

APPENDIX 1

DESCENT OF TITLE

Upper Landing property, North side of Broadkill River

WARRANT FROM THE RECORDER OF SUSSEX COUNTY
TO
WILLIAM PEERY [PERRY]

Surveyed September 7, 1795
Sussex County certificate book V-20 1795, page 114

By virtue of a warrant from the Recorder of Sussex County, dated March 27, 1794, a parcel of vacant land called the Upper Landing, containing 34 acres of land and branch on Cypress Branch and Broadkill. The location of Peery's bridge is shown on the survey plot.

CONVEYANCE BOND FROM WILLIAM PEERY AND MARGARET HIS WIFE
TO
JAMES FERGUS

Sussex County deed book 25, page 522

Consideration is £120, for 8 acres on the head of Broadkill Creek, beginning at a sassafras by the road from the bridge over the head thence to a post in the valley, also 40 feet wide on the creek below the bridge and the privilege of taking dirt for a causeway.

WILL OF JAMES FERGUS

February 7, 1797, probated February 6, 1798
Archives Sussex County Probate Records A 71 page 59

A burial record of James Fergus, February 1798, is found in the records of Lewes Presbyterian Church.

Left certain bequest to his brother Francis, of Rockbridge County, Virginia. Left all his real and personal estate to his daughter Eliza, but one-half was to be used by his widow during her life. If the widow should remarry, her life estate would be reduced to one-fourth.

WILL OF MARY FERGUS

July 22, 1806, probated January 14, 1812
Recorded in Sussex County will book F, page 404

To James Mason, a minor, left six silver spoons marked IEM and a silver pap spoon marked ED; if he should die before attaining the age of 21, the spoons were to go to James Martin. The only identified relative was Eliza Fergus, daughter.

Ordered that the store house and granary on the southeast side of the head of Broadkill were to be leased to James Martin for seven years, but if Martin were to build a house on the property, he was to have it ten years clear of rent.

ESTATE OF JOHN D. SMITH

Sussex County Archives Administrations v. A99, pages 175-180
Sussex County Orphans Court Book N, page 7

John D. Smith died in 1823, leaving a widow and several children. A dower was set aside for the widow, apparently at the project area.

ESTATE OF SAMUEL PAYNTER

Archives Sussex Orphans Court Survey P-9

Parcel #2 is the house and lot in the tenancy of John S. West, miller, in North Milton, beginning at the waste gate bridge, running along the grist mill dam to an old causeway, then along the south edge of the causeway to a bridge, then down an old run or ditch to the creek, containing two acres 90 square perches.

South side of Broadkill River including mill seat and pond

PATENT TO JAMES GRAY
FOR THE
MILFORD TRACT

1686

SURVEY FOR HENRY OSBOURN

March 7, 1733
Sussex County Warrants O2 #1

Tract of 192 acres on the northwest side of Long Bridge Branch surrounding the mill lot of 7 acres, and including the land within the confluence of the two branches.

WARRANT TO JOHN SPENCER

April 18, 1758
Sussex County Warrants S2 #32

Fifty acres was granted to John Spencer on Long Bridge Branch adjoining his own property. The tract was described as branch and points of land between his own land and the run of Long Bridge Branch, on the southeast side of land formerly surveyed to Henry Osbourn.

PETITION OF GEORGE CONWELL FOR DIVISION OF THE JOHN SPENCER ESTATE

November 1782
Sussex County Orphans Court Book D, page 23

George Conwell, husband of Eunice, daughter of John Spencer, petitioned for laying off of the widow's thirds in the fifty-acre parcel. Sarah Mifflin, late Sarah Spencer, was the remarried widow of John Spencer.

ESTATE OF EUNICE CONWELL

November 22, 1800
Sussex County Orphans Court volume H, 1800-1803, page 115

Eunice Conwell's three children, William, John, and Sally, shared her estate, which included town lots and the land along both sides of Long Bridge Branch.

ARTICLES OF AGREEMENT
BETWEEN
JOHN S. CONWELL, WILLIAM W. CONWELL, AND JOSEPH MAULL

April 25, 1814
Sussex County deed book 33, page 118

The parties agreed to petition for condemnation of a mill site near the upper or old bridge and causeway, to be the size of the mills built by Samuel Paynter and John Smith, Sr. The mill owned by the Conwells will be included in the partnership. The impoundment was to be raised six feet clear of dead water. John S. Conwell was to provide the lumber.

“AN ACT TO AUTHORIZE JOSEPH MAULL, JOHN S. CONWELL, AND WILLIAM W. CONWELL TO
ERECT A MILL DAM ACROSS BROADKILN CREEK AT OR NEAR THE PLACE CALLED FERGUS'S
BRIDGE, AND FOR THE CONDEMNATION OF CERTAIN LANDS FOR THE USE OF A MILL”

Passed February 9, 1815
Enrolled bills, volume 5, page 363

Empowers the partners to build a mill. Authorized condemnation of a quarter acre on the north side of the creek for the mill site. The mill owners were bound to maintain a bridge at Lavinia's causeway on the mill pond.

SAMUEL RATLIFFE, HUSBAND OF SALLY CONWELL, DECEASED
TO
DR. JOSEPH MAULL

June 23, 1815
Sussex County deed book 32, page 79

With consent of John and William, conveys three acres at the south end of Fergus' Bridge, part of the land left by Eunice Conwell.

DAVID HAZZARD, EXECUTOR OF WILLIAM W. CONWELL
TO
DR. JOSEPH MAULL

April 27, 1821
Sussex County deed book AM35, page 132, page 161

Conveyed Conwell's share in the mills and ponds to Maull.

WILL OF DR. JOSEPH MAULL

May 3, 1846, probated May 18
Sussex County will book K - 10, page 168

Provides that the mills be sold together, "as it is not expedient for the mills to fall into separate hands."

SHEPHERD P. HOUSTON, EXECUTOR OF DR. JOSEPH MAULL
TO
SAMUEL R. PAYNTER
AND
RELEASE OF DOWER OF SARAH D. W. MAULL

March 12, 1849
Sussex County deed book 56, page 156

ESTATE OF SAMUEL R. PAYNTER

1853
Archives Sussex Orphans Court Survey P-9

Surveyed and laid off by commissioners and surveyed by John C. Hazzard

JOHN H. PAYNTER, ADMINISTRATOR OF THE ESTATE OF SAMUEL R. PAYNTER
TO
SALLY PAYNTER

March 15, 1865
Sussex County deed book 136, page 499

EDWIN R. PAYNTER, EMMA R. WRIGHT, ROWLAND G. PAYNTER, AND HANNAH E. PAYNTER
TO
JOHN T. WAGAMON, HAMILTON K. WAGAMON, AND DANIEL WAGAMON

September 10, 1901
Sussex County deed book 136, page 502

The Milton grist and saw mills, the bark mill having been destroyed, being numbers 1, 2, 3, and 4 of Lot A assigned to Caleb R. Paynter, now deceased, one of the heirs at law of Samuel R. Paynter, deceased, by the freeholders appointed by the Orphans Court. Refers to the Orphans Court Record 25, folio 44.

Recites that this is the property sold by John H. Paynter, administrator of Caleb R. Paynter, deceased, to the said Sallie A. Paynter, deceased, February 7, 1865, recorded in volume 72, page 324.

Also the property, one acre, bought from the sheriff April 1, 1872, by John H. Paynter, Edwin R. Paynter and Custis W. Wright as land of the late Joseph M. Houston, deceased, recorded in book BJ No. 73, at page 258.

HAMILTON K. WAGAMON
TO
HENRY C. WAGAMON

January 28, 1911
Sussex County deed book 176, page 238

Conveys a half interest in four properties, referred to Broadkilm Roller Mills. Mentions a tract of one acre conveyed by the Paynters to George Andrew Bryan, Sussex County deed book 163, page 270; this was a tract on Mill Street, not part of the water-powered mill operation.

HAMILTON K. WAGAMON
TO
WILLIAM B WAGAMON

August 8, 1921
Sussex County deed book 230, page 88

Conveys half interest

INCORPORATION
OF
DIAMOND STATE ROLLER MILLS

September 20 1946, repealed January 17, 1963
Sussex County incorporation book K#11

HENRY C. WAGAMON, EMMA E. WAGAMON, WILLIAM B. WAGAMON, AND LOTTIE G.
WAGAMON, TRADING AS DIAMOND STATE ROLLER MILLS
TO
DIAMOND STATE ROLLER MILLS, INC.

August 14, 1953
Sussex County deed book 423, page 477

DIAMOND STATE ROLLER MILLS, INC.
TO
HENRY C. WAGAMON

December 11, 1957
Sussex County deed book 482, page 138.

HENRY C. WAGAMON AND RUTH R. C. WAGAMON
TO
COOL SPRING POWER AND WATER COMPANY

July 26, 1963
Sussex County deed book 563, page 87

Conveyed both upper and lower mill seats.

COOL SPRING POWER AND WATER COMPANY
TO
JOSEPH R. HUDSON AND STANLEY L. THOMPSON, DOING BUSINESS AS HUDSON AND
THOMPSON

May 29, 1974
Sussex County deed book 731, page 32

Lower pond only

JOSEPH R. HUDSON AND STANLEY L. THOMPSON,
DOING BUSINESS AS HUDSON AND THOMPSON
TO
STATE OF DELAWARE, DIVISION OF FISH AND WILDLIFE

December 29, 1986
Sussex County deed book 1465, page 183
Archives State Deed Collection

Conveys the Wagamon's Lower Pond and Property, formerly known as Diamond State Roller Mills Pond, containing 59 acres.