# How to Find Ancient Roads

## *A Research Guide*

They say the town highway runs right up your neighbor's driveway and through the living room. It always did, except no one, not even your neighbor's attorney, discovered it. Nobody in decades, maybe centuries, knew it either. The selectmen at the time it was surveyed and laid out as a public highway knew it; so did the farmer who petitioned the town to create it. But it never made it onto any map, and it was just forgotten.

No wonder: the records that describe the early roads in your town are difficult to locate and understand. They may be incomplete. But who would know? Chances are good that you could figure out where the ancient roads actually ran, if you tried. What is needed is a thorough, systematic search, so that there will be no misunderstanding or surprises in the future.

This pamphlet is about such a search. Every town ought to conduct one. The goal ought to be to locate and map every road ever officially laid out by town, county, or state officials (and by proprietors)—not just ancient roads, but present roads as well.

This study sounds like a big job, and it is, but it will be important for reasons beyond history. Knowing where the old roads ran will avoid surprises and expensive lawsuits that plague many towns. It may form the basis of a town's systematic reclassifying, discontinuing, or using these rights-of-way. It will clarify land titles, avoid trauma at closings, assist planners in deciding how the town should grow, and, for existing roads, provide important information to the selectboard and road crew on precisely what the town owns, including the width of the public right-of-way. Best of all, it will put landowners and officials on an equal footing, with full awareness of the true town highway map.

It is not a job for the meek of heart. It takes organization, commitment, a few tools, and a good deal of time, more than you think. Plan a year to do it, maybe more, working on it every week.

Rather than trying to find one road at a time, the best way is to learn the full history of the highways of your town, starting at the beginning and building a fully annotated, correct map of the road network of the town, ready for anyone to locate and rely on.

Getting there is going to take commitment. Selectboards ought to appoint competent individuals or committees to undertake this work and support them with a budget for travel and expenses. The town should not charge for copies of materials or the time at the town office to do the work. The selectboard should insist on regular reports to gauge the progress of this elaborate assignment. At the end of the work, the committee should produce a map showing every highway ever laid out, alterations, discontinuances, and references to the records where these facts can be verified.

After receiving the report, the selectboard can decide what to do with newly discovered roads. It may choose to formally create roads that are not supported by records, including those that may have been established by dedication and acceptance. It may choose to abandon these roads and dismiss the report. Whatever the outcome, the town will be better off knowing. The era of surprise will be over.

## The Basic Tools: Road Records

The first stage is to assemble all of the road records in one usable format. These records are sometimes kept together in a road book or road survey book, but in other towns are scattered throughout the early Town Meeting record books, among the meeting minutes and vital records, or in the land records. A thorough review of every book in the vault to locate these road records is an essential first step, starting with the first records of the town (which may be proprietor's records, as some proprietors laid out early roads even before the town was settled) and proceeding to the present day.

Make photocopies of everything vital you find. Mark each copy with the volume and page number so you can locate them again, and don't skimp on how you photocopy. Use the 11x 17 paper if you can, even if the page is smaller than that, and change the machine's controls to darken copies to enhance readability of the faded page. If no good copy

can be made, then copy out the record by hand, including everything that's written on the page. Knowing who the selectmen were in the early years, for instance, can help you date a record that has no reference.

Then organize these records chronologically. Roads naturally run from other roads, so knowing that a particular road exists before the road you are tracing is laid out is important information for your search. Surveys are not always kept in order of their adoption, and they become separated from the copies of the petitions of landowners who have requested them.

## Maps

The next most important sources of information are maps. The earliest map of Vermont is by the New York Surveyor General Claude Joseph Sauvier. It includes an extensive road network through many vacant areas. There are later statewide maps, but the earliest town maps are from the mid to late 1850s, published by Wallings, McClellan, Doten, or others. These are available for viewing and copying at the Vermont Historical Society Library in Barre or on CD from oldmaps.com at a modest price. The CDs are invaluable for zooming in on particular roads and for the names of the landowners at each turn in the road. There are also the Beers Atlas maps of Vermont towns, by county, published in the late 1860s and 1870s, which are generally available at libraries and in some town clerks' offices (check out the maps hanging on the walls). There are county gazetteers with maps as well. The names of residents are printed on these maps, the very names that appear in the road records of each respective era.

Early topo maps are available online at docs.unh.edu/towns/VermontTownList.htm. Sometimes searching these maps can give you a look at whether the land would support a road in this place, although you will be surprised where some early roads were laid out. Some were used exclusively by people, horses, and maybe oxen, without even a wagon track.

A copy of the town lotting plan is another vital resource. This is one of the earliest records of the town and shows the town cut into squares, often listing the first, second, third, and other divisions of the town. The numbers of each box, identified by lot, range, and division number, as well as the name of the original proprietor granted the lot, can be vital in locating the ends of roads. Look on the walls of the town clerk's office, or in the earliest records of the town—the proprietors' records—for this information.

Get a copy of the current tax map of the town, and a straightedge ruler. Comparing the lotting plan with the tax map, you can connect lines of current parcels and learn the lot and range numbers of the original lots. Early deeds describe such lots as "drawn to the right of Enoch Bisbee," and add, "Lot 4 in the seventh range in the second division."

### *Becoming a Road Historian*

*If you have volunteered to perform an ancient road search, congratulations. You are about to undertake a puzzle as challenging as sudoku, as satisfying as a Sherlock Holmes mystery, and as frustrating as raising orchids in winter.*

- *Expect setbacks. Keep at it, regularly, but don't be afraid to declare you've had enough for now. Avoid obsessing over it; there is more to life than these old records. But go back to it, and find the rhythm in it.*
- *Get a partner or a team together for this work. Put someone in charge and then distribute the work according to time and energy. Maybe one could be the recordkeeper, another the researcher, and a third in charge of mapping, if there are three of you.*
- *Most of your work will be done alone. A quiet place is essential. A large work space is invaluable, where you can spread out papers and begin to put the historic road network together, road by road. Don't scrimp on good lighting.*
- *Best practice includes keeping a journal of notes and comments. Even what is obvious to you now may be forgotten. It's a bitter moment to discover you've just spent time recreating something you did last month. Write a note at the end of every session describing what you found and where you left off—what you would do next, if you weren't weary of this.*

*You won't get more than a round of quiet applause, if that, for this work, from the public, but you must know that your work is critical. It will be used, tested, perhaps criticized by future researchers, but every one of those tired heads will praise your name for the contribution you've made to understanding the town.*

Town proprietors, those who paid for the charter, did not often subdivide the entire town into lots at first. Several years might pass before they got around to the rest of it. A second, third, or even fourth division is not uncommon, as undivided lands were parceled out to the proprietors or their successors in equal shares.

In this example, proprietor Enoch Bisbee drew the fourth lot in the seventh range in the second division as his share. Chances are, even if he never stepped foot in town, his name is likely to be repeated in deeds as late as 1850, especially if the original lots remain intact. The lotting plan links you to the landowner; the landowner links you to the road survey, as petitioner or by direct reference in the survey.

## Vendues

Sometimes you get lost finding who lives where. You may find a shortcut in vendue records. These are found in the land records or the Town Meeting records and recite the results of levies on land for delinquent taxes, usually state property taxes. Vendue records appear as charts. These charts are organized by the names and numbers of the original proprietors. In the next columns over, you learn the amount of land assessed, the tax, and the name of the person who paid the property or purchased it for the delinquent taxes. The person paying the tax is likely the present owner and perhaps the occupier of that lot. With luck, you may see three or more of these sets of records, from 1784 to as late as 1820, and by comparing the charts you can at last connect the original grantee with his successors in title up to the present day.

### *The Road Survey*

*Road surveys list metes and bounds. "Metes" means the direction, as indicated by a compass reading. "Bounds" means distance, usually given in rods or chains.*

*Let's look at one survey closely. It tells us this is a road laid out on November 1, 1793, beginning at Charles Read's dwelling house, thence "N 34° E 30 rods," the first of twenty-five different descriptions that follow, terminating at Joseph Baker's northeast corner. It tells us it was laid out three rods wide and lists the selectmen and the surveyor who performed the work.*

*The early surveyor held a compass in his hand, put the needle on north, and sighted the direction between his position, holding one end of the chain, and the man holding the other end of it, usually the full length of the chain, which was four rods (sixty-six feet). Later surveyors had compasses mounted on poles or tripods, with leveling bubbles. It was rough work in deep forest in every season but the coldest months of the year.*

*The direction "N 34° E" is thirty-four degrees east of the north arrow. Today degrees are measured more precisely, but minutes and seconds are rare in these early records. Sometimes in early records you will see a one-half (½) degree added to a number, but early surveyors were usually content to stay with whole degrees.*

*The distance "30 rods" is 495 feet. A rod is 16.5 feet. The chain they carried was four rods long. A chain contained one hundred links of about 7.92 inches each. Converting rods or chains into feet makes sense in order to compare lengths of road in the survey with lengths on the most recent highway maps that use miles or feet.*

*Be wary of degrees. Magnetic north is not the same year to year. It moves because of changes in the Earth's magnetic field. Expect to deal with adjustments. North may change, but the footprint will remain the same.*

*Earlier surveyors used a system of notation that is sometimes frustrating. They did not trust large-numbered degrees, so they would write "E 3° S," putting east ahead of south. To be consistent, and make this fit on your mapping program, you may need to convert this to "S 87° E," exchanging the position of south and east and changing the degree by subtracting the number from 90° to make the correction.*

*Making a list of the names of those residents mentioned in the road surveys is useful in connecting roads to others. After you are underway, you will know where Charles Read's house stood, where Joseph Baker's northeast corner lay. When Read's or Baker's name comes up again, you have a valuable reference point.*

*This is the heavy lifting part of the job. You may be entering data on 300 or 400 roads before you are done. As each is plotted, however, you will begin to "read" the footprint sufficiently to connect the survey with a particular area in town, or a track in the woods.*

## Local History

Read every scrap of local history you can find, starting with the town history. Review the description of the town in Abby Maria Hemenway's *Vermont Historical Gazetteer*, which is available at most libraries; the county histories; anything ever written about the town in the journal *Vermont History* (Vermont Historical Society); diaries, Town Meeting minutes, whatever you have. Read Esther Munroe Swift's *Vermont Place Names* for the origin of the names of brooks, lakes, mountains, and settled areas of town. The best place to find all of these materials is the library at the Vermont History Center in Barre. A day spent collecting materials is a necessary prerequisite to this study.

Keep track of the locations of the early school district lines and the highway districts. Before the 1890s, there may have been more than a dozen of each in every town, and they are sometimes mentioned in the road surveys.

The object of this part of your search is to learn all you can about the first settlers and those who came after them, to connect a lot or cellar hole with a name that may appear on the early maps. This is historical detective work, and you should look for every clue you can find that can help in refining your search. Names of the early settlers and their families, as well as later settlers, are available in vital records (births, marriages, deaths), deeds, town histories, and Town Meeting records. Learning the cast of characters and keeping them straight can save you hours.

## Plotting

The footprint of a road is the easiest way of linking road surveys with existing roads or roads that appear in the older maps.

There are applications on the internet available at low cost that draw that footprint as you enter the metes and bounds information from the survey.

Watch the scale when printing out these footprints, as it ought to match the scale of the base map you'll be using to display your discoveries. Sometimes it helps to print these lines on mylar paper and slide the image around to fit a particular road on the map or space between two maps. Comparing the route with your topo map may also be helpful.

It is amazing how accurate most of these early road surveys are when compared with existing roads.

Make sure you attach the mapped version of the highway to the road survey for later reference.

Never forget we are dealing with a road network. First came main stems, then arms and legs, out to the more remote parts of the town. By cellar holes alone, you can tell that much of the landscape that is now only used for forestry was once developed. If there was a farm, there was likely a public road.

## Deeds

In conducting an ancient road search, deeds are critical resources. They link the property to the landowner at the time a road is laid out, altered, or discontinued. There is not time, however, to do a complete title search on every landowner throughout the town's history. Your use of deeds should be used as a locational device. If the road runs from Deacon Joshua Pike's barn to Hiram Butler's pasture, open the land records index and find what Pike and Butler owned the year the road was laid out.

This is going to be tedious but productive. Deacon Pike was both a grantee and later a grantor of this property. The index lists names alphabetically for each category. Write down all the references and look for the homestead. This is likely the first major purchase, as opposed to small pieces he might have bought or lots he owned as speculation. It is also likely to be the last piece he sells, or to be cut up by his estate after his death. What you want to know is where he lived, based on what he owned, in the year the road first legally went by his barn.

Some basic definitions may help. A grantor conveys property to a grantee, with warranty deeds. Transferors quitclaim their rights to transferees. Mortgagors convey property on condition of repaying a loan to mortgagees, usually banks or other financing companies. Some early

### *The Ancient Roads Law*

*In 2006, the legislature enacted a law to address the many ancient roads that had not appeared on the official town highway map. It gave towns until July 1, 2015, to locate and prove the existence of unmapped town highways and persuade the Agency of Transportation to place them on the official map. Those ancient roads that were not clearly observable on the land were discontinued by operation of law if they didn't appear on the official map. Roads that are clearly observable were not discontinued by this law.*

*More roads may eventually come to light and may be added to the map through the laying out process described in Title 19.*

deeds are conditional warranty deeds, providing that the conveyance will be complete only upon payment of the debt.

Grantees are likely to be mortgagors: they buy property, and give a mortgage to the seller to buy it in time, just like today, except that before the mid-nineteenth century there were usually no banks.

The details in Deacon Pike's deed might not say where he lived, but if you trace his grantor's title back a generation or two, you will likely find a reference to a lot and range number, or the name of the original proprietor.

## Linking the Sources

You have plotted the road survey's metes and bounds and printed it to the scale of a base map. The best base map is probably the large-size town highway map, showing the current roads and trails. Ideally, you can superimpose the lotting plan onto this map, using the tax map as a standard for testing your conclusions. Write down the lot numbers and proprietors' names on each lot.

Place the names of the various owners of the lots you have found for different periods at the location of their homestead, and provide annotations on the origin and alteration of all roads. Keeping track of the petitioners also helps. Chances are good if they signed the petition, their property was going to be reached by the road.

### *The Use of a Discontinued Town Highway*

*Knowing what roads once crossed the land has a value to landowners whose land was formerly served by a discontinued town highway. This knowledge may assist them in obtaining access over that same route, as the law recognizes implied private rights-of-way over such highways. See* 19 V.S.A. § 717(c).

Comparing the footprints you have printed out to the lines on the town highway map should reward you with immediate results.

This becomes a process of elimination. As each present road is identified and marked on the map, what remain are anomalies. Some of these may be highways that have been discontinued by formal decision of the selectboard. There may be roads that have no history.

## Frustration and Enlightenment

Do not be surprised to discover you can't find all the answers from your hard work. Some ancient roads will be lost because they cannot be found. Some ancient roads may be farm roads or private rights-of-way originally, which just became part of the town road network and so are not covered by road records. Some records may have been lost or destroyed.

You owe the trust placed in you to give this work your best effort. No one will take more care to locate early roads than you, so you must feel a special responsibility to do as much as you can. You should finish with a written report, listing all that you have found, as well as what is missing or hard to understand. At that point you may rest, knowing you have made a significant contribution to your town and its residents, both present and former.

By the time you reach the end of this pamphlet you may wonder why you would ever be interested in conducting such a search. The payoff is not, as you might expect, a complete and perfect re-creation of the road history of the town from the beginning to the present, if that is even possible. The reward is in the small victories, the long, hard-earned discovery that this survey describes this road in this location. You could be breaking a genetic code or opening a long-lost pharaoh's tomb, for the exhilaration you will feel when you make that wonderous discovery.

No explorer of a lost civilization could ask for more satisfaction.

## *The Vermont Institute for Government*

The Vermont Institute for Government (VIG) is a nonprofit organization dedicated to ensuring that government remains responsive, accessible, and competent, by improving educational opportunities for local officials and the public regarding how government works. Since 1989, VIG has been creating educational materials, offering workshops, and collaborating on a variety of trainings and educational events for Vermont's town officers and citizens.

This pamphlet is one in a series of VIG publications on Vermont local issues. For more information and additional resources, please visit the Vermont Institute for Government website: **vtinstituteforgovt.org**.

*Please note: This pamphlet was revised and updated in the spring of 2020. Changes in the law subsequent to that date may make some of what is written here no longer valid. Always check the latest versions of the law before proceeding.*