

City of Gloucester  
City Clerk's Office  
June 30, 1881

Copies made from the  
Records

Relating to the Mills formerly John Bennett's and Rings: Rings  
Mills now being owned by Albert Dodge: Also several highways  
leading to the same.

John J. Somes,  
City Clerk

Town Records B1 P295

At a meeting of the selectmen of Gloucester Aprill ye 9<sup>th</sup> 1707 for laying out a private highway for the inhabitants of our towne and such others as may have occasion to make use of said way to pass to and from the grist mill and saw mill standing of the stream or river called saw mill river up into the woods along by the new dwelling house of Lt. James Davis the inhabitants having great necessity of said way for transporting there fodder timber & wood which way is laid out wher it hath been used & improved for fifty years last [fract?] as a highway throu the land now in the possession of said Lt James Davis as successor in the right of morrieh Somes late of sd. Gloucester deceased which, said highway has been used and improved as aforesaid by virtue of the highway that was reserved when the said morris Somes had a grant of six acres of upland bought with six acres of upland and given lying to his house where wee have laid out and stated sd way as followeth viz: beginning at a stake with a stone about it about three rods or poles to the eastwardly of the easterly corner of the gravill pit that is att the eastwardly end of the said grist mill dam and said way to goe into ye said Lt Davis field between said stake with stones about it and a black oak tree marked standing within ye said Davises stone wall two rods or poles and halfe to the eastward of sd stake with stone about it and said way to run eastwardly towards sd. Lt. Davises new dwelling house and to be two rods or poles – half in weadth from sd stone wall as now it standeth till it cometh to the westerly corner of ye said Lt. Davises orchard that is within the field and so running along on the southwardly side of said orchard till it comes to a stake standing on the inside of said stone wall two rods or two poles and a half norwood of a frase [?] tree marked standing within said stone wall and to be two rods or two poles and a half in width and so running along southwardly by the westwardly end of said Lt Davises new dwelling house to a great broad flat rock about two rods or two poles to the southward of said dwelling house before the door and to be two rods or poles and half in width till it cometh to the bridge going over the brooke where the way now goeth and hath gon along towards the house of Ezekiall day and from sd bridge over the brooke the said highway to be four rods or poles in width # up to the now dwelling house of said of Joseph Ingerrsol sr-er excepting only where ye said Ezekiall Days barn now standeth and there the way to be only so wide as is between said Ezekiall Days line by his dwelling house and his barne and the above said way wee have stated and settled as a privet townr hoighway for our inhabotants to pass to and froe and such others as shall have occation to make use of it as wittnes our hands.

John Newman Esq.  
Cap. Nathaniel Coit                      Selectmen  
John Ring  
Jeffery Parsons

Att a towne meeting of the freeholders and others inhabitants

# the following words are here omitted by the transcriber “from the bounds of the said Ezekiall Days land as the way now goeth till it cometh”

See also Pages 314, 315, 316 of Book 1 Town Records for Highway round the Cape from Mr. Samuel Gott’s to the gravel-pit by the gristmill

Att the town meeting in Gloucester May 3d. 1708. Voted that the towns land lying between the meeting house green and the saw mill standing on the river or stream called squam river that has been made use of and improved along to and from the said meeting house green to the 2<sup>nd</sup> saw mill along between ye land now in the possession of Cat Joseph Allen, John Fitch, Joseph Harvey sr and the heirs of John Stanwood deceased and the land of John and Joseph Day and between the land of ye heirs of Thomas Millet late of Manchester deceased and the said saw mill river is hearby reserved for a highway till such time as the towne shall cause to make an alterationn of said way till it come into the way heading along to the saw mill between the land of Mr. Day by his dwelling house – as also the town common from the meeting house green between the land of Capt Joseph Allen and Joseph Allen Jun. and the land of John Sargent sr and John Fitch and the heirs of Isaac Elveleth and George Harvey sr and Capt Joseph Allen and [rev?] along on the westwardly side of the Land of the said John Fitch and the Land of the heirs of the said John Stanwood deceased and so by John Days land leading along as the fence now standeth is reserved for a town highway and to be three poles wide in width against the westerly end of the aforesd. John Fitch and the heires of John Stanwood ys land till it comes into the way leading along the saw mill to the land of and John Day by his dwelling house.

Pursuant to a vote of the Town of Gloucester bearing date Jany 10<sup>th</sup> 1714/15 We have bounded the neck of Land granted to Mr. Stevens, lying between Annisquam and Chebacco rivers mouth: and having in our former return, omitted to mention the fourty acres of meadow on Chebacco side, which marsh is bounded, at the northwesterly end on 2 Penny Loafe so called, thence running near southwesterly between walkers creek so called and bounded at the southerly end or part with meadow in possession of Capt Nathaniel Coite.

Signed by

Ezekel Collins  
Samuel Sargeant  
James Davis

Committee  
on  
Measure

Gloucester October 33, 1717. The Selectmen met and laid out a Highway from the way that leads from ye Mills to Squam. Beginning at the northwesterly corner bounds of Mr. Nathaniel Wharffs land: 4 poles westerly thence southeasterly as the way leadeth, till you come to a long rock in the ground: thence southerly to a flat rock in ye ground with stones on it: still leaving ye to ye westward thence to a clift rock with stones on it, leaving ye way to the west, thru to a clift of rocks being out to ye westward about 2 rods: thence southeasterly to a great flat rock just on the northerly side of the Brook within Joseph Days wall: thence southwesterly over the Brook to a rock with stones thereon: thence southeasterly to a Maple stump standing in ye fence near Millets Barn and said way to be on ye easterly side of sd. Rocks & stump and to be so wide as to come to Joseph Days and John Days land; thence southwesterly to a great stump with stones on it: thence to a split rock southwesterly which rock is a bound between John Day and Ezekiel Day: still leaving the way to be as wide as ye easterly side. Beginning at a great rock leaving ye way now on ye westerly side of sd. Bounds, thence to a rock with stones thereon: leaving the way of westerly side about four poles wide: thence to a rock in the ground with stones thereon: leaving the way between the bound mentioned and Ezekiel Day sen. And Ezekiel Day Jun. land, then to a great clift rock leaving the way on the westerly side of sd. Bound: thence as the way now leadeth by Mr. John Coits fence till you come to great rock with stones about it: and as the path now leadeth still 4 poles wide, and along to the easterly side of Benjamin Fosters house, and so as the path leadeth over the fulling mill brook 4 poles wide till you come to the way that leads from Mr. Newwmans to Sandy Bay so called.

Nathaniel Parsons  
Ebenezer Davis  
Thomas Bray

Selectmen

Att a Town meeting held in Gloucester May 8<sup>th</sup> 1722 The above written description of the highway was read: and said meeting voted an allowance and confirmation thereof.  
(Commoners Records Vol 1 p. 103)

Att the town meeting in Gloucester May 3 1705

Voted that the towns land lying between the meeting house green and the saw mill standing on the river or stream called saw mill river that has been made use of and improved along to and from the said meeting house green to the said saw mill along between the land now in the possession of Capt Joseph Allen, John Fitch, George Harvey and the land of the heirs of John Stanwood late of sd. Gloucester deceased and the land of John and Joseph Day and between the land of the heirs of Thomas Millet late of Manchester deceased and the said saw mill river is hereby reserved for a highway till such time as the towne shall for cause to make an alteration to said way.

Voted as also the towne common from the meeting house green between the land of Capt Joseph Allen and Joseph Allen Jun. and the land of John Sargent sen. and John Fitch and the heirs of Isaac Eveleth and George Harvey sen. and Capt. Joseph Allen and so along the westward side of the land of the aforesaid John Fitch and the land of the heirs of the aforesd John Stanwood deceased and so by the land of John Day as the fence now standeth is now reserved for a town highway and to be three poles in width against the westwardly end of the aforesaid of John Fitch and the heirs of John Stanwood and John Days land till it comes to the way leading along to the saw mill between the laqnd of John Day and his dwelling house.

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Book 3 Page 367

Article 2<sup>nd</sup> of Warrant

To see if the town will do anything toward supposing the Bridges across Rings Mill

The 2<sup>nd</sup> Article of the Warrant was much debated on put to Vote but did not pass.

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1793 B. 2 P 375

Voted the Selectmen confer with Mr. David Plumer respecting the road over Ring's Mill stream so called and report at the adjournment.

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1793 Book 3 Page 376

Voted that the Selectmen be directed to examine the original grant of Ring's Mill stream so called and further to confer with Mr. David Plumer relative to the road over said stream, and report at the adjournment.

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Book 3 Page 186 1776

Voted that Col. John Low, Capt. Jacob Allen & Samuel Plumer Esq. be a Committee to order the keepers or present claimers of the Mills called Rings Mill, to put them into good

repair and put a faithfull miller to attend them, at or before the first day of next March, and in case they refuse or neglect to do it, then the town will take the stream into their possession.

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Book 3 Page 195 1777

Mr. Isaac Bennet miller for Rings mills appeared & engaged to put the mills in as good order as he can and put in a good miller and do the best he can to grind grain for the town.

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Book 2 Page 130

At a Town meeting held in Gloucester December 21, 1732 a highway was confirmed from the Mill to John Riggs as [I?} hereafter expressed is bounded as followeth beginning at a post with stones about it in the ford which is bound by the highway that leads toward the house of Deacon Davis deceased & and from thence to the south side of the wall by the house that the sd. Ring now lives in & from thence southerly to the ortherly end of sd. Rings stone wall & so by the fence as it now stands till it comes to the bounds of the highway already laid out by the sd. John Riggs house on the northerly side & from the ford to the Dam along by the Mill pond two rods wide till it comes to the bounds of the highway already layed out on the easterly side of the sd. Way now layed out.

November 22 1732

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Book 2 Page 192

October 9<sup>th</sup> 1744

A description of a highway laid out by the Selectmen October 9<sup>th</sup> 1744. It begins on the northerly side of Benets Mill Bridge & runs down westerly before Benjamin Fosters house below the Hill to the Mill Door to be twenty feet wide from where the Pond commonly flows & to run down along by the Pond & thence strait to the Mill Door.

Nath. Ellery, James Davis, William Haskell selectmen of Gloucester.

Voted a confirmation of the above described way provided Antony Benet who desires it forever without any charge to the Town.

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May 17, '59

At a town meeting held May 17<sup>th</sup> Anna domini 1759. Voted that the Selectmen may abate Moses Ring's highway rate on account of his having made and Maintained a way over his Mill Dam.

Town Records Book 3 p. 56

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Mch. 12 1765

At a town meeting held March 12<sup>th</sup> 1765. Voted that Mr. Joshua Riggs be excused from paying any highway rate this year if he immediately go out & keep the way over the Mill Dam in good Repair during the year.

Town Records Book 3. p. 85

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April 15<sup>th</sup> 1778 Com-ee on Mills

At a meeting of the Inhabitants of Gloucester April 13<sup>th</sup> 1778

Mr. James Porter, Capt. Jacob Allen & Col. John Low were chosen a Com-ee [Committee] to inquire into the affairs of the Mills &c.

Town Records Vol 3 pp 207-208.

Note. A Committee had been chosen for a similar purpose in Dec. 1776.

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Committee to see the Mills in good order

At an Anaversary [sic] Town Meeting March 1<sup>st</sup> 1780. Adjourned to Thursday the 9<sup>th</sup> Instant at Ten oclock Forenoon.

Town Meeting By Adjournment Thursday 10 oClock A.M.

Voted that there be a Committee chosen to see that the Conditions on which Several Grants of Streams in this Town for sitting [sic] up mills be & complied with and make report to the Town and that the Mills are kept in Good Repair with Proper Millers as the Law Directs to consist of three Saml. Whittemore, Jacob Allen, John Low.

Voted the each Miller in the Town be served with a Cobby of the above Vote.  
(Town Records Vol. 3 pp. 222, 223. 224)

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1793 Selectmen call a Special Meeting for Ring's Mill &c.

At the adjourned meeting held May 27<sup>th</sup> next at 3 oClock P.M. and further adjourned to June 10<sup>th</sup> next agreeable to which last the Town Met – viz. June 10<sup>th</sup> 1793. Peter Coffin Esq. & John Rogers were added to the Committee, for examining the Grant of Rings Mill Stream.

March meeting was then continued by several Adjournments to August 6<sup>th</sup> 1793 at which Time The Town accordingly Met– Viz. Aug. 6, 1793

Voted. That the Selectmen be directed to call a Town Meeting to know what method the Town will take respecting Saw Mill Stream, so called, whether to sell the same – erect a Mill thereon or improve it in such other Manner as the Town shall think best.

(Town Records Vol. 3 pp. 376-377.)

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There was a Town Meeting called, conformably to the Vote of the Town passed the 6<sup>th</sup> of August respecting Sawmill Stream so called held on the 26<sup>th</sup> of August 1793 and after much Debate the Matter was compromised, therefore no order Taken thereon, and the Meeting dissolved – which renders inserting the Warrant needless.  
Town Records Vol 3, p. 380

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May Meeting 1810 Adj.t.

At the anniversary Town Meeting held in the Meeting house of the first Parish in Gloucester May 21<sup>st</sup>, 1810.

The Meeting was then adjourned to the first Monday in June next at 2 Clock P.M. at this Place – Pursuant to which adjournment the Town Met, at Time and place, above mentioned June 4, 1810.

The Committee Report on the 8<sup>th</sup> Article of the Warrant – being read, it was moved – That twelve dollars a year be allowed Mr. Zachariah Stevens to keep his Mill dam in complete order agreeable to the Committee's Report – including a sufficient Railing on said Dam to the Satisfaction of the Selection – which motion being tried – did not obtain.

The said report on the 8<sup>th</sup> Article being again read – it was voted to accept the same as now amended – Which Report is as follows, viz. Pursuant to the instructions from the Inhabitants of Gloucester at their last Town meeting. We the undersigned Committee by them appointed, and the request of Zachariah Stevens, have carefully the Records of said Town related to original grants and conveyances of Lands for mill privileges belong to and connected wil the mill now owned by the said Stevens – We have also obtained accurate copies of said Records which will accompany this Report. – In these Records no satisfactory evidence appears of any reservation of a highway, or public Road, by the original Grantors, or any other person claiming under them. –

We therefore beg leave to report as our opinion That if the said Stevens will without delay put into and constantly keep in good repair said causeway including the several Bridges belonging to the same, with sufficient railing to the satisfaction of the Selectmen, so that horses, carts, Waggons, loaded or unloaded, or any other carriages or animals may pass or repose in safety, the Town allow him the said Stevens Ten dollars per annum for and during the Term of Ten years, for the express purposes of keeping said causeway in complete Repair by him the said Stevens.

John Somes  
Charles Smith                      Committee  
Nathan Parks

May 31<sup>st</sup> 1810  
Town Records Vol 4 pp 148-151, 152

N.B. The Railing of the said Dam to be completed in six months from this date June 4, 1810

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## Renewal of Mr. Stevens contract – Mill dam

At a Town meeting holden by adjournment, agreeable to the above, in the Town School house hall, May 2<sup>nd</sup>, 1821.

Voted that the contract made with Mr. Zachariah Stevens, relating to his keeping his Mill dam in good repair, in the month of June 1810, be renewed on the same terms and for the same term of time – See the Terms, recorded in the transaction of the Town meeting held June 4<sup>th</sup>, 1810 ....

(Town Records Vol. 5 p. 26)

## Annual March Meeting 1826

At the annual Town meeting holden in the Meeting house of the fourth Parish in Gloucester, Monday March 6 1826 x x x x x The 23<sup>rd</sup> Article of the Warrant was as follows: 23 to see if the Town will choose a Committee to ascertain what right the town has to the Mill stream formerly Bennett's, and now claimed by Zachariah Stevens, and if any right, to see if the town will sell or lease said stream for one or more years, and report at the next town meeting. The meeting was then adjourned to Monday the 20<sup>th</sup> of March current at 10 o'clock A.M. Then to be held at the Town Grammar School House. At the annual Town meeting holden by adjournment, pursuant to the within, at the Town Grammar School house, in Gloucester Monday March 20<sup>th</sup> 1826.

Voted, To choose a Committee of Three, to take the 23<sup>rd</sup> Article of the warrant into consideration, and make report thereon at the adjournment of this or the next Town meeting and Mrss. John Mason, Joseph Babson & Charles L. Roberts were accordingly ..x x x x The Meeting was then adjourned to Monday the 27<sup>th</sup> inst. At 2 'Clock P.M. at this place.

At a Town Meeting holden by adjournment in the Town Grammar School House pursuant to the above on Monday March 27, 1826. The Committee report the 23<sup>rd</sup> Article of the warrant, was presented, the same being read; and after some debate thereon, and a motion for recommitment &c which was not tried: Mr Zachariah Stevens, declared in the meeting, That he was willing that the said stream should be used and improved in such ways as the Town shall deem most expedient for the purpose of Alewives running into the Cape Pond, without any remuneration – so far as he has any interest therein; until a Mill or some other works be erected thereon, by Him or his Heirs – and then Voted, That the above declaration be accepted, and the same recorded in the Town Records – The Committee Report, on said 23<sup>rd</sup> Article is as follows viz. We the Subscribers having been appointed a Committee to take into consideration the 23<sup>rd</sup> Article of the March meeting warrant Viz. To ascertain what Right the Town has to the Mill stream formerly granted to John Bennet and now claimed by Zachariah Stevens &c – Beg leave to report That we have attended to that duty and find on record an agreement between the Rev. John Emerson and sundry inhabitants of the town, for the purpose of encouraging the said Mr Emerson to build a Corn mill; this agreement appears to have been made May 1664, and receipted to record 1720, Book A<sup>B</sup> page 103 – But the first record (Book 1<sup>st</sup> page 11) of the town's grant of said stream, to the said Emerson, was at a town meeting held March 11<sup>th</sup> 1677. (13 years after said agreement was dated), at which time the said Emerson, agreed to erect a Corn mill and set the same in the old Saw mill dam. This record

provides that, in case the Mill should not be kept in repair; then the stream and the privileges should return to the town. Whether the above grant or agreement were for the Mills now called the Tide mills, or for the Brook or Stream leading from the Cape-pond, (afterward granted to John Bennet in 1719, Book 2<sup>nd</sup> page 18) your Committee are not able to say – But from the mention of the fresh marshes in the agreement, your Committee are led to believe, that when the agreement was written; it was intended to erect the Mill on the Brook or Stream leading from the Cape-pond; and from the circumstances of the said agreement having laid folded up in some private corner oof a drawer, and not having been thought of, until after the grant of this Stream to Bennet and then brought forward and entered on record, for the purpose of making out a claim to this Stream; and one other circumstance in addition to the above, for it seems that the Owner of the Tide-mills in 1724 (long book 108) instituted a suit before the Supreme court, against said Bennet for erecting a Mill on said stream; and the town having assisted said Bennet to maintain his right; it does appear to your Committee that this claim on the agreement, said to have been made in 1664, has been legally disposed of. It therefore rests on the grant made to John Bennett, which grant provides that he shall have the privilege during the time that he keeps a Corn-mill on the stream but not longer. Your Committee are therefore of the opinion that said stream, with all its privileges are now again vested in the Town; and subject to their direction and use for any and every purpose; which the town may please to direct. All which your Committee beg leave to submit. Gloucester March 27<sup>th</sup> 1826.

John Mason  
Joseph Babson                      Committee  
Charles L. Roberts

Voted, to accept the same...

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Town Records Vol. 5 pp. 125, 128-129-130-131-132

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1642 2<sup>nd</sup> mo.

Given unto William Stevens By the Commissioners halfe the mill marsh with three poull [?] of upland all along by the side of the said marsh the 2<sup>nd</sup> mo. 1642: this marsh was Bounded by an Agreement between Will. Stevens and Hugh Caulking and is at a whit ock [white oak] marked and a Rock by it. Right to a bound at a little creeke and Hugh Calcking not to go over that little creeke but all the marsh that is on the other side of that Little creeke is the said Will. Stevens his marsh and all the upland between morrie Gomes &c the marsh is the said Will. Stevens.

(Town Records Copy 1 pp. 40, 41)

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In grant to Hugh Calkin, without date, but probably about the same time as the above certainly before 1650, mention is made of upon the est [sic] side of the mill river about 9 acres of upland given and about 7 and 8 acres of Marsh bought which runs alonge by the upland side the one end of the marsh goes and runs alonge betwixt the upland and the mill river unto a white oake neere the marsh side which is a bound betwixt Mr. Stevens

and Hugh Calkin. The upland alsoe runninge from the mill brooke to the aforesaid marked tree.

Town Records copy 1 pp. 32, 33

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1644

The General Court granted to Gloucester £20 out of a gift of Richard Andrews, a godly man of London, towards a mill.

Records of Colony of Massachusetts Bay Vol 11, p.803

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1 mo. 50

To Silvester Evelleth half an Acre of upland upon the south side of the pond and neere to the mill.

(Town Records Copy 1 p. 17)

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1664 May

William Vinson sells to Mr Emerson for £55 his grist mill and three and a half acres of land, the same being near Mr Emerson's house.

History of Gloucester p. 202

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1700. Died Rev. John Emerson. In division of his estate John Newman has the fulling mill standing on a creek, or small river on the northwardly side of a lane or a highway leading from the Meeting House up into the woods "and William Cogswell has a quarter part of the grist mill and saw mill standing on the saw-mill river, so called; and a quarter of the house and three acres of land belonging to said mill"

(Essex Probate Records)

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Att a towne meeting in gloucester october ye 24<sup>th</sup> 1704 Capt. Natha: Coit was chosen moderator for ye meeting.

To the Inhabitants of Gloucester assembled in towne meeting October 24<sup>th</sup> 1704) [sic] gentlemen whereas the said grist mill now standing on ye saw mill river so called is now much out of repair and in such condition that it will not now supply the Inhabitants with grinding. I the subscriber do hereby covenant and Ingage and oblige myself and my heirs that I will forthwith use my utmost Indeavour to have the said grist mill sett in good and sufficient repair as soon as possible may be and that a carefull and sufficient miller

shall be set in the samefor the tending of sd. mill constantly and yt. I will enter into bond to make good what damage the town may sustain thorou my defect in that matter and to repair sd. Mill in such maner as the Selectmen or a committee now to be appointed by the town may think necessary which sd. Bond shall be given to the town treasurer in behalf of sd. Towne as the sd. Committee shall agree on as witness my hand.

Witness  
John Newman, John harraden

William Cogswell

Voted that upon the proposition above expressed made by Mr. William Cogswell the town make choice of Capt. Joseph Allen, Thomas Riggs Sr. and Mr John Ring to be a committee to looke after the above sd. Affairs and see the above sd. Affairs and see that the sd. Bond be given by Mr Cogeswell to the town treasurer.

Town Records Vol 2 page 60 [crossed out 129 inserted]

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1709 Edward, John & Jonathan Cogeswell sell mill in Gloucester to John Ring.

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1721 Feb. Ruth Newman with her children John, Ruth, and Ann sell fulling-mill stream to John Bennet with mill said Bennet had built.

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October 20, 1724

Town Meeting in Gloucester 1724

To the Hon eble his Justice of the Superior Court of Judicature to be holden at Salem on the last Tuesday of October current

These may certifie your Hon-er that where as John Bennett owns and improves a corn mill which stands on a brook which was formerly Mr. John Emerson's; and given by the town for that use; and Improved by said Mr. Emerson by a corn-mill; Therefor the town finding sd. Mill very beneficial by Reason of its being in a very convenient place; and also the town must have another mill in some other place, for all what the mills would do Improved by John Ring; and there is no other place so convenient besides them where sd. Bennett's and sd. Rings Mills stand...

In sd. Meeting the above written was read and Voted to be presented to sd. Court.

(finis)

(Town Records Vol 2 p. 108) [Babson Transcription p.233]

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May 1664  
Book 1 Page 103  
Commoner's Records

Whereas the having a Grist Mill is very usefull and generally necessary in Towns: and the work in building and maintaining is chargeable, therefore for encouragement of any such as are willing first to undertake the same, it is always commonly assumed that he shall not be deprived of the custome of the Town so long as he shall attend that business. And although he that first built the Grist-Mill at the Town of Gloucester, undertook that work and Mill now standing & in use and the Honored General Court also probably were pleased to contribute to the same upon such and the like motives, yet for further encouragement ; and also more full confirmation of the paid rights and privileges pertaining to the said Grist Mill, we the Inhabitants of this Town of Gloucester, whose names are here and ex-written, for ourselves, our heirs and successors, give, grant and confirm the rights, interest, privileges of the said Grist mill, ponds and streams thereunto belonging as also fresh meadows above the Mill to the proper use and behoof of our Pastor, Mr. John Emerson, his heirs and assigns forever, provided always and it is hereby fully intended and concluded that that the said Mr. John Emerson, his heirs and assigns shall still continue to uphold, maintain and keep either the said Mill or some other such frame and order so far as she is or may be capable the above mentioned have still their liberty if they please build another for that end, that the town may be to supplied and for further encouragement we do by these presents pass on our full and free consent, that the said inhabitants of this town shall continue to grind at the said Mill or Mills to the end that none may be an occasion to damage his said Mill nor a means to draw him and those that succeed in his rights to vain expense and that this act of the town we also hereby give order to be recorded for better assurance when it shall be desired.

Memorandum. It is hereby provided that none that buy their corn out of the town is by this act so bounds, but they may grind it out of town. (See pp. 42, 43, 44, 45 for continuation of above)

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Commoner's Records B 2, P 18

At a meeting held January 20, 1719.

Granted to John Benet the priveledge of the brook called the fulling mill brook whereon to set a Corn mill viz: that lower end of the brook near where ye tide ebbe and flows but not infringing on any former grant nor dammifing the publique way toward Squam and sd. Benet is to build a corn mill within one year after this date and to have this privilege during the time he keeps a corn mill in said stream but no longer.

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12 m. 1652

Town Records Book 1 Page 55

There was given by the towne meeting liberty to build a saw mill wher they think fitt for 21 Years to pay to the town 1 s. p. thousand for the Towns use and to sell the Boards 1 s. p. hundred Better cheap than they sell to strangers in place pressinable [?] and that quantity that neighbors hath needs of to use for themselves or any one of the Towne so they use them in the Towne the 21 years and they ar to have free Liberty to get timber wher they can find it and for all slit work whatsoever what ever they saw to sell it to the

Towne or any inhabitant during the time of 21 years 1 s. Better Cheape than to stangers in the place. By the hundred and they ar to have their timber in the towne comans and it is to Bee understood that the Bonds as the town ear to have pr. There use they ar to have them for such pay as will be raised in the towne.

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Town Records Book One Page 350

Towne meeting the 22th of June 1661 the towne gave William Vinson leave to stop the water at the fresh medoes above the mill and make use of it for his mill.

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Town Records Book One Page 337

Att a Town meeting held in Gloucester October 23th 1689 Deacon Stevens, John Sargeant, William Ellery, Abraham Robinson and Hugh Row were chosen to see that the corn mills be fitted to supply the Towne with rinding of there corn into meall or els to see that another corn mill may be set up.

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Town Records Book One Page 340

The 18 of the 12 mo. 1677 the generall Towne meeting was held according a formar vott passed in passed in the town met. Im primus it was votted and carried by the vott that there should be a corne milne sett up and erected in the saw mill dam.

2ly The Towne by way of vott gave the streme to belonge to the corn milne.

Things not being mad clear concerning the ould saw miln ther was a Towne metting called againe the ii of March 1677 and upon much discourse about about the mills Mr. John Emerson having undertaken to erect a corn mill up did promis in the Town metting to sett it upon the saw mill dam and supply the Town grinding.

the ii of march 1677 Ther was granted to the proprietyors of the ould Saw mill that is Mr. John Emerson John Fitch and Thomas Riggs to repair there saw mill and thar they have liberty to cutt as much pine timber upon the Towne commons as will make Twenty Thousand foot of bords yearly for seven years for seven years [sic] and wee the proprietors above mentioned doe ingage to saw to halves for any of the Inhabitants that shall bring logs to saw and that the Inhabitants shall have such Tacklin as the owners make use of for to gitt up ther logs allowing nothings for weare and Teare also if any neighbor want bords for ther own use and not be able to pay presently they shall have a quarter of a yeare tim to pay in in [sic] such pay as is raised in the Towne for there Labours and when the properiters find themselves aggrieved and find it w--- not quite cost and refuse to saw to halves then they ar to leave the mill to the Towne for the Towns use.

---

Att a Towne Meeting May 13 1690 Willi: Haskell Juni-er and Mark Haskell made request to the Town for to have liberty to set down a corn mill within the Township of Gloucester upon a creek called Walkers Creek and befor it was put to voit to try the mind of the Town Mr John Emerson, willi vinson, peter duncan and Will: Sargent soner [senior] did say that they did protest against the voit.

---

The Sawmill dam here mentioned is the place now occupied by the tide Mills of Albert Dodge.

---

At an adjourned Town Meeting held March 8, 1831 it was Voted: That the sum of Ten dollars be paid to Mr. Z. Stevens for the privilege of passing the Mill dam at his Mills provided that he shall keep the same in repair the ensuing year.

(Town Records Vol. 5 p.293)

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Mill Dam Paid as last year

Annual Town Meeting March 12, 1832 the 23d Article was as follows: To know of the Town will renew the contract with Zachariah Stevens for passing his Mill dam.

Voted 23d Article the same as last year.

(Town Records Vol. 5. pp.329-340)

---

March 1833

Mill dam contract renewed

The Annual Town Meeting was holden at Union Hall March 11the 1833 &c &c

Voted: That the Selectmen renew the contract with Mr. Zachariah Stevens for passing the Mill dam.

Town Records Vol. 5 p. 373

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22.

March 22, 1833. The Selectmen have this day agreed with Mr. Zach. Stevens for the privilege of passing the mill dam in present year for the sum of Ten dollars.

Selectmen Record. Vol. 6 p. 231

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March 1833

Referred S. M.

March 11th 1833. The Annual town Meeting was holden at Union Hall March 11<sup>th</sup> 1833&c

The 34<sup>th</sup> Article of the Warrant was as follows viz: Art. 34. To see if the Town will grant a lease of sell the privilege of the Mill Stream leading from the Cape pond near William Center's [?]

Art. 34 Referred to the Selectmen

(Town Records Vol. 5 pp 367-375)

---

Bennett's or Fulling Mill Stream Sold \$350

At the Annual May Meeting holden agreeably to the foregoing Warrant May 1<sup>st</sup> 1833 (there being no article in the Warrant touching the subject) it was Voted: That this Meeting adjourn for the purpose of disposing of Bennett's Mill Stream, which was sold at Auction and Mr. Zachariah Stevens the highest bidder gave \$350 --- tp receive a quitclaim from the Town.

(Town Records Vol 5 p 383.)

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May 10

May 10, 1833, The Selectmen have this day given to Mr. Zachariah Stevens, a quit Claim Deed of all right and title the Town of Gloucester has in the run of water called Fulling Brook or Bennet's Mill Stream sd. Stream way sold to Stevens at Public Auction, for the sum of \$350 --- 1/5 to be paid down the remainder on a years credit ---

The deed was dated May 3 credit to commence May 1, 1833 being the day of sale.

(Selectmen Record Vol 6. p. 25)

---

March 1834

The Annual March Meeting was held in Union Hall on Monday the 3<sup>rd</sup> day of March 1834 at 9 o'clock A.M. ---

The 13<sup>th</sup> Article of the Warrant was as follows viz: Art 13 To know if the Town will renew their contract with Zachariah Stevens for the privilege of passing the Mill dam and for what length of time. ---

Art. 13. Voted That the contract with Mr. Zachariah Stevens for the priviledge of passing the Mill dam be renewed for Ten years.

(Town Records Vol. 5 pp.395, 397, 405)

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April 25 1834. Paid the amount of E.H. Pearce's for his contract as Com-tee placing the railing near Z. Stevens Mill agreeable to a vote of the Town.

(Selectmen Record Vol 6 p. 36 [or 30])

---

Monday May 5 A.D. 1857. A meeting of the Inhabitants of Gloucester qualified to vote in Town affairs was held at Town House in said Gloucester.

Article 7 (of the warrant) To see what further sum the Town will allow Stephen Brown for the privilege of passing the Mill Dam.

Art. 7 Voted, that the seventh Article of the Warrant be indefinitely postponed.

Town Records Vol. 8 p. 19

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Art. 15th

Pursuant to the above Warrant a meeting of the inhabitant of Gloucester was held in the Town Hall on Monday the fifth day of February A.D. 1855 (The 15<sup>th</sup> Art. Of the Warrant was as follows, viz.) Art. 15 To see if the town will allow Capt. Stephen Brown the sum of thirty dollars, instead of ten, for passing over his bridge, or if the town will keep the bridge in order, agreeable to the petition of Edward H. Pearce and others.

Art. 15<sup>th</sup>. Voted that the subject of this article be referred to the Selectmen, and all the facts be referred to the Selectmen, and all the facts in the case be reported at the May Meeting.

(Town Records Vol. 8 pp. 194-202)

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Selectmen Report In regards to To The Bridge across the Mill Dam at Captain Steph. Brown's Mill

Pursuant to the above Warrant a Meeting of the Citizens of Gloucester was held at the Town Hall on Wednesday May the twenty third Eighteen hundred and fifty-five &c. &c (The Selectmen Report as follows, viz.)

The Selectmen to whom was referred the fifteenth article of the Feby, warrant. To see if the town will allow Capt. Stephen Brown the sum of thirty dollars instead [sic] of ten for passing over his bridge or if the town will keep the bridge in order, with instructions to inquire into the facts of the case and report at the May meeting; have attended to the same and report That they have examined the records in reference to the subject and find that in 1719 A.D. the Town granted the Mill privilege now occupied by Capt. Stephen Brown to John Bennett. That in A.D. 1833 the town chose a committee to ascertain what claim the town had upon said Mill privilege, that Committee reported that in consequence of the said Bennett neglecting to comply with conditions of the grant the said privilege reverted back to the Town. This report was accepted and said privilege was sold at Public Auction. Mr. Zachariah Stevens the occupant at that time bidding it off for the sum of

\$350. The Selectmen find no record of an agreement between the said Stephen Brown and the town in reference to the amount that has been allowed for passing over the dam but find that the sum of ten dollars was allowed the said Stephen Brown (yearly) for eleven years preceeding [sic] the purchase of the privilege by him and that the same yearly amount has been paid him or others from that time to the present.

All of which is respectfully submitted:

Charles E. Grover  
Joseph Friend                      Selectmen  
James S. Jewett

Gloucester, May 23, 1855

The report was accepted and no further action taken upon it.

(Town Records Vol. 8 pp. 218-222)

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12st

\$15 – Voted to Stephen Brown

(In the Warrant for te Annual Town Meeting February 4, 1856 appears the following Article)

To see if the town will allow Stephen Brown the sum of thirty dollars, instead of ten dollars for passing over his bridge, or if the town will keep the bridge in order.

Pursuant to the above Warrant a meeting of the Inhabitants of Gloucester was held in the Town Hall on Monday the fourth day of February A.D. 1856.

Voted to take up the Twenty first Article of the warrant and it was voted that the sum of fifteen dollars instead of Ten be allowed to Stephen Brown to keep his bridge in repair.

(Town Records Vol. 8 pp. 237, 238, 240)

---

Edward L. Brown was paid Fifteen dollars by the Town in 1857 “for passing mill dam”

(Report of Auditing Committee Feby 1858. p.14)

---

Referred to Selectmen

1858. The 11<sup>th</sup> Article in the Warrant for the Annual Meeting May Meeting was ---  
Art. 11 To see what compensation the town will allow Stephen Brown for the privilege of crossing his dam in Town Parish or take such action in reference to the same as the town may deem expedient.

In accordance with the Warrant a meeting of the inhabitants of the Town of Gloucester was held at the Town Hall on Thursday the sixth day of May Eighteen Hundred and Fifty Eight.

Art. 11 Voted that the Article be referred to the Selectmen with instructions to act in the matter for the best interests of the town.

(Town Records Vol. 8 pp. 340, 343, 344)

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1857. July 24. Edward H. Brown notified the Selectmen that his father would no longer be responsible for any accident that may occur on account of any defect in the road over the Mill dam in Town Parish. Also that he will not accept of the sum of fifteen dollars granted him by the town, as compensation for keeping said road in repair.

(Selectmen's Record Vol. 8 p. 52)

---

June 8, 1858.

The Board met and went to Wheeler Point to view the road, and to order the obstruction to be removed from the same. Engaged Finson Wheeler, Jr. at the same time, to repair the Bridge over Stephen Brown's Mill Dam in Town Parish.

(Selectmen's Record Vol. 8 p. 61)

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1858. The following expenditures, for which no appropriation was made by the town were deemed necessary by the Selectmen –

Annisquam Bridge Co., plank for Brown's bridge	\$ 70.30
Jones & Hooker bound posts and iron work “ “	21.16
Brackett & Brown labor on “ “	9.83
Finson Wheeler “ “ “ “	47.07
W. Dennis & Co. timber for “ “	10.00
Saml. Jones masts for “ “	28.00
	<hr/>
	\$186.36

Report Auditing Committee Feby 1859 p. 4

---

Appropriated May 9, 1859 for Repairs on Brown's Bridge \$200 (See Town Records Vol. p. 391) and Report Auditing Committee Feby 1860 p. 3) [sic]

---

Public Notice is hereby given that the Subscriber has purchased the real estate in Gloucester at Riverdale known as Brown's Mills, together with all the land and buildings appertaining thereto – and including that portion of the way in use over said estate for purpose of travel by persons passing from one side of the Mill River to the other.

It is the intention of the subscriber to dispute the right of way or other easement over these premises – and to prevent any and all persons from acquiring any right of way or easement in or over any portion of the of the premises which may have heretofore been used for said purpose of travel.

Gloucester March 29, 1878

Albert Dodge

Essex co [?] Gloucester April 20 1878.

I hereby certify that this day posted a true and attested copy of the written notice upon the store house or that portion of Browns Mill so called which is situate [sic] upon the within described premises, and that said notice has remained by me so posted aforesaid premises for six successive days –

“George Lane”

Deputy Sheriff

---

Salem, June 26 1878. 10 m. before 5 P.M. Rec'd and ent'd with Essex Deeds So. District Book 1000 leaf 177

Atty Ephm Brown, Reg.

---

(Endorsed as follows viz.)

Notice

Albert Dodge

---

1878 June 26. B. 1000 L 177 as within

---

In the month of

May 1664

The mark of Robert Elwell<sup>1</sup>

Edward Harraden

William Sargent

The mark of Morris Soams

Richard Windoro

The mark of Thomas Jones Sen.

The mark of William Vinson

The mark of Rowland Powell Sen.

The mark of Jeffry Parsons

Samuel Deliber

The mark of John Collins Sen.

The mark of Thomas Very

John Collins Jnr.

James Stevens

---

<sup>1</sup> Transcriber's note: copies of each individual's mark are included in Somes' transcription

Peter Duncan  
The mark of John Davis Sen.  
Thomas Millet Jr.  
Silvester Eveleth  
The mark of John Kettle  
Samuel Elwell  
The mark of William Coleman  
Stephen Glover  
Osman [?] Dutch his mark  
The mark of James Babson  
The mark of John Row  
The mark of Richard Gooding  
The mark of James Gardner  
The mark of William Dery [?]  
The mark of John Hammons  
Thomas Riggs  
Francis Norwood

---

William Sarget, Samuel Elwell and Anthony Day all above named appeared and acknowledged each for himself, that they did sign to the above written covenant, as their act and deed and free consent, according to the time of ye Date thereof.

June ye 20<sup>th</sup> 1695

Owned before me  
Thos. Wade  
Justice of the Peace

---

Philip Stanwood  
Clement Colson  
James Davis  
Samuel Kentt  
Thomas Kentt  
Thomas Pinng  
Thomas Judkins mark O  
Jacob Davis  
Edmund Clark  
George Blake  
Trusteimk E fords [?] T mark  
Richard Beefor's mark  
Samuel Abeavsoke [?]  
John Pearce [written w/ r & c crossed out]  
the mark of "A" Anthony Day  
the mark of Thomas Bray  
the mark of TP Thomas Prince

William Haskell Senr. also doth subscribe to the above written line only by reason of his Inconvenient & remote living he is at liberty to carry his corn to grinde at that mill which is nearest, and most convenient for him .

the mark of WH William Haskell  
Henry Haskell

---

Anthony Day aged Eighty years; and William Sargeant aged Seventy one years, and Samuel Elwell aged Sixty years: all of Gloucester: We do Testify that each for ourselves, Remember that we did sign to this covenant & and grant to Mr. Emerson; for the building of a Mill, or mills as in the said covenant & grant: and we also Remember, that we have heard severall of ye subscribers inquire whither we had signed to the said grant according to & in the time of the doing of it, ye which we then owned; and they declared that they had signed also. And in the day thereof, it was well pleasing to us: and unto all other of our Inhabitants: we do not Remember any person that then opposed the same. And the several subscribers thereunto sett, doth contain the then Inhabitants of our town or proprietors, unless one or two, or so, to our best Remembrance: nor they neither as we know of, in any wise oppose the same.

Anthony Day, William Sargant and Samuel Elwell, all appeared, and gave oath to the truth of the above written evidence, June ye 20<sup>th</sup> 1695.

Sworn before me Thos. Wade  
Justice of the Peace.

(Commoners Records Book 1 p. 102)

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A Description of a Highway laid out by the Selectmen February 3: 1730/1, on the northerly part of the Town neck this Bounded beginning at the way leading from the meeting house of William Rings mill and from the easterly end of the Herbeg [?] lotts which run over the Pooles, as they are Bounded till you come to the southerly corner of John Riggs land thence on northerly as the way now leadeth between sd Riggs his land and Thomas Sargents land on the west and William Rings land on the est as ther fenc now standeth until you come to sd. Sargents Herbeg [?] land in this lane it is about 3 pools wide: thence on northerly by sd. Sargents herbeg land and Ebinezer Davises Herbeg land as their land is . Bounded until you come to David Stanwoods land: and to extend esterly from sd. Herbeg land to sd Davis fence: thence on northerly between sd Stanwoods and Davisesland as their fence now standeth till you com to land of Ebenera Standwood Deceast in this land it is a bout 28 feet wide thenc on the northerly by sd Ebenera Stanwoods land until you come to Clay Cove: thence on by sd Cove and the River on the west and Jonathan Phillip and David Stanwood on the est as their fenc now standeth till you come to Phillips and David Stanwood gate and the above said way is to extend from the herbeg lotts which run over the pooles esterly to the way leading from the meeting house to the mills and also the land of William Ring and John Riggs his land and Barne . their way also at the same time their was a Highway laid out from the above said way to the mills thus bounded beginning at the Bridge between Thomas Sargent land and William Rings land thence esterly as the way now leadeth to the northerly corner of land belonging to the heirs of Thomas Millett Deceast: thence turning southeasterly

between sd Milletts land and Ebenezer Davissland at there fenc now standeth to the Mill River sd lane being about 2 rods wide be it more or less: then turning south westerly from a post in sd Milletts fenc on a straight line 13 rods to another post in sd Milletts fenc by the way neare the mills which includes about 12 rods of land which was within said Milletts fenc laid out by [blank]

Confirmed at a Town  
Meeting in Gloucester  
March 2, 1730/1

Thomas Witham  
Ebenezer Parsons  
Ebenezer Davis  
Selectmen

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Pursuant to a Vote of the Town we have laid out to John Allen what Land may be spared at the Head of the Lane going down to Hodgkins Ferry in Two pieces One on the Southerly side of the way to the Ferry bounded at the Corner of the Wall belonging to the Heirs of John Allen dec'd and thence running westerly to the Gate being at three Corner's [?] Piece: On the Southerly and Westerly side bounded by the Stone Wall: the other Piece on the northerly side of said way to the Ferry leaving ye said way three rods wide at ye entry and the full width of ye Gate as laid out by ye courses of the Wall belonging to the Heirs of John Allen afores'd Deceased till it comes to the post in the stone wall belonging to Nehemiah Allen the highway to Rings Mill going on the easterly side and way between the two pieces goes to the Gate leading to the Ferry and the Fence on the norwesterly side belonging to Nehemiah Allen is the bounds of this , Northerly reserving more room for highway when wanted.

Gloucester April ye 25<sup>th</sup> 1748

William Haskell  
James Davis  
William Allen  
Selectmen of  
Gloucester

(Town Records Vol 2 p 209)

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Legislative Act passed Dec 14, 1816 relative to archives. Vol 5. Page 181 Special Laws

Committee on Plan 1823.

William Pearce Samuel Stevens Daniel Rogers  
Selectmen.

John Mason. Jonathan Brown Jr.

Commoners Records

Book Two. Pages 12, 13, 50, 51, 53, 67, 84, 89, 130, 136, 137, 160, 161, 168, 178, 176.

Town Records

Book One. Page 1. See John Pearce. 16 & 17. S. Eveleth, Daniel Ring 190, Emersons Grant 209. Corn Mills 337, 340. Vinsons Mill 350. Great Swamp.

For further Records "see" Town Records

Book One. 17, 31, 32, 39, 40 55, 58, 59, 61, 63, 67, 70,

Pages 1, 2, 5, 16, 19, 24, 33, 45, 57, 60, 78, 99, 116, 117, 122, 128, 142, 163, 164, 172, 176, 177, 180, 131, 188, 190, 195, 197, 204, 214, 233, 209, 234, 237, 243, 332, 339, 340, 154, 178, 139, 144, 154, 187, 154, 245, 294, 295, 299, 314, 315, 316, 249, 250, 304, 312, 337, 346, 350, 278, 334.

Book Two

Pages 41, 101, 44, 2 [or 442], 243, 130, 75, 77, 202, 209

Book Three

Pages 76, 77, 183, 191, 192, 332, 337, 338, 339, 347, 375, 383, 385, 386, 387, 431, 433, 434, 435, 85, 186.

Book Four

Pages 192, 279, 280, 283, 285, 6, 137, 151, 264, 271, 279.

Book Five

Pages 124, 158, 160, 354, 26, 235, 278, 307, 308, 323, 384, 386, 401, 407, 285, 285, 87.

Book Six

Pages 23, 36, 25.

Book Seven

Page 85

Book Eight

Page 391.

Commoners Records

Page 80, 81, 106, 110, 182, 178, 78, 7, 9, 11, 74, 83, 95, 100, 160, 173, 182, 186, 191, 195, 223, 256.

Selectmens Records

Book One

Pages 28, 45, 52, 122, 124, 127, 90, 62, 103.

Book Two

Pages 23, 43, 59, 65, 78, 81, 88, 92, 94, 101, 105, 108, 109, 110, 120, 124, 126, 129, 23-1/2, 58, 84, 99, 103, 118, 125, 126, 129.

Book Three

Page 396

Book Six "Large Book"

Pages 1, 9, 20, 23, 18, 39, 52, 66, 80, 109, 173, 174, 195, 204, 207

"Small Book"

Pages 26, 30, 31, 39

Book Seven

Pages 86, 89, 98

Book Eight

Pages 33, 100, 103, 335, 336, 341

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John Row about to repair his Sawmill 1698.

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Val. of Mass. in 1771 has for Gloucester 15 1/2 Grist Mills, fulling Mills, and Saw mills.

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Grants		
To	John Emerson	1664
“	Anthony Bennett	1719
“	Zachariah Stevens	1833
“	Stephen Brown	1835
“	Albert Dodge	1875

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Law  
Gen. Statutes, Chap 149 Sect 29

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Cases  
13 Gray 193, 15 Gray 573, 9 Gray 102, 6 Gray 544, 3 Allen 378, 2 Allen 242, 97 Mass  
402

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Road 1845

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Plan  
Washington St. from Whittemores Corner to Squam line made in 1823. No. 2 Book 1,  
Page 11 of Plans.

Pet. Stephen Brown 1846

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Mills &c.  
Bennett’s Mills, “Corn Mills”, Ring’s Mills “Saw mill” Fulling Mill Brook, Precinct  
Meeting House on Town Green.

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Anthony Bennett  
John Ring  
John Tucker  
Nathl Wharff  
David Plumer  
James Davis – over the Bridge (116 T.R.B. 1)  
Heugh Calkin  
John Pearce  
Wm. Stevens  
Morris Somes  
Robert Tucker  
C. Coldam  
Sylvester Eveleth  
John Harraden

Wm. Brown  
Stephen Glover  
Nathl Somes  
Obadiah Brown  
Thomas Judkin  
James Babson above the Mill  
Haugh Row  
Good Vinson  
Nathl. Millett (122 T.R.B. 1)  
Thomas Millett  
John Row

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Old Meeting house plain.  
Wolf Hill  
Meeting House Green  
Great Swamp  
Fresh Marsh  
Salt Marshes.

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Sawyer  
Pulcifer  
Thomas Riggs  
Wm. Riggs  
Wakefield

---

Suit	Ferry Annisquam River Salem	1716
“	Newburyport	1716

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Deeds, on file in Clerk's Office

Pet 1789 to open Stream obstructed by mills. See Town Papers in Bou [Boy? Book?]  
1789.

Lower Way Shut up for Seven Years, in Town Records Book Two, Page 101.

Paper containing name of persons living above the Town Green so called in 1740, with  
the distance from the Meeting House, see on file, among papers of 1880 – no. 461.

Town Papers.  
Box 1789. Pet to open Stream  
“ 1800 Jacques Mill Strem  
“ 1801 Wm. Lows Prop.  
“ 1805 Miles of Road

- “ 1810 Report on Mill
- “ 1816 Open Stream
- “ 1827 Report on Walker’s Creek
- “ 1855 Petition of E. H. Perce
- “ 1855 Report on Bridge
- “ 1853 Pet to repair road
- “ marked, sundry Papers, no date.
- “ marked EE Limits of Surveyors &c.
- “ 1846 Pet Stephen Brown

#### Articles in Warrants

1810, Art. 8 & 15. 1816, Art. 17. 1819, Art. 22, 1820, Art. 19. 1821, Art. 21. 1822, Art. 18 & 20. 1823, Art. 1, 5 & 19. 1824, Art. 18 Page 8. 1825, Art 14 Page 106. 1826, Art. 26 Page 124. 1827, Art. 21, Page 144. 1828, Art. 19 Page 171, 20-171, 28-172, 39-172. 1836, Art. 17 Paage 32. 1837, Art. 6 Page 76. 1838, Art 31 Page 97.

#### Action on Articles in Warrants

1820 on the 19<sup>th</sup> Art. See B. 4 Page 341. Report on Pages 5 & 9 Book 5. which see.

1819 on the 22<sup>nd</sup> Art. See B. 4. Page 326.

1821 on the 21<sup>st</sup> Art. B. 5. Page 25.

1822 on the 20<sup>th</sup> Art. B. 5. Page 44.

1823 on the 19<sup>th</sup> Art. B. 5. Pages 64, 68.

1823 on the 5<sup>th</sup> Art. B. 5 Page 72, report on said report the following persons were chosen John Mason, Samuel Pearce, Jons Brown Jr. for the Harbor and Town Parish.

1823 on the 1<sup>st</sup> Art. B. 5. Pages 75, 76, & 77.

1824 on the 18<sup>th</sup> Art. B. 5. Pages 86, 87

1825 on the 14<sup>th</sup> Art. B. 5. Pages 106, 112

1826 on the 26 Art. B. 5. Pages 124, 134

1827 on the 21 Art. B. 5. Page 151

1828 on the 19<sup>th</sup> Art. B. 5. Pages 171, 180.

1828 on the 20 Art. B. 5. Page 180.

1828 28<sup>th</sup> Art. See B. 5. Page 182.

1828 39<sup>th</sup> Art See B. 5. Page 185, 201

1836 17<sup>th</sup> Art. See B. 6. Pages 32, 39

1836 32<sup>st</sup> Art. See B. 6. Pages 97, 106.

#### Mass Digests

Sect. 5428 to 5451 inclusive

Sect. 5455, 5496, 5497, 5500, 5505, 5506m 5507, 5570, 5571, 5574, 5575, 5576, 5577, 5583, 5584, 5585, 5606.

#### References to Rings Mills Town Records.

Book Two Page 60

Book Three Pages 56, 85, 117, 119, 121, 123, 183, 184, 185, 186, 190, 193, 206, 208, 222, 223, 234, 237, 282, 360, 366, 372, 375, 376, 377, 380.

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#### Opinion of Hon. John J. Babson

It is clear, from allusions in the early records of the town, that a mill had been erected before 1650 at or near the outlet of Cape Pond brook where within the memory of living persons "Bennets Mill" stood: but when was the first mill set up where Mr. Dodge's (late Capt. Stephen Brown's mill) now stands? Our town records say "13 12 mo 1652 There was given by the town meeting liberty to build a saw mill where they think fit, for 21 years, to pay to the town one shilling per thousand for the town's use; and to sell the boards one shilling per hundred better cheap than they sell to strangers; and that quantity that they have need of to use for themselves for any one of the town, so they use them in the town the 21 years; and they have free liberty to get their timber where they can find it; and for all slit work whatsoever they saw to sell it to the town or any inhabitant during the time of 21 years 1 shilling better cheap than to strangers in the place by the hundred; and they are to have their timber in the town's commons, and it is to be understood that the Boards as the Town are to have for their use, they are to have them for such pay as will be agreed in the town.

It is my opinion that under the authority conferred by the act of the town a saw mill was erected at the place now occupied by Mr. Dodge's Mill, of which, in 1677, Mr. Emerson, John Fitch, and Thomas Riggs, were "proprietors," who were that year to "to repair their saw mill and to have liberty to cut so much pine timber on the common as will make 20,000 feet of Boards yearly, for seven years."

In the same year, Feb 18 the town voted "that there should be a corn mill set up and erected in the saw mill dam."

"Secondly" voted that the town give the stream to belong to the corn mill."

Things not being made clear concerning the old saw mill, there was a town meeting called on the 11<sup>th</sup> of March 1677, and upon much discourse about the mill, Mr. John Emerson having undertaken to erect a corn mill, did promise in said meeting to set it upon the saw mill dam, and to supply the town."

It seems that Mr. Emerson fulfilled his promise, for Feb. 17, 1678 there was “given to Rev. John Emerson three acres of land to set a house upon, to belong to the mill to the corn mill, upon the eastern side of the mill river, hindering no highway nor coming to the waterside.”

Mr. Emerson died in 1700. In division of his estate, William Cogswell had a quarter part of the grist mill and saw mill standing on the saw mill river, so called; and a quarter of the house and three acres of land belonging to said Mill which, in 1709, the children of William Cogswell sold to John Ring.

The old mill on Cape Pond stream was in possession of William Vinson in 1661. In 1664 he sold to Mr. Emerson for £55 his grist mill and three and a half acres of land, the same being near Mr. Emerson’s house.

In division of Mr. Emerson’s estate, John Newman had the dwelling house where said Emerson did live, 30 acres of land, more or less, south side of a lane or highway leading from the meeting house up until the woods, also a fulling mill, standing on a creek or small river on the northwardly side of said land or highway.

In 1721 Ruth Newman and her children sell Fulling mill Stream to John Bennet with Mill Bennet had built.

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Mill. Essex To the Hon. his Majesty’s Justices of the Superior Court of Judicature to be holden at Ipswich within and for the County of Essex on the third Tuesday of May current

John Ring Appellant

John Bennet Appellee

The apple. answers to the appellant reasons of appeal from a judgment of an Inferior Court of Common Pleas holden at Ipswich for and within the said County of Essex in the last Tuesday of March last.

1<sup>st</sup> Answer. Whereas the aplt. says that the judgment is wrong and ought to be reversed , because the damage sued for and cost at Court ought to have been for him. It is plain that the deft., now aple. did not dammify the plttf. now aplt. for that the said aple. did not hinder the course of the water so as to dammify aplt. but if the aple. stopping the water were any damage to the aplt. yet the aple. hath no business with that, because he makes use of none but the fresh water brook which is his own and therefore acts on his own right.

2<sup>nd</sup> Answer. The aplt. would fain make the world believe that the stream that drives his mill and the stream that drives aplees. mill are but one. But they are properly two for they are two by improvement, two by possession , two by grant, two by division of the estate, two by conveyance, two by motion , one a flowing stream, the other a descending stream, two by quantity, the one being great, the other small, and two by quality one being salt water, the other fresh, the one a branch to the sea, the other a brook running among the hills, and so by transmigration east to the sea, And as to the special privileges that the aplt. pretends to, it is plain and doth appear that (with respect to the town) it is only a slender grant from the town to Mr. Emerson of the salt water stream baring the date of the 18<sup>th</sup> of the 12<sup>th</sup> mo 1677. But as to privilege it plainly appears that the stream or brook aplee. occupies is, endowed with those special privileges, for the first mill that ever was in the town of Gloucester was on that brook or stream, and the place where the

aplee. mill now is. And as to her first being built the most aged in the town can give no account when she was first built: but it seems there were so few people in the town they were not able to erect her, for the General Court was pleased to contribute to the building of her as appears in a writing dated in May 1664. And here the aplee. has the privilege antiquity. Again the aplee has and ought to have the custom of the town by virtue of a grant or act from the town to Mr. Emerson bearing date as aforesaid in the month of May 1664 wherein the inhabitants of the town obliged themselves to continue to grind their corn at said mill or mills. And also give in said writing to the sd. Mr. Emerson, said stream, pond to him and his heirs & forever.

3<sup>rd</sup> Answer. As to the obligation which the aplt. says he entered into with the town it doth not appear that he is under any obligation any more that the aplee. Indeed Mr. Emerson promised to supply the town with grinding, as in the grant of one of the streams bearing date the 18<sup>th</sup> of the 12<sup>th</sup> mo. 1677 on #[sic] did not he know that he had the mill then going on the stream now the aplee. and before the salt water mill was erected. Now the aplt. Mr. Emerson did not promise to supply the town with one stream, or the other, for he knew both streams were his and could use one or both at his pleasure. But is well known to the inhabitants of the town that Mr. Emerson's promise never was performed after he deceased till the aple. erected another corn mill on sd. Stream so helped the town.

4<sup>th</sup> Answer. If it doth appear (as most certainly it doth) that the aple. hath better privileges than the aplt., why should that so grieve the aplt. Should then special privileges which the fore fathers of the town confirmed upon the said aplees. stream be taken away to the damage of the of the town, when the aplee. makes it so plainly appear that he hath so good a title to do it. And further it doth not yet appear that the aplt. is under any obligation to the town, but if it were #[sic] it is his own free act. And why doth he blame if the aplt's should bind himself apprentice, there is no reason he should come to your Honors to have the aplee bound out two[?].

For these reasons and what further may be offered upon trial, the aplee. doubts not in the least but your Honors and the gentlemen of the Jury will see abundant reason to confirm the former judgment.

John Bennet Applee

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|------------------|---|----------|
|                  | The title of the apple from step to step  |          |
| 1 <sup>st</sup>  | A grant from the town to William Vinson in 1660   |          |
| 2 <sup>nd</sup>  | A deed from Vinson to Mr. Emerson   | May 1664 |
| 3 <sup>rd</sup>  | From the town to Mr. Emerson  | May 1664 |
| 4 <sup>th</sup>  | The deed from Mr. Emerson to his three daughters  |          |
| 5 <sup>th</sup>  | The deed of the division of Mr. Emerson's estate  |          |
| 6 <sup>th</sup>  | The grant to the aplee. from the town of the brook nit [sic] hindering any former grant |          |
| 7 <sup>th</sup>  | The grant of the land where his corn mill stands to Mr. Newman                          |          |
| 8 <sup>th</sup>  | A deed to the aplee from r. Newman and his children                                     |          |
| 9 <sup>th</sup>  | An extract of a deed from Mr. John Newman and his children                              |          |
| 10 <sup>th</sup> | A certificate from Maj. Sewall for recording the division deed                          |          |

7. The grant here alluded to may be the same mentioned in a vote of the town March 7, 1710, when there was granted to Mr. John Emerson a strip of land lying to the southwardly side of the brook coming down from the fulling mill.