

"How to Think Like an Abstractor"

RESEARCHING THE HISTORY OF YOUR HOME AND THE PEOPLE WHO LIVED IN IT

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Abstractors are people who do title searches on property when someone buys, sells, or mortgages their home. Researching history in the Clerk's offices in every county in Western New York has helped me with my abstracting; and being an Abstractor has helped me with my historical research. So I have taken my knowledge from both and combined them together to come up with some tips and tricks for historians, genealogists, and those doing house histories, to turn them into mini-abstractors.

You will need the following items:

- 1) A pad of ruled paper.
- 2) A calculator.
- 3) An engineer's scale (looks like a three sided ruler). On one end it will say 10, 20, 30. On the other side it will say 40, 50, 60. The 40 side is the side you are interested in. When you use the maps in the real property office this is the "scale" you will need to use. On the rule edge it will say 2, 4, 6, 8, 10, etc, with large lines in between to represent the large numbers. The numbers are based on hundreds; so number 2 =200 ft, number 24 = 2400 ft. and so on. "Inserts" or enlargements on property maps will use the 10 side of the scale being 1" = 100 feet.
- 4) Money for copies!

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DEEDS AND MORTGAGES

Deeds will tell you more than who owned the property. There are also some good rules of thumb when searching through the deed and mortgage indexes. Remember, every record you find in the County Clerk's Office should be considered a potential genealogical source.

INDEXES FOR DEEDS (and Mortgages)

There are two sets of indexes for deeds. "Grantee Indexes" are to look up the people, who are buying, being given land or rights of some kind. "Grantor Indexes" are to look up the people who are doing the selling or giving of the rights. This includes businesses under their business names, churches, schools and cemeteries.

Just as a side note "Mortgage Indexes" run the same way. These should not be overlooked. Mortgages helped me find an interesting little tidbit in the book my friend and I are writing about Polly Frisch who murdered her husband and two children in Alabama in the 1850's. It turns out that Polly's father literally "mortgaged the farm" to her attorneys to pay for her defense.

After running your name in deeds, run the name as well in the "Mortgagor Index", meaning the person who is taking out the mortgage. Mortgages may give you an indication of when your ancestor built his house. The word "Chattel" implies there is a dwelling on the property. A mortgage may also describe something such as "includes the saw mill to be built next to the creek" for example. This is helpful in dating the true building of a structure.

Way back in ye olden days personally held mortgages were more common than banks. The person holding the mortgage may be of some importance. In some cases he is only the former owner. Read the entire wording no matter how boring it seems. Sometimes there's nothing; sometimes there are little pieces of gold hiding in there between the rhetoric.

RUNNING THE INDEX BOOKS

For the sake of understanding how to property search we will use a person. Let's say you know Harry Goodyear lived in Alabama in 1830 because you found him in the census. The columns in the census indicate he had wife, one son and one daughter.

Go to the Grantee Index first. Write down every deed for a Harry Goodyear, the book and page of deed, and the location. (I use a fifty-year time frame.) Where the property is located is in little columns next to the book and page. It will be a number indicating town, range, lot and sometimes section.

It is important to keep the notation of the township, lot, etc next to each book and page number on your list. Buying and selling several properties within a short span of years was quite common. These notations will help eliminate confusion. Give yourself enough space between each book and page for other notations when reading the deed. Now get another piece of paper and do the same thing for the Grantor Index.

Now you are ready to begin comparing your Grantee list with the deeds on your Grantor List. (Names, dates, book, and pages are fictitious)

For example:

Goodyear, Harry

Grantee

33/141 L13, Twp13, R3

38/87 L2, Twp13, R4

42/198 L13, Twp13, R3

Grantor

42/231 L13, Twp13, R3

46/309 L2, Twp13, R4

We can see Harry bought two pieces in lot 13, range 3; so which one did he sell? This is why you leave space between your books and pages. We will compare the lists again after we have added our notes. But first! We go to the map room. This is also in the Genesee County Clerks Office. They will be happy to direct you to an atlas to find your parcel.

In Harry's case L13, Twp13, R3 would be in the Town of Alabama, on the northeast corner in Alabama Center where Alleghany Road and Lewiston Road intersect. His other property at lot 2, Twp 13, range 4, would be north of Alabama Center on the west side of Alleghany Rd. O.K. now lets look up those deeds.

Goodyear, Harry

Grantee

33/141 L13, Twp13, R3 - dated 1/19/1829 Recorded 6/21/1829

Joseph Smith to Harry Goodyear \$200

Beginning on the northeast corner where the Alleghany Road meets the Lewiston Road, thence 2 chains north, then east to Bradwell's oak tree, thence south to the Lewiston Road, thence west to the place of beginning, containing one acre of land be it the same more or less.

38/87 L2, Twp13, R4 - Dated 3/14/1832 Recorded 4/15/1837

Samuel Barrett to Harry Goodyear \$320

Beginning at the southeast corner of lot number 2, thence north 3 chains and 22 links, thence west leaving the Alleghany Road 5 chains and 11 links, thence south 3 chains and 22 links, thence east to the point and place of beginning.

42/198 L13, Twp13, R3 - Dated 2/21/1837 Recorded 4/15/1837

Peter Ward to Harry Goodyear \$390

Beginning 2 chains north of the southwest corner of lot number 13, being the northeast corner where the Alleghany Road meets the Lewiston Road, thence north 3 chains to a rock, thence east 2 chains, thence south 3 chains to Bardwell's oak tree, thence west 2 chains to the place of beginning, containing land more or less.

Grantor

42/231 L13, Twp13, R3 - same description as deed at 33/141

Dated 2/23/1837 Recorded 4/15/1837

Harry Goodyear and Martha Goodyear to Alfred Goodyear

Quit Claim deed \$1.00

46/309 L2, Twp13, R4 - same description as deed at 38/87

Dated 7/7/1842 Recorded 8/14/1842

Harry Goodyear and Sarah Goodyear to Michael Doogan

Quit Claim deed \$1.00

Now, what have we learned from all of this? A lot more then just where good old Harry lived. Let's take them one at a time. Harry kept one piece of property in lot 13. We have also figured out which one it is by our notes taken from reading the deeds. This could mean that Harry lived and died here in Alabama. So make a note to check surrogate court for a will or probate file after the date he sold the last piece of property (if you haven't all ready been over there.)

Batavia was the only place to file the deed for the town of Alabama. Because these men were mostly farmers or ran a business a trip to Batavia was quite a big deal, especially by horse and buggy. Having a big gap in dates between when the deed was signed and when it was recorded was not unusual. Trips such as these were based on weather, crops, harvesting, etc. *The deed is binding from the date it is signed*, being the dated date of the deed not the recorded date.

A man did not have to have his wife's name on the deed when buying, but he did when selling. I find the Grantor's Index one of the best sources for finding wives. By looking at the two pieces of property Harry sold we can figure out that his first wife Martha died between 4/15/1837 and 7/7/1842.

Also that he must have married his second wife sometime before 7/7/1842. This would help explain any age differences between women in comparing an 1830 census to an 1840 census.

Harry and Martha execute a Quit Claim deed for one of the parcels in lot 13 to Alfred Goodyear in 1837 for one dollar. A Quit Claim deed is almost always a relative. If this were a real search my first guess would be that this was the son indicated on the 1830 census.

A Quit Claim deed is exactly what it says. The parties are quitting any claim they have on the land and basically not guaranteeing a thing. Unlike a Warranty Deed where a sum of money is exchanged and they warrant the title is clean of any encumbrances. A minimum of a dollar had to be paid when transferring property, so most Quit Claim deeds are only for \$1.00.

In 1842 Harry and Sarah Goodyear Quit Claimed the property in lot 2, range 4 in Alabama to Michael Doogan for \$1.00. If I follow the same theory of Quit Claim deeds, almost always being a relative, I can assume two things. First, that this is Harry's son-in-law. Remember the 1830 census indicated he had one daughter? It is now 12 years later she could be married by now. Her name would not have to be on the deed when they bought, only when they sold.

There is another possibility. Michael Doogan could be related to Sarah, the second wife of Harry. He could be her brother or a son from a previous marriage. I would make a note to see whose name was on the deed with Michael Doogan when he sells the property.

BUSINESSES

The name for a business is ran similar to that of a person. You should try a few different combinations for finding it; for example, "Smith and Jones Alabama Produce Company". If clerk A is indexing he might index it under Smith. If Clerk B is working he might index it under Alabama. So try Smith, Jones, and Alabama.

SCHOOLS

Schools are usually indexed under the name of the town, like a persons last name. Sometimes the school number is in the "N" column, like a person's first name, as "No. 4".

CHURCHES

Churches can be indexed in several ways, as before, depending on which clerk was doing the indexing. Try all of them; for example "Alabama Freewill Baptist Church". You may find several in a group of years indexed by town. Very early church deeds are often indexed by religious affiliation.

CEMETERIES

One of my favorite things to look for, and sometimes very elusive to find! Sometimes cemeteries are easy when they are named or incorporated, like Smallville Cemetery —hard because they didn't all have names when they were first formed, or they started out as family plots. To begin, go to your oldest atlas and find the cemetery. You now know by the atlas the town number, range and lot number. Every county, usually in the clerk's office will have an atlas of the Holland Purchase or other original land tracts. Find your town, range and lot number. Here you won't see a cemetery but an original landowner's name. Since you know how to measure, make yourself a little drawing on scrap paper of the lot and its links and chains. This will usually be a decimal such as 2.40. This means 2 chains and 40 links.

Now go to the index book and look up the landowners name so you get his liber (book) and page of his deed. After that, run his name in the grantor index and see whom he sells too. Eventually him or the next guy, or the next will deed a piece to the Smallville Cemetery.

OR when guy number 3 sells his deed may say "Excepting and reserving the Burying Ground in School District #8 being 56 square rods of land" (A real one by the way) This cemetery is noted only as an exception on another deed, so you would never have found it in the index book anyway.

Now you know how to "run" names in the indexes, as they say in the Abstracting business. Part two will be the other documents you may find in deeds.

OTHER TERMS TO KNOW

Excepting and Reserving - You may find this clause on a deed after your property description. For examplebeing 5 acres of land more or less. Excepting and reserving one acre deeded to Robert Crumb at liber 182 page 93. This means they are conveying the 5 acres MINUS the one-acre already deeded to Robert Crumb. So your property is really only 4 acres not 5.

Easement or Right-of-way: You may see this on a deed after your property description as well. Once done, they forever follow the property unless rescinded for some reason. It could be an easement for an access lane to get to a farmer's field behind the property. It could be access over another property, via another road to get to the coal bin in the buildings cellar.

Modern easements are done by utility companies in order to run phone lines or put up poles. This is helpful for finding out when electricity really went through your town. You would normally find a separate document for this in deeds.

"Life Use" Clause: This you will also find after all of your property descriptions. It will probably say something like this, "Grantor reserves life use of the premises." What it means is, that the person conveying the property to the new owners has a right to live there until the day they die. So, although they are the grantor selling to the new owner they are most likely still living at this address. The grantor is 9 times out of 10 a parent or some other relative. In our area sometimes the buyer will be a non-relation, like a farmer. If the property was a farm this is done so the farmer has more land for crops. He usually is not interested in the house. He'll let the seller stay there and usually gets the parcel at a good price because of that. But, if the seller was your great-grandmother, for example, I would keep running her name, as well as the new owners, and see where it leads. Normally when it is the new owner's time to sell, something will be said about grandma because of the Life Use Clause.

Measurement Reference:

Below is in reference to a Surveyor's chain not an engineer's. It is the measurements you will find in early deeds. This was how the lands in this area were originally divided up.

One link = 7.92 inches

100 links = one chain

One chain = 66 feet

One rod = 16.5 feet

Acre = 160 square rods or 43,560 square feet.

If you are looking at an old deed and it says 5 chains and 33 links, you don't need to take the long way which is:

$5 \times 66 = 330 \text{ ft.}$ $33 \times 7.92 = 261.36$ — 12 (inches) = 21.78 ft

$330 \text{ ft.} + 21.78 \text{ ft.} = 351.78 \text{ ft.}$ (aprox. 352 ft.)

There is a much easier way!

5.33

x 66

351.78 ft.

Now isn't that easier and less confusing!

OTHER THINGS YOU WILL FIND IN DEEDS and/or Miscellaneous Records

Now that you know the way to search deeds, here are some other things you may find there.

POWER OF ATTORNEY- or POA .

The person giving the power of attorney will be in the Grantor Index of Deeds. The person receiving the duty of being the Power of Attorney will be in the Grantee Index of Deeds. In some counties you may find this in Miscellaneous Records Indexes instead. The reason you find them in deeds is a Power of Attorney (if the box is checked) has the power to convey land. Quite often the person appointed POA is a relative. So don't overlook this in a search. It is important if you are researching a business to see if the POA was really running the show.

LEASE -

Sometimes you will not find an actual deed to Harry Goodyear's property because it was leased from another party and never purchased. You may also find this in Miscellaneous Records instead of deeds. It depends on the county or the time period. I found one such ancestor this way while searching for someone else, and it only showed up in Miscellaneous Records. The man leased the land for 10 years. This was helpful because I couldn't locate where he was between censuses. It also showed someone else was farming the property, and not the landowner like I thought.

LAND CONTRACT -

Again, sometimes in Deeds and sometimes in Miscellaneous Records. For the most part they will be in deeds. It depends on the time frame and the county. Land Contracts were similar to the Land Grants. They are the same in the fact that you did not get your deed until the Land Contract was paid. These were normally done between individual parties. Land Contracts are still done today. If you think Harry Goodyear bought his land by Contract you would find his name under Grantee.

Sometimes they were recorded and sometimes not. People might choose not to file the Land Contract, wait till it was paid off, and just file the deed. If you find one amidst some old papers of your ancestor, I would look in deeds after this time period to see if he ever did file the deed.

WILLS-

Yes, even these; can be found recorded in Deeds. This was more prevalent in the old days than now. This was done because people would bequeath their land to another in their Will. Usually it was because they owned land in another county as well.

Let's say you know Harry Goodyear owned land in Alabama in Genesee County. You know nothing about him owning land in Shelby in Orleans County. You can't find a probate file in Genesee or burial. Harry dies in Orleans County, which was his primary residence. His Will and Probate file will be in Orleans County. So a Will from Orleans County, might be filed in deeds in Genesee County because of the land he owned there. It's always worth a look.

Aside from the things mentioned above there are other interesting things here—for the historian and the genealogist. In the older books you may find adoptions. Any Military discharges that were filed will be in here from way back when to present. Most incorporations were not put into separate index books till the late 1800s. These you will find in the Miscellaneous Records Indexes. You will find incorporation papers of churches, cemeteries and organizations here. It will also list the trustees, which are essentially considered among the founders.

If you don't find the incorporation in Misc. Records check deeds. Also if you are looking for a deed to a church and can't find it, but you know a trustee's name by old church minutes, look under their names. It might turn out the church was called something else 40 years earlier, and that's why you can't find it.

THE FIFTY YEAR RULE OF THUMB

Let's take another look at Harry Goodyear. What if you never did find a deed for a house? You have tried all the other avenues. Then why is there no deed?

I would still use the fifty-year rule of thumb and check ahead as far as 1880 or 1890. It is not as silly as it seems. I will use the following example of a real property search I had to illustrate. (I am making up names again of course.)

Joseph Bolton lived in Alabama in the 1850's. In fact he lived there most of his life. Joseph had a wife named Sally, and one son named Charles. Poor Sally died however leaving Joseph and Charles to run the farm all alone. In 1865 Joseph decided to move to Michigan. Charles had married and decided to stay on at the farm in Alabama with his wife Beth, and son Michael.

In 1870 Joseph dies in Michigan, but he did leave a Will. In his Will he leaves the farm to his son Charles. (You however have no probate file to check because he died out of state. You might get lucky and find a duplicate here, but in this case it did not happen that way.) No Executor's Deed was ever filed transferring the property from Joseph's estate to his son Charles. Charles just figured well it was in my father's Will, so I guess it's mine now.

Michael grows to adulthood, marries, and has a son named George. Poor George won't see his grandparents very long because Charles and Beth Bolton die in a train accident in 1901. Charles left a Will as well and "willed" his property to his son in the event that his wife was already dead. Again no Executor's Deed was filed. Michael figured the same thing as his father did. Well I guess now it is mine.

In 1910 Michael Bolton decides to sell the property. He of course ends up hiring an attorney to clean up the mess his family has created. Finally in 1911 the original deed of Joseph Bolton from 1858 is filed at the Clerk's Office, and several affidavits' explaining the whole messy affair. The title is now clear, and Michael Bolton sells his land in 1911. The deed to the new owners not only has the usual stuff; it is also clearly written as to how the property exchanged hands. This is nice if you are doing genealogy.

This type of thing, of course, is an Abstractor's worst nightmare; but it is an excellent lesson in genealogical searching! So always check ahead at least fifty years. When it comes to family conveyed property sometimes people do what they want rather than what they should.

SURROGATE'S COURT

Here is another lesson to help you find property. This applies to Genesee County, but generally, also can be applied if you are looking in Orleans, Wyoming, and Livingston Counties. I thought I would clear up some questions about the Wills and Probate files.

Part of an Abstractor's job is to check Surrogate's Court to see if the property owners are both alive. Sometimes property is conveyed by Will, or by an executor, so Abstractors always check Surrogate's Court when doing a property search.

(Before we get started let me say, if you do not find a Will, it does not mean that there is not a probate file for your ancestor. It just means there is no Will filed.) If the deceased did not own any property or anything of value, then you will not find a Will or Probate File. You will not always find one when someone dies, so don't assume they did not die in the county just because you did not find anything in Surrogate's Court. If ggg-grandpa Seth Jones never owned his own house, or had no large cash holdings, crops, livestock, etc., there is really no reason for him to write a Will.

Or, if he is just leaving his watch to his son, his bed set to his daughter in his Will, the family may not have even bothered to file it. The purpose of Surrogate's Court is to make sure a person, who has an estate considered of some value, has his possessions divided, as it should be. When it comes to families, they often do what they want, and not necessarily what they should. Will or no Will, always check for a Probate file, and read every bit! So to clarify all these technical in's and out's, this is called:

"The Will is Nice Monty, but I'll take the Probate File behind Drawer #2"

After you find your persons name in the index book you will see two sets of numbers. One is the file drawer for the probate file. The other set is the book and page of the General Register which lists all the steps taken, and which books you can find them. This is time consuming and you will miss a lot of good information. Go straight for the probate file. If you do not find the Will in the file, THEN check the Will Books. Sometimes the index for the Will books are in the back of the book not the front.

An "Executor", or "Executrix" if female, is the person named in a Will that is chosen to handle the estate upon death. If a person dies with a Will or "Testate" the Executor named in the Will petitions the court for "Letters of Testamentary" and permission to enter the Will for probate. These letters are issued by the court putting the executor in charge to make sure all the steps are followed through with until the estate is settled. He/she will need this letter to show banks to release the funds, get into security boxes at banks, and have authority to write checks to pay any debts, etc. The Will contains of course the deceased's desires as to how he wishes his property to be divided among his heirs, which he names in his Will. What is stated in the Will is not always what happens however. We will get to this in a minute.

If a person dies without a Will or "Intestate", then someone will need to petition the court to become the "Administrator" of the estate. After the Court appoints the Administrator, he/she is issued "Letters of Administration." The Administrator's duties are the same as that of the Executor's. So this is why you may still find a probate file even though great-great-grandpa Seth Jones never got around to writing a Will. This sometimes makes for a messy affair for the poor remaining relatives.

Most Wills begin the same. Our Seth was smart and wrote a Will. Seth Jones, of course being of sound mind, requests that all his just debts be paid. Seth also will state that all his funeral expenses be paid. He then will list his wishes as far as his property and personal possessions. Usually of course his wife, Mary Jones for example, receives the property, and living expenses until her death. In the olden' days it was often stipulated, the phrase "or until my wife remarries". After this he begins to list the rest of his heirs. His son Harry Jones, son James Jones, daughter Sally Jones, and daughter Eliza Smith, and what he wishes them to receive. Daughter Susan has been disowned and left out of his Will for marrying Joseph Black. The executor could be his wife, his son/daughter, his lawyer, or even just a best friend. In this case we will use his daughter Eliza's husband Jacob.

Now years go by and poor Seth dies. Jacob Smith files for Letters of Testamentary, which are granted. Now the family fun begins!! Let's say Seth had a lot of money, land, crops etc. When he wrote his Will, Sally was a minor. Now she is married to William Brown living somewhere in Ohio. The executor now has to find all of Seth's "devisees" or "distributes." If you think, "Well he named them all in his Will, who's to find?" The answer is anyone who has a stake in Seth's estate. This would be Harry and James and any of their children; Eliza and any children she has with Jacob Smith; and Sally and her children with William Brown, including their one son whose whereabouts is unknown. Sometimes even nieces and nephews need to be tracked down. Even if Seth disowned Susan for marrying Mr. Black—Susan, and her children are still entitled to a share of the estate. Whether she gets it, however, is usually up to the Judge of Surrogate's Court. Any minor children will be appointed a guardian by the court to speak for their interests.

Sometimes it takes quite a while to find all of these people; especially if there whereabouts are not known. This can delay things for months. When they are found, they have to sign waivers stating they have no objections to the Will being entered into probate. If someone has a beef, here is where it usually happens. Someone contests the Will and refuses to sign the waiver. Let's say in this case all the waivers are signed. Read all of them. It will mention in the notary section if the devisee' signed out of State.

You will want to read any bills in the probate file. Sometimes it mentions who made the tombstone. This may be a clue to a nearby cemetery you haven't checked, if you can't find where poor Seth is buried. Usually there are little notes in the file. Read these too. Let's say Susan writes a letter to the court about another child that was born after the probate process began. This new baby is also entitled to its share. Usually a large estate is kept in trust. Sometimes it can take 10, 20, 30 years or more till the estate is finally settled. Read every paper in the file.

Let's say Seth owned a general store. You will find some information here about the dealings of the business. Stocks might be mentioned, the value of the business, and an inventory of what types of things he had in stock. The appraiser has to account for everything.

If it is a case where the estate is in trust for several years, you will find many interesting things. Every so often they will have to get new information from the devisees, so they can issue any checks. You will find many children this way, migration patterns of Seth's children or their children, second wives and husbands, extended family, etc.

Also read the inventory lists and the appraisers report. This was how I found out who took off with all the furniture and family photos for one family! In this case let's say that Sally and William Brown came back from Ohio to hear the Will read. While they were there they took the very expensive china set, the sterling silver, the family photos, and the bible from their parents home. The appraiser obviously did not find these items when he went to look for them during the appraisal. He might note for example, as in my case, that Sally Brown removed these items to her home in Ohio. Now you know to track down the descendants of Sally and William Brown to see if any old family photos of Seth and Mary Jones still exist. Eventually the estate will finally be settled. Usually after Seth's wife Mary finally dies.

Wills and probate files are also important because sometimes deeds are not done the right way. This is covered in more detail in my section on deeds at my web site. What if Seth left his property to his son James? The right thing to do is for the Executor to do an "Executor's Deed" that transfers the property from Seth's estate to the son James Jones. Sometimes this is not always done. Seth's descendants could be living in the same house long after you think, or you may think they are lost, because you can't find a deed after Seth has died. This will make for a messy property issue for the son of James if he were left the property next. In other words, use the 50-year searching rule of thumb when searching for probate files as well as deeds. An Executor's deed may be filed long after Seth has died just to clear the title to the property. Search 50 years forward for a probate file if you don't find one at the time of death.

So that is why I say the Will is nice, and does contain useful information, but it is usually written years before the person dies. Since this is genealogy, the probate file is the item to go for; and nine times out of ten it has a copy of the Will in it anyway. You should still check the Will index if you do not find a Will in the probate file. Often in the very, very, old cases the Wills were only in the Will books and not transcribed to put in the probate file.

Finally, if an Executor's Deed was never filed and you think one should have been, you may find the Will filed in the County Clerk's Office. This would be done to clarify who was "Willed" the property. To look for this possibility, check the Deed Indexes.

Any issues on children should be looked for in the probate file, the General Index in Surrogate's Court for possible Guardianship Files, and Miscellaneous Records in the County Clerk's Office. (I found quite a few 1800s adoptions there after a death of a parent!)

Other records you may find are:

Dowers Indexes – Which should list exactly what the wife gets. This was done if there was a very large estate.

Land Sales, Record of Sales – Details of the land sold to settle the estate.

Minutes of Citations – Record of citations that were issued to the next of kin to appear for the reading of the will.

Guardianship records, which is explained on page 10.

LOOKING FOR LOST CHILDREN

(NOTE: We are talking in most cases, over 72 years at least, NOT current children. Also some of these records, regardless of age, may be permanently sealed)

When searching for children in records in New York there are a few tips to remember. If you have a case where you suddenly lose the children it could be that a parent has died or maybe they had to give them up because they afford to keep them. Try this:

- 1.) Surrogates Court carries Guardianship files, as well as Probate Files and Wills, in many NY State Counties. When a father died someone had to accept responsibility for the children. Even the wife had to file for guardianship and have a witness sign. Usually they had to also provide a surety bond. This money guaranteed the children would be provided for. This did not always work out well for the children if a non-relative had to take them. Children were split up sometimes, treated as servants, etc. The only other choice, if under 14 years of age, was to become an indentured servant (basically a slave) or go to the poor house.

Example: 9/4/1822 Guardianship File in Genesee County Surrogates Court for: Sarah Elizabeth Hoag & Benjamin Wilber Hoag - children (Benjamin Sr. had just died, no wife living)

Original Guardians for both children were:

Pearl Flower, Elisha Brainard, and Nathaniel Blakely. The son ends up in Pennsylvania, then later in Wyoming County, NY. The daughter stayed in New York. (At least till she was of age it seems, I did not search further then this file for her.)

It seems Benj. Jr. was almost 27 before he finally got rid of his Guardian handling his money!! Don't forget, to find the children's name, you may have to look under the "Head of Household" of the Guardian by his surname, not necessarily that of the child's.

- 2.) Check with the County and Town Historian where you last find the child (after death of parent, almost always the father). See if there were any Town or County Poor Houses in the area; and if they have a record of the people who were living there.
 - 3.) See if the Town itself had a "Poor Master". He was like the local Social Services guy. Check with the Historian of the town. The Poor Masters Log would list the names of children as well as adults. What money was given, and what it was used for. Also who got paid for taking care of whom.
 - 4) In most counties there was a yearly meeting of the Supervisors of the towns. It would last for several days. Different topics were discussed and reported on, including children, men, and women, who got sent to the poor house. A book was printed for every year of these meetings called, "Proceedings of _____ County Board of Supervisors 19--." Check with the Historian of the County to see if they have any copies. This is something you will have to go read yourselves in most cases: or enlist someone to do it for you. It is a bit time consuming.
 - 5) Some Counties still have files for Indentured Servants as well. These were up to age 18 for woman and age 21 for males. Because NY provides grants for Records Management, these files, if they still exist, may be held elsewhere. In our case the County Historian's office has the index for the records. If you find your persons name, you can ask them for the file.
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IN CLOSINGOther resources you may not be aware of:

CIVIL ACTIONS & PRECEEDINGS

These are records of lawsuits. They could be many things. Wrongful death cases, suits over land disputes or money, a variety of things. Divorces are civil cases too and start here. If you find your name it will give you a page number in the same book. Flip to that page to see the who -vs- who. It will give you the date and types of documents filed. Whether you can read the file depends on the case, how old it is, or both. GGGrandpa Goodyear could be the person suing someone else, or he could be the one being sued. He could be more colorful than you know!

JUDGEMENTS & DECREES

This is the index book to look in when looking for the final decree for a divorce or other civil case. You cannot read the file, but you can find out if your ancestor was divorced. This could explain why GGGrandpa Harry Goodyear turns up with a new wife. Lets say you find a case. The index will give you a liber and page. You then can go to the judgments books (the old ones in Genesee County are in the map room) and pull the book. You won't get all the nitty-gritty on the whys of the case but you can read the final decree as to who won, and the basic outcome. I have found divorce decrees, which stipulate the rules for remarriage. Lets save Harry Goodyear divorces his wife Lizzie on grounds of adultery. It may state that Harry is allowed to remarry; but she is not allowed to remarry till after Harry is dead. If Lizzie is your ancestor, and you can't find her, start looking for her in a different state. In ye olden days it was much harder to keep track of people from one state to the next.

TOWN MINUTES

These may be available for you to read in some towns. They are public record, but might be in poor condition. Most towns only had meetings once a year back then. They are good to look at between census years. You would be surprised what you will find. For example, in the very beginning of the creation of a town the landowners were responsible to help build the roads by their land. These men would be listed in the town minutes, and how many days they worked on the roads. If they did not do any a zero was by their name, but they were still listed. I have found a lot of people this way who came, for example, in 1831, but left in 1834. They dropped out of the minute books. This also accounted for why I could not find them in the census records.

TOWN SUPERVISORS YEARLY MEETING (County Minutes)

This may seem a boring thing to look in at first glance, but the good stuff is towards the back of the book. The Supervisors held a meeting every year in the county. Originally written in large ledger books, the meetings were later printed in small books. Check with the Board of Supervisors in your county to see where they are kept. Towards the back they list people by town who served on jury duty, people in jail, people the poor master needed to help, sometimes even to pay their way to another town!

The more you understand what you are reading the better you can tell if it is important in your historical research. *Leave no book unopened!* I try to make use of all the sources available no matter how trivial they seem. Sometimes the real gems are found in the most unlikely places.

HISTORICAL LINKS TO HELP YOU:

Historical Map Collection: <http://www.davidrumsey.com>

Making of America, Cornell: <http://cdl.library.cornell.edu/moa/>

Making of America, Michigan: <http://www.hti.umich.edu/m/moagrp/>

American Memory from the Library of Congress: <http://memory.loc.gov/>

Internet Archive: <http://www.archive.org/> Digital documents, books, sound and cinema – free.

United States Land Patents: <http://www.glorerecords.blm.gov/>

Fulton Postcards: A free site of digitized historical newspapers <http://www.fultonhistory.com/>

LDS Family Search site: <https://www.familysearch.org> Search by state for records not indexed yet.

Check for free days at <https://www.ancestry.com/> and <https://www.fold3.com/>

The state/country archives of any place your ancestors may have traveled to. Michigan and Canada, for example, have quite a lot of local records online.

Map taken from *The Sesquicentennial 1802-1952*
Genesee County, New York

Genesee County Is Born

Genesee County, coextensive with old town of Northampton, Ontario County, was erected March 30, 1802. It is shown in heavy black outline.

Its subdivision into 4 townships at that time is shown. Batavia embraced the whole of the Holland Purchase. Except for the Phelps and Gorham Mill Seat west of the Genesee River, the remainder of the new county was known as the Morris Reserve. Together, these were subdivided into the townships of Northampton, Southampton and Leicester.

As pertains to Genesee County, today, the north part of the Morris Reserve was subdivided into four parcels and sold as follows: the Triangle, Connecticut, Craigie and Forty Thousand Acre Tracts.

Counties taken from Genesee with dates of their erection are shown.

