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Forensic Genealogy & Professional Family History

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Five Wives & A Feather Bed: Using Indirect & Negative Evidence to Resolve Conflicting Claims

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Introduction

Joseph Brownell, a *Mayflower* descendant of Dartmouth, Bristol County, Massachusetts, was born at Little Compton, Newport County, Rhode Island, on 16 February 1699, to Thomas Brownell and Esther Taber. He was a yeoman who lived his adult life in Dartmouth. He returned to Little Compton in 1756, where he died sometime between 10 June 1769 when he wrote his will and 6 April 1773 when it was proved there.

Conflicting Claims

Joseph Brownell's family has been largely ignored in genealogical scholarship for more than a century. He has not been studied in any scholarly journals, nor profiled in major works about the Brownell family:

- Brownell, J. Archer, comp. *Brownell Genealogy from Thomas of Rawmarsh, England*. Fall River, NS: J. Archer Brownell, 2000.
- Brownell, Seymour, comp. *Genealogical Record of The Descendants of John Brownell 1773 to 1903*. Detroit: Seymour Brownell, 1903.
- Wilbour, Benjamin Franklin. *Little Compton Families Vol. 1*, 5th ed. Reprint. Baltimore: Clearfield Co., 2007. Page 89.



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Two notable exceptions are Ralph V. Wood's five-generation study of the descendants of *Mayflower* passenger Francis Cooke (Joseph's ancestor), also known to *Mayflower* researchers as one of the "silver books," and Frank J. Doherty's expansive work on settlers of the Beekman Patent in Dutchess County, New York. Both authors give starkly different accounts of Joseph's family. A third source, the *Brownell Chronicle* family newsletter, gives an account that incorporates claims by both Wood and Doherty, with additional variations of its own:

Ralph V. Wood, *Francis Cooke of the Mayflower: The First Five Generations*, a.k.a. "Silver book":

Joseph Brownell
m.1. unidentified daughter of **Peleg Tripp**
Four children: **Sarah, Robert, Jeremiah** and **Peleg**
m.2. **Experience Gifford**
Four children: **Joseph, Stephen, Mary** and **Hannah**¹

Frank J. Doherty, *Settlers of the Beekman Patent, Dutchess County, New York*:

Joseph Brownell
m. **Leah Lawton**
"At least three children," of whom only son **Joseph's** name is known, by "tradition"²

Brownell Chronicle newsletter:

Joseph Brownell
m.1. unidentified daughter of **Peleg Tripp**
m.2. **Leah Lawton**
Only certain child: **Joseph Brownell** m. **Ruth Butts**
m.3. **Hannah Bowditch**
m.4. **Anne Hicks**
m.5. **Experience Gifford**³

These conflicting claims raise significant questions about the makeup of Joseph Brownell's family:

- ...Did he have one, two or five wives?
- ...Did he have one, three or eight children?
- ...To which wife, or wives, were his children born?

Reasonably exhaustive research and standards-based evaluation of indirect and negative evidence found in Quaker meeting records, and vital, land and probate records reveals the answers.

¹ Ralph V. Wood, Jr., *Francis Cooke of the Mayflower: The First Five Generations*, rev. ed. (Rockport, Me.: Picton Press, 1999), 365-366.

² Frank J. Doherty, *Settlers of the Beekman Patent, Dutchess County, New York: An Historical and Genealogical Study of All the 18th Century Settlers in the Patent, Volume II* (Pleasant Valley, N.Y.: Frank J. Doherty, 1993), 800-801, 803-804.

³ "The Fourth Generation: William Brownell's Grandchildren," *The Brownell Chronicle: The Lives and Times of the Brownell Family* 3 (July 1996): 6.

Evidence Types Defined

Indirect evidence – Information that does not directly answer a question by itself; it must be combined with other information to do so. For example, presence of a female identified as “wife” in the census record of a man’s household is indirect evidence that she may also be the mother of his children; however, we would need other evidence in order to support that conclusion.

Negative evidence – The absence of expected information which itself suggests the answer to a question. Negative evidence must be combined with other evidence to reach a conclusion. For example, if we are seeking to know when a male was born, and we know that males over twenty-one were taxed in a given town, then the absence of his name in a tax list is negative evidence that he was born less than twenty-one years prior to creation of that list. We would need other evidence to confirm such a conclusion.

Importantly, negative evidence should not be confused with a *negative finding* or *negative search*. A negative finding or search is simply the absence of relevant information. For example, if we seek to know the name of a person’s father, but their birth record does not name him, the absence of his name does not in any way suggest an answer to the question (i.e., that we should conclude the person had no father), rather, the information simply wasn’t found in the record, so we need to look elsewhere.

For further discussion of evidence types, see the following:

Board for Certification of Genealogists. “Reasoning From Evidence” (Standards 37-50). *Genealogy Standards*. Second Revised Revised. Nashville, TN: Ancestry.com, 2021. Pages 23-28.

Jones, Thomas W. “Evidence” section in “Chapter 2: Fundamental Concepts.” *Mastering Genealogical Proof*. Arlington, Va.: National Genealogical Society, 2013. Pages 13-16.

Mills, Elizabeth Shown. “1.14 Process Map for Evidence Analysis.” *Evidence Explained: Citing History Sources from Artifacts to Cyberspace*. 3rd ed. Baltimore: Genealogical Publishing Co., 2015. Pages 23-26.

Understanding Quaker Records

The Society of Friends, or Quakers, was organized in the mid-17th century in England. The first major meeting in America was held at Newport, Rhode Island, in 1661, not far from Dartmouth.⁴

⁴ Richard D. Stattler, compiler, *Guide to the Records of the Religious Society of Friends (Quakers) in New England* (Providence, R.I.: Rhode Island Historical Society, 1997), 15.

Meetings & Records

The Society of Friends is organized into a hierarchy of governance, as follows:

Yearly Meeting – Regional meeting broadly administering the Society of Friends. Issued directives for belief and behavior which were then recorded by monthly meetings and communicated to local members. The Dartmouth Monthly Meeting, where Joseph Brownell and his family were recorded, was under direction of the New England Yearly Meeting, established about 1672.⁵

Quarterly Meeting – Business meeting addressing needs of several monthly meetings in a given area, held four times per year. Dartmouth Monthly Meeting was part of the Rhode Island Quarterly Meeting until 1788.⁶

Monthly Meeting – The main body for handling local business. Membership, vital records and discipline of members were recorded at this level, making its records the most genealogically relevant. Men and women met separately and kept separate minutes in Joseph Brownell's lifetime. The Dartmouth Monthly Meeting was established in 1699; the Acoaxet Meeting at Westport was split off from it in 1766.⁷ Records relevant to this case study kept by the meeting include:

- Men's Meeting minutes, vols. for 1699-1727, 1727-1762, 1762-1785, 1785-1803
- Women's Meeting minutes, vols. for 1699-1782, 1782-1813
- Births, marriages & deaths, vol. for 1699-1880
- Membership, vol. for 1766-1841
- Removals, vol. for 1792-1821
- Book of Discipline

All of the above volumes are owned today by the Dartmouth Monthly Meeting. They have been digitized and transcribed by the Dartmouth Arts and Historical Society on its website at <https://dartmouthhas.org/quakerproject.html>. *The presenter thanks the Society for its kind permission to use images of these records in this presentation.*

Constituent Meetings – smaller meetings of local members for worship and to prepare business matters for the monthly meeting. Constituent meetings in the time period relevant to this case study included:

- Acoaxet Worship Group, 1699-1745
- Acoaxet Preparative Meeting, 1745-1766

⁵ *Ibid.*, 15, 44.

⁶ *Ibid.*

⁷ *Ibid.*

- Apponegansett (a.k.a. Dartmouth) Preparative Meeting, 1708-1784 (cont. as South Preparative Meeting, 1784-1901)
- Noquechuck Worship Group, 1758-1759⁸

Joseph owned land in the Acoaxet area, later set off from Dartmouth as part of the Town of Westport, and probably attended the Acoaxet Worship Group.

The best explanation and finding aid for records of the New England Yearly Meeting and its subordinate meetings is Richard D. Stattler's *Guide to the Records of the Religious Society of Friends (Quakers) in New England* (Providence, R.I.: Rhode Island Historical Society, 1997). Stattler was the New England Yearly Meeting Archivist at the time of publication. Locations of specific record volumes are noted for individual meetings, though keep in mind that some locations may be out of date now. For example, the Dartmouth Monthly Meeting records were held by the Old Dartmouth Historical Society (later the New Bedford Whaling Museum) at the time of publication, but are today held by the Dartmouth Monthly Meeting itself and on loan to the Dartmouth Arts and Historical Society.

Quaker Calendar

Quakers used numbers to designate months, rather than names common in Western calendars. Furthermore, Quakers renumbered the months when British colonies adopted the Gregorian calendar we use today, which changed the start of the year from March 25th to January 1st:

<u>Month name</u>	<u>Julian calendar</u> (up to 24 March 1751/2)	<u>Gregorian calendar</u> (aft. 25 March 1752)
January	Eleventh	First
February	Twelfth	Second
March	First	Third
April	Second	Fourth
May	Third	Fifth
June	Fourth	Sixth
July	Fifth	Seventh
August	Sixth	Eighth
September	Seventh	Ninth
October	Eighth	Tenth
November	Ninth	Eleventh
December	Tenth	Twelfth ⁹

⁸ *Ibid.*

⁹ Friends Historical Library, "The Quaker Calendar," *Swarthmore College*, Swarthmore, Penn. (<https://www.swarthmore.edu/friends-historical-library/quaker-calendar> : accessed April 2022).

Consequently, a date like 14 February 1750 might be expressed as “14th day of the 12th month 1749/50,” or shorthanded as “14 12 mo 1749/50,” or “14 xii 1749/50,” with a Roman numeral indicating the month.

Marriage Customs

Quakers believed that marriage was an act between two people and God, and that no intermediary could solemnize a marriage. Consequently, Quakers did not marry before priests or civil authorities. Quaker marriages are therefore typically found in monthly meeting records, not in the records of other churches or in town records.

A bride and groom first declared their intentions to marry before the women’s and men’s meetings, respectively, at two successive monthly meetings. The meetings assigned other members to test the couple’s “clearness,” or mental and spiritual readiness for marriage, and to report positively or negatively to the meeting. Cleared couples were given permission to marry at the next convenient date. Each step in this process was recorded in the monthly meeting records.

At the marriage ceremony, the couple declared their commitment to one another, sealing the act. The ceremony was attended by friends and family, often dozens or more, who signed a certificate bearing witness to the marriage, which was given to the couple. The act and witness names were also recorded in the monthly meeting’s marriage records. Careful recordation was essential to proving marriage for legal matters, since no civil marriage record was made.

Quakers were required by their faith to marry other Quakers; failure to do so was called “marrying out” and was cause for discipline, including disownment by the meeting.

Widows were required to settle contracts and the inheritance of any children from a previous marriage prior to remarrying.

The “Book of Discipline” used by the Dartmouth Monthly Meeting, which outlined the rules for marriage during Joseph Brownell’s lifetime, is digitized by the Dartmouth Arts and Historical Society on its website at <https://dartmouthhas.org/quakerproject.html>

For more reading on Quaker marriage customs, see:

Brady, Marilyn Dell. “Early Quaker Families, 1650-1800.” *Friends Journal*.
<https://www.friendsjournal.org/2009060/> : 2009.

Mays, Dorothy A. “Courtship,” in *Women in Early America: Struggle, Survival, and Freedom in a New World*. Santa Barbara, Calif.: ABC-CLIO, 2004. Page 90.

Wells, Robert V. “Quaker Marriage Patterns in a Colonial Perspective.” *William and Mary Quarterly* 29 (July 1972): 429.

Understanding Bristol County, Massachusetts, Records

Bristol County has gone through several jurisdictional changes that impact where county records for the period of this case study are found today.

Located in southeastern Massachusetts, Bristol County was created from Plymouth Colony on 2 June 1685. Its western border forms most of the eastern border of Rhode Island. The town of Bristol was the county seat until 28 May 1746 when, along with the towns of Little Compton, Tiverton, Warren, Barrington and Cumberland, it was ceded to Rhode Island. Taunton was established as the new county seat, and existing records were transferred there.¹⁰

On 1 July 1837, county governance was split into the Northern District, with seat at Taunton, and the Southern District, with seat at New Bedford. The towns of Dartmouth, Westport, Acushnet, Freetown were reassigned to the Southern District. The two districts began recording land and probate transactions separately at this time. (A third district for Fall River was established 1 January 1892, but is not relevant to this case study). The original land record books at Taunton were hand copied into a duplicate set of volumes for use at New Bedford. Today the original ledgers remain at Taunton and some are labeled "Northern District," while the duplicate copies remain at New Bedford with some labeled "Southern District." The volume and page numbers for land records in the Southern District volumes are *different* than those in the original volumes at Taunton, so when referencing a deed the location needs to be specified in the citation. Some of the index books supply references to a record in both districts' volumes. The Southern District records include marginal notes referencing the corresponding volume and page numbers in the original ledgers at Taunton for some transactions.

Bristol County deeds are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/191284>

Bristol County probate records are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/189808>

Vital records in the time period of this study were kept by town officials. The area of Dartmouth in which Joseph Brownell lived was set off as the Town of Westport in 1787; however, vital records before this year remained at Dartmouth. Today, the early vital records for Dartmouth are held in the town clerk's office at Dartmouth Town Hall. They are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/382023>

¹⁰ Richard LeBaron Bowen, *Massachusetts Records: A Handbook for Genealogists, Historians, Lawyers, and Other Researchers* (Rehoboth, Mass.: private, 1957), 22.

Understanding Newport County, Rhode Island, Records

Unlike Massachusetts, where land and probate records are recorded at the county level, in Rhode Island they are recorded and kept at the town level. Vital records are also kept at the town level. Little Compton, where Joseph Brownell was born and lived the latter part of his life, was part of Bristol County, Massachusetts, until 28 May 1746, when it was ceded to Newport County, Rhode Island, so the location of records from his life varies with the time period. His birth is recorded at Little Compton. Some of his deeds for land in the town are filed in Bristol County and others in Little Compton. His will is filed in Little Compton.

Little Compton town proprietors' records from 1672-1755 are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/71883>

Little Compton deeds (other than proprietors' records) from the Bristol County period to 1746 are in Bristol County deeds; helpfully, index entries are often labeled "Little Compton." These records are digitized on *FamilySearch* <https://www.familysearch.org/search/catalog/191284>

Little Compton deeds for the Newport County period from 1746 forward are filed in Little Compton; they are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/71597>

Little Compton probate records prior to 1746 were filed in Bristol County; they are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/189808>

Little Compton probate records for 1746 and after are filed in Little Compton; they are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/71844>

Little Compton town and vital records are digitized on *FamilySearch* at <https://www.familysearch.org/search/catalog/69101>