in modern Rensselaer and Albany Counties) was the only one to succeed.
- When the English took charge in 1663, typically the governor of New York issued patents to proprietors. The Dutchess County patents include the Beekman Patent.
- The patent process was laid out in French's *Historical . . . Gazetteer of New York State*:

"[I]t was the rule of the English to first extinguish the aboriginal title. It was customary to apply to the Governor and Council for leave to purchase. If granted, a treaty was held and an Indian deed obtained, a warrant was issued to the Surveyor General for a survey, and the map and field notes were reported. The Attorney General was then directed to prepare a draft of a patent, which was submitted to the Governor and Council, and, if approved, was engrossed upon parchment, recorded, sealed, and issued."

"Colonial grants were usually conditioned to the annual payment of a quitrent, at a stated time and place named in the patent. This payment was sometimes due in money, and often in wheat or other commodity."

"The care and sale of lands belonging to the State are intrusted to the Commissioners of the Land Office."

"When State lands are to be sold, they are first surveyed, appraised, and advertised for sale at auction, and their minimum bid affixed."

"Large tracts of land remained in possession of the government when it became a State. These and other portions derived from forfeitures, escheats, tax sales, Indian purchases, and foreclosure of loan mortgages, have been sold in small parcels, as parts of large tracts, having a general name and system of survey."

- Between 1665 and 1702, twenty-two patents were designated as manors. The manorial system lasted until the 1840s. The largest manors were Rensselaerswyck (granted in 1630 and 1685) and Livingston (granted in 1686). Most of the manors were in the Hudson Valley and on Long Island.
- In 1783, the New York State Legislature set aside a Military Tract containing 1.8 million acres in center of the state as bounty land for soldiers. The minimum award was generous: 500 acres. Land in the present-day counties of Cayuga, Cortland, Onondaga, Seneca, Oswego, Schuyler, Tompkins, and Wayne was set aside for soldiers. The 28 townships each had about 60,000 acres and were named for classical literary heroes. The land was distributed by a process known as the balloting box (see reference below).
- Confiscated Loyalist lands were sold after the American Revolutionary War. Dutchess, Putnam (formerly Dutchess), and Westchester Counties held the most confiscated lands.

Records: Held by New York State Archives; Microfilmed/digitized by FamilySearch.org

Land via Proprietors

Colony/state to person(s) to person(s)

- Proprietors obtained property from the government and then leased or sold parcels to individuals.
- Manor owners kept tenants. The benefits included profits, boosting land value, and producing goods (especially wheat). Tenants bore responsibility for paying taxes on their property.
- Land companies sold lots set in townships and ranges. Examples:
 - Phelps and Gorham Purchase
 - Morris Purchase
 - Holland Land Company
 - Macomb Purchase
- Lease documents include:
 - Lease
 - Rent books/rolls
 - Day books
 - Surveys
 - Account books
 - Receipts
 - Promissory notes

Records: Look for collections under the name of the landlord or in the holdings of the land company. Repositories known to have these kinds of collections include: New York Historical Society, New York State Library, Daniel E. Reed Library at the State University of New York at Fredonia, William L. Clements Library at University of Michigan, and FamilySearch.org.

Glossary

Deed: a written or type document conveying property between two or more individuals

Easement: the right to use the land of another for a specific purpose

Forfeiture: the loss of all interest in the property for nonpayment

Grantee: the person buying the property

Grantor: the person selling the property

Lease: agreement between the owner of land and another for the use and occupation of the land

Metes and Bounds: method of land description that begins with a permanent object and then through distances and directions describes the parcel of land

Mortgage (or Deed of Trust): money borrowed with real estate held as collateral; Possession can be held, but title is held until the debt is paid.

Mortgagee: a person or party who holds the mortgage lien

Mortgagor: a person or entity who mortgages the property; the borrower, the owner

Patent: real property granted by the British crown/state of New York

Proprietors: joint owners of a patent, who subdivided, surveyed, and conveyed allotments

Quitclaim: deed that serves to transfer title if the grantor has any such title; no guarantees that the grantor has any title or good title

Sheriff's Deed: form of title given to a buyer at a mortgage foreclosure sale

Survey: sketch of boundaries of tract of land with exact determination of total acreage

Tenant/Lessee: person who occupies and pays taxes on the land but who does not own the land

Three-life lease: lease that will last through the lives of the three people named

Warranty Deed: a deed that conveys title and carries warranties that the title is good

Resources

Guides

Henry Hoff, “New York Research,” AmericanAncestors.org/tools/new-york-research.

Marian S. Henry, *New York Essays: Resources for the Genealogist in New York State Outside of New York City* (Boston: NEHGS, c2007), at American Ancestors, 5th floor, F118.H46 2007.

NYG&B, *New York Family History Research Guide and Gazetteer* (N.Y.: New York Genealogical and Biographical Society, 2014), at American Ancestors, 7th floor Reference, F118.N46.

J. H. French, *Historical and Statistical Gazetteer of New York State* (Syracuse, N.Y.: R.P. Smith, 1860). Free digital version at catalog.hathitrust.org/Record/008981962.

J. H. French, “Geological and land patent map of the state of New York,” 1859, Lionel Pincus and Princess Firyal Map Division, New York Public Library, Digital Collections, at digitalcollections.nypl.org/items/7a4b41c0-d7e0-0133-4c99-00505686a51c.

Eric G. Grundset, *New York in the American Revolution: A Source Guide for Genealogists and Historians* (Washington, D.C.: National Society Daughters of the American Revolution, 2012), at American Ancestors, 7th floor Reference, E263.N6 G78 2012.

Patricia Law Hatcher, *Locating Your Roots: Discover Your Ancestors Using Land Records* (Cincinnati, Betterway Books, 2003), at American Ancestors, 5th floor, CS49.H38 2016.

E. Wade Hone, *Land & Property Research in the United States* (Salt Lake City: Ancestry Inc., 1997), at American Ancestors, 7th floor Reading Room Reference, CS49.H66 1997.

Donald A. Wilson, *Interpreting Land Records* (Hoboken, Wiley, 2006), at American Ancestors, 5th floor, CS49.W55 2006.

Periodicals

NYG&B, *The New York Genealogical and Biographical Record*, at American Ancestors, 7th Floor Reading Room, F116.N28, or at newyorkfamilyhistory.org/online-records/collection/nygb-record.

NYG&B, *New York Researcher* (called *New York Genealogical and Biographical Newsletter* before 2004), at American Ancestors, 5th Floor F116.N37, or for NYG&B members at newyorkfamilyhistory.org/online-records/collection/new-york-researcher.

Central New York Genealogical Society, *Tree Talks*, at American Ancestors, 5th floor, F118.T7. Learn more at cnygs.org.

Records

Manorial records: "Manors in New York," in *NYG&B Newsletter* 10 (1999):55–60; 11 (2000):13–17.

Jane E. Wilcox, "Exploring Research Resources for Hudson Valley Tenant Farmers," *New York Researcher* 25, no. 2 (Summer 2014):28–31.

Sung Bok Kim, *Landlord and Tenant in Colonial New York: Manorial Society, 1664-1775* (Chapel Hill, N.C.: Institute of Early American History and Culture, 1978). Free borrow of digital version at archive.org/details/landlordtenantin0000kims

"State Patents and Deeds at NYG&BS," in *NYG&B Newsletter* 9 (1998):9.

Calendar of New York Colonial Manuscripts: Indorsed Land Papers, 1643–1803 (Albany: Weed, Parsons, 1864). Free digital version at catalog.hathitrust.org/Record/011987616

Fred Q. Bowman, *Landholders of Northeastern New York, 1739–1802* (Baltimore: Genealogical Pub. Co., 1983). Digitized at Ancestry.com.

Michael Connelly and the New York State Secretary's Office, *The Balloting Book, and Other Documents Relating to Military Bounty Lands in the State of New York* (Albany: Packard & Van Benthuysen, 1825). Free digital version at catalog.hathitrust.org/Record/008555402

Grace M. Pierce, "The Military Tract of New York State," *New York Genealogical and Biographical Record* 40, no. 1 (Jan. 1909):15-22. Free digital versions at catalog.hathitrust.org/Record/000522135

Holland Land Company: Karen E. Livsey, *Western New York Land Transactions, 1804–1835*, 2 vols. (Baltimore, Md.: Genealogical Pub. Co., c1991). Digitized at Ancestry.com.

Ancestry.com: *New York, Sales of Loyalist Land, 1762-1830*

FamilySearch.org: *New York Land Records, 1630-1975*

Escheated land records, 1749-ca.1830, FSL film 947117, item 3

Field books, New York, 1701-1848; Index to localities, FSL film 946428

Indian deeds and treaties, 1748-1825, FSL film 947103, items 2-3

Land office minutes, 1784-1869, FSL film 947847-947852

Patents of the state of New York, 1649-1912; Military patents, FSL film 945291-945295