

Introduction

OVERVIEW - OLD DARTMOUTH PROPRIETORS RECORDS

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***THE DARTMOUTH PROPRIETY:
Land Ownership in the Township Before 1800***



An Honors Thesis
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by Sally M. Aldrich

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OVERVIEW - THE DARTMOUTH PROPRIETY
SALLY M. ALDRICH - JUNE 2018

CHRONOLOGY:

- 1620 *Mayflower* lands in Plymouth, followed by more Europeans
- 1627 Plymouth Old Comers (Purchasers) buy out Merchant Adventurers
- 1629 Warwick Patent given to Plymouth Old Comers by English king
- 1641 Reserved Tract No. 2 (became Old Dartmouth) given to Old Comers
- 1652 Dartmouth Propriety formed (34 shares)
- 1652 Indian deed for the Dartmouth Propriety (recorded 1654)
- 1660 Approximate date of first Dartmouth settlements
- 1664 Town of Dartmouth chartered by Plymouth General Court (entity for inhabitants, separate from land-owning Propriety)
- 1675-76 King Philip's War - Old Dartmouth houses destroyed & town briefly abandoned
- 1684 Mill Share created (the 35th share of the Propriety)
- 1685 Bristol County splits off from Plymouth County
- 1691 Bristol and Plymouth Counties merge into Massachusetts Bay Colony
- 1710 Benjamin Crane hired as first impartial surveyor
- 1722 All Dartmouth Propriety highways "surrendered" to the Town
- 1725 Dartmouth Propriety records burn at Clerk, Thomas Hathaway's house
- 1726 Propriety begins the struggle to recreate its corporate and land records
- 1753 Massachusetts General Court grants proprietaries the power to tax
- 1765 Bedford Village gets started as a major whaling port
- 1768 Suits multiply against the Dartmouth Propriety
- 1771 Dartmouth Propriety petitions for dissolution (unsuccessful)
- 1775-83 American Revolution
- 1787 Westport and New Bedford/Fairhaven/Acushnet split off from Dartmouth
- 1800 Effective end of Dartmouth Propriety

Bradford 1652

1652
 I Do appointed to be Rascied
 New Plymouth November 24. 1652. Know all men by these
 Presents that I Wampanoag & Wampanoag having sold
 unto William of Massachusetts Thomas Southworth John Winlow
 John Cooke & their associates the Purchase or Old Course all
 the tract or streets of Land lying Three miles Eastward from a
 River called Cochichewick to a Certain Harbour called Acushnet
 to a small point at the Westward side of the said Harbour, and
 thence the said Harbour Westward it self into several Branches
 the Westward Arm to be the Bound, and all the tract or streets
 of Land from the said Westward Arm to the said River of Cochichewick
 Three miles Eastward of the same with all the Profits & Benefits
 within the said tract with all the Rivers Creeks meadows Nishes
 and Solon & that I do in or before the same and from the same
 agreed to give as High that the English may not be annoyed
 by the Hunting of the Indians in any sort of their Cattle and
 I Wampanoag do promise to remove all the Indians within
 a year from the date hereof that doe live in the said tract
 and we the said Wampanoag & Wampanoag have fully demanded
 and sold unto the aforesaid Mr. William Southworth Capt. Samuel
 Thomas Southworth John Winlow John Cooke and the
 Rest of the aforesaid the Purchase or Old Course to
 have and to hold for them & their Heirs & assigns forever and
 in consideration hereof we the above mentioned do to the said
 Wampanoag & Wampanoag as followeth Thirty yards of Cloth
 Eight shillings for three Buffs one, Ten shillings for fifteen pair
 of Beavers, Eight Blankets Two Mittens One Cloak
 One pair of Hamper Eight pair of stockings, Eight pair Shaws
 one Iron Ball and Ten shillings in another Community and
 in Witness hereof we have hereunto set our Hands
 the day and Year above written.

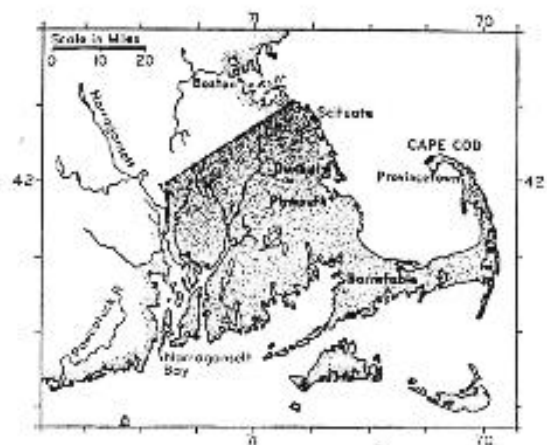
In presence of
 Jonathan Shaw }
 Samuel Eddy }
 John Winlow
 John Cooke
 Wampanoag X M his mark

How it began for Dartmouth

1620 Plymouth Colony

1627 Group of Plymouth settlers assume
English merchant debt
& become "Purchasers" or "Old Comers"

Warwick Patent



THE WARWICK PATENT ^A

January 1629/30

"Easy" Land Tenure: "Free and common socage"

The land was "to be holden of his Majestie of England, his heirs and successors, as of his manor of East Greenwich in the County of Kent in free and common socage and not in capite nor by knights service."

What happened next?

1630 Plymouth population: 300

1643 Plymouth population: 2,000

New Comers all clamored for the
land held by Old Comer
"Purchasers."

The Three Reserved Tracts shown on Map of The Colony of New Plymouth



A Deal was reached: Old Comers could pick from

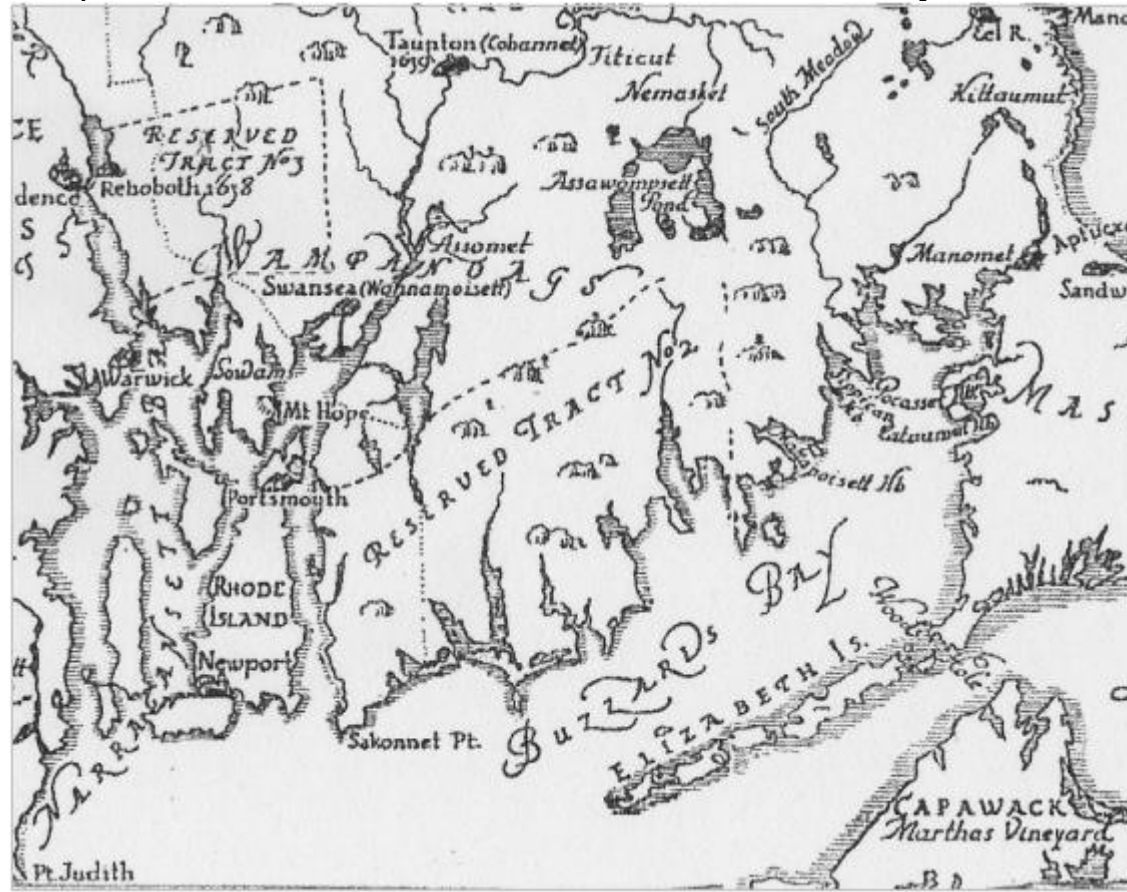
Reserved Tract No. 1 Yarmouth (middle of Cape Cod)

Reserved Tract No. 2 Dartmouth

Reserved Tract No. 3 Rehoboth (east of Providence, RI)

The rest of land in Warwick Patent was released to entire population of Plymouth Colony.

Reserved Tract No. 2 was old Dartmouth, which became our four towns of Westport, Dartmouth, Acushnet and Fairhaven and the city of New Bedford.



THE DARTMOUTH PROPRIETY was set up to handle RESERVED TRACT NO. 2.

LIST OF PROPRIETORS OF DARTMOUTH IN 1652

Each With One Full Share Except as Noted

ALDEN, John
BARTLETT, Robert
BASSETT, William (1/2 share with John Howland of John Crackston share)
BRADFORD, William
BREWSTER, Sarah, widow of William (1/2 share with William Collier)
BROWNE, Peter
BUMPAS, Edward
COLLIER, William (1/2 share with Sarah Brewster)
COOKE, Francis
COOKE, John
CUTBERT, Samuel
DELANO, Philip
DOTEY, Edward
DUNHAM, John Sr.
EATON, Samuel (share of Francis Eaton)
FAUNCE, John
HICKS, Samuel
HOLMAN, Edward
HOWLAND, John (1/2 share with William Bassett of John Crackston share)
HURST, James
JENNEY, Sarah, widow of John
KEMPTON, Manasses
MORTON, George
MORTON, Thomas
PALMER, William
PRATT, Joshua
SAMPSON, Henry
SHAW, John Sr.
SIMONS, Moses
SOULE, George
SOUTHWORTH, Constant
SOUTHWORTH, Thomas
SPRAGUE, Francis
STANDISH, (Capt.) Myles
TRACY, Stephen
WARREN, Elizabeth, widow of Richard

Original List made 17 March 1652/3 was lost. Second list with errors was recorded from memory, but marked "null and void" when original was found and recorded 8 June 1660, but some discrepancies still result from passage of time.

This list is a composite prepared from a number of sources by Sally M. Aldrich in 2018 and can still be disputed.

How was Dartmouth different from other New England towns?

No direct land grant to settlers in Dartmouth to build a community.

Whole tract of land owned in common by Dartmouth Propriety Shareholders.

It was an asset of value with no fixed location, like money in the bank!

Original Proprietors did not move here but sold to others who did

How was the Dartmouth Propriety different from the Town of Dartmouth, chartered in 1664?

Two separate entities, which each kept different records and had different rules:

Propriety owned the land

Town consisted of its inhabitants

How could an inhabitant get land in the Town of Dartmouth?

A. Be an original Proprietor / Shareholder

B. Inherit from a Proprietor / Shareholder

C. Buy it from a Proprietor / Shareholder

What is the difference between a SHARE HOLDER and a LAND OWNER?

Proprietor = SHARE HOLDER (owns land in common with others)

LAND OWNER = private land set off to him individually

To get from SHARE HOLDER to LAND OWNER requires a land DIVISION by the Propriety

What are Proprietors records and what happened to them?

Records all lost in a fire in 1725 at Clerk's house.

For 1660 to 1725 (first 75 years) required reconstruction from records brought in by others.

For 1726 to 1800 we have the records, but not necessarily chronologically

What concerned James Congdon in 1867?

He found:

one **Book of Proprietors Corporate Meetings** (not transcribed by him)

four **Books of Proprietors Records** describing landowners' claims
(transcribed into 2 volumes)

These documents plus Congdon's explanation of them are available on the Dartmouth Historical & Arts Society website: DartmouthHAS.org.

How did the Propriety work?

The Propriety was a corporation, a legal entity, separate from its shareholders.

It held MEETINGS whenever enough shareholders requested them:

Notice (a "warrant")

Quorum (# shares, not people)

Moderator

Clerk

Agenda

Votes by majority (yes or no)

Agents

Committees

What did the Propriety vote on?

LAND DIVISIONS BY THE DARTMOUTH PROPRIETY:

UPLAND: Total of **1,500** acres:

by 1660 200 acres

1682 400 acres

1694 200 acres

in 1710 the first three listed above consolidated as
the "800 acre division"

1713 400 acres

by 1730 300 acres

MEADOW: (saltwater & freshwater marshes, wetlands, beaches, mudflats & some small islands)

by 1680 **36** acres

CEDAR SWAMP:

1713 **16** acres

What else did the Proprietors vote on?

APPOINTMENT OF SURVEYORS:

1710 - 1721 **Benjamin Crane** with two assistants:
Benjamin Hammond & William Manchester

1723 - 1741 Benjamin Hammond

1767 - 1793 Samuel Smith

What adjustments were made in the land divisions?

A. "QUALIFIED BY THE SAMPLE"

UPLAND:

800-acre consolidated division: Abraham Tucker's homestead

400-acre division (1713): Philip Taber's Farm (now in Adamsville)

300-acre division (by 1730): Philip Taber's Farm (Westport)

MEADOW: 36 acres (Samuel Hick's meadow at foot of his homestead)

B. ROADS - current and future (Town stepped in after 1722)

C. "THE MILL SHARE" - the 35th share of the Propriety

How did a SHARE HOLDER become a LAND OWNER?

"Pitch" upon the land you want by marking it or describing its boundaries.

Have surveyor come, walk it, measure it, and make his "field notes."

Get the "return of survey" approved by the Proprietors Surveyors Committee.

Take that "return of survey" to the Clerk of the Propriety for recording.

Clerk will "charge" it against one of the category divisions.

As LAND OWNER, keep the original "return of survey" as your "deed."

Were there any restrictions on what the LAND OWNER could do with it after taking possession? No!

No further involvement by Dartmouth Propriety.

NOW YOU OWN IT!! a privately held, set-off parcel.

Yours to keep, sell, give away or exchange with another land owner.

Deeds between private individuals were recorded in Bristol County Registry of Deeds.

Bristol County Probate Court handled Wills and Estates.

How big was the Dartmouth Propriety tract?

Current land acreage in thousands:

(current) Dartmouth	39
Westport	32
New Bedford	13
Fairhaven	8
Acushnet	12

The total comes to 104,000 acres. Divisions for 35 shares = 54,320 acres.

Was the Town of Dartmouth ever a Proprietor or Shareholder? No!

Before 1700 Town Meetings held in private houses and public places like mills

"Townhouses" after 1700 were on Propriety common land by permission

No record found of Town-owned land before 1751, when 1/4 acre-lot was donated.

In what ways did the Propriety work with the Town?

Laying out and maintenance of roads by town highway surveyors; also public landings and watering places

Perambulation of town bounds

What might the Propriety have done differently?

Grid out the tract and assign numbers to the lots.

Have each SHARE HOLDER draw a lot number and take possession or sell it.

Problem solved. Propriety out of business.

What went wrong with the Propriety? Everything.

SHARE HOLDERS didn't "pitch" upon enough parcels and ignored deadlines to fill up their claims.

Propriety ignored its own deadlines (repeatedly) and refused to vote further divisions until claims were filled.

Propriety lost track of who the SHARE HOLDERS were.

All Proprietors' records lost by fire in 1725

Land divisions covered 70 years: 1660 to 1730

Suits against the Propriety from its earliest days

What important roles did the Delano men play in the Propriety?

Jonathan Delano, Clerk 1709 - 1717

Nathaniel Delano, Surveyors Committee 1723 - 1753

Jabez Delano, Surveyors Committee 1726 - ?

Jethro Delano, Assessor 1760

What were the lawsuits against the Propriety about?

To get private title to all the common lands

To complain about the quality or quantity of land set off to them

To claim bias in how the Proprietors voted at their meetings

Purely money matters

How did it end? We don't know.

Last annual meeting of Propriety in 1799

No action recorded for petition for dissolution in 1771

Finally, how did the towns of Westport, Dartmouth, New Bedford, Fairhaven and Acushnet end up with municipal lands today?

Common lands still owned by Propriety in 1800s given to municipalities??

Also, donations, purchases, tax forfeiture, eminent domain.