

[Extracted from Dartmouth Proprietors Book of Corporate Records: Attested copies made by Jonathan Delano, Clerk, before 1725 fire and found and re-entered after fire]

PAGE 10:

At a Purchasers meeting held at the townhouse in Dartmouth on the 4th of November in the year 1709: this meeting was adjourned till the 15th of the instant November and then met and agreed that whereas Joseph Allen, John Allen and William Allen have of late commenced an action against the Proprietors of the lands within the township of Dartmouth for the obtaining a part or division of all the lands within said township so that they may hold their parts in severalty from the rest of the Proprietors of said lands and whereas they with several other do pretend that they cannot have their part of said lands equal with others of the Proprietors, also pretending that the surveyor with those that have assisted him in laying out the lands of late, being persons concerned in the lands, have made unreasonable allowance in proportioning the same to themselves and their friends more than the quality of the land hath required, now for the procuring of good agreement between said dissatisfied persons and the rest of the Proprietors of said lands, it is now tendered (there being other persons that are unconcerned chose to finish the laying out the 800 acre division where it is not yet done) that they may pitch upon any share, half share or quarter share that is already laid out according to the Proprietors order for the laying out said 800 acre division and have their parts made equal thereto for goodness according to each one's rights and further it is tendered that if the said dissatisfied persons do mislike of these men that the Proprietors have chosen to finish the laying said 800 acre division that then they may have their land laid out to them as aforesaid by three unconcerned men that may be thereto appointed by his Majesties justices of the court of quarter sessions to be holden at Bristol for the County of Bristol at any time hereafter and said court is hereby humbly requested at the desire of said dissatisfied persons to appoint three unconcerned persons such as said court shall think fit, one being a surveyor under oath for the work to lay out their land, according to the Proprietors order for said 800 acre division, they paying them for their pains and further it is agreed that one year be allowed for the completing of the 800 acres division and that then we will proceed to lay out all the rest of our lands in such lawful way as may be thought most profitable for the Proprietors; the above written was voted by the major part of the interested present at said meeting, the voices being collected according to the interests, the meeting was adjourned till the last Friday in March next.

No. 4

A true copy taken out of Dartmouth Purchasers Book of Records and therewith compared, before me
Jonathan Delano, Clerk

PAGE 11:

At a Purchasers Meeting held the last Friday in March in the year 1710 at the townhouse in Dartmouth, the meeting was adjourned till the 3rd Tuesday of May next. Col. Nathaniel Byfield, Esq. and Capt. Nath. Pain being present were requested by the Purchasers to be helpful at said meeting and to advise what might be for their peace and contentment. Col. Nathaniel Byfield, Esq. was chosen Moderator for said meeting. Voted that there be a committee chosen at this meeting for three uninterested persons to whom all persons aggrieved shall or may repair and shew forth their deeds of land for their shares in the Propriety of Dartmouth and the said committee are hereby fully empowered to make full inquiry into any or every man's share, and where they find that any has more than their proportion, having reference to quantity and quality to take an account of it, and to make report thereof at the next Proprietors meeting that shall be appointed after the first day of December next, within which time this affair to be completed and he who shall cause any man's lands to be surveyed, if it be found right the complement shall pay the charge but if otherwise, he that hath more than is his due shall refund the overplus and pay the charge. It is to be understood that this vote refers only to extend (?) to 800 acres to a whole share of upland and 36 acres to a share of natural meadow.

In compliance with the above vote, the committee chosen are Capt. Thomas Gray, Lt. William Forbes, and Lt. Samuel Crandall, Capt. Thomas Gray to appoint time and place and the charge of their meeting and viewing the deeds to be paid by the Propriety; whereas it is objected by some that the vote obtained the 15th day of November was obtained by a bare major part of them present, which was but a bare major part of the Proprietors, and it being now a full meeting of the Proprietors, it is now voted a confirmation of that vote refering to the completing 800 acres to a whole share and whereas Capt. Thomas Gray, Lt. William Forbes and Lt. Samuel Crandall are chosen a committee in another vote made this day, they are now made choice of to be a committee and surveyors to finish what is directed unto in said vote now ratified made the 15th November and if they refuse or

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neglect to attend said service then the interests of the court of quarter sessions to be [illegible] as in the former vote to nominate and appoint three persons uninterested in the former vote. Mr. William Barker and Mr. William Almy and desired to wait upon them [sic] three gentlemen for their consent in engaging in work thereto by both the foregoing votes.

No. 5

A true copy attest.

Jonathan Delano, Clerk

THE EIGHT HUNDRED ACRE DIVISION CONFIRMED.

PAGE 12:

At a Proprietors meeting held by adjournment at the townhouse in Dartmouth the first Tuesday in December 1710, John Tucker chosen Moderator for said meeting. Agreed and Voted that the necks called Sconticut, Clarks Neck and the Horse Neck and the several islands that are not already disposed of shall be surveyed and laid out as followeth: that is to say, the necks and islands within each village shall belong to the inhabitants of the same and to such others as have meadows therein, each one that desires it to have his equal proportion according to his part of a share and those that have meadows in said necks and islands to have their lot or share against their meadow if they desire the same and all the left [rest?] to be lotted for.

A true copy taken out of the Dartmouth Purchasers Book of Records, attest
Jonathan Delano, Clerk

PAGES 12-13:

At a Purchasers meeting held at the townhouse in Dartmouth on Tuesday May 12, 1713, Mr. Samuel Hunt is chosen Moderator for said meeting. Voted that all the meadows in our town be surveyed: that is to say, all natural meadows -- salt, fresh and segg (?) flats, excepting those that have been laid out for upland already and said meadow to be laid out one division unto everyone according to his right of a share, each one to have his part where it was formerly laid out to him as far as it will go and the rest to be made up in that that is undivided and that a committee of three or five uninterested men be chosen and appointed to determine what shall be meadow, the surveyor to be one of said committee and that the said committee do qualify the said meadow to every Proprietor according to his right as equal as they can and where any difference may arise between two or more Proprietors about any particular piece of meadow, the surveyors with the other of the said committee shall determine who shall have it. It is further agreed and Voted that Benjamin Crane be the surveyor and Benjamin Hammond, William Manchester, his assistants, these three men with any other two that we the said Proprietors shall so cause to make choice of hereafter: that is to say, that if the said Hammond or Manchester should desist, the work are [sic] intended with the said surveyor to be the committee to complete the work as above expressed. The meeting was adjourned to the third Tuesday of June following and then meet and Voted that whereas it was agreed the last Purchasers meeting, which was on May the 12th, 1713, to lay out all our meadows as by said act may appear, it is now further ordered that where any Proprietor had not had his proportion laid out up to 36 acres to a share that he shall have the privilege of choice in the intended until he has his proportion up to the 36 acres to a share according to his right. It is further ordered that all they that have taken upland for meadow shall hold it for meadow. It is also agreed that all the beaches adjoining to the meadow may be laid out with the meadow and valued as meadow at the discretion of the committee. No. 7

A true copy taken out of Dartmouth Proprietors Book of Records, attest
Jonathan Delano, Clerk.

THE FOUR HUNDRED ACRE DIVISION

PAGE 13:

At a Purchasers meeting held at the townhouse at Dartmouth by adjournment on the third Tuesday of June 1713, it was agreed and

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Voted that there be 400 acres of land laid out to a share to be proportioned to each Proprietor for quantity and quality according to his right and where any difference shall happen by reason of several men's pitching on the same tract of land that there the surveyor and his assistants shall determine who shall have it and it is also agreed that there be one month's time from this day allowed to each Proprietor to bring in his pitch to the surveyor and that the surveyor shall not lay out any until all have notice that have pitched on any one place and that those men chosen by the last act to lay out the meadows shall be the persons to lay out the said land and whereas any may be disappointed of their pitch that they may have liberty to enter a new pitch forthwith. This division of 400 acres of land shall not be begun to be laid out until the expiration of two months next ensuing, the above written transcribed out of Dartmouth Purchasers Book of Records and is a true copy, attest

No. 8

Jonathan Delano, Clerk

PAGE 14:

At a lawful Purchasers meeting held at the townhouse in Dartmouth on Tuesday the 5th of January 1713 [1714], agreed and

Voted that whereas at a Purchasers meeting held at the townhouse in Dartmouth the 12th of May 1713, it was agreed in voting for the cedar swamp that everyone that would not draw his or their lot should fall last, said act is now made good and it is now agreed that every Proprietor take his lot as it falls and where any refuse to draw, that there the Clerk shall draw for them.

A true copy taken out of Dartmouth Purchasers Book of Records,
attest Jonathan Delano, Clerk

No. 9

Christopher Gifford's lot for cedar swamp was the seventh lot drawn and it being computed is the third, the above written being on file, a true copy attest,
Jonathan Delano, Clerk

THE FOUR HUNDRED ACRE DIVISION CONFIRMED

At a Purchasers meeting held at the townhouse in Dartmouth Tuesday the 10th of August 1714, Samuel Hunt was chosen Moderator for said meeting.

Voted that whereas the Proprietors in the order made the third Tuesday of June 1713, for laying out an addition of 400 acres to each share have not concluded so fully on the method as is thought needful, it is now agreed and Voted that where any difference shall prove so difficult that the surveyor cannot determine it, that then the persons contending shall cast lots for the land and if any Proprietor desires the surveyor to lay out any land that any other of said Proprietors have pitched upon, said Proprietor shall notify all that have pitched and if any cannot or do not attend there, the surveyor shall act for them.

A true copy taken out of Dartmouth Purchasers Book of Records, attest
No. 10 Jonathan Delano, Clerk

PAGE 15:

At a Purchaser meeting held in Dartmouth on May the 12th, 1713 and adjourned to the first Tuesday in February next meet and

Voted that there be a committee of three men chosen one in each village who together with the surveyor, Benjamin Crane, shall look into the claims of the meadows and what each one's right is yet in the undivided lands and they to meet in each village at such time and place as they shall appoint, giving first public notice to each respective village to bring in their claims.

Voted that George Cadman, Nathaniel Howland and Thomas Taber or either two of them together with the surveyor are chosen to be the said committee. It is further agreed and

Voted that the surveyor, Benjamin Crane, do forthwith as soon as the season will permit, finish the 36 acres to a share of meadow and where any do want of their proportion of 36 acres to a share of meadow and several persons happen to pitch upon one tract, they shall divide it among them by lot according to each one's right in said

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meadow, except any one or more have meadow adjoining to said tract of meadow and then they may have their part or parts joining thereto according to his or their right with the other that have pitched thereon and where any person or persons do claim more meadow than is their due and will not proceed to have their meadow stated to the [sic] them, then the said surveyor shall set them out their part where he doth think it most convenient for them and the rest lay as undivided meadow.

A true copy taken out of Dartmouth Purchasers Book of Records, attest

No. 11

Jonathan Delano, Clerk

PAGE 16:

At a Purchasers meeting held at the townhouse in Dartmouth the 30th of March 1714, Thomas Taber, Jr. was chosen Moderator for said meeting.

Voted that our undivided meadows, after the 36 acre [division] is completed, be set out to each village as followeth (viz): that Cushnet village shall have all the undivided meadow in said Cushnet, if their rights will reach it, and that Ponaganset shall have what undivided meadow that is in said Ponaganset village if their rights will reach it, and that Coakset village have their part as followeth: that is to say, all that lies nearest to the westernmost arm shall have their part at the northwest end of the river, and those that lie nearest said Coakset River shall have their part at the north end of said river and that which is left Cushnet shall have the westernmost end and Ponaganset the east end, and further it is agreed and

Voted that each village shall lot for choice provided that every Proprietor in taking his portion shall begin and take his part on one side or end of that tract where he pitched and that Mr. Benjamin Crane, the surveyor, do set up notification in each village to call the Proprietors together to lot for choice as aforesaid, and it is to be understood that the said meadow in Ponaganset and Cushnet shall be laid out to each Proprietor according to his right, and further it is agreed and

Voted that the surveyor do set up notifications in some public place or places according as the work he is going about may require, signifying when and where he doth intend to begin to lay out said meadow in each village and if any Proprietor neglect to attend, he or they shall lose his or their choice and fall in one after another last.

It is further agreed and

Voted that the meadow be finished as near as can be before the 400 acre division began.

A true copy taken out of Dartmouth Purchasers Book of Records, attested by Jonathan Delano, Clerk

No. 12

PAGE 17:

At a Purchasers meeting held at the townhouse in Dartmouth on Tuesday the 14th of August in the year 1716, Mr. Samuel Hunt was chosen Moderator for said meeting. First, agreed and

Voted that all our undivided land be surveyed in a general survey.

Second agreed and

Voted that Mr. Benjamin Crane be the person to survey said land for a penny an acre and said Mr. Crane hath undertaken to do said work for one penny an acre as aforesaid. It is further agreed and

Voted that Mr. Benjamin Crane be the surveyor after he hath taken the general survey to survey and proportion to each Proprietor his share or part of a share according to his interest and said Proprietors shall assist said surveyor in said work by these -- them [illegible words] or some other person to the satisfaction of the said surveyor; it is further agreed and

Voted for the method of said division that every Proprietor that has land already laid out in the former division shall be obliged to lay his proportion of land in this division joining to the former if he can and no other Proprietor shall hinder him provided he lays so as not to make any broken lands that where a piece of land lays between two or more Proprietors and each of them can join it to his land of the former division, in such case they shall divide it equally according to each Proprietors right if they cannot other ways agree, and it is to be understood that every such Proprietor is hereby obliged to take his whole right upon one end or one side, except where there are gores [triangular pieces] and such gores he is obliged to take first, but it must be also understood the right that a man now hath and not what he shall purchase.

A true copy taken out of Dartmouth Purchasers Book of Records, attest
Delano, Clerk

No. 13

Jonathan

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PAGE 18:

At a Purchasers meeting held at the townhouse in Dartmouth on the 28th of March 1717, John Tucker was chosen Moderator for said meeting.

Voted whereas several good and profitable orders have from time to time been made by the Proprietors of our lands relating to highways, wherein proper care was taken for allowing land in all places where there was need of highways, yet such due care has not been taken nor those orders so well observed but that the Propriety in general is liketo be greatly hurt in some places for want of convenient highways from place to place, it is therefore agreed and

Voted that there be a committee appointed to order and determine how many highways there shall be and where they shall be laid out and where it happened to go through any particular man or men's land that is already laid out that has not already had allowance for it, that in every such cause, said committee shall determine how much land he or they shall have allowed them taken to the allowance that said Proprietors have had for ways through their land and the surveyor shall add it out of the undivided land to their lands of the last division, making mention in the returns of the land where such addition is that there is therein allowance for a highway or ways through such tract or tracts of lands by name where the said ways may be ordered to, and the town paying the committee for their time that they shall be about said work, said ways shall be from thence forward forever be the ways for said town to be ordered and disposed of as they may see cause.

Voted that Capt. John Akins, Lt. Thomas Hathaway, Deliverance Smith, George Lauton, William Wood and Thomas Taber, Jr. or either two of them be the committee for to do said work.

The above written a true copy transcribed out of Dartmouth Purchasers Book of Records, attest
Jonathan Delano, Clerk

No. 14

PAGE 19:

At a Proprietors meeting held at the townhouse in Dartmouth on the 22nd day of May anno domini 1722, Mr. Samuel Hunt was chosen Moderator for said meeting.

Voted that there be a committee chosen to examine every Proprietor's claim and seek and find out what original right every Proprietor's right is derived from and John Akin, Samuel Cornwell, and Thomas Taber, Jr. are chosen to be the committee for said work and it is further agreed and

Voted that what land Benjamin Crane, our late surveyor, has surveyed according to the Proprietors acts as may appear by said Crane's journal or returns of any of land surveyed to any Proprietor or [sic] shall stand as a good survey to every such Proprietor.

Voted that where there is no return yet made of any part, caler (?), piece or lot of land, said committee are hereby empowered to give returns of the same provided the said committee judge it to be laid out according to the acts of said Proprietors: that is to say, the said committee or any two of them are to give returns as aforesaid.

The above written, a true copy taken of [illeg] foile [folio?], attest,

No. 15

Jonathan Delano, Clerk