

RELEASE NOTES FOR THE BRISTOL COUNTY MASSACHUSETTS LAND RECORDS ABSTRACTS DATABASE ON THE DARTMOUTH HISTORICAL AND ARTS SOCIETY WEBSITE; THE RESEARCHERS' WORKBENCH

This material has been generously provided to DHAS by Dan P. Taber

Preface

This land record database evolved from a project, undertaken over twenty years ago, to abstract or transcribe in a word processing database the colonial land records of Bristol County, Mass., for the towns of Dartmouth, Little Compton, and Tiverton. The project is ongoing. At present volumes 1 through 52 of the Bristol County land records have been abstracted for these towns, an archive of more than 6,000 land transactions executed from 1667 through 1770.

Bristol County began recording deeds in 1687, first at the county seat at Bristol (then within the Colony of Massachusetts Bay), and from 1737 at Taunton, which was the only county recording place for more than one hundred years, until separate districts were established at New Bedford and Fall River in the 19th Century. Before 1687 transactions related to land in old Dartmouth, Tiverton and Little Compton were recorded in neighboring jurisdictions, such as Plymouth in Plymouth Colony, and Portsmouth on Rhode Island.

Recording of Land Transactions

The county "registrar" was an appointed official responsible for receiving and recording deeds. The registrar would initially determine whether a deed presented for recording was in acceptable form. The standards, following English land customs, were:

- (1) the deed must relate to land located (at least in part) in Bristol County;
- (2) the parties must be identified with reasonable particularity, usually by full name, place of residence, and occupation or title;
- (3) the consideration for the land transaction must be specified, usually with acknowledgment of satisfactory receipt;
- (4) the land involved in the transaction must be specifically identified and described, usually by measure, metes and bounds of the property lines, and identity of the abutting landowners along each property line;
- (5) the deed must be signed and dated by the party or parties transferring an interest in the land.

A wife often joined with her husband in signing land transactions to affirm that she was waiving her "dower" right in his land. A wife by law had the right to an undivided one-third interest in the lands owned by her husband upon his death. The dower right gave the widow the lifetime use of (and income from) one third of her husband's estate, intended for her support during the remainder of her life.

(6) two witnesses to the grantor(s) signing were required to sign the deed signifying that they had witnessed the grantor(s) signing of the deed; and

(7) the deed had to be acknowledged before a justice of the peace (the grantor(s) appeared before a justice of the peace with the deed in hand, and acknowledged having voluntarily signed the deed). The justice then recorded the acknowledgment on the deed, dating and signing the deed in his official capacity.

If a grantor died without having acknowledged a deed the witnesses to the signing of the deed were summoned to appear in court and give sworn testimony that they witnessed the grantor voluntarily sign the deed.

When a deed was acceptable as to form the county registrar would copy by hand an exact transcription of the deed in a leather-bound, numbered volume with numbered pages. When the deed had been copied into a land registry book, the deed itself was returned to the landowner.

When registrars found obvious errors within a deed, such as omission of a word or illegible writing, he would at times insert a mark similar to a “plus sign” (+) where the missing word belonged, or above an errantly spelled word. These marks are repeated in the transcriptions.

The Bristol County deeds abstracted in this database were prepared with the intention of transcribing any and all material information in each deed that might be informative to a historian or genealogist.

Beginning with volume 1 of the Bristol County land records (begun in 1687), every deed was abstracted from the record books that relates to land in the colonial township of Dartmouth (present-day Acushnet, Dartmouth, Fairhaven, New Bedford, and Westport) as well as Tiverton and Little Compton to 1747 when those towns were annexed to Rhode Island.

Also transcribed were deeds for that land which was formerly part of the Pocasset Purchase (within the township of Tiverton) and annexed to Freetown. This is a narrow strip of land that runs from Fall River to Rochester, along the Northern boundary of Westport, Dartmouth, New Bedford, and Acushnet.

Description of Customary Land Transactions

The legal instruments recorded by the Bristol County registrar were mostly of the following nature.

1. Warranty Deeds.

A “warranty” is the most common land contract, whereby the seller(s) warrants (guaranties) that he/she is the sole lawful owner of the land, that there are no encumbrances upon the land, that they have full right to sell the land, and that they will defend against any claim by anyone alleging otherwise.

2. Quit Claim Deeds.

A “quit claim” deed is a transfer to the buyer of the rights of a seller who does not have full and complete title to the land. For instance, land owned in common by several siblings of a deceased parent

may be sold through several quit claim deeds, where all the siblings have not joined together in selling through a single warranty deed.

3. Gift Deeds.

A “gift” deed was often used by parents to gift land to their children, with the consideration stated as being “the love and affection that I do bear to my beloved” son or daughter.

4. Mortgage Deeds.

A “mortgage” deed is a conditional transfer of title, whereby the mortgagor (borrower) transfers title as collateral for a loan, and the mortgagee (lender) agrees that the deed will be void if all payments are timely made.

5. Division Deeds.

A “division” deed was a signed agreement between joint owners of land whereby the land they owned jointly was divided among them so that each owner thereafter held a separate part of the whole parcel.

6. Execution Deeds.

An “execution” upon a court judgment was recorded when land of a debtor was taken by the local Sheriff to satisfy a court judgment against the debtor. The debtor’s land was appraised by three disinterested freeholders in the county, and only so much land was taken as would satisfy the judgment with costs and fees. The creditor was then given possession of the land taken from the debtor. These procedures were recorded by the County Registrar, which served to officially transfer ownership of the taken land from the debtor to the creditor.

7. Powers of Attorney.

A “power of attorney” was an official writing by which an absentee owner appointed someone to act in their place, giving their “attorney” general power to buy and sell land in their name, collect debts, and otherwise act as the lawful agent (attorney) of the absentee owner.

8. Miscellaneous Instruments.

Other common recordings during the early colonial period were transfers of a proprietary interest (called a share) in a township, as well as transfer by bargain or gift of a shareholder’s right to a specific quantity of undivided township land, categorized as upland, meadow, or swamp. On rare occasions the registrar would record writings meant to establish land rights, fix boundary lines, transfer interests in sea vessels, and other exceptional matter.

Transcription of Land Records

The informative language found within each deed is presented categorically in the order generally found within all land transactions. With respect to the identity of the parties, the consideration paid, the description of the property in the deed, and the signatures of the parties and witnesses, everything is

transcribed “verbatim” as recorded in the deed books, including original spelling and any errors, whether made by the scrivener of the deed or the registrar in recording the deed.

The date of signing and date of registrar’s receipt of each deed are generally not shown verbatim, but in the form day-month-year.

Uncommon instruments, including executions and powers of attorney, are fully transcribed.

The deed transcriptions are presented using Times New Roman font type. The original cursive handwriting often uses 17th and 18th Century letter symbols, such as the spelling the word “Bristol” as “Briſtol.” Modern letters replace these former letter symbols, thus the “s” formerly written as “f” is written in the abstracts as an “s.”

Superscript in the original text is seldom imitated. Thus, the word “appurtenances” which is often abbreviated in the record books as “appur:^{ces},” is written in the abstracts as “appur:ces.”

At times the County recorder repeated a word or several words, such as “in the the County of Bristol” which errors may have been in the original deed or perhaps made by the registrar when recording the deed. Other times a word is obviously missing. In either case, the abstracts that follow are consistent with the deed book, no errors are corrected or noted [“sic” is not used to signify an error in the original record].

Abstract Terms Explained

A brief explanation of the categories used to abstract and transcribe the deeds is given below.

Grtor short for “grantor,” the person or persons conveying an interest in land, generally termed the seller.

Grtee short for grantee, the person or persons receiving an interest in land, generally termed the buyer.

Mrtor short for mortgagor, the person or persons conveying a conditional interest in land as collateral for a loan made by a mortgagee.

Mrtee short for mortgagee, the person or persons receiving a conditional interest in land as collateral for a loan” made to a mortgagor.

Cons short for consideration, the thing of value exchanged between the parties in return for the conveyance, which was generally paid in pounds or dollars, though occasionally the consideration was an exchange of other land, or the promise to perform specific services in the future.

Prop short for property description, generally stating the location and nature of the land conveyed, while setting forth the boundaries of the land through metes and bounds showing compass points and distance of each property line, and the identity of the abutting landowners along each boundary line.

- Dowr:** short for dower, which was a wife's legal right to claim an undivided one-third interest in land owned by her husband, also called a wife's "power of third." Wives were commonly called upon to sign and acknowledge their waiver (relinquishment or acquittal) of their dower right, though more the exception than the rule.
- Sign** short for signatures of the grantors making the conveyance, with (S) after the name to signify that the record shows a "seal" was made next to the signature. When a person signed with a mark, an (X) is shown between the first and last name. If the mark is a different letter than an X that other letter is shown with parantheses if that other letter is recognizable, otherwise simply shown as (X).
- Witn:** short for witnesses, their signatures being transcribed with original spelling.
- Ackn:** short for acknowledgment, whereby grantor(s) appeared before a magistrate, usually a justice of the peace, and acknowledged that their signature and consent to the conveyance was freely given. Acknowledgments are generally abstracted rather than verbatim transcriptions, showing (to the extent recorded) the date, magistrate, place, and name of the party acknowledging the deed. When husbands and wives signed deeds, often only the husband appeared before a magistrate to acknowledge the deed.
- Cond:** short for conditional terms of a mortgage, this language is shown verbatim from all mortgage deeds.
- Disch** short for discharge, this language is recorded verbatim when the discharge of a mortgage is recorded in the land registry books.
- Recd:** short for received, the registrar customarily recorded the date a deed was received (accepted for recording), which was not necessarily the date a deed was recorded in the county book of registry. Along with the date received, this category also shows the county land registry's book number and page number(s) wherein the deed was recorded, along with the microfilm number and image number wherein the deed may be found through the Family History Library of the Church of Latter Day Saints. [The LDS website, "Family Search" (www.familysearch.org) presently makes available without charge or subscription its microfilm of all Bristol County land record books from 1693 through 1900. For more information, [click here.](#)]