



New York State Archives

**New York State Supreme Court of Judicature (Utica) Reports
of Commissioners to Partition Lands J9913**

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Overview of the Records

Repository:	New York State Archives
Summary:	<p>This series consists of documents relating to the partition of lands held by joint tenants or tenants in common. (Joint tenants were in possession of real property by the same title; tenants in common were in possession by distinct, different titles.) Records include petitions to appoint commissioners to partition lands, affidavits of publication of notice of petition, reports of commissioners, petitions and court rules for appointment of guardians for minor tenants, and guardians' pleas consenting to partition of lands.</p>
Creator:	New York (State). Supreme Court of Judicature (Utica)
Title:	Reports of commissioners to partition lands
Quantity:	0.4 cubic feet
Inclusive Date:	1825-1830
Series:	J9913

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Scope and Content Note

Records documenting partition of lands held by joint tenants or tenants in common include petitions to the Court to appoint commissioners to partition lands, affidavits of publication of notice of petition, reports of commissioners, petitions and court rules for appointment of guardians for minor tenants, and guardians' pleas consenting to partition of lands.

This series consists of documents relating to the partition of lands held by joint tenants or tenants in common. (Joint tenants were in possession of real property by the same title; tenants in common were in possession by distinct, different titles.) Each file contains some or all of the following documents: petition to Supreme Court seeking a rule appointing commissioners to partition lands held jointly or in common; affidavit of publication of notice of petition in cases where the identity or residence of some or all of the tenants was unknown; report of commissioners describing in detail (sometimes with a survey and map) the real property as partitioned and allotted by them; and a copy of the court rule appointing the commissioners and of the oath sworn by them. There may also be a commissioner's report of sale of the property, giving date of sale, name of purchaser, and amount paid; and a copy of the rule approving the sale and ordering distribution of the proceeds to the tenants.

Many of the cases involved minor heirs for whom the court appointed guardians. In such cases the following documents are usually found: petition for appointment of a guardian submitted by the original petitioner for partition; rule for appointment of a guardian for a tenant who is a minor; bond of guardian's sureties made out to the people of the State of New York for the "faithful discharge" of the guardian's duties and a "just and true account" of his trust; report of court clerk approving sureties appointed by rule of the court and setting the amount of their bond; and guardian's plea of confession stating that he cannot deny that a partition ought to be made and consenting to it. The series also contains a few petitions for appointments of guardians for minors who were involved in actions other than partitions. The largest single file in this series relates to the partition of the lands of Joseph Ellicott in the city of Buffalo.

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Related Information

Related Material

J0134Series J0134, New York State Supreme Court of Judicature (Utica) Judgment Rolls, contains judgments in partition cases.

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Other Finding Aids

Available at Repository

Container list is available at the repository.

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Use of Records

Access Restrictions

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

Administrative Information

Custodial History

The Court of Appeals placed these records on deposit at the Historical Documents Collection, Queens College, from 1973-1982.

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Access Terms

- Adjudicating
- Courts
- Real property
- Buffalo (N.Y.)
- Children--Legal status, laws, etc.
- New York (State)
- Partition
- New York (State). Court of Appeals
- New York (State). Supreme Court of Judicature
- Ellicott, Joseph.