

# Researching in New England Town Records: 17th through 19th Centuries

## *Class 5: Records of Service to the Community*

Rhonda R. McClure, [rhonda.mcclure@americanancestors.org](mailto:rhonda.mcclure@americanancestors.org)

Town records can be a treasure trove of information on our ancestors if we take the time to go through them. Working in the records does require some understanding of the system in place, brought with the earliest immigrants from England, of the various town officers, their jobs, and an understanding of certain terms that identify those in the community who can hold office and vote.

### **Inhabitants and Warnings Out**

One of the most important things to understand about early New England towns is who was considered a member of the town—referred to as inhabitants. Men who owned land were considered inhabitants, as were his immediate family members. Anyone born in the town was considered an inhabitant. Likewise, apprentices that were trained in the town were also considered inhabitants. Anyone arriving to the town seeking to establish residency was considered suspect upon arrival. They had to prove they were of good character and had to be vouched for by an existing inhabitant or approved by the Selectmen. The purpose for this rigorous vetting of newcomers was to prevent the town from taking on those who would require financial support from the town.

This is where the Warnings Out came into play. If an individual or a family arrived in a new town and could not purchase land, be vouched for or the selectmen suspected that they would not be able to financially support themselves, then the selectmen would issue a warning out warrant which the town constable would read to the individual or family. It usually specified when they were required to remove themselves from the town. And while the individual or family may not have left, the warning out also served a purpose as notice that the town would not support them should they fall on hard times.

While warnings out seem harsh, they were intended to protect the town funds for support of any town inhabitants who experienced hard times, infirmity or old age.

Two other terms that you will come across in the town records regarding town inhabitants is *freeholder* and *freeman*. Though they look like they could be used interchangeably, there are differences. The *freeholder* was a man who owned land. Not all *freeholders* were considered *freemen*. A *freeman* was a male inhabitant and they usually had to be over the age of 21. Most of the colonies required that you be a member of the church and may even have required support from the church as to their character. A

*freeman* could have a say in town business and serve on juries. Many town record volumes will have lists of freemen from time to time.

## The Birth of a Town

Towns were the final result of a system of grants of land that filtered from the British monarch down to the proprietors tasked with the creation, laying out of, and settling of the town. Follow along as the town of Bath, New Hampshire comes to be:

- **1769** – Official grant of land from George III (new one, original one was forfeited when requirements not fulfilled)
  - Contained 20,090 acres (some set aside for roads and unimprovable lands totaling 1,040 acres)
  - Those identified on the grant would each get one of the 100 equal shares
  - All white and other pine trees to be cut down and reserved for masting for the Royal Navy
  - Close to the center of town, a creation of town lots, each 1 acres
  - Recorded in Book of Patents 9 March
- **1770** –
  - Twelve families must be settled by 1 May
  - Payment of one ear of Indian corn to the Crown (if lawfully demanded)
  - Good wagon road cut through town by 1 May
- **1771** – 1 May every year going forward, payment of 1 shilling Proclamation money per 100 acres own (prorated based on lands owned) paid to the Crown
- **1774** – 60 families settled on the lands by 1 May (or forfeit of the grant)
- **1780** – Patent received and recorded in Book of Charters for Bath, 18 May 1780 (original grantees: 100)
- **1784** – Meeting called to choose town officers

While the town's settlement was begun before 1784, and in fact it was originally incorporated in 1761 (the grant that was forfeited) the first town officers were chosen in 1784.

## Service for the Community

Without those willing to serve in leadership position in the town or city, county, state, and federal governments, nothing would be accomplished. The towns in their infancy were small, and many men served in various roles, some having more than one position at the same time. If you think about it:

- Without town clerks, no vital records (in fact, no written log of the town at all)
- Without constables, chaos
- Without tax collectors and treasurers, no money to support the town and its people

- Without militia, open to attacks from indigenous tribes

The types of town positions are many, and not all New England colonies used the same names for the positions.

Office	Description
<b>Town Clerk</b>	Keeper of vital records, recorded meeting proceedings, administered oaths and affidavits, certified licenses.
<b>Selectmen</b>	Elected to one year term, managed affairs of town. Known as Town Councilors in Rhode Island.
<b>Treasurer</b>	Managed town's finances, presided over reimbursements (military service, care of poor, services by townspeople).
<b>Constable</b>	Posted notice for town meetings, "policeman" of the town, warned out strangers, could act as tax collector if position did not exist.
<b>Tithingmen</b>	Ensured that townspeople made contributions to the meetinghouse and salary of minister, monitored church attendance, observed conduct of townspeople.
<b>Overseers of the Poor</b>	Charged with using town funds to support town inhabitants who were unable to support themselves. Support took the form of supplies, services, or money.
<b>Surveyor of Highways</b>	Inspected town roads, determined when and where new roads would be constructed.
<b>Assessor</b>	Responsible for listing the names of property owners (real and personal property) and determining how much tax they should pay.
<b>Tax Collector</b>	Collected the assessed taxes.
<b>Fence Viewers</b>	Reviewed fences and property boundaries, moderated boundary disputes.
<b>Hogreeves</b>	Caught stray livestock, fined owners for straying animals.

Within the first appointments for positions in Bath, they had: moderator, town clerk, selectmen, treasurer, constable, tithingman, surveyor of highways, fence views, surveyor of lumber (perhaps because of the pine trees for the Royal Navy), sealer of weights & measures, hogreeves, sealer of leather, and pound keeper.

One of the great things about the appointments of individuals for town offices is that you can use these lists to prove that your ancestor was an inhabitant of the town.

## Town Offices

Many of the town offices are somewhat self-explanatory. However, some of them deserve to be examined in a bit more detail.

## Selectmen

Selectmen were elected generally for a one-year term, though in some towns you may find certain individuals or surnames appearing each year in this position. Their job was to manage the affairs of the town. Some of their jobs included the creation of slates of jurors and the judging of offenses against town laws and orders (which included the issuing of the warnings out warrants). They also took over from the proprietors, who created the first division of lands, when it came to subsequent divisions. In many town records, you will often find the proprietors records are in a separate volume, with lists of the initial divisions. Subsequent divisions will be found in the town record volumes and were handled by the selectmen.

## Tithingmen

The tithingman has become best known for his role as the church constable. Indeed, some of his duties were to keep order in church, such as ensuring that children were quiet and no one fell asleep. However, he was also responsible for making sure everyone went to church. In Herbert B. Adams' *Saxon Tithing-Men in America* (see Bibliography) on page 2, he states:

“From original town records it appears that it was the duty of the early New England Tithingman, not merely to preserve order in the meeting-house, but to see to it that every one went to church. The Tithingman was a kind of ecclesiastical ‘whipper-in.’ After looking over the congregation to find it any seats were vacant, the Tithingman would steal out and explore the horse-sheds, the adjoining fields and orchards, the inns and ordinaries, and even the houses of the village, in order to search out skulkers from divine service.”

Another of the duties of the tithingmen was to enforce the travel ban on the Sabbath. If someone looked like they may have been traveling somewhere other than church, the tithingman was supposed to stop them and forbid said travel, unless it was the result of someone in the family being sick or dying.

## Fence Viewers

Though perhaps you may think this was not an important position, they held quite a bit of authority. The fence viewers in most towns were required to be freeholders in the town (see above). They reviewed the fences and property boundaries, also could be called upon to point out fences that need fixing. If they fixed the fence themselves the owner of the property was fined and reimbursement for the materials used by the fence viewer were to be paid by the landowner. The fence viewers were also responsible for moderating boundary disputes.

The importance of this position is exemplified by the fine required should someone that was elected refuse to serve. In Isaac Goodwin's *Town Officer: Or Laws of Massachusetts Relative to the Duties of Municipal Officers* on page 96 under “Fence Viewers, I. How to be chosen, qualified, and sworn” it indicated that there should be two or more “judicious and discreet freeholders” and that if they refused to

serve that they should be fined “*five dollars* to the use of the town.” That would be about \$128.50 in today’s sums.

### **Hogreeves**

Hogreeves, sometimes listed as *hog reeves*, were responsible for the prevention of as well as the appraising of damages resulting from stray swine. Most towns required that hogs not only be yoked (wear a collar) but also have rings in their noses. The rings assisted in the reduction of damage to gardens and crops through rooting. As with the fence viewers, this position was important as it assisted in ensuring that the townspeople’s foods were not destroyed, thus guaranteeing food throughout the year. Fines were assessed when stray hogs were discovered.

Should an unyoked hog who likely also had not been rung was loose, it was the job of the hogreeves to capture said runaway. The owner of the hog would be charged for this service. The captured hog would then be turned over to the pound keeper, who ensured they were fed and corralled until claimed by the owner. The pound keeper set his own fees for the care and feeding of said hogs.

### **Other Town Offices**

Two other important town officers were the assessor and the overseer of the poor.

#### **Assessor**

The assessor was responsible for the listing of the names of property owners and determining how much tax they should pay. In other words, he determined the value of the property and assigned the appropriate tax. Likewise, it was his responsibility to render a list to the town, for recording in the town records, of those who had unpaid taxes, along with information on the property and the amount that needed to be sold to cover those unpaid taxes.

#### **Overseer of the Poor**

The overseer of the poor took charge of the funds to assist the indigent in the town. This position wasn’t always one that was elected when a town was first established. As the New England colonies began to establish poor law relief acts which included the building of alms houses—often referred to in the records as poor houses—the overseer of the poor would be put in as supervisor of the house. In some towns, you will also find they had poor farms.

### **Town Meetings**

Town meetings are where the business of the town was conducted. The meeting notes are usually found among the town record volumes and usually include:

- Election lists for town officers
- References to court issues, or other issues brought up by the inhabitants

- Lists of appointed men to serve in the militia
- Appointments of jurors to the various courts
- Any concern regarding town issues
- Results of surveys done for new roads, fences, etc.

## Suggested Bibliography

Adams, Charles Francis, Abner C. Goodell, Jr., Mellen Chamberlain, and Edward Channing, *The Genesis of the Massachusetts Town, and the Development of Town-Meeting Government* (Cambridge, Mass.: John Wilson and Son, 1892).

Adams, Herbert B., *Johns Hopkins University Studies in Historical and Political Science, IV, Saxon Tithing-Men in America* (Baltimore: Johns Hopkins University, 1883).

Akagi, Roy Hidemichi, *The Town Proprietors of the New England Colonies* (Philadelphia: University of Pennsylvania Press, 1924).

Benton, Josiah Henry, *Warning Out in New England* (Boston: W. B. Clarke Company, 1911).

Daniels, Bruce C., "Connecticut's Villages Become Mature Towns: The Complexity of Local Institutions, 1676 to 1776," *William and Mary Quarterly*, 3rd ser., 34 (1977): 83-103.

Fowler, John Coke, *Church Pews, Their Origin and Legal Incidents, With Some Observations on the Propriety of Abolishing Them* (London, England: Francis & John Rivington, 1844).

Goodwin, Isaac, *Town Officer: Or Laws of Massachusetts Relative to the Duties of Municipal Officers: Together with a Digest of the Decisions of the Supreme Judicial Court, Upon those Subjects*, 3rd ed. (Worcester, Mass.: Door, Howland and Co., 1834).

Haller, William, *The Puritan Frontier: Town Planning in New England Colonial Development, 1630-1660* (New York: Columbia Univ. Press, 1951).

Lainhart, Ann Smith, *Digging for Genealogical Treasure in New England Town Records* (Boston: NEHGS, 1996).

Leach, Douglas Edward, "Early Town Records of New England as Historical Sources," *American Archivist*, 25 (1962): 173-81.

Lockridge, Kenneth A. and Kreider, Alan, "The Evolution of Massachusetts Town Government, 1640 to 1740," *William and Mary Quarterly*, 3rd ser., 23 (1966): 549-74.

Maclear, Anne Bush, *Early New England Towns, A Comparative Study of Their Development*, thesis, Columbia University (1908).

McClure, Rhonda R. *Genealogist Handbook for New England Research*, 6th Edition (Boston, NEHGS, 2021).

Powell, Sumner Chilton, *Puritan Village: The Formation of a New England Town* (Middletown, Conn.: Wesleyan Univ. Press, 1963).