



New York State Archives

**New York State Department of Public Works Barge Canal
Land Appropriation Files 22561**

New York State Archives
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Overview of the Records

Repository:	New York State Archives
Summary:	The land appropriation files contain comprehensive legal documentation of the process by which the state acquired lands for the Barge Canal system (pursuant to Laws of 1909, Chapter 391, as amended), and of the state's title to those lands. The files document not only the transfer of legal title to the state (i.e. the deed), but also the title and lien history of the property, the negotiations with the landowner, and the review and approval by control agencies - Offices of the State Comptroller and Attorney General. All of this documentation is important for confirming that due process was observed and that the owner was justly, fairly compensated for the property taken by the state. In addition, the records thoroughly document an important government function, the appropriation of private property for a public purpose, in this case for the Barge Canal.
Title:	Barge Canal land appropriation files
Quantity:	61 cubic feet
Inclusive Date:	circa 1906-1950
Bulk Date:	bulk 1911-1920
Series:	22561

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Arrangement

Arranged roughly by contract number, then by appropriation map number (though some files are out of order).

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Administrative History

The land appropriation files document the state's acquisition of real property for the Barge Canal system, pursuant to Laws of 1909, Chap. 391, as amended. The land appropriation

process was a large-scale, complex undertaking, involving three state agencies (Comptroller, Attorney General, State Engineer and Surveyor). In some locations relatively little land was acquired because the Barge Canal followed canalized rivers like the Mohawk, Oswego, and upper Hudson, or else followed the right of way of portions of the original Erie Canal and the branches that were retained in the new system. In many other locations, lands were newly acquired for the right of way of the relocated and/or enlarged and straightened canal. Retained in the Barge Canal system were the Erie, Champlain, Oswego, and Cayuga and Seneca Canals and small feeders needed for hydraulic purposes. The other branch canals had been abandoned in the later 19th century.

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Scope and Content Note

The land appropriation files contain comprehensive legal documentation of the process by which the state acquired lands for the Barge Canal system, and of the state's title to those lands. The files document not only the transfer of legal title to the state (i.e. the deed), but also the title and lien history of the property, the negotiations with the landowner, and the review and approval by control agencies - Offices of the State Comptroller and Attorney General. All of this documentation is important for confirming that due process was observed and that the owner was justly, fairly compensated for the property taken by the state. In addition, the records thoroughly document an important government function, the appropriation of private property for a public purpose, in this case for the Barge Canal.

Each land appropriation file is contained in an envelope containing with a label indicating whether the land was acquired by "agreement" between the state and the landowner or "judgment" by the Court of Claims. Somewhat more than half of the files are "Agreement" files, but the numerous "Judgment" files indicate that landowners often decided to go to court hoping for a more favorable award. Both types of files contain common types of documents, but there are also document types that are unique to each category of file. Appropriation files that involved rights to water power can be very extensive. The labels on the envelopes containing the files also provide the following data: contract number, appropriation map number, name of landowner, and amount paid/date of payment.

Documents typically present in the "agreement" files are: report on property to be acquired (describes property, states assessed value, owner's value, appraised value, amount of final agreed value); land sale agreement (owner contracts to deliver a full warranty deed to the Comptroller, once the contract has been approved by the Attorney General); report by Special Examiner and Appraiser of Canal Lands to the Canal Board (summarizes information in agreement executed with landowner, with detailed data about the property and its value); certificates by fiscal officers (i.e. county treasurer, town collector, village treasurer if applicable, and State Comptroller) that there are no unpaid taxes or unredeemed tax sales on the property to be acquired, or that there are tax liens against the property; certificates by court clerks (County Court and U.S. District Court) that there are no judgment or bankruptcy liens against

the property, or that there are such liens; releases by owner and others releasing state from all claims arising out of the appropriation process; complete abstract of title (going back to the original subdivision that created the parcel subject to appropriation); blueprint map and description of the property appropriated (some files lack maps); original deed from owner to State of New York; correspondence (incoming, outgoing) with landowner and other state agencies (e.g. Office of Attorney General); and miscellaneous documents relating to title to the appropriated land (e.g. evidence of marriage or decease of persons with rights to the property).

Documents in the "judgment" typically present, in addition to or in place of the documents listed above, are: copy of original claim submitted to Court of Claims; depositions submitted to Court of Claims in support of claim; summary of any objections to title; certified copy of order and judgment of the Court of Claims and certificate of satisfaction of judgment.

Most of the Barge Canal land appropriations occurred prior to the completion of the system in 1918. However, some of the files date from the 1920s or even later apparently because of difficulties in completing the appropriation process. There are also a few files for lands appropriated for federally-funded improvements to the Barge Canal starting 1935. Those files are labeled "U.S." contracts.

These records of Barge Canal land appropriations are incomplete. Counties best represented are Niagara, Orleans, Monroe, Seneca, and Oswego. There are a few files for lands for the canal terminal at Rochester, but not for the other terminals.

22561-13A: Most files in this accretion relate to properties acquired for construction of the Champlain Canal (Waterford to Whitehall), including properties located in the counties of Saratoga and Washington. There are a few scattered files for land acquisitions in other parts of the Barge Canal system.

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Related Information

Related Material

B0214Series B0214, Blueprint copies of maps of lands permanently appropriated by the State of New York for the use of the Barge Canal

A1278Series A1278, Register of dates of occupation on lands appropriated for the Barge Canal, and

B0338Series B0338, Depositions regarding notices of land appropriations for Barge Canal purposes, all contain related records. Other Barge Canal land appropriation files are held by the Erie Canal Museum in Syracuse, NY.

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Other Finding Aids

Available at Repository

22561-13: Partial electronic index to the files, providing box number, contract number or letter, appropriation map number, name of landowner, and comments, is available.

22561-13A: Electronic index to the files, providing box number, contract number or letter, appropriation map number, name of landowner, and comments, is available.

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Use of Records

Access Restrictions

There are no restrictions regarding access to or use of the material.

Administrative Information

Custodial History

The files dating prior to 1926 were created and maintained by the former Bureau of Canal Affairs (earlier called the "Canal Department") in the Office of the State Comptroller. Since construction of the original canal system in the early 19th century, the Office of the State Comptroller had created and maintained records of the financing, construction, administration, and operation of the canal system. In 1926 the Comptroller's canal-related functions and the canal records needed for current operations were transferred to the recently-established Department of Public Works (DPW). DPW also absorbed all functions and records of the former Office of the State Engineer and Surveyor. Established in 1846, that office had maintained state records relating to canal construction. After 1926 the Barge Canal land appropriation files were presumably maintained by DPW's Division of Canals and Waterways. Most of the older canal records were retained by the Office of the State Comptroller and were transferred to the State Library in the 1950s and from the Library to the State Archives in 1978.

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Access Terms

- Right of way--New York (State)
- Certificates
- Deeds
- Maps (documents)
- New York (State)
- Eminent domain--New York (State)
- New York State Barge Canal System (N.Y.)
- Maintaining infrastructure
- Constructing canals
- Appraisals (records)
- Agreements
- Land use--New York (State)
- Blueprints
- Reports
- Correspondence
- Canals--New York (State)
- Public works--New York (State)
- New York (State). Department of Audit and Control
- New York (State). Department of Transportation
- New York (State). Attorney General's Office
- New York (State). Comptroller's Office