

Chapter XIII

EARLY CONVEYANCES
SKETCHES OF SOME OF THE FIRST SETTLERS
LOT BOUNDARIES
LOCAL BOUNDARY DISPUTES

The Mill Lot

The Mill Lot was approximately thirty rods wide, and, bounded north-erly by Bedford street, it extended one mile from the shore or nearly to the site of the Merchants Mill. It crossed Twelfth street from the easterly side and end of Eight Rod Way or Plymouth Avenue. Plymouth Avenue was laid out no further north than Pleasant Street. On the east the Mill lot abutted on the 29th lot of the Third Division which included the Flint village section.

The mill lot was never assigned to any particular proprietor, but was deemed to be held in common, in partnership, with thirty transferable shares or interests. In May 1688 the owners of about half of the shares (headed by Christopher Almy) signed a declaration that they "stood seized thereof in partnership with others" (book 1, page 275). The previous year nine shares (mostly Gray interests) were conveyed to Caleb Church of Watertown (book 1, page 275) and in August 1691 he conveyed these (with others meanwhile acquired [see book 1, page 27], 13½ shares in all) to his brother Col. Benjamin Church. As illustrating the use to which the stream was then being put this deed recites conveyance of "the mill lot, 30 rods wide, with the river and the benefit of the stream, designed for the use of a mill or mills of what kind so ever, with the saw mill, ways, water-dams and flood gates." Col. Church owned one share in the beginning and he had bought Sam Gray's share from Constant Southworth in 1702 (see book 1, pages 391 and 399); another from Gershom Wordell (book 2, page 2); 1½ from Job Almy (book 1, page 397) and 2½ more from Wilcox, Woodman and Cory (book 1, page 398),

and probably others by unrecorded deeds (see contra), and in 1707 (book 2, page 67) he conveyed all his mill shares to his son Constant Church "as part of his portion of my estate". (Constant also bought $\frac{1}{2}$ a mill right from Sam and Mary Snell March 25, 1714, book 2, p. 541). The price at which these purchases were made was approximately three pounds for each share or thirtieth part. The Massachusetts colonial coins by act of June 10th, 1652 were to contain three quarters as much silver as the English sterling coins of the same denomination, — so that the entire mill lot was then valued at about three hundred dollars.

So far as the records show the water power was first improved by Col. Church in 1703 when he erected west of the main road a saw mill, a grist and fulling mill. These seem to have been operated by him and his son, with other partnership interests, till 1714, when the Church interests were sold to Richard Borden of Tiverton and to Joseph Borden of Freetown. These were the sons of John Borden. The 1714 purchase price was a thousand pounds, so that in seven years its value had more than trebled. In 1717 Joseph Borden died, and his estate conveyed its half part of the Church interests (viz: $26\frac{1}{2}/30$ ths) to Richard Borden. (See book 3, p. 453). This sale was for five hundred pounds and the lot was said to contain 66 acres. Richard then acquired the other interests, (1) from Joseph and Stephen Brownell Feb. 12, 1720, book 3, p. 495. (2) the Hazard share, Aug. 11, 1718, book 3, p. 455, and (3) the share of Rebecca Cole, wife of Eph Cole, she as daughter of Edward Gray owning by inheritance the 15th great lot, Oct. 8, 172w, book 4, p. 97.

Richard Borden and John Borden were two brothers who came from England to Boston in 1635. John, the younger brother, finally settled in New London, Conn., but he was made freeman in Portsmouth in 1642, and was there till 1650; Richard, the elder brother, who was born in 1601 and died May 25th, 1671, settled in Portsmouth. He was Governor's Assistant (R. I.) in 1653; state treasurer 1653 to 1655, deputy from 1667 to 1670 and Colonial Commissioner for three years. In 1640 he sat as one of the jury in an action at law brought by one Holman against my ancestor John Phillips, upon claim that a mill built by Phillips for Holman did not "grind sufficient". The record is obliterated and does not show the result of the litigation.

Richard Borden had two sons, both born in Portsmouth, Matthew in 1638 and John in 1640. Both sons owned Pocasset lands, but John was the one who acquired the mill site, and in order to distinguish him from the other John Borden he was known as John Borden of Quaker Hill.

The mill lot at Fall River was owned by him and his two sons, Richard (born Oct. 24, 1671) and Joseph (born Dec. 3, 1680). Their mother was Mary Earl, and as they already owned lot No. 1 of the Freetown lands, this purchase completed their ownership to all the lands lying between Anawan and Cherry Streets, and westerly from Purchase street to the bay. John Borden (who died June 4, 1716) also owned between Bedford and Pleasant streets as far as lot 29 of the lots laid out as the Third Division (the 25 acre lots). Portions of the upper mill lot were sold at public auction in 1702 for the munificent sum of nine pounds eight shillings (about thirty-six dollars), when the mill partners contributed this land for sale in order to raise money for public purposes, including a burying ground and a training field. This 29th lot in the Third Division was combined in ownership with the Mill lot upland when Hannah the widow of James Tallman conveyed it to Richard Borden in May 1729 (See C. R. book 5 page 129). It had been originally assigned to Job Almy (in 1697, See book V, page 34), and his two sons (Anthony and Job) had sold it to James Tallman in 1709 and 1710 (See C. R. book 2, pages 178 and 251).

John Borden of Quaker Hill was in 1679 licensed as an innholder to sell victuals and drink in Portsmouth, under the usual bond and fee of ten shillings. He owned a wharf there, constructed under authority granted in 1682; he was deputy to the general assembly for four terms, and held the office of assessor, overseer of the poor, surveyor of cattle, selectman, and also served many times on coroner's and other juries. In 1687 he was arrested in connection with the international dispute over "Chessawanuck" or Hog Island, and was in that year appointed "to go to Boston to rightly inform his Excellency as to the affairs with Hog Island". In 1688 his Excellency, having commanded the town to appear in Boston to make their rights appear, Borden and seven others were appointed to formulate the town's answer, and in 1697 Borden's account of expense was duly audited and seven pounds sixteen shillings six pence, found to be his due, was ordered paid.

John Borden's historical prominence arises on account of the conference he had with Metacomet (Philip) at Bristol Ferry, just prior to the inception of the Indian war in 1676 (see 1st R. I. Soc. Col. Wars, p. 84). Borden and others met Philip in order to dissuade him from the hostilities which were threatening, and Philip's reported resumé of the indignities which his tribe was suffering, form the basis of the argument made by those who incline to recognize justice in his action. The story of this con-

ference is supposed to be by Borden who was very anxious to avert the catastrophe. In religious belief he was a Quaker.

The first Great lot of the Pocasset Purchase was bounded westerly by the bay; easterly by Plymouth Avenue; northerly by the southerly line of Pleasant street, as far westerly as Troy street, and thence continuing westerly in a straight line to Anawan street, and instead of following the angle in that street to Pocasset street, continuing, in the same straight line, to the bay, crossing over the southerly end of Crab Pond; the southerly line of this lot was parallel to the northerly side and crossed South Main street at its junction with Rodman street. It then followed a line about 100 feet south of Columbia street and parallel with Columbia street to the bay. This lot was originally drawn by Edward Gray. After his death it passed to his daughter Susanna, who was born in 1668 and had married John Cole.

John and Susanna Cole joined in a deed (February 24, 1708, book 1, page 357) conveying this lot, for 245 pounds in New England money (about \$900.00) to Francis Brayton who was then described as a resident of Tiverton. In addition to conveying this great lot it conveyed all the other divided and undivided lands which appertained to the first share in the various divisions of the Pocasset purchase, but the mill lot and the ferry lot shares were excepted from the deed.

The Francis Brayton above referred to had been a resident of Portsmouth, R. I. where he held minor town offices in 1673, 1676, 1688 and 1695. He was the second Francis Brayton. He died in 1718. His heirs apparently failed to find the deed above referred to, and so secured from John and Susanna Cole a confirmatory deed to their ancestor, which bears date March 24, 1720/21 (book 1, page 371). This deed recites the fact that the grantee Francis Brayton was then deceased.

The larger part of the present generation of the local Brayton family is descended from Stephen Brayton,¹ Francis Jr.'s younger and only brother. Stephen and Francis had four sisters, the eldest (Mary) having married Joseph Davol of Newport. An interesting document relating to her separate property is recorded in the records of the town of Portsmouth, R. I. for 1671 (1st book, page 348).

The first Brayton ancestor was Lt. Francis Brayton. He was born in England in 1612, and died in Portsmouth, R. I. in 1692. His wife Mary died there during the same year. In patriotic service he was a member of

¹ It seems that Stephen Brayton's wife's name was Ann Talman. After Brayton's death she married William Potter. See Portsmouth R. I. records Dec. 23/1693.

the first troop of horse in the Colony of R. I. (August 10, 1667) and was mentioned as Lieutenant of the company on Oct. 25, 1671; he was accepted as an inhabitant of Portsmouth in 1643, and became a freeman there on July 10, 1648: he served in 1654 on a committee to meet a Newport commission to adjust land boundaries, and in 1656 he represented the town in requesting the indian sachems "on the mayne" not to allow their subjects to come onto the island "except as per order given"; he was a deputy to the Gen. Assembly of R. I. in 1671-'76-'79 and '84, but only one descendant, Hon. Charles R. Brayton, has qualified on account of his colonial service for membership in the Society of Colonial Wars. In 1674 he was on the committee to investigate the qualifications of applicants for Portsmouth citizenship. He performed many other public duties—,juryman (8 terms); cattle viewer (4 years); constable, and member of town council. In 1658, 1659 and 1661 he was ordered to conduct a search for illicit liquors landed in the town. From 1675 to 1679 he kept an "ordinary", (i. e. an Inn) for which he was duly licensed and put under bond. I have been able to find only five of his signatures, all of which were by mark or by a single or double initial, firmly written, — he may likely have been able to read, but his unfamiliarity with accounting was the occasion of a vote of town in 1670 requiring him to reimburse the town for half of the sum of two pounds — seventeen shillings — six pence (town money) which he had received and which was not proved by an ancient town audit to have been expended, — even though he affirmed that he had paid it but was not certain as to whom. He was one of those who was supplied in 1657 (by a seven year lease) with planting land on Hog Island, but did not participate in the intercolonial disputes with reference to the ownership of that island.

The second Pocasset great lot, bounded southerly by Division street and by a line which (running from Plymouth Avenue to the Bay) cut across Second, Third and Fourth streets at the angle in those streets a little south of Morgan street, was drawn by Edward Gray. Upon his death it passed to his youngest daughter Lydia who, with her husband Caleb Loring, conveyed it to Edward Gray, Jr. and Thomas Gray her brothers, by deed dated October 7, 1696 (book 1, page 144). The deed also conveyed the ninth house lot, a ferry share and all her undivided Puncatest lands.

Edward Gray, Jr. sold it to George Brownell of Portsmouth January 4, 1697 (book 1, page 199).

George Brownell was a prominent citizen of Portsmouth — he was admitted a citizen there in 1670 and held many town offices including town

treasurer in 1697. He also was on several important committees including the committee to lease Hog island — 1680 — to build a water mill in 1682, to divide the common in 1686, auditor of the accounts of John Borden in 1693. He was still living in Portsmouth in 1715 but in 1722 the lot had passed to his two sons Joseph Brownell and Stephen Brownell, who sold it to John Borden and the latter sold to Benjamin Durfee.

The third Pocasset great lot, bounded northerly by Division Street to South Main, and easterly from South Main Street to Plymouth Avenue by a line which crossed Second Street at the angle in that street, was bounded southerly from Plymouth Avenue to the Bay by a line which passed through the South Park (including about two thirds of that in its area). It was drawn by William Manchester. He sold it in 1680 to Thomas Durfee and Matthew Borden, both of Portsmouth. There is no recorded deed but the new ownership was recognized in the Pocasset records. (There was no established registry of deeds in Bristol county till 1686, though some deeds were recorded in Bristol when it was a part of Massachusetts).

Thomas Durfee sold his half (the northerly half) to his son Benjamin Durfee Nov. 5, 1709 (book 2, page 183). Seven ninths of the other half passed from the heirs of Matthew Borden, viz: from Joseph Borden, a merchant; Abraham Borden, John Borden and Benjamin Borden, mariners; Ann Stoddard, a spinster, Ann Slocum and Sarah Lawton (the last two with Giles Slocum and William Lawton their husbands) to Benjamin Durfee in 1709. Another ninth went to said Benjamin Durfee from Sarah Hodgson, per John Borden her brother as attorney, her husband Robert Hodgson of Newport joining in the deed to Benjamin Durfee in 1720 (See book 3, page 562) at the price of one hundred pounds, and this half remained in the ownership of the Durfees for many years.

After some small conveyances the major portion of the northerly half of this third Pocasset great lot passed to Richard Durfee who died September 22, 1896. According to the probate records he left as children Frederick B. Durfee, Mary J. Winslow, John R. Durfee (who died unmarried in 1928), Harriet N. Durfee (who died unmarried in February of 1933); John R. Durfee left a will giving his share to Harriet N. Durfee which she will bequeath to Mary J. Winslow or her issue.

The fourth Pocasset great lot, bounded southerly from Plymouth Avenue to the Bay by a line which ran a little north of Sprague street, was drawn by Edward Gray, and after his death was conveyed by those who took in the division of his estate, viz: by Thomas Gray of Little Compton,

Edward Gray of Tiverton and Samuel Bradbury of Duxbury, to John Pearce of Tiverton and Matthew Borden of Portsmouth (see deed of December 5, 1706, book 2, page 45). Borden was to have the north half and Pearce the south half, each with all the divided and undivided lands pertaining to his part of the fourth share. Matthew Borden's half passed to Benjamin Durfee in 1709 by the same deed which conveyed the third lot and *he then became the owner of all the land in Fall River, lying between Rodman street and Oliver street, and extending from Plymouth Avenue to the Bay.*

The first Durfee (Thomas Durfee) came from England in 1660 and settled in Portsmouth where he was admitted an inhabitant May 12, 1662; he was licensed to sell victuals and drink in 1679 and gave the usual bond, he was constable, held several town offices and was elected, December 22, 1694, a deputy to the General Assembly. He still lived in Portsmouth in 1709 for the above deed to "his son Benjamin, given in consideration of love and affection," bears that date. (He is said to have died in 1712 at the age of 70 years). (Benjamin had married Prudence Earle in 1699). The other children of Thomas Durfee were Robert, Thomas and William. Robert settled in 1686 on lot 10 of the Freeman's purchase. He had a son Thomas (wife Mary). Thomas Jr. was a farmer and cattle raiser in Portsmouth, was constable in 1696 and deputy to the general assembly in 1697. He had a son Job Durfee (born 1710) who married Elizabeth Chase, was made a freeman in 1731; he purchased from Joseph Cook lot No. 19 in the six score acre lots (2nd division) and he and his descendants lived there (on Stafford Road) for many years. William Durfee was a farmer and cattle raiser in Portsmouth. He had a son named Samuel, and they both owned Pocasset lands.

The fifth Pocasset great lot bounded southerly by a line running from Plymouth Avenue to the Bay and slightly north of Peckham Street, was drawn by William Manchester. I find deed of a quarter of this lot direct from William Manchester to John Pearce of Portsmouth (October 7, 1681, book 1, page 287) and also deed of a second quarter to the same John Pearce (December 30, 1681, book 1, page 286), this latter from Thomas Manchester who refers to an unrecorded deed from William Manchester. The other half apparently passed from Richard Ward and Mary Arnold (wife of Sion Arnold) to James Tallman, also of Portsmouth, October 29, 1714 (see book 2, pages 554 and 555).

The sixth Pocasset great lot, bounded southerly by a line midway between Globe and Slade streets, was drawn by Benjamin Church; he sold

an undivided half to Richard Ward and Sion Allen (November 11, 1714, book 2, p. 552) and after the death of Church it was partitioned. The southerly half went to Thomas Church of Little Compton, and the northerly half to Richard Ward and Mary Allen, wife of Sion Allen of Newport. Thomas Church continued as owner for some years, but Ward and Allen sold (August 13, 1715, book 3, page 93) to William Tew of Tiverton. Tew owned until his death when his estate (Abigail Tew, widow, and Richard Tew, George Sisson and William Sanford, Executors and brothers) sold to Samuel Sherman of Swansea (April 2, 1720, book 3, pages 499 and 500).

The seventh Pocasset great lot bounded southerly by Dwelly street, and extending (as all other great lots) from Plymouth Avenue to the Bay, was drawn by Christopher Almy and was held by him as long as he lived. It was sold by his son Job Almy of Newport to Benjamin Durfee of Tiverton (October 11, 1713).

The eighth great lot lying between Dwelly street and Charles street, was allotted to Edward Gray, and upon his death fell to the share of his daughter Sarah, who was a daughter by his first marriage. Sarah married Samuel Little and they joined in conveying this lot, on June 9, 1698 to John Cook of Tiverton, mentioned as a son of Captain Thomas Cook of Portsmouth. (see Portsmouth records, Printed Vol. 1, p. 194). Other recorded deeds making conveyance of this lot in early times are as follows: John Cook to his son Thomas Cook January 12, 1707; George Cook to his brother John Cook April 6, 1717; George Cook to his brother Thomas Cook, April 6, 1717.

This and the ninth lot, also owned by the Cooks, butted on Cook Pond whence the pond derives its name.

The Cooks were prominent in Portsmouth. Both Thomas and John were Deputies to the general assembly, the former in 1664 and the latter in 1670. Thomas died in 1674 and John in 1691. John Jr. was admitted a freeman in Portsmouth in 1677.

The ninth great lot extended southerly from Charles street nearly to Howe street and originally fell by lot to Christopher Almy. He sold three-fourths of it January 3, 1690 to John Cook. (book 1, page 459).

The other quarter passed from Job Almy to Caleb Arnold, from Arnold to William Coggeshall and was deeded by Coggeshall to John Cook, there described as John Cook, Jr., son (Jr. here meaning 2d, his uncle being also John), of the late Thomas Cook of Portsmouth (see deed of June 2, 1680, book 1, page 457). The north half was sold by John Cook

to his son John, January 7, 1707 (book 2, page 87). It is difficult to distinguish the various John Cooks. The Pocasset Cooks apparently were not descended from the Plymouth family of the same name. The pilgrim family of John Cook was of Dartmouth.

The tenth great lot includes the location of the Charlton Mill and extended nearly to the junction of South Main street and Mt. Hope Avenue. It was originally drawn by Daniel Wilcox and was sold by him on April 4, 1692 (book 2, page 36) to Thomas Townsend. Upon the death of Job Almy, Townsend married his widow Mary. She was the Executrix of his will. Lot 10 was conveyed April 7, 1707, by John Cook to Thomas Cory.

They are said to have lived at this locality, and from them Townsend's Hill derives its name. In June 1713 (book 3, page 106) they conveyed half of this great lot to Samuel Snell and his wife Mary, — the latter was Mrs. Townsend's daughter.

The eleventh great lot, running well up Townsend's Hill, to a point just beyond Howland street, originally drawn by Job Almy, passed to his son John by will (see book 2, p. 36) and upon the death of John Almy to his two sons Anthony and Job. Anthony took the north half, which he conveyed October 4, 1709 (book 2, page 178) to James Talman of Portsmouth, and Job took the south half which he also conveyed to Talman on March 5, 1710 (see book 2, page 251).

This lot being shortened by the pond was made up on the east side of the pond, and this part was conveyed by Talman to John Cook (son of Captain Cook) April 24, 1717 (book 3, p. 263).

Talman was evidently a physician and the first we hear of in these parts (see Portsmouth records of March 31, 1690, where he was hired by the town to cure one Ellen Broomer at a charge of ten pounds).

The twelfth Pocasset great lot completes the list of the great lots which are within the present limits of Fall River. State Avenue (laid out from the Bay to Fish road) was the south boundary of this lot and was also the north bound of lot thirteen.

Lot 12 was originally (1681) drawn by Edward Gray and lot 13 fell to Sergt. Jacob Mott. Mott was a Portsmouth man and had been Deputy to the General Assembly in 1674. (His father Adam Mott had also been a Deputy). As Jacob Mott Jr. did not become a freeman till 1683, the Senior of that name must have been the first owner of this lot.

There are no conveyances of record from Jacob Mott or to Lawton covering either of these two lots, — but the change of ownership is recognized in the Pocasset records.

In 1707 Gershom Wordell conveyed (Book 2, page 84) to "his cousin" George Lawton of Portsmouth the whole of lot 13 and the south half of lot 12. Apparently George Lawton already owned the north half of lot 12 for he sold it February 24, 1735 (book 5, page 400) to Benjamin Durfee, and all the other deeds refer to this north half as belonging to Lawton.

Lawton sold 13 and the south half of 12 in 1709 (book 3, page 209) to "Uncle" Gershom Wordell. Wordell sold the same lot and a half to Thomas Cory (also of Portsmouth) on April 17, 1820 (book 3, page 513) and Thomas Cory conveyed to "his son" William a quarter part of lot 13 (book 3, page 517). These deeds "except" a "burying place" located in lot 13, calling it three rods square, and locating it "in the orchard".

The Lawton family was prominent in the early history of Portsmouth. We have seen that both George Lawton and his brother Thomas were original signers of the Portsmouth declaration in 1639. George Lawton was granted 50 acres of land in January 1648 "near the land of his brother Thomas", but the grant was not to be effective till he had built a sufficient mill at Mr. Boston's farm. This lot extended to the hunting swamp but when he had built his house there in 1671 it was found to encroach upon the common, and upon his petition for relief the town exchanged lands with him. In 1672 the town was indicted in the General Court of Trials for deficiency of the bridge on the common near George Lawton's house, and the town "conceived" that the difficulty arose because Lawton maintained a dam there (the location of this was at what is now called Lawton's valley on the West Main road in the southerly part of the town). The town voted that Lawton ought to maintain the bridge, but the committee sent to notify him returned with an unsatisfactory reply, and was sent again "with insistence".

Gossip was then, as now, ripe in Portsmouth, and in 1657 the town appointed a committee to speak to the wives of three prominent citizens (Mrs. Lawton being one) "to give them the best advice and warning for their own peace and the peace of the place".

Lawton was receiver of taxes, deputy to the general Court for nine terms and assistant governor in 1681. He was also an assessor, moderator and much more. He was Auditor of the Town treasurer's accounts, appointed July 4, 1697. His descendants have acted as public and private auditors since that time.

In June 1748 an unusual record appears (Portsmouth Vol. 1, p. 322) when a certain earmark for cattle was given to Robert Lawton, viz: that the same earmark had been in 1667 assigned to his great grandfather

George Lawton, having then been in use by him for 26 years; that the same mark was afterwards assigned to Robert Lawton, his son, and after that to George Lawton the son of Robert, and again on the date of entry to Robert the great grandson. The mark was a "fork" on the right ear and a "half penny" under the same, and had then been assigned to the family for 108 years.

In 1693 a George Lawton of Portsmouth bought the house on the fifth lot of the freemen's purchase. (See book 1, p. 122.)

In Memoriam

Philip D. Borden

Investigations of the division of the Pocasset and Freetown lands in Fall River, cannot be complete, or even just, unless credit and acknowledgment is given to the study, records and plans made by and under the direction of Philip D. Borden. His indefatigable energy, and his conscientious work while acting as City Engineer of our city has not only rendered the work of the succeeding student easier, but has preserved, from bounds and monuments then existing and which have since been mutilated or destroyed, valuable data which would otherwise have been lost and this delicate work was not done merely in the fulfillment of his duty, but far and beyond that because of his interest in the work.

