



*New York State Archives*

**New York State Department of Audit and Control Canal  
Damage Awards by Canal Appraisers, Board of Claims, and  
Court of Claims B0602**

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## Overview of the Records

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<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This series consists of certified copies of awards by the Canal Appraisers (through 1883) and by the Board of Claims (1883-1897), and of judgments by the Court of Claims (1897-1953). These awards were made for damages to lands adjacent to state canals. Many such damages were sustained by private persons when their lands were appropriated temporarily or permanently for repairs or enlargement of the Erie Canal, for the so-called \$9,000,000 improvement at the turn of the century, and for construction of the Barge Canal system.
<b>Creator:</b>	New York (State). Department of Audit and Control
<b>Title:</b>	Canal damage awards by Canal Appraisers, Board of Claims, and Court of Claims
<b>Quantity:</b>	49.2 cubic feet
<b>Inclusive Date:</b>	1835-1953
<b>Series:</b>	B0602

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## Arrangement

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Numerical by claim number and chronological by year.

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## Administrative History

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Appraisal of damages was first carried out by a Canal Commissioner and two canal appraisers pursuant to Laws of 1817, Chapter 262; the Revised Statutes of 1829, Part I, Chapter 9, Title 9, Article 3; and Laws of 1836, Chapter 287. The Canal Appraisers began making annual reports in 1849 according to Laws of 1849, Chapter 352. The permanent Board of Appraisers was established by Laws of 1857, Chapter 538, and its procedure clarified by Laws of 1870, Chapter 321. The Board of Canal Appraisers continued until it was replaced by the Board of Claims, set up by Laws of 1883, Chap. 205.

The Board of Claims was abolished and succeeded by the Court of Claims according to Laws of 1897, Chapter 36. Though called a court, the Court of Claims was really a quasi-judicial auditing board. In 1911 (Chapter 856) the Court of Claims was renamed the Board of Claims. Over the next ten years it was known as a board, a court, or a bureau, but its functions remained the same. The Court of Claims was officially reestablished by Laws of 1922, Chapter 922, and continued by Laws of 1939, Chapter 860.

Appeals from awards of damages were taken to the Canal Board pursuant to Laws of 1829, Chapter 368, and Laws of 1868, Chapter 579. the Revised Statutes of 1829, Part 1, Chapter 9, Article 3, Section 55, Chapter 9, Title 9, Article 3, Section 55, also permitted appeals from awards of the Canal Appraisers directly to the Supreme Court. Laws of 1840, Chapter 288, permitted Canal Appraisers' awards in certain water rights cases to be reviewed by the Supreme Court in an action brought by the Attorney General at the request of the Canal Commissioners or the Commissioners of the Canal Fund. Appeals from the Court of Claims are taken to the Appellate Division of the Supreme Court.

All damage claims and supporting documentation filed with the Canal Appraisers, the Board of Claims, and the Court of Claims prior to 1911, along with the original awards, are believed to have been destroyed in the Capitol fire. Copies of damage awards for appropriated lands were recorded by the clerks of the counties where the land lay, pursuant to the Revised Statutes of 1829, Part I, Chapter 9, Article 3, Section 51, as amended and readopted in later statutes.

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## Scope and Content Note

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This series consists of certified copies of awards by the Canal Appraisers (through 1883) and the Board of Claims (1883-1897), and of judgments of the Court of Claims (1897-1953).

These awards were made for damages to lands adjacent to state canals. Many of these damages were sustained by private persons when their lands were appropriated temporarily or permanently for repairs or enlargement of the Erie Canal, for the so-called \$9,000,000 improvement at the turn of the century, and for construction of the Barge Canal system, including terminals. There are also awards for flood damages to private property and some for back wages owed to canal employees, the latter dating from the late nineteenth century.

Files before 1849 generally consist of only the claimant's receipt to the Canal Commissioners acknowledging payment for land appropriated for the Erie Canal Enlargement or for other damages to lands. The receipt states the town where the damaged property was situated but does not describe the property in detail. On the back of the receipt is the signed certificate of one of the Canal Commissioners that the land has been occupied and appropriated temporarily or permanently for enlargement or repair of the Erie or one of the branch canals. Occasionally a power of attorney or an assignment of claim accompanies the receipt. When the claimant was deceased, there are copies of his will, the proof of will, and other documents identifying his

heirs. A few files include abstracts of title and maps. After 1849, the filed documents include a certified copy of the award of the Canal Appraisers.

After the Board of Claims took over the judicial functions of the Board of Canal Appraisers in 1883, the typical file contains a certified copy of the award (including a finding of facts), the claimant's receipt for money paid to him by the Superintendent of Public Works, the Attorney General's certificate that no court appeal will be taken, and the county treasurer's certificate that the damaged parcel has no tax lien against it. Some of the awards were made for back wages owed to canal employees. Other documents found occasionally are abstracts of title, copies of documents relating to a deceased claimant's estate, and the record and brief filed in a case appealed to the General Term of the Supreme Court.

The files after 1897 contain certified copies of the judgment of the new Court of Claims, releases of further claims against the state, and assignments of judgments to banks for collection, as well as the same documents as those filed with the predecessor Board of Claims.

The filed documents for the Erie and Barge Canals are numbered sequentially by date of award, from 1 to 12945. There are separate numbering sequences for the Champlain, Oswego, Black River, and Chenango canals. Many files are missing, and there are none present for the other branch canals.

B0602-06: This accretion consists of one volume (1917-1948) listing claims by private citizens or businesses who suffered damages in the creation of the Erie, Champlain, Oswego, Cayuga and Seneca, and Black River Canals. The volume is divided into five sections: Erie, Champlain, Oswego, Cayuga and Seneca, and Black River Canals with an index in the front of the book. Each section lists the claim number, name of person or company, cost of damages, canal name, and date.

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## Related Information

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### Related Material

A1140Series A1140, Petitions and Appeals to the Canal Board, 1828-1926, contains records of appeals from damage claim awards

B1965Series B1965, Index to Canal Damage Awards by Canal Appraisers, Board of Claims, and Court of Claims, is a partial index to Series B0602.

### Related Publications

Allen, S.P., comp. Digest of Claims and the Action Thereon by the Legislature and the Canal Board, Together with Awards Made by the Board of Canal Appraisers (Albany: 1858): This work covers the years 1818-1858; two supplements cover the years 1860-1865 and

1866-1870.; Hasse, Adelaide R., comp., Index of Economic Material in Documents of the States of the United States: New York, 1789-1904 (Washington: 1907): This work lists the published documents listing awards for canal claims and the annual reports of the Canal Appraisers, Board of Claims, and Court of Claims.

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## Use of Records

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### Access Restrictions

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

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## Administrative Information

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### Processing Information

B0602-06: These records were transferred to the State Archives sometime in 1985 but became estranged from the original accession for some unknown reason until they were identified and accessioned as part of the 11th floor renovation project.

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## Access Terms

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- Adjudicating
- Champlain Canal (N.Y.)
- Erie Canal (N.Y.)
- Chenango Canal (N.Y.)
- Maps (documents)
- New York (State)
- New York State Barge Canal System (N.Y.)
- Black River Canal (N.Y.)
- Canals--New York (State)
- Claims
- Oswego Canal (N.Y.)
- New York (State). Court of Claims
- New York (State). Bureau of Claims

- New York (State). Office of Canal Appraisers
- New York (State). Board of Claims
- New York (State). Board of Canal Appraisers
- New York (State). Comptroller's Office