

LETTER OF JAMES B. CONGDON, DATED DECEMBER 13, 1867
TO THE CHAIRMAN OF BRISTOL COUNTY COMMISSIONERS
EXPLAINING THE STATUS OF THE PROPRIETORS RECORDS

By your request, I have examined the books called the "Proprietors Records" which are now in the possession of the City of New Bedford. These books purport to be the records of the proprietors of the land in the old town of Dartmouth, which was embraced in the purchase of William Bradford.

These records are of two kinds: 1st, the records of the corporation. By an act of the General Court, the proprietors of the land were constituted a corporation so that sales could be made and titles given through officers appointed for that purpose.

The Corporation Records are in one book and include the period from 1725/6 to 1821, the last record being made by Abner B. Gifford, Proprietor's Clerk.

The records of the sales and transfers of the lands of the Proprietary. These are in four books, and in them are found recorded all the lands which constitute the old town of Dartmouth.

The deed to William Bradford dated in 1654 and the sales and transfers of these lands was soon commenced. In what manner these sales were conducted and the titles verified does not appear.

In the year 1725 all the records of the Proprietary were destroyed by fire --- the records of the corporation and the records of the conveyances of land. This was a most unfortunate event. All was in confusion. Fortunately the Field Books of the old surveyor, Benjamin Crane, by whom a large part of the land had been surveyed, were saved. Books of a similar description, kept by two other surveyors are with them. There are, as near as I can judge [the covers being gone in some instances, makes it difficult to decide as to the exact number], twelve of these books.

After the burning, all there was remaining was these Field Notes, and the deeds, if any there were, in the hands of those who had purchased lands of the corporation.

All that we now have, the book of the records of the corporation and the four books of registration have been produced since the year 1725.

Soon after the destruction of the books, meetings were held by the proprietors, at which various methods were proposed to meet the exigency.

The measures taken at these meetings resulted in the re-production, from various sources, of the evidences of title, and their record in the books I have mentioned.

Previous to Crane's surveys, it would appear that the land was held and conveyed in the form of shares. Considerable space is devoted in one of the books to statements of the interests of sundry persons who had acquired titles through the original owners of the property who were thirty-five in number.

From the examination which I have been able to make of these records which begin by giving a copy of the deed from Wamsutta to Bradford in 1654 and a list of those who were interested with him in the purchase. I am unable to say from what source they were taken. It would appear as if any one who claimed to hold a portion of the land was allowed to have his claim recorded as he should state it. It is possible that a further investigation will disclose the source from whence these memoranda were derived. They were not copied into the book we now have until very much later than other records were made.

We now come to the records which were written out from Crane's Field-Books. He commenced his operations as a surveyor about 1710 or 1711. The records which were made after the fire, other than those of which I have already spoken, are,

1. Records written out from the brief field-notes made by Crane.
2. Records made of deeds which had been given previous to the fire, and which were brought in for registry after the fire.
3. Records made of deeds given for sales made after the fire.

It was not, I think, until many years after the fire, and long after the records of the descriptions 2 and 3 had been commenced and largely accumulated, that the attempt was made to recover from the brief and blind notes of Crane, the surveyor, a full description of the property conveyed by the corporation and surveyed by him. I have not had it in my power to form any judgment as to the extent to which this operation was required and accomplished. It seems to have been undertaken and carried on by virtue of the same authority and mainly by the same individual which produced the first records of which I have spoken. The probability is that a large part of Crane's surveys of land conveyed by the company which had not been recorded from the deeds themselves after the fire, were written out and recorded under this arrangement. It would be, however, a labor of months, if not years, to ascertain this. And there is nothing in the circumstances of the case that calls for this. The Resolve of the General Court looks only to the preservation of the records as they are. Beyond this it does not go. The Field Books of Surveyor Crane, are, with two exceptions, in good order; and all that need be done in relation to them is to prevent further delapidation and keep them where they will be safe from fire.

The first records that were made after the fire were of conveyances made previous to it, the evidences of which were brought forward by the holders for registry, and it would appear that the records of this description were mixed up with those of the conveyances which continued to be made until there was no land to convey. A man would bring the evidence of his title to land, dated, say in 1711. That would be recorded in 1728. At the same time a deed might be brought of a

conveyance just made by the company. The registry of the latter would follow the former; and so they would continue to be blended, until no more of the deeds given previous to the fire should be presented. A major part of the records are of this description.

From what has been stated you will be able to learn the character of these records. You will have seen that all there is contained in these books has been recorded since 1725. From whatever source the papers may have been obtained whose date is previous to 1725, there can be, I think, no doubt of their genuineness. These records have been, I believe, admitted as evidence in our courts.

Of the records of papers dated subsequent to the fire it is enough to say that they were made direct from the original conveyances.

It is clear that these books are of the character embraced in the Resolve of the Legislature. The Resolve authorizes the County Commissioners to have copies of such books of records of "proprietors, or town proprietaries, as in their judgement ought to be preserved and perpetuated."

Having decided that it is your duty to carry the resolve into effect as it regards these records, it will be for you to decide what portion of them it will be proper to have copied that they may "be preserved and perpetuated."

The Field-books, eleven or twelve in number, do not appear to come within the description of the Act of the General Court.

I do not consider that copies of these are required, either by the act or by the object which the legislature has in view. There can be no doubt that there has been transferred from them to the other records, all that there is in them of any importance in connection with the end to be attained.

I do not see that anything is to be gained by making a copy of what may be properly called the Corporation Records---that is, the records of the meetings of the proprietors. In the books which contains the account of the proceedings of the proprietors, there are no descriptions of the land conveyed. Nothing is there found but the records of the choice of officers and of the proceedings which took place when the fire had destroyed the proprietary records.

Setting this book one side, there remains FOUR BOOKS OF WHAT MAY BE PROPERLY CALLED "LAND RECORDS." IT IS TO THESE THAT THE ACT OF THE GENERAL COURT REFERS, AND IT IS THESE, I SUPPOSE THAT YOU WILL DECIDE TO HAVE COPIED.

This being decided upon it is then to be considered in what way it is to be accomplished so as to render the work of the greatest value to the people. This involves several considerations:

1. Shall there be a book for each book to be copied or shall all be copied into one book?
2. Shall the same arrangement of entries be made in the copies, or shall the copies be arranged chronologically?
3. Shall the orthography and abbreviations of the entries be adhered to, or shall the spelling be corrected and modernized?

I shall not, here, enter into an examination of these questions. When you shall call upon me, I shall be prepared to give you my views in relation to them.

It must, I think, be evident to you, that great care must be taken that this work may be so executed as to carry out in full, the intentions of the General Court.

The copies which you are authorized to have prepared are to be authenticated in the most conclusive manner; and when thus authenticated, they are to be received as evidence in our Courts of Justice.

These books are now in my hands, and I should be pleased to see you in relation to this work at any time it may suit your convenience to call.

With Much Regard,

James B. Congdon