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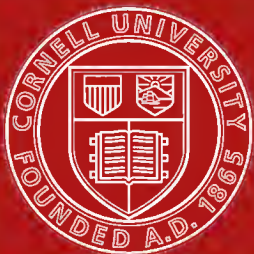
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Abstracts of farm titles in the City of



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ABSTRACTS
OF
FARM TITLES

IN THE CITY OF NEW YORK,

BETWEEN 39TH AND 73RD STREETS, WEST OF THE COMMON LANDS,
EXCEPTING THE GLASS HOUSE FARM.

WITH MAPS.

BY

H. CROSWELL TUTTLE, *Counsellor-at-Law.*

New York:

THE SPECTATOR COMPANY, PRINTERS, 16 DEY ST.

1881.

Entered according to Act of Congress, in the year 1881, by
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IN the preparation of this volume I am greatly indebted to William E. Glover, Esq., of Cudlipp & Glover, for much personal assistance in all parts of the work, and for the use of his many valuable abstracts. Also to George Waddington, Esq., for his very complete abstract of the Hopper Farm; to John T. Lochman, Esq., for several abstracts in the Somarindyck Farm; and to Messrs. Whitlock & Simonds for the early, unrecorded history of the Harsen Farm. I take this opportunity to return my thanks to them and others for the assistance kindly rendered me.

H. C. TUTTLE.

32 *Park Place, April, 1881.*

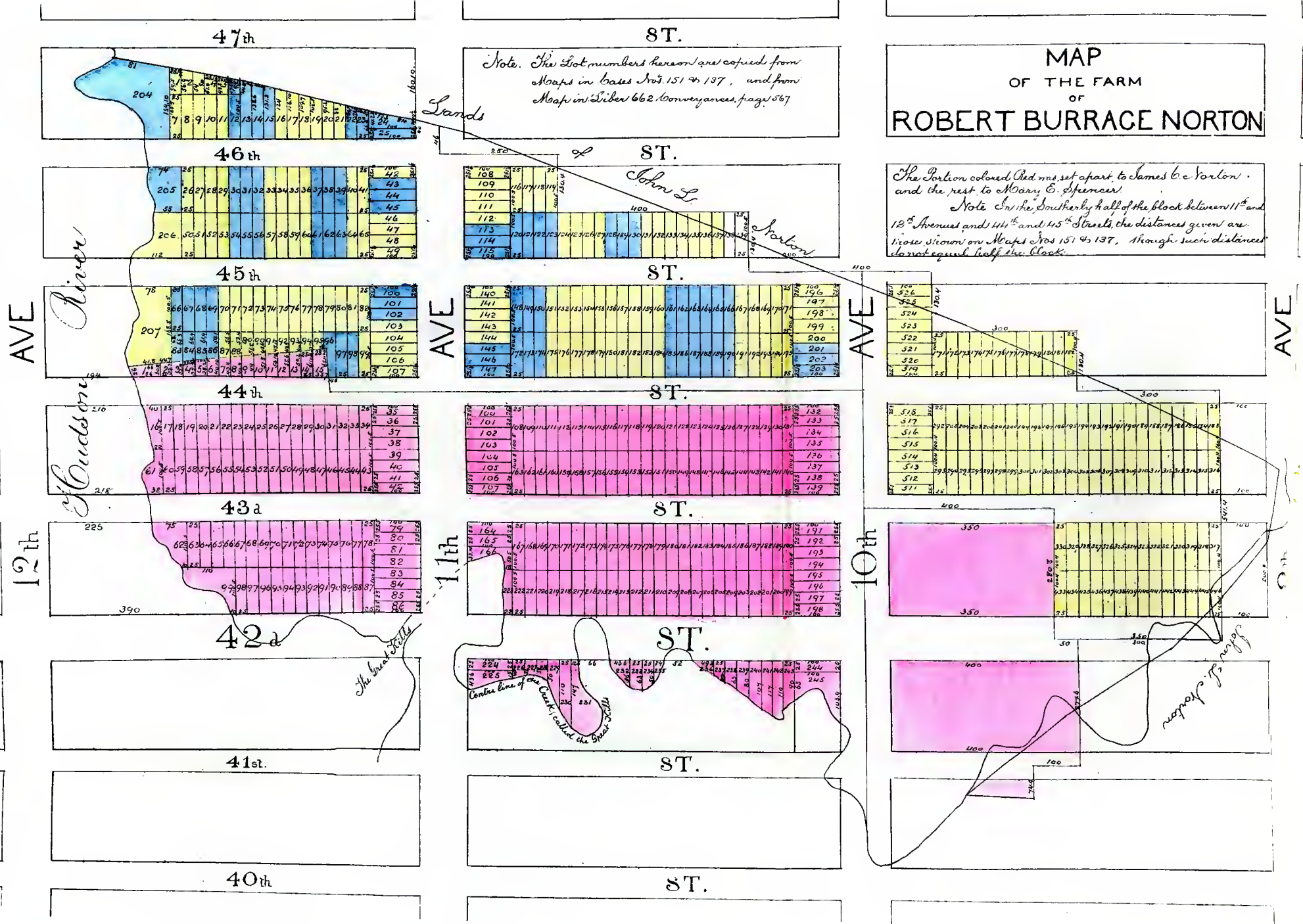
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MAP OF THE FARM OF ROBERT BURRACE NORTON

Note. The Lot numbers hereon are copied from Maps in bases Nos 151 & 137, and from Map in Liber 662, Conveyances, page 567

The Portion colored Red was set apart to James C. Norton and the rest to Mary E. Spencer
 Note In the Southern half of the block between 11th and 12th Avenues and 111th and 115th Streets, the distances given are those shown on Maps Nos 151 & 137, though such distances do not equal half the block.



THE ROBERT BURRAGE NORTON TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Mannhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.</p>	}	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Albany. 2 Patents, III.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in-depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

THE tract included in the last patent was partitioned among the patentees. There is no deed on record showing to whom the premises in question were set apart. The following is the first conveyance of record which seems to effect any portion of the tract in question.

<p style="text-align: center;">AERNOUT WEBBERS <i>and</i> JAN- NETJE <i>his wife</i> <i>to</i> JOHN BALME.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 2nd Nov. 1713. Proved 3d Feb. 1727. Rec. 10th Feb. 1727. 31 Conveyances, 227. Consideration, £500.</p>
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CONVEYS, with other property also, two home lots lying and being near said Great Kill, bounded Southerly part upon the land of Trintje Ver Brugge, deceased, part upon the land of

Sybrant Bromver, Northerly on the land of said Trintje Ver Brugge, East along the path that goeth down to Sapocanica so far as to the Turnouts, and West to Hudsons River or North River aforesaid. And also one half or moiety of the meadow belonging to me, the said Aernout Webbers, lying and being along the North side of said Great Kill and so far Northerly as it extends meadow.

DEED.

JOHN BALME <i>to</i> MATTHIAS HOPPE.	}	Dated 13th Aug. 1714. Ack. 3d Feb. 1727. Rec. 10th Feb. 1727. 31 Conveyances, 230. Consideration, £80.
--	---	--

CONVEYS same premises.

IN Liber 32 Wills, page 144, is recorded the will of one Matthew Hopper, which devises the tract of land known by the name of the Great Kills to his three sons, John Hopper, Matthew Hopper and William Hopper, in fee simple as tenants in common, subject to a life estate in his widow, Elizabeth Hopper. This Will is dated 17th October, 1778, and proved 1st November, 1779. Whether the testator was the grantee in the previous deed, or a descendant of him, does not appear. The following deed is the next conveyance of record affecting this tract.

DEED.

MATHEW HOPPER <i>to</i> JOHN LEAKE.	}	Dated 18th Dec., 1786. Ack. 18th Dec., 1786. Rec. 21st Nov., 1825. 194 Conveyances, 352. Consideration, £1,000.
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CONVEYS all that certain farm or plantation situate, lying and being in the outward of the City of New York aforesaid, com-

monly called and known by the name of Great Kills, now in the occupation of the said Mathew Hopper, bounded Northerly by lands of the said John Leake; Westerly, by Hudson's River; Easterly and Southerly by a certain stream of water known by the name of the Great Kills, containing eighty acres of land, or thereabouts.

A release of dower by Elizabeth Hopper, wife of the grantor, is recorded after said deed, on page 355.

John Leake died seised of said premises, together with other premises on the North and East, known as the Hermitage.

Last Will and Testament
of
 JOHN LEAKE.

} Dated 7th May, 1791.
 } Proved 13th June, 1792.
 } 41 Wills, 18.

“I give and devise unto my niece, Martha Norton, who now lives with me, that farm on which I now dwell, called the Hermitage; also the farm thereto adjoining, which I purchased of Matthew Hopper. To have and to hold the said two farms, together with the stock and farmers utensils that may be thereon at the time of my decease unto her, the said Martha Norton, for and during her natural life; Item, I give and devise unto John Leake Norton, eldest son of my said niece, Martha Norton,
 * * * * Also, all that farm or plantation called Hermitage, after the death of the said Martha Norton. * * *
 To have and to hold all and singular the said lands, tenements and appurtenances, and the profits arising from them and each of them from the day of my decease, unto the said John Leake Norton, his heirs and assigns forever.”

“Item, I give and devise unto Robert Burrege Norton, second son of my said niece, Martha Norton, * * * *
 And also, all my estate, right and title to that farm purchased of Matthew Hopper, after the death of the said Martha Norton.

To have and to hold all and singular the said houses, lots, lands, tenements, and their appurtenances, and the profits arising from them and each of them, from the day of my decease, unto him the said Robert Burrege Norton, his heirs and assigns forever.”

Martha Norton died in or before the year 1800, leaving her surviving her sons, John L. Norton and Robert Burrage Norton. Vide deeds by them as heirs of their mother lately deceased, recorded in Liber 60 Conveyances, 308; and in Liber 66 Conveyances, page 171.

<p style="text-align: center;"><i>Last Will and Testament</i> of ROBERT BURREDGE NORTON.</p>	}	<p>Dated 18th Feb., 1805. Proved 11th Mar., 1805. 45 Wills, 404.</p>
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“I give, devise and bequeath the use and interest of all the residue of my estate, real and personal, to the support of my wife and the support and education of my children until the youngest attains the age of twenty-one years. Fourth, I give, devise and bequeath to my wife, and to her heirs and assigns forever, a lot of land in Mott Street, etc., * * * which I give to my wife in bar of her right of dower upon my estate called the Hermitage, but upon no other part of my property.”

“I give, devise and bequeath to my son, James Clinton Norton, and to his heirs and assigns forever, the house now occupied by Mr. James Seton, with five acres of land, taking the Southerly one-half of the front of the whole bounds on the Hudson River; and I give, devise and bequeath to my daughter, Mary Elizabeth Norton, and to her heirs and assigns forever, five acres of land immediately North of the foregoing, and adjoining the same, with the remaining half of the whole bounds on the Hudson River, and extending back so far as to include five acres. And the remainder of the Hermitage I give, devise and bequeath to my said children, to be equally divided between

them, share and share alike, to hold the same to them, their heirs and assigns forever.”

By instrument dated 23d December, 1805, and recorded in Liber 71 Conveyances, page 476, Maria Norton, widow of Robert B. Norton, certifies that she accepts certain real estate devised to her by her late husband, in full bar of her right of dower upon his estate called the Hermitage, as and for a full satisfaction and equivalent of her right of dower and thirds in and to the said lands and real estate called the Hermitage.

Mary Elizabeth Norton married Alexander O. Spencer in 1821.

The devisees of Robert Burrage Norton made an agreement with John L. Norton, who owned the tract adjoining on the East and on the North, squaring the division line between said said farms, so that the same should run parallel, or at right angles to the present streets. This change of boundary was effected by the following deed :

JOHN L. NORTON <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JAMES CLINTON NORTON <i>and</i> ALEXANDER O. SPENCER.	}	DEED <hr style="width: 10%; margin: 0 auto;"/> Dated 15th Aug., 1825. Ack. 1st Sept., 1825. Rec. 26th May, 1826. 204 Conveyances, 434. Consideration, \$1.00.
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CONVEYS all that certain piece or parcel of land lying in the Twelfth Ward of the City of New York, being a part of the land known and distinguished by the name of the Hermitage, and Northwesterly and Southwesterly of a line beginning on the present division line of the lands of John L. Norton and George Rapalje, at a point five hundred feet Westerly of the Ninth Avenue, running thence Northerly and parallel to the Ninth Avenue seventy-four feet nine inches, more or less, until it intersects the centre of Forty-first Street; thence Easterly along

and thirty minutes, West two hundred and twenty feet; thence North forty-eight degrees and forty minutes, West twenty-three feet; and from the aforesaid point a line was drawn South twenty-eight degrees and thirty minutes, West the whole width of the said farm as it fronts the river until it reaches a point near the mouth of the Creek called the Great Kills, eleven hundred and eighty-seven feet, and for the purposes of making a division line between the parties hereto of the first and second parts, a point being taken in said last mentioned line five hundred and sixty-nine feet from the point where it commences and six hundred and eighteen feet from where it terminates, a line was drawn to the River bearing North sixty-one degrees and forty minutes, West four hundred and twenty-one feet, and on which line a division fence has been erected, passing in the rear of the stable of the said James C. Norton; after running which said lines it was agreed that all that parcel of said land included between the River on the West, the said division line of fence on the South, the boundary line with John L. Norton on the North, and the aforesaid five hundred and sixty feet of the East line should be the separate property of the said Mary E. Spencer as devised under the will of her late father. And all that parcel of land included between the said division line or fence on the North, the River and Creek on the West and South, and on the East by the aforesaid six hundred and eighteen feet of the East line should be the separate property of the said James C. Norton as devisee under the Will of his late father.

CONVEYS to the party of the second part: First. All that piece or parcel of land which the said Robert Burrage Norton died seised hereinbefore mentioned and described as the property intended for the said Mary E. Spencer, as devisee under the Will of the said Robert Burrage Norton. Secondly. All that certain piece or parcel of land bounded as follows: beginning at a point in the East line of the before-mentioned tract at the

centre of Forty-fourth Street, and running thence through the centre of Forty-fourth Street to the middle of the Tenth Avenue; thence Northeasterly through the middle of the Tenth Avenue to the aforesaid boundary line as settled with John L. Norton; thence Westerly and Northerly as the courses are run along said boundary line to the Hudson River. Thirdly. All that certain piece or parcel of land bounded as follows: commencing at the point at the centre of the Tenth Avenue and Forty-fifth Street and running thence Easterly through the centre of Forty-fifth Street one hundred feet; thence Southwesterly and parallel to the Tenth Avenue one hundred and thirty feet four inches; thence Easterly and parallel to Forty-fifth Street three hundred feet; thence Southwesterly parallel to the Tenth Avenue one hundred and thirty feet four inches to the centre of Forty-fourth Street; thence Easterly through the centre of Forty-fourth Street three hundred feet; thence Southwesterly and parallel to the Ninth Avenue five hundred and forty one feet four inches; thence Northwesterly through the centre of Forty-second Street three hundred and fifty feet; thence Northeasterly and parallel to the Tenth Avenue to the centre of Forty-third Street two hundred and eighty feet eight inches; thence Northwesterly through the centre of Forty-third Street to the centre of Tenth Avenue; thence Northeasterly through the centre of the Tenth Avenue to the place of beginning.

DEED.

ALEXANDER O. SPENCER, <i>and</i> MARY E. SPENCER, <i>his wife</i> , <i>to</i> JAMES CLINTON NORTON.	}	Dated 18th Feb. 1830. Ack. 25th Feb'y, and 6th March, 1830. Rec. 3d April 1830. 260 Conveyances, 209. Consideration, \$10.
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Contains same recitals as previous deed.

CONVEYS: First, all that piece or parcel of land of which

the said Robert Burrage Norton died seised, hereinbefore mentioned and described as the property intended for the said James C. Norton as devisee under the will of the said Robert Burrage Norton.

Secondly, all that certain piece or parcel of land, Bounded as follows: Beginning at a point in the East line of the before mentioned tract at the centre of Forty-Fourth street, and running thence through the centre of Forty-Fourth street to the middle of the Tenth Avenue, thence Southwesterly through the middle of the Tenth Avenue until you strike the aforesaid creek or boundary line between the lands of the late Robert B. Norton and George Rapelje, running thence Westerly along said boundary line until you come to the point where the aforesaid Easterly line of the first conveyed tract strikes said creek, and thence along the said Easterly line to the place of beginning.

Thirdly, all that certain piece or parcel of land Bounded as follows: Commencing at the point at the centre of the Tenth Avenue and Forty-Third street, and running thence Easterly through the centre of Forty-Third street three hundred and fifty feet, thence Southwesterly and parallel to the Tenth Avenue two hundred and eighty feet eight inches to the centre of Forty-Second street, thence Easterly through the centre of Forty-Second street fifty feet, thence Southwesterly parallel to the Tenth Avenue two hundred and seventy-nine feet and six inches to the centre of Forty-First street, thence Westerly through the centre of Forty-First street one hundred feet, thence Southwesterly and parallel to the Tenth Avenue seventy-four feet nine inches, and thence Northwesterly until you strike the aforesaid boundary line of George Rapalje, thence along the said boundary line to the centre of the Tenth Avenue, thence Northeasterly through the centre of the Tenth Avenue to the place of beginning.

Pierre Norton and Robert Burrige Norton to be equally divided between them, share and share alike. I do hereby authorize and empower my Executors hereinafter named, or the survivor of them to sell all or any part of the said real estate of which I shall die seised, together or in parcels by public auction or private contract as to them or him shall seem expedient, and for that purpose to execute good and sufficient deeds thereof. * * * And I do further will and direct that the distributive share of my said estate to which each of my said children shall be entitled, shall be paid to him or them respectively, upon his or their arriving at the age of twenty-one years respectively, provided that if either of my said children shall depart this life before he shall attain the age of twenty-one years, leaving lawful issue, then the share of such child shall go to said issue. And in case either of my said children shall die (leaving no lawful issue) before arriving at the age of twenty-one years, then the share to which said child would be entitled shall go to such of my children as shall survive, to be paid in the same manner as hereinbefore directed.

IN CHANCERY.

Before the Vice-Chancellor.

<p style="text-align: center;">JAMES C. NORTON, JUNIOR, and JULIA A., <i>his wife</i>,</p> <p style="text-align: center;"><i>vs.</i></p> <p style="text-align: center;">PIERRE NORTON, ROBERT B. NORTON and DUDLEY SEL- DEN and ROBERT EMMET CLERK, <i>etc.</i></p>	}
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1846—May 26. Bill filed for a partition.

- July 23. Silvanus Miller appointed guardian *ad litem* of Robert B. Norton, an infant over 14, on said infant's petition. Bond of \$5,000.
- Sept. 9. Answer of said infant filed.
- Sept. 25. Answer of Dudley Selden filed.
- Nov. 4. Answer of Robert Emmet Clerk, etc., filed, setting up mortgage by James C. Norton to John Jacob Astor, recorded in Liber 171 Mortgages, page 450, and assigned to this defendant. (This mortgage has been since satisfied of record.)
- Nov. 6. Order *pro confesso* against Pierre Norton on consent of Silvanus Miller, his solicitor.
- Nov. 6. Order of reference to Master on title, etc.
- 1847—May 5. Master reports in favor of sale.
- May 5. Decree of sale filed.
- July 2. Report of sale filed.
- 1848—April 17. Further report of sale filed.
- April 17. Further report of sale filed.
- June 26. Further report of sale filed.

THE MARY E. SPENCER PIECE.

This includes all of the Robert B. Norton tract not colored red on the map thereof, ante page 3.

THE PORTION EAST OF TENTH AVENUE.

ALEXANDER O. SPENCER <i>and</i>	}	DEED.
MARY E., <i>his wife</i> ,		Dated 28th Sept., 1833.
<i>to</i>		Ack. 28th Sept., 1833.
WILLIAM DEMING.		Rec. 2d Oct., 1833.
		303 Conveyances, 491.
		Consideration, \$30,000.

CONVEYS the piece of land thirdly described in the previous partition deed to Mary E. Spencer (258 Conveyances, 514; set forth ante page 10.)

<p style="text-align: center;">FREDERICK DEMING <i>and</i> MAY, <i>his wife</i>, <i>to and with</i> WILLIAM DEMING <i>and</i> CHAR- LOTTE T., <i>his wife</i>.</p>	}	PARTITION DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 30th June, 1849. Ack. 30th June and 7th July, 1849. Rec. 16th July, 1849. 523 Conveyances, 583.
--	---	--

RECITES that Frederick Deming and William Deming are owners as tenants in common of the premises described in the previous deed, and have agreed upon a partition thereof.

CONVEYS to William Deming lots 511 to 514, 293, 294, 297, 298, 301, 302, 305, 306, 309, 310, 313, 314, 183, 184, 187, 188, 191, 192, 195, 196, 199, 200, 203, 204, 181, 182, 178, 177, 174, 173, 523, 524, 525, 526, 317, 318, 321, 322, 325, 326, 329, 434, 437, 438, 441, 442, 445, 446, on map recorded in Liber 662 Conveyances, page 567.

CONVEYS to Frederick Deming lots 515 to 518, 295, 296, 299, 300, 303, 304, 307, 308, 311, 312, 315, 316, 185, 186, 189, 190, 193, 194, 197, 198, 201, 202, 205, 292, 180, 179, 176, 175, 172, 171, 519 to 522, 319, 320, 323, 324, 327, 328, 330, 433, 435, 436, 439, 440, 443 and 444 on said map.

Frederick Deming and William Deming, by instrument recorded in Liber 662 Conveyances, page 567, certify that the map recorded therewith is the one according to which the partition in the previous deed was made.

THE PORTION WEST OF TENTH AVENUE.

ALEXANDER O. SPENCER <i>and</i> MARY E., <i>his wife</i> , <i>to</i> HENRY VAIL, JOSEPH W. COR- LIES, VALENTINE G. HALL, EUGENE A. VAIL <i>and</i> NATH- ANIEL WEED, <i>Executors, and</i> CECILE TONNELLE, <i>Executrix</i> <i>of</i> LAURENT SALLES.	MORTGAGE. ——— To SECURE \$10,000. Dated 5th Dec., 1834. Ack. 5th Dec., 1834. Rec. 12th Dec. 1834. 174 Mortgages, 575.
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COVERS all of the premises described in the previous partition deed to Mary E. Spencer (258 Conveyances, 514; set forth ante page 10), lying west of the Tenth Avenue.

The above mortgage was discharged of record on 11th August, 1840. See Liber 9 Discharges, 171.

ALEXANDER O. SPENCER <i>and</i> MARY E. SPENCER, - <i>to</i> FRANCIS B. CUTTING.	DEED. ——— Dated 7th May, 1835. Ack. 11th May, 1835. Rec. 13th May, 1835. 332 Conveyances, 359. Consideration, \$110,000
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CONVEYS all the premises described in the previous Mortgage by the following description: "All those several lots, pieces and parcels, or blocks of land situate, lying and being in the Twelfth Ward of the City of New York, and which, taken together, are butted, bounded and described as follows—

that is to say: Beginning at a point where the Northwesterly line of the Tenth Avenue is intersected by a line run through the centre of Forty-fourth Street, and running thence Northeasterly along the Northwesterly line of the Tenth Avenue two hundred and sixty feet and eight inches to the middle of Forty-fifth Street; thence Northwesterly on a line run through the centre of Forty-fifth Street two hundred feet; thence Northeasterly on a line run parallel with the Tenth Avenue one hundred and thirty feet and four inches to the centre of the block between Forty-fifth and Forty-sixth Streets; thence Northwesterly on a line through the centre of the block equally distant from Forty-fifth and Forty-sixth Streets four hundred feet; thence Northeasterly on a line run parallel with the Eleventh Avenue one hundred and thirty feet and four inches to the middle of Forty-sixth Street; thence Northwesterly on a line run through the centre of Forty-sixth Street two hundred and fifty feet to the middle of the Eleventh Avenue; thence Northeasterly on a line run through the centre of the Eleventh Avenue about forty-six feet to the old boundary line between the lands formerly belonging to Robert Burrage Norton and the lands called the Hermitage lately belonging to John L. Norton; thence Northwesterly along the said old boundary line to the Hudson River at or near the foot of Forty-seventh Street; thence Southwesterly along the river to land now or lately belonging to James Clinton Norton near the foot of Forty-fourth Street; thence South sixty-one degrees and forty minutes, East four hundred and twenty-one feet; thence South twenty-eight degrees and thirty minutes, West to the middle of Forty-fourth Street; thence Southeasterly on a line run through the centre of Forty-fourth Street to the Tenth Avenue at the place of beginning. The said premises hereby granted being bounded Southeasterly by the Tenth Avenue and by land lately belonging to John L. Norton; Northeasterly by the said land lately belonging to John L. Norton; Northwesterly by the Hudson River and by land now

or lately belonging to James Clinton Norton; and Southwesterly by the said land now or lately belonging to James Clinton Norton, and which land of the said James Clinton Norton was conveyed or released to him by the said Alexander O. Spencer and Mary E., his wife, in and by an indenture bearing date the eighteenth day of February, one thousand eight hundred and thirty, and recorded in the office of the Register of the City and County of New York, in Liber 260 Conveyances, page 209.

Subject to a lease for a term of years, and to the above mortgage.

FRANCIS B. CUTTING <i>and</i> ANN, <i>his wife,</i> <i>to</i> AMBROSE SPENCER, <i>Trustee of</i> MARY E. SPENCER.	}	MORTGAGE. <hr style="width: 10%; margin: 0 auto;"/> TO SECURE \$80,000. Dated 7th May, 1835. Ack. 13th May, 1835. Rec. 13th May, 1835. 187 Mortgages, 17.
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COVERS same premises.

AMBROSE SPENCER <i>with</i> ISAAC PACKARD.	}	AGREEMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 2d July, 1835. Proved 9th July, 1835. Rec. 13th July, 1835. 186 Mortgages, 537.
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RECITES the above Mortgage, and that Francis B. Cutting, together with Charles C. King, Henry J. Seaman, George Curtis and Edward Curtis, gave to said Spencer, Trustee, their

joint and several bonds bearing even date with said Mortgage. That the last mentioned obligors, at the request of the said Spencer, have executed their two joint and several bonds to said Isaac Packard, each conditioned for the payment of \$10,000. And that the said Spencer has received from the said Packard \$10,000, and is to receive on 7th November next \$10,000 more.

AGREES that, if default be made in the payment of the principal or interest of the said bonds, proceedings may be carried on by the said Isaac Packard to foreclose the above Mortgage for the benefit of all interested therein, and in the event of a sale, the said Isaac Packard shall be first paid out of the proceeds the moneys due on said two bonds, which are to have priority of payment.

FRANCIS B. CUTTING <i>and</i> ANN M., <i>his wife</i> , <i>to</i> GEORGE CURTIS <i>and</i> EDWARD CURTIS.)	DEED. — Dated 11th May, 1835. Ack. 25th Nov., 1840. Rec. 26th Nov., 1840. 408 Conveyances, 623. Consideration, \$55,000.
---	---	--

CONVEYS an undivided half of same premises.

GEORGE CURTIS <i>and</i> EDWARD CURTIS, <i>to</i> AMBROSE SPENCER, <i>Trustee of</i> MARY E. SPENCER.)	MORTGAGE. — To secure \$45,000. Dated 1st Nov., 1840. Ack. 25th Nov., 1840. Rec. 26th Nov., 1840. 244 Morts., 215.
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COVERS said undivided half of same premises.

GEORGE CURTIS <i>and</i> KATHARINE, <i>his wife</i> , EDWARD CURTIS <i>and</i> MARY, <i>his wife</i> , <i>to</i> ASA WORTHINGTON, <i>Trustee</i> .	DEED. — Dated 25th Nov., 1840. Ack. 25th Nov., 1840. Rec. 28th Nov., 1840. 412 Conveyances, 36. Consideration, \$73,000.
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CONVEYS said undivided half of same premises.

ASA WORTHINGTON <i>to</i> RICHARD ALSOP.	DEED. — Dated 17th April, 1841. Ack. 17th April, 1841. Rec. 29th Sept. 1841. 419 Conveyances, 249. Consideration, \$1.00.
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CONVEYS said undivided half of same premises.

Habendum as security for liabilities incurred by party of second part to the Bank of the United States at the request of party of the first part.

FRANCIS B. CUTTING <i>and</i> ANN M., <i>his wife</i> , <i>to</i> HENRY J. SEAMAN.	DEED. — Dated 6th July, 1835. Ack. 15th July, 1835. Rec. 17th July, 1835. 340 Conveyances, 290. Consideration, \$1.00.
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CONVEYS an undivided eighth of same premises.

HENRY J. SEAMAN <i>and</i> KATH- ARINE SARAH, <i>his wife</i> , <i>to</i> RICHARD ALSOP.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 1st Nov., 1839. Ack. 9th Jan., 1840. Rec. 11th Jan., 1840. 403 Conveyances, 178. Consideration, \$27,500.
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CONVEYS all the said undivided eighth part of same premises.

FRANCIS B. CUTTING <i>and</i> ANN M., <i>his wife</i> , <i>to</i> CHARLES C. KING.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 6th July, 1835. Ack. 15th July, 1835. Rec. 17th July, 1835. 340 Conveyances, 293. Consideration, \$1.00.
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CONVEYS an undivided eighth of same premises.

AMBROSE SPENCER <i>and</i> MARY E. SPENCER <i>to</i> FRANCIS B. CUTTING <i>and</i> CHARLES C. KING.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 28th July, 1840. Ack. 28th July, 1840. Rec. 9th Sept., 1840. 406 Conveyances, 539. Consideration, \$1.00.
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RECITES preceding mortgage to Ambrose Spencer, Trustee, etc., and that Francis B. Cutting owns one-fourth part of said mortgaged premises, Charles C. King owns one-eighth part thereof, George Curtis and Edward Curtis jointly owned one-half thereof, and Henry J. Seaman owns one-eighth thereof, and that the amount of said mortgage which would be due from Francis B. Cutting and Charles C. King have been paid

by them, and that the other owners had consented to this release.

RELEASES to the said Francis B. Cutting one equal undivided fourth part, and to the said Charles C. King one equal undivided eighth part of said mortgaged premises.

The above instrument was again recorded in Liber 408 Conveyances, 371, on 12th September, 1840.

GEORGE CURTIS, EDWARD CURTIS <i>and</i> HENRY J. SEAMAN <i>to</i> FRANCIS B. CUTTING, CHARLES C. KING <i>and</i> AMBROSE SPENCER.	} AGREEMENT. — Dated 28th July, 1840. Proved 12th Sept., 1840. Rec. 12th Sept., 1840. 408 Conveyances, 370. Consideration, \$1.00.
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RATIFIES and confirms the arrangement set forth in the previous instrument, and agrees to be jointly and severally bound to the said Ambrose Spencer for the residue of the moneys due him on their bond.

IN CHANCERY.

Before the Chancellor.

AMBROSE SPENCER, <i>Trustee of</i> MARY E. SPENCER, <i>vs.</i> GEORGE CURTIS, EDWARD CURTIS, ASA WORTHINGTON, HENRY J. SEAMAN <i>and</i> RICHARD ALSOP.	}
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1842—August 16. Decree of strict foreclosure entered.

AMBROSE SPENCER, ALEXAND- ER O. SPENCER <i>and</i> MARY E. SPENCER <i>to and with</i> FRANCIS B. CUTTING <i>and</i> CHARLES C. KING.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 20th Sept., 1845. Ack. 24th Sept. 1845. Rec. 10th Oct., 1845. 467 Conveyances, 58. Consideration, \$10.00.
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RECITES above mortgage (187 Mortgages, 17) the release to Cutting and King of their interests from the lien of said mortgage (408 Conveyances, 371) its strict foreclosure against the other co-tenants, and that no payments having been made by said co-tenants, the said Ambrose Spencer had become seised in fee simple absolute of five undivided eighth parts of said mortgaged premises, as tenants in common with said Cutting and King, and that the parties hereto are desirous of making a partition of said premises, and that a partition had been agreed upon by which the lots numbered on the map attached to this deed—by the numbers 1 to 5, 7 to 11, 16 to 21, 26 to 29, 33 to 36, 40 to 42, 46 to 53, 57 to 60, 64, 65, 70 to 82, 87 to 95, 99, 103 to 112, 116 to 119, 124 to 127, 131 to 137, 140 to 144, 151 to 160, 167 to 171, 175 to 184, 191 to 200, 206 and 207, together with the water right, adjoining the parcels 206 and 207 were allotted to the said Ambrose Spencer.

CONVEYS to Francis B. Cutting and Charles C. King lots 6, 12 to 15, 22 to 25, 30 to 32, 37 to 39, 43 to 45, 204, 205, 54 to 56, 61 to 63, 66 to 69, 83 to 86, 96 to 98, 100 to 102, 113 to 115, 120 to 123, 128 to 130, 138, 139, 148 to 150, 161 to 166, 145 to 147, 172 to 174, 185 to 190, 201, 202 and 203, on said map annexed to this deed.

Habendum as tenants in common two-thirds to Francis B. Cutting, and one-third to Charles C. King.

FRANCIS B. CUTTING <i>and</i> ANN, <i>his wife, and</i> CHARLES C. KING <i>to</i> AMBROSE SPENCER.) DEED. — — Dated 20th Sept., 1845. Ack. 3d Oct., 1845. Rec. 9th Oct., 1845. 465 Conveyances, 598. Consideration, \$10.00.
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RECITES facts stated in previous deed, and that lots 6, 12 to 15, 22 to 25, 30 to 32, 37 to 39, 43 to 45, 54 to 56, 61 to 63, 66 to 69, 83 to 86, 96 to 98, 100 to 102, 113 to 115, 120 to 123, 128 to 130, 138, 139, 148 to 150, 161 to 166, 145 to 147, 172 to 174, 185 to 190, 201, 202, 203, 204 and 205 in map annexed to this deed had been set apart to Cutting and King.

CONVEYS to Ambrose Spencer lots 1 to 5, 7 to 11, 16 to 21, 26 to 29, 33 to 36, 40 to 42, 46 to 53, 57 to 60, 64, 65, 70 to 82, 87 to 95, 99, 103 to 112, 206, 207, 116 to 119, 124 to 127, 131 to 137, 140 to 144, 151 to 160, 167 to 171, 191 to 200, 175 to 184, and also all the land lying under water or adjoining said parcels, numbers 206 and 207 and Forty-fifth Street on the Westerly side thereof and extending into the Hudson River; and also the water rights or right or interest in and to the water grant or land under water adjoining the said parcels of land and street.

12th AVE.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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MAP OF THE TRACT OF LAND
COMMONLY CALLED THE
HERMITAGE
SITUATED IN THE NINTH WARD
OF THE CITY OF NEW YORK
SHOWING THE SAME AS SUBDIVIDED INTO LOTS
ON THE INTERSECTING AVENUES & STREETS
*Compiled from authentic surveys,
February 1825, by Daniel Bowen
City Surveyor*

11th AVE.

113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200
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181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300
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281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400
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Heirs of

10th AVE.

381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500
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481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600
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581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700
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Robert B. Norton

9th AVE.

701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800
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801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900
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901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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George Chapin

8th AVE.

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100
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1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200
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1201	1202	1203	1204	1205	1206	1207	1208	1209	12
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copied from map in Case No. 182 N.Y. Register's Office

44th ST

MAP OF LANDS IN THE 19th WARD OF THE CITY OF NEW YORK

Belonging to the Estate of

WILLIAM WRIGHT DECEASED

of New York, March 1851.

Centre of Bridge's Span Surveyed by Sanders & Sage

City Surveyor 1847

100	101	102	103	104
100	101	102	103	104
100	101	102	103	104
100	101	102	103	104
100	101	102	103	104

43d ST

AVE

79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99
77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98
76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96
74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95
73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93

AVE

42d ST

7th

29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43
26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

6th

41st ST

THE JOHN L. NORTON TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
--	---	--

“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.</p>	}	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Albany. 2 Patents, III.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson’s or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

Maria Van Burgh, a daughter of said Johannes Van Burgh, intermarried with one Stephen Richard, on 23d July, 1696, and had by said marriage a son named Paul Richard, born 11th April, 1697.

<p style="text-align: center;">JAMES DELANCEY <i>and</i> PAUL RICHARDS. <i>to</i> JOSEPH MURRAY,</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 2d June, 1744. Not recorded but recited in the following deed to John Leake.</p>
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CONVEYS all that certain dwelling house, message or tenement, together with the farm, land or plantation thereunto belonging, situated and being in the outward of the City of New York, at or near a place called Great Kills, beginning at the

Northeast corner of the said lands, at or near a swinging gate, thence South two degrees, West two chains fifty links; thence South eighteen degrees, West five chains; thence South twenty-two degrees thirty minutes, West seven chains eighty links to the Southeast corner thereof; thence North fifty-five degrees, West thirteen chains; thence North fifty-one degrees thirty minutes, West seven chains; thence North fifty-two degrees thirty minutes, West six chains; then North seven degrees thirty minutes, East five chains ten links; thence North forty-six degrees, West thirteen chains; thence North seventy-eight degrees thirty minutes, East four chains; thence North eighty-four degrees thirty minutes, East four chains; thence North seventy-one degrees, East two chains forty links; thence South sixty-five degrees, East two chains fifty links; thence North forty-one degrees thirty minutes, East two chains thirty-five links; thence North twenty-six degrees thirty minutes, West six chains; thence North thirty degrees, West five chains; thence North thirty-two degrees thirty minutes, West seventeen chains; thence North thirty-seven degrees, West seven chains fifty links; thence North forty-five degrees, West four chains; thence North eighteen degrees, East six chains eighty links to the Northwest corner of the said land by the Hudson's River; thence South fifty-four degrees, East six chains; thence South thirty-six degrees thirty minutes, East ten chains; thence South twenty-six degrees thirty minutes, East three chains seventy-four links; thence South thirty-five degrees, East eight chains; thence South thirty-one degrees, East four chains; thence South thirty degrees, East twelve chains forty-seven links; thence South eighty degrees thirty minutes, West two chains; thence South twenty-six degrees, West one chain seventy-six links; thence South twenty-one degrees, East six chains seventy links; thence South twenty-four degrees thirty minutes, East four chains; thence South seven degrees thirty minutes, East two chains fifty-two links; thence South fifty-eight degrees

thirty minutes, East eight chains thirty-six links; thence South fifty-five degrees, East six chains forty links to the first station.

The above deed included all of the premises in question, except an irregular shaped piece of land in the Northeasterly portion thereof. This appears to have been vested in Wolfert Webbers.

WOLFERT WEBBER <i>and</i> MAR- GARET, <i>his wife</i> , <i>to</i> JOSEPH MURRAY.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 19th Nov., 1748. Not recorded, but re- cited in the following deed.
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CONVEYS all that certain piece and parcel of land situate and being to the Southward and Westward of a straight line to begin from the old fence which divided the land of the said Joseph Murray, and of him the said Wolfert Webber, at or near the creek called the Great Kills at upland or point distant from the centre of a large flat rock of about fourteen feet diameter upon a North sixty-seven degrees Easterly course, one chain thirty-two links, and to run from thence to Bloomendal road to the Northeast corner of the fence, where the old road was between the land of the said Joseph Murray, and of him the said Wolfert Webber, at a point or place where the middle part of the said Wolfert Webber's house bears therefrom North six degrees East, and is distant therefrom five chains forty-six links, and which line is as the compass now points South thirty-two degrees and thirty minutes East, twenty-six chains and thirty-eight links, and on which line he, the said Joseph Murray, did, by the said Wolfert Webber's permission and consent, erect a fence for a partition between the land of the said Joseph Murray and Wolfert Webber, which said piece of land comprehends

all the land between the said line and fence and the land of him, the said Joseph Murray.

Last Will and Testament
of
 JOSEPH MURRAY.

Dated 26th April, 1757.
 Proved 2d May, 1757.
 20 Wills, 233.

“Item, I will, order and direct that my Executors hereinafter named have full power and authority to sell and dispose of all my real estate, and that any conveyances of the same be a good title to the purchaser or purchasers thereof, or any part thereof.”

“Item, I nominate and appoint Charles Williams, of the City of New York, and Thomas Jones, of the same city, Executors of this my last will and testament.”

Letters Testamentary were granted to both Executors. See Liber 20 Wills, page 235.

DEED.

CHARLES WILLIAMS *and* THOMAS JONES, *Executors of* JOSEPH MURRAY,
to
 JOHN LEAKE.

Dated 11th Nov., 1757.
 Ack. 11th Nov., 1757.
 Rec. 3d Feb., 1825.
 185 Conveyances, 98.
 Consideration, £1,600.

CONVEYS the premises conveyed to Joseph Murray by the two preceding deeds.

John Leake died seised of the premises described in the above deed, and also of the premises lying to the Southwestward hereof, known as the Robert Burrage Norton Tract.

Last Will and Testament
of
JOHN LEAKE.

} Dated 7th May, 1791.
} Proved 13th June, 1792.
} 41 Wills, 18.

“I give and devise unto my niece, Martha Norton, who now lives with me, that farm on which I now dwell, called the Hermitage; also the farm thereto adjoining, which I purchased of Mathew Hopper. To have and to hold the said two farms, together with the stock and farmers utensils that may be thereon at the time of my decease unto her, the said Martha Norton, for and during her natural life. I give and devise unto John Leake Norton, eldest son of my said niece, Martha Norton, * * * * Also, all that farm or plantation called Hermitage, after the death of the said Martha Norton. * * * * To have and to hold all and singular the said lands, tenements and appurtenances, and the profits arising from them and each of them from the day of my decease unto the said John Leake Norton, his heirs and assigns forever.”

“Item, I give and devise unto Robert Burrege Norton, second son of my said niece, Martha Norton, * * * * And also all my estate and right and title to that farm purchased of Mathew Hopper, after the death of the said Martha Norton. To have and to hold all and singular the said houses, lots, lands, tenements and their appurtenances, and the profits arising from them and each of them from the day of my decease, unto him the the said Robert Burrege Norton, his heirs and assigns forever.”

Martha Norton died on or about the year 1747, leaving her surviving her sons John L. Norton and Robert Burrage Norton. *Vide* deeds by them as heirs of their mother lately deceased, recorded in Liber 60 Conveyances, 308, and in Liber 66 Conveyances, page 171.

John L. Norton made an agreement with the devisees of the said Robert Burrage Norton, who owned the tract adjoining on the Southwest, squaring the division line between said farms so that the same should run parallel or at right angles to the present streets. This change of boundary was effected by the following deeds:

JOHN L. NORTON <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JAMES CLINTON NORTON <i>and</i> ALEXANDER O. SPENCER.	}	<p style="text-align: center;"><u>DEED</u></p> <p>Dated 15th Aug., 1825. Ack. 1st Sept., 1825. Rec. 26th May, 1826. 204 Conveyances, 434. Consideration, \$1.00.</p>
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CONVEYS all that certain piece or parcel of land lying in the Twelfth Ward of the City of New York, being a part of the land known and distinguished by the name of the Hermitage, and Northwesterly and Southwesterly of a line beginning on the present division line of the lands of John L. Norton and George Rapalje, at a point five hundred feet Westerly of the Ninth Avenue, running thence Northerly and parallel to the Ninth Avenue seventy-four feet nine inches, more or less, until it intersects the centre of Forty-first Street; thence Easterly along the centre of Forty-first Street one hundred feet; thence Northerly and parallel with the Ninth Avenue two hundred and seventy-seven feet six inches to the centre of Forty-second Street; thence Easterly through the centre of Forty-second Street three hundred feet; thence Northerly and parallel with the Ninth Avenue five hundred and forty-one feet four inches, where it intersects the centre of Forty-fourth Street; thence Westerly along the centre of Forty-fourth Street three hundred feet Northerly and parallel to the Ninth Avenue one hundred and thirty feet four inches to the centre of the block between Forty-

fourth and Forty-fifth Streets ; thence Westerly through the centre of the block three hundred feet ; thence Northerly and parallel to the Tenth Avenue one hundred and thirty feet four inches to the centre of Forty-fifth Street ; thence Westerly along the centre of Forty-fifth Street four hundred feet ; thence Northerly and parallel with the Tenth Avenue one hundred and thirty feet four inches to the centre of the block between Forty-fifth and Forty-sixth Streets ; thence Westerly along the centre of the block four hundred feet ; thence Northerly and parallel to the Tenth Avenue one hundred and thirty feet four inches to the centre of Forty-sixth Street ; thence Westerly along the centre of Forty-sixth Street two hundred and fifty feet to the centre of the Eleventh Avenue ; thence Northerly along the centre of the Eleventh Avenue forty-six feet, more or less, to the present boundary line and the lands belonging to James C. Norton and Alexander O. Spencer.

JAMES CLINTON NORTON <i>and</i> SARAH, <i>his wife</i> , ALEXANDER O. SPENCER <i>and</i> MARY E., <i>his wife,</i> <i>to</i> JOHN L. NORTON.	}	DEED. ——— Dated—August, 1825. Ack. 25th Aug., 1825. Rec. 21st Sept., 1825. 197 Conveyances, 294. Consideration, \$1.00.
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CONVEYS all that certain piece or parcel of land lying in the Twelfth Ward of the City of New York, being a part of the and known and distinguished by the name of the Hermitage, and Southeasterly and Northeasterly of the line described in the previous deed.

The said John L. Norton also entered into an agreement with George Rapelje, squaring as aforesaid the division line be-

tween their farms. This change of boundary was effected by the following deeds :

DEED.		
JOHN L. NORTON <i>and</i> SARAH, <i>his wife,</i> <i>to</i> GEORGE RAPELJE.	}	Dated 1st Sept., 1825. Ack. 1st Sept., 1825. Rec. 23 Nov. 1825. 194 Conveyances, 388. Consideration, \$1.00.

CONVEYS all the estate, right, title, interest, use, trust, property claim and demand whatsoever, both at law and in equity, of the said John L. Norton, of, in, to or out of all and singular that certain piece or parcel of land lying in the Twelfth Ward of the City of New York, being a part of the land known and distinguished by the name of the hermitage, and lying North-easterly and Southeasterly of a line beginning in the centre of the Fitz Roy Road, where it would intersect a line drawn through the centre of Thirty-ninth Street, thence Westerly along the centre of Thirty-ninth Street until it intersects a point three hundred feet distant from the Ninth Avenue; thence Northerly and parallel with the Ninth Avenue three hundred and eighty-six feet three inches, where it intersects the centre of the block between Forty and Forty-first Streets; thence West-erly along the centre of the block nine hundred feet; thence Northerly and perpendicular to the last described line fifty-four feet, more or less, until it intersects the present division line of the lands of John L. Norton and George Rapelje; thence along the said line to the place of beginning. Containing about one acre of land, be the same more or less.

DEED.

GEORGE RAPELJE <i>and</i> ELIZA- BETH, <i>his wife</i> , <i>to</i> JOHN L. NORTON.	}	Dated 9th Sept., 1825. Ack. 9th Sept., 1825. Rec. 21st Nov., 1825. 194 Conveyances, 358. Consideration, \$1.00.
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CONVEYS all the estate, right, title, interest, use, trust, property claim and demand whatsoever, both at law and in equity, of the said George Rapelje, of, in, to or out of all and singular that certain piece or parcel of land lying in the Twelfth Ward of the City of New York, adjoining that piece of land known and distinguished as the hermitage, and lying Northwesterly and Southwesterly of the line described in the previous deed.

John L. Norton also made a similar agreement with John Jacob Astor, squaring the division line between their farms. This change of boundary was effected by the following deed :

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> , <i>to</i> JOHN L. NORTON <i>and</i> SARAH, <i>his wife</i> .	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 24th Nov., 1828. Ack. 24th Nov., 1828. Rec. 2d Dec., 1828. 245 Conveyances, 108. Consideration, \$1.00.
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RECITES that Astor and Norton are seised of certain gores of land adjoining other property belonging to them, and have agreed to exchange them.

Astor and wife convey to Norton all those pieces or parcels of land which on the map aforesaid are Bounded and described

as follows: To wit, all that piece of land beginning at a point distant twenty-three feet from the Northerly side of Forty-third street, and two hundred and fifty feet Westerly from the Seventh Avenue; thence running Northerly and parallel with the Seventh Avenue, seventy-seven feet five inches; thence Westerly parallel with Forty-third Street two hundred and fifteen feet seven inches; thence Southerly and Easterly along land of John L. Norton, to the place of beginning.

Also all that other piece of land beginning at a point on Forty-fourth Street distant one hundred feet from the Southeasterly corner of Forty fourth Street and the Eighth Avenue; thence running Southerly parallel with Eighth Avenue sixteen feet three inches; thence Northerly and Westerly in a straight line along other property of John L. Norton to Forty-fourth Street, and thence on Forty-fourth Street to place of beginning.

Also all that other piece of land beginning at a point distant one hundred feet Westerly from Eighth Avenue and thirty-three feet from the Northerly side of Forty-fourth Street; thence running Northerly and parallel with Eighth Avenue seventy-seven feet five inches; thence Westerly and parallel with Forty fourth Street one hundred and eighty-eight feet six inches; thence Southerly and Easterly along other land of the said John L. Norton to the place of beginning.

Also all that piece of land beginning at a point on the Southerly side of Forty-fifth Street, distant three hundred and twenty-five feet from the Southeasterly corner of Forty-fifth Street and Ninth Avenue; thence Southerly parallel with the Ninth Avenue forty-two feet; thence Northwesterly along other property of John L. Norton to Forty-fifth Street; and thence Easterly along Forty-fifth Street to the place of beginning.

Also all that other piece of land beginning at a point distant three hundred and forty-five feet. Easterly from Tenth Avenue and seventeen feet from the Northerly side of Forty-sixth Street;

thence running parallel to the Tenth Avenue Northerly eighty-three feet five inches; thence Westerly parallel with the Forty-seventh Street two hundred and eleven feet; thence Southeasterly along other ground of John L. Norton to the place of beginning.

Also all that other piece of land beginning at a point distant ten feet from the Southwesterly corner of Forty-seventh Street and Tenth Avenue; thence Northerly ten feet; thence Westerly along Southerly side of Forty-seventh Street thirty-seven feet; thence Southeasterly along land of John L. Norton to the place of beginning.

Also all that other gore of land beginning at a point distant three hundred and twenty-five feet Westerly from Tenth Avenue and twenty-eight feet three inches from Northerly side of Forty-seventh Street aforesaid; thence running Northerly and parallel with the Ninth Avenue seventy-two feet two inches; thence Westerly and parallel with Forty-seventh street one hundred and forty-four feet; and thence running along land of said John L. Norton Southeasterly to the place of beginning.

John L. Norton and wife convey to John Jacob Astor, all those respective gores or pieces of land which on the map aforesaid are bounded and described as follows, to wit: All that gore of land beginning at a point distant two hundred and fifty feet Westerly from the Seventh Avenue and twenty-three feet Northerly from the Northerly side of Forty-third Street; thence running Southerly and parallel to Seventh Avenue twenty-three feet to Forty-third Street; thence Easterly along Northerly side of Forty-third Street sixty-four feet six inches; and thence Northwesterly along land of John L. Norton to the place of beginning.

Also all that gore of land beginning at a point distant one hundred feet Easterly from Eighth Avenue and sixteen feet

three inches Southerly from Southerly side of Forty-fourth Street; thence running Southerly and parallel with the Eighth Avenue eighty-four feet two inches; thence Easterly and parallel with Forty-fourth Street two hundred and thirty-four feet five inches; thence Northwesterly along land of John Jacob Astor to the place of beginning.

Also all that gore of land beginning at a point distant one hundred feet Westerly from the Northwesterly corner of Eighth Avenue and Forty-fourth street; thence running Northerly and parallel with Eighth Avenue thirty-three feet; thence Southerly on a straight line to a point distant one foot six inches from said corner; thence one foot six inches to said corner; thence along Northerly side of Forty-fourth Street one hundred feet to the place of beginning.

Also all that piece of ground beginning at a point distant three hundred and twenty-five feet Easterly from Ninth Avenue and forty-two feet Southerly from Southerly side of Forty-fifth Street; thence running Southerly and parallel with Ninth Avenue fifty-eight feet five inches; thence Easterly and parallel with Forty-fifth Street one hundred and eighty-six feet six inches; thence Northwesterly along other ground of said John Jacob Astor to the place of beginning.

Also all that other piece of ground beginning at a point on the Northerly side of Forty-fifth Street distant Easterly ninety-four feet from Northeasterly corner of Ninth Avenue and Forty fifth Street; thence to said corner ninety-four feet; thence Northerly on Ninth Avenue forty feet nine inches; thence Southeasterly along land of John Jacob Astor to the place of beginning.

Also all that gore of land situate on the Northerly side of Forty-sixth Street, beginning at a point distant Northerly seventeen feet from said Forty-sixth Street; thence Southerly and parallel to Tenth Avenue seventeen feet to said street; thence Easterly along the same forty-two feet two inches; thence

Northwesterly along land of John Jacob Astor to place of beginning.

Also all that piece of ground beginning at a point distant one hundred feet five inches Northerly from Forty-sixth street and one hundred and thirty-four feet Easterly from Tenth Avenue; thence running Westerly and parallel with Forty-sixth Street to said Avenue one hundred and thirty-four feet; thence Northerly on the same fifty-one feet; and thence Southeasterly along other land of said John Jacob Astor to the place of beginning.

Also all that other piece of land beginning at a point distant Northerly from Northerly side of Forty-seventh Street twenty-eight feet three inches, and three hundred and twenty-five feet Westerly from Tenth Avenue; thence Southerly and parallel to Tenth Avenue twenty-eight feet three inches to Northerly side of Forty-seventh Street; thence Easterly along the same one hundred and fourteen feet; thence Northwesterly along other property of John Jacob Astor to the place of beginning.

And also all that gore of land beginning at a point distant two hundred and twenty-five feet Easterly from Easterly side of Eleventh Avenue, and one hundred and fifty-four feet five inches Northerly from Northerly side of Forty-seventh Street; thence Southerly and parallel with Eleventh Avenue fifty-four feet; thence Easterly and parallel with Forty-seventh Street one hundred and six feet; thence Northwesterly along other lands of said John Jacob Astor to the place of beginning.

The preceding deed was executed by John L. Norton and wife only. The counterpart of this deed, executed by John Jacob Astor and wife only, was recorded in Liber 280 Conveyances, page 178, on 14 December, 1831.

John L. Norton also conveyed to Samuel J. L. Norton a small triangular piece lying on the Southeasterly part of said farm by the following deed:

as to a certain number of shares, for certain persons therein specified, and to permit said persons to make partition, and when the partition is completed to convey to each in fee simple the lots set apart to him.

MORTGAGE.

HENRY LYNCH <i>to</i> JOHN L. NORTON.	}	TO SECURE \$100,800. Dated 30th Sept. 1825. Ack. 21st Nov. 1825. Rec. 21st Nov. 1825. 85 Mortgages, 76.
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COVERS same premises.

In Liber 229 Conveyances, page 150, will be found recorded an agreement dated 30th September, 1825, signed and executed by the various cestuis que trust named in the previous deed, that they or a majority of them will meet together and proceed to a partition of said lots by ballot, which ballotings shall be conducted by three indifferent persons not interested in the premises, to be chosen by ballot at the time of the meeting; that these three persons are to draw for said cestuis que trust; and that the partition so made shall be binding on them and their heirs and assigns, and the said Henry Lynch is authorized and empowered to convey to them accordingly.

In Liber 229 Conveyances, page 152, will be found a certificate signed by three Commissioners appointed at a meeting held pursuant to the above agreement. They certify that they have made the division of said lots between said parties, and give the name of the person to whom each of the said 210 parcels was allotted.

Henry Lynch thereupon conveyed to the various parties the parcels set apart to each, and John L. Norton released the parcels so conveyed from the lien of his mortgage.

Copied from map in Case No. 182 N.Y. Register's Office

44th ST

MAP OF LANDS IN THE 19th WARD OF THE CITY OF NEW YORK

Belonging to the Estate of

WILLIAM WRIGHT DECEASED

of New York, March 1851.

Centre of Bridge's Lane Surveyed by Sanders & Sage

City Surveyor
1847

100	103	102	101	100
102	101	100	99	98
103	102	101	100	99
104	103	102	101	100

43d ST

AVE

79	78	77	76	75	74	73	72
78	77	76	75	74	73	72	71
77	76	75	74	73	72	71	70
76	75	74	73	72	71	70	69
75	74	73	72	71	70	69	68
74	73	72	71	70	69	68	67
73	72	71	70	69	68	67	66
72	71	70	69	68	67	66	65
71	70	69	68	67	66	65	64
70	69	68	67	66	65	64	63
69	68	67	66	65	64	63	62
68	67	66	65	64	63	62	61
67	66	65	64	63	62	61	60
66	65	64	63	62	61	60	59
65	64	63	62	61	60	59	58
64	63	62	61	60	59	58	57
63	62	61	60	59	58	57	56
62	61	60	59	58	57	56	55
61	60	59	58	57	56	55	54
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-88	-89	-90	-91	-92	-93	-94	-95
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-91	-92	-93	-94	-95	-96	-97	-98
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-93	-94	-95	-96	-97	-98	-99	-100

42d ST

7th

29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13	-14	-15	-16	-17	-18	-19	-20	-21	-22	-23	-24	-25	-26	-27	-28	-29	-30	-31	-32	-33	-34	-35	-36	-37	-38	-39	-40	-41	-42	-43	-44	-45	-46	-47	-48	-49	-50	-51	-52	-53	-54	-55	-56	-57	-58	-59	-60	-61	-62	-63	-64	-65	-66	-67	-68	-69	-70	-71	-72	-73	-74	-75	-76	-77	-78	-79	-80	-81	-82	-83	-84	-85	-86	-87	-88	-89	-90	-91	-92	-93	-94	-95	-96	-97	-98	-99	-100
28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0	-1	-2	-3	-4	-5	-6	-7	-8																																																																																													

THE WILLIAM WRIGHT TRACT

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	} PATENT. Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.</p>	}	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

<p style="text-align: center;">JAN VIGNE <i>to</i> JACOB CORNELISSE.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Not recorded, but re- cited in the following deed to JOSEPH HAYNES.</p>
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CONVEYS all that a certain part or parcel of land, situate lying and being at the Great Kill and laid out for an equal fifth part of a patent formerly granted to Johannes Van Brugge, Thomas Hall, Jan Vignie, Egbert Wouters and Jacob Leanders, bounded on the South by the land of Johannes Van Brugg, on the North by the land of Aaron Webbers, by Hudsons River on the West, and by the Commons of the City of New York on the East.

JACOB CORNELISSE
to
WOLFERT WEBBERS.

DEED.

Not recorded, but re-
cited in the following
deed.

CONVEYS same premises.

Wolfert Webbers died seised of this tract, and his heirs conveyed as follows :

ARNOUW WEBBERS *and* SARAH
his wife; JACOB WEBBERS
and MARGARET, *his wife*;
FREDERICK WEBBERS *and*
LENA, *his wife*; CORNELIUS
WEBBERS *and* JANNATIE, *his*
wife; ARIANTE VAN ARDEN
(*late* ARIANTE WEBBERS), AL-
TIE SOMERDICKE (*late* ALTIE
WEBBERS), *and* MARGARET
WEBBERS, *daughter and heir*
of JOHN WEBBERS.

DEED.

Dated 6th Oct., 1759.
Ack. 6th Oct., 1759.
Rec. 14th Oct., 1784.
42 Conveyances, 27.
Consideration, £1,500.

to

JOSEPH HAYNES.

CONVEYS same premises.

Last Will and Testament
of
JOSEPH HAYNES.

Dated 17th July, 1762.
Proved 9th May, 1763.
24 Wills, 22.

Item: I do give and devise all my estate both real and personal unto my beloved wife Jane Haynes, to receive the rents,

issues and profits thereof during her natural life, to her own use and behoof; and at her decease I do give, devise and bequeath the one full and equal moyty or half part of all my estate both real and personal unto my two nieces Charlotte and Elizabeth Haynes, their heirs and assigns forever, equally to be divided between them, share and share alike, but in case either of my said two nieces should happen to die during the lifetime of my wife, then I do give and devise the share and part of her so dying to the survivor of my said two nieces, and to her heirs and assigns forever. And the other full and equal moyety or half part of all my estate both real and personal, at and immediately after my said wife's decease, I do give, devise and bequeath unto such of her sisters as shall be living at the time of her death, and to their heirs and assigns forever, equally to be divided between them, share and share alike.

By codicil dated 9th March, 1763, he provides that Ann Sevon may live with his wife during her widowhood, and in case his wife remarries, he gives said Ann Sevon an annuity of £100, to be void when she marries or moves out of province.

Jane Haynes died about 1768, leaving four sisters her surviving, viz., Anne, wife of Daniel Horsmander; Elizabeth Sevon, Mary Sevon, and Catharine Sevon.

The devisees of Joseph Haynes conveyed a piece of land on the West side of the Bloomingdale Road, to John Reis (see Liber 42 Conveyances, page 49), which deed recited that the piece vested in Joseph Haynes was divided into three lots, one fronting on the Hudson River and two fronting on the Bloomingdale Road, and lying on the Westerly side thereof. Now the distances in the deed to Joseph Haynes (42 Conveyances, 27) would extend far enough East of the Bloomingdale Road to embrace the tract in question. Thus, apparently, Joseph Haynes did not go into possession of all the tract described in the deed to him, but only of the portion which lay West of the

Bloomington Road, and the deeds from his devisees probably extended only to Westerly side of said road. Some of the descendants of Arnout Webbers, one of the grantors of Haynes, afterwards endeavored to take advantage of this, and brought suit to recover possession of the portion East of the Bloomington road, but were unsuccessful (see Recitals in Deed recorded in Liber 78 Conveyances, page 512.) We also find a release from them of the tract now in question (see Liber 103 Conveyances, page 456, hereinafter set forth.)

The Deed to Medcef Eden is not on record, but he is supposed to have purchased from the devisees of Joseph Haynes. Medcef Eden died on 14th September, 1798.

Last Will and Testament
of
MEDCEF EDEN.

} Dated 29th Aug., 1798.
} Proved 19th Dec., 1798.
} 42 Wills, 516.

I give, devise and bequeath to my son Medcef also ten acres of land on the South side of Bloomington Road, now in the tenure or occupation of Francis White, to have and to hold, receive, take, and enjoy all and singular the hereinbefore mentioned, and intended to be hereby given, devised and bequeathed premises, and every part and parcel thereof, unto the sole and only proper use, benefit and behoof of my said son Medcef, his heirs and assigns, from the time of my decease as and for his own proper estate forever, and that in as full, large, ample and beneficial manner, to all intents and purposes whatsoever, as I the said Medcef (if living) could or might have, hold and enjoy, all and singular the hereinbefore mentioned and intended to be hereby given, devised and bequeathed, and above described premises.

Item: It is my Will, and I do so order and appoint, that if either of my said sons should depart this life without lawful issue, his share or part shall go to the survivor, and in case of both their deaths without lawful issue, then I give all the property aforesaid to my brother John Eden, of Loftus, in Cleveland, in Yorkshire, and my sister Hannah Johnson, of Whiteby, in Yorkshire, and their heirs.

Joseph Eden died without issue on 20th August, 1813. Medcef Eden, the younger, died without issue on 20th July, 1819.

It was decided in case of *Lion vs. Burtiss*, reported in 20 Johnson, 483, and affirmed in cases of *Wilkes vs. Lion*, reported in 2 Cowen, 389, that the remainder to John Eden and Hannah Johnson was void. It was also decided, in case of *Waldron vs. Gianini*, reported in 6 Hill, 601, that Medcef Eden took a base or determinable fee, which, on death of his brother, became a fee simple absolute. Consequently, by the Sheriff's deed next hereinafter set forth the fee passed to the purchaser.

On the first day of October, 1800, Robert Sharp and John Sharp recovered a judgment in the Supreme Court against Medcef Eden for \$7,014.62. A writ of *feri facias* was issued under this judgment by virtue of which the premises described in the following deed were sold, on July 6, 1801, to William Barlow and John Sharp.

DEED.

JAMES MORRIS, <i>Sheriff, etc.</i> , to WILLIAM BARLOW and JOHN SHARP.	}	Dated 7th July, 1801. Ack. 4th Aug., 1801. Rec. 1st April, 1802. 61 Conveyances, 531. Consideration, \$2,275.
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CONVEYS all that certain lot, piece or parcel of land Bounded as follows: Westerly, by the Bloomingdale Road,

Northerly by the Road commonly called Bridgens lane, or Tower, leading or extending to the Post Road, Easterly and Southerly by land belonging to the corporation, and in possession of Frederick Pinor, containing ten acres, be the same more or less.

DEED.

JOHN SHARP <i>to</i> ARTHUR KINDER <i>and</i> BENJA- MIN BAKEWELL.	}	Dated 25th July, 1805. Proved 24th Aug., 1805. Rec. 11th Oct., 1813. 103 Conveyances, 453. Consideration, \$3,950.
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CONVEYS all grantor's interest in same premises.

<i>Last Will and Testament</i> <i>of</i> WILLIAM BARLOW.	}	Dated 12th Feb., 1805. Proved 21st Feb., 1805. 45 Wills, 376.
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After certain legacies and devises not affecting the premises, testator devises one-twelfth of the rest and residue of all his property to his brother John, one-twelfth to his brother Peter, two-twelfths to his brother Joseph; to his brother James one-twelfth; to his sister Elizabeth one-twelfth; to his sister Easter one-twelfth; to his sister Sarah one-twelfth; to the children of his sister Nancy one-twelfth; and to the children of his sister Mary three-twelfths; and then provides as follows: "And for the more easily and effectually making an equal dividend or division of all my estate of what nature soever hereinbefore disposed of and bequeathed and devised as the rest and residue of my estate, I do hereby authorize and empower my executors, hereinafter mentioned and appointed and the survivors and survivor of them to dispose of and sell the same at private sale or otherwise, and in such manner and to such person or persons as

they or the survivors or survivor of them may deem most advisable and proper; and to pay the proceeds of such sale to my residuary legatees aforesaid in such manner and in such proportions as is hereinbefore provided for the disposition of the rest and residue of my estate. And I also hereby authorize and empower my said executors hereinafter appointed and the survivors and survivor of them to make and execute to the purchaser or purchasers thereof, good and sufficient deed or deeds, conveyance or conveyances in the law for the same. And lastly, I do hereby make, constitute and appoint Augustus Diggins, William Kibbe and William Howard executors of this my last will.

Letters testamentary were granted to all three executors. See same Liber, page 380.

AUGUSTUS DIGGINS, WILLIAM KIBBE, <i>and</i> WILLIAM HOW- ARD, <i>Executors of</i> WILLIAM BARLOW, <i>to</i> ARTHUR KINDER <i>and</i> BENJA- MIN BAKEWELL.	}	RELEASE. — Dated 25th July, 1805. Prov. 24th Aug. 1805. Rec. 11th Oct. 1813. 103 Conveyances, 452. Consideration \$3,950.
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Recites Will of William Barlow and quit claims all the estate, right, title, interest, use, trust, property claim and demand whatsoever, both at law and in equity of them the said Augustus Diggins, William Kibbe and William Howard, Executors as aforesaid of, in, to or out of the same premises.

AUGUSTUS DIGGINS, WILLIAM
HOWARD *and* WILLIAM KIB-
BE, *Executors of* WILLIAM
BARLOW,
to
ARTHUR KINDER *and* BENJA-
MIN BAKEWELL.

DEED.

—
Dated 1st July, 1806.
Prov. 1st Oct. 1813.
Rec. 11th Oct. 1813.
103 Conveyances, 454.
Consideration, \$1.

Recites the Will of William Barlow and the previous deed, and that doubts have arisen as to whether said deed was a sufficient conveyance to pass the right which was of the said William Barlow in the said premises.

CONVEYS same premises.

MICHAEL COLLARD *and* LETTY,
his wife; HANNAH VAN OR-
DEN, SARAH RETON, CATHA-
RINE ROMAYNE, MARGARET
BANTA, SARAH LOSEY *and*
PHILIP WEBBERS *and* ELIZA-
BETH, *his wife*.
to
BENJAMIN BAKEWELL *and* AR-
THUR KINDER.

DEED.

—
Dated 21st Dec. 1807.
Ack. 21st Dec. 1807.
Prov. 15th Feb. 1808.
Rec. 11th Oct. 1813.
103 Conveyances, 456.
Consideration, \$700.

CONVEYS all their interest in same premises.

BENJAMIN BAKEWELL *and* ANN,
his wife,
to
JOHN DAY, THOMAS KINDER
and BENJAMIN PAGE.

DEED.

—
Dated 21st Jan. 1808.
Ack. 27th Feb. 1808.
Rec. 6th March, 1818.
126 Conveyances, 209.
Consideration, \$1.

Recites the indebtedness of Benjamin Bakewell to Thomas Kinder, Benjamin Page and others, mentioned in schedule annexed.

CONVEYS all the estate, right, title, interest, claim and demand of them, the said parties of the first part, and each of them of, in and to the same premises.

In trust to sell the same, and out of the proceeds to pay first the creditors mentioned in Schedule A, then those in Schedule B, and such others as shall substantiate their claims against said Bakewell, and then to pay surplus, if any, to Benjamin Bakewell.

ROBERT KINDER, THOMAS KINDER
and ARTHUR KINDER,

to

ISAAC WRIGHT, GEORGE W. TALBOT
and DAVID DUNHAM,
of 2d part and THE CREDITORS
OF PARTIES OF THE FIRST PART,
of the 3d part.

DEED.

Dated 6th July, 1811.

Ack. 23d July, 1811.

Rec. 26th July, 1811.

94 Conveyances, 122.

Consideration, \$1.

CONVEYS to parties of the second part all the estate and property, whether real or personal, in possession, reversion or remainder, and more particularly such property as is mentioned in Schedule B. In trust to pay creditors out of the proceeds of the property conveyed. Schedule B, annexed to said deed enumerates among other real estate conveyed two equal undivided fifth parts of all that piece or parcel of land formerly belonging to John Sharp and William Barlow, situate, lying and being in the Ninth Ward of the City of New York, and is bounded as follows: Westerly by the Bloomingdale Road; Northerly by the Road commonly called Bridgens lane or tour; Easterly by land belonging to the Mayor, Aldermen and Commonalty of the City of New York, and by the Albany Avenue; Southerly by Cheesman Street, containing ten acres, be the same more or less.

Arthur Kinder, according to the deeds to him, was apparently vested with an undivided half of the tract in question, consequently an undivided tenth of the premises was apparently not conveyed by the previous deed.

ARTHUR KINDER <i>to</i> ISAAC WRIGHT, GEORGE W. TALBOT <i>and</i> DAVID DUNHAM, <i>of the 2d part, and the Creditors of ARTHUR KINDER, of 3d part.</i>	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 11th Feb. 1812. Ack. 10th March, 1814. Rec. 10th March, 1814. 105 Conveyances, 108. Consideration, \$1.00.
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RECITES preceding assignment, and that certain debts were not comprehended in schedule thereto annexed, that Arthur Kinder is desirous of assigning all his interest in said debts, and his other estate and effects which may not be comprehended (if any such there are) in schedules thereto annexed, belonging to him in his individual or partnership capacity.

CONVEYS all his right, title and interest of, in and to all the above-mentioned debts and effects, so as aforesaid contained in the schedule hereto annexed, and of, in and to all other debts and effects, estate and property, of whatsoever kind it may be and wheresoever it may be.

In trust, that in case Thomas and Robert Kinder have made or should make an assignment in England for the benefit of creditors, to concur in such assignment, and to assign the estate hereby granted to the assignees so appointed; but in case they make no assignment, then to hold the estate hereby granted to and for the benefit of creditors of the firms of Robert Kinder & Co. and Thomas Kinder & Co., such as may not have become parties to the previous assignment.

William Wright conveyed to William I. Staples the piece of land on the Northerly side of Forty-third Street, not numbered on map, ante page 43 (481 Conveyances, page 530). He conveyed to Sylvester Sparks the gore of land on Southeast corner of Broadway and Forty-first Street (494 Conveyances, page 11), and conveyed the gore on Southeast corner of Sixth Avenue and Forty-second Street to the City (488 Conveyances, page 479.)

Last Will and Testament
of
WILLIAM WRIGHT.

} Dated 11th Mar., 1848.
} Proved 13th Mar., 1850.
} 99 Wills, 462.

After bequeathing the sum of \$2000 to his sister Mary Thompson, the testator provides as follows: "I give, devise and bequeath unto my son Isaac M. Wright, my son-in-law Daniel H. Tompkins, and my son-in-law William I. Staples, and to the survivors or survivor of them, or heirs of such survivors, all the residue of my estate, both real and personal, upon the special trust and confidence that they, the survivors or survivor, or heirs of such, shall hold the same for the equal benefit of my said children, say Eliza Tompkins one third, Isaac M. Wright one third, and Hannah M. Staples the remaining third, during the natural lives of my said two daughters, and the rents, interest and profits arising therefrom, to be paid to them equally and annually, and the third to be conveyed or paid over to my son Isaac, at the expiration of five years from my death, and the rents, interest and profits arising therefrom."

"And I hereby appoint my son Isaac M. Wright, my son-in-law, Daniel H. Tompkins, and also my son-in-law William I. Staples, now in France, executors of this my last Will and Testament, and I give them full power to sell, convey, rent, lease, or otherwise dispose of, all my real or landed property,

as they may deem most for the advantage of all those concerned and to invest the same in bonds and mortgages for the security and objects above specified. In case of the death of either Eliza Tompkins and her husband Daniel H. Tompkins surviving, he shall possess her share of the estate, otherwise it shall be subject to her disposition, so likewise in relation to my daughter Hannah J. Staples, if her husband survives her, he shall inherit her share of the estate, otherwise, that is to say if she survives her husband, she shall dispose of her share as she may deem best.

Letters Testamentary were granted to William I. Staples and Daniel H. Tompkins, on 13th March, 1850 (see Liber 9 Letters Testamentary, page 50), and Isaac M. Wright, on 26 March, 1850 (see same Liber, page 64.)

THE MEDCEF EDEN, JUNIOR, TRACT.

The title to this tract, until it became vested in Medcef Eden, the elder, is shown in the abstract of the William Wright Tract, ante pages 43 to 47.

Last Will and Testament
of
MEDCEF EDEN, *the Elder.*

} Dated 29th Aug. 1798.
Prov. 19th Dec. 1798.
42 Wills, 516.

Item: I give, devise and bequeath unto my son, Joseph
* * * also twelve acres of land together with the improve-
ments and appurtenances, situated at Bloomingdale in the
Seventh Ward of the said City, on the East side of the road that
leads from Bloomingdale road to the commons, now in the ten-
ure and occupation of John Crowe and William Low, to have
and to hold, receive, take and enjoy all and singular the herein-
before mentioned and intended to be hereby bequeathed
premises unto the sole and only proper use and behoof of my
said son Joseph, his heirs, executors, administrators and assigns
forever from the time of my decease as and for his own proper
goods and chattels, land and tenements forever; and that in as
full, large, ample and beneficial manner to all intents and pur-

poses whatsoever, as I, the said Medcef Eden (if living), could or might have, take, and enjoy, hold and receive all and singular the hereinbefore mentioned and intended to be hereby bequeathed and above described premises.

Item: It is my will, and I do so order and appoint, that if either of my said sons should depart this life without lawful issue, his share or part shall go to the survivor; and in case of both their deaths without lawful issue, then I give all the property aforesaid to my brother, John Eden, of Loftus, in Cleveland, in Yorkshire, and my sister Hannah Johnson, of Whitby, in Yorkshire, and their heirs.

Joseph Eden died without issue on 20th August, 1813. Medcef Eden, the younger, died without issue on 21st July, 1819.

On the 8th day of July, 1800, John Wardell recovered a judgment against Joseph Eden in the Supreme Court of Judicature for \$100,014.87.

On 18th May, 1801, all the right, title and interest of Joseph Eden to the tract in question was sold to Robert Bowne, who purchased the same for the use of the Bank of New York. The Sheriff executed a deed thereof to Robert Bowne. Some of the descendants of Woolfort Webbers brought ejectment suits against Robert Bowne which was settled by giving the following release.

MICHAEL COLLARD *and* LETTY,
his wife, HANNAH VAN OR-
DEN, SARAH RETON, CATHA-
RINE ROMAYNE, MARGARET
BANTA, SARAH LOSEE *and*
PHILIP WEBBERS,

to

ROBERT BOWNE.

DIED.

Dated 15th Aug. 1807.
Prov. 16th Nov. 1807.
Rec. 11th Dec. 1807.
78 Conveyances, 513
Consideration, \$1.

RECITES that suits of ejectment had been instituted by the parties of the first part, as lessors of plaintiffs against Robert Bowne and Solomon Berry for the possession of the tract in question.

Releases and quitclaims " all such estate, right, title, interest and demand whatever as we or either of us had or ought to have, if these presents had never been made of, in or to all that certain lot, piece or parcel of land situate, lying and being in the City and County of New York on a road known and distinguished as Bloomingdale Road, beginning at said road and running along a road leading to the commons South forty-five degrees East fourteen chains and sixty-two links; thence North thirty-five degrees East nine chains eighty-two links; thence North sixty-two degrees West fifteen chains seventy-six links; then South twenty degrees West five chains forty-one links to the place of beginning. Containing eleven acres, one rood and eleven perches, be the same more or less, by any ways or means whatsoever.

ROBERT BOWNE <i>and</i> ELIZABETH, <i>his wife,</i> <i>to</i> THE PRESIDENT, DIRECTORS AND COMPANY OF THE BANK OF NEW YORK.	}	DEED. ——— Dated 23d Feb. 1815. Ack. 23d Feb. 1815. Rec. 3d March, 1819. 134 Conveyances, 464. Consideration, \$5.
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RECITES deeds made by James Morris, Sheriff, to Robert Bowne, and that the purchase money therein expressed was the money of the Bank of New York and the purchase was made in trust for them.

CONVEYS same premises.

The two following decisions of the Court of Errors on the construction of the foregoing Will of Medcef Eden, the elder, determine the interests which the Bank of New York and

Medcef Eden, the younger, had respectively in the tract in question.

The first case is that of *Anderson vs. Jackson*, ex dem Medcef Eden, reported in 16 Johnson, 382. Here certain property in Westchester County devised by Medcef Eden, the elder, in the Will in question, to Joseph Eden had been sold under *feri facias* issued upon a judgment against Joseph Eden and conveyed to Joseph Winter, who thereupon conveyed the same to James Anderson, the plaintiff. It was here held that the clause of the Will which provided that if Joseph "should depart this life without lawful issue, his share or part should go to the survivor," did not create an estate tail in Joseph. That the use of the word "survivor" in the devise over showed that the testator did not refer to an indefinite failure of issue, but to a definite failure of issue at the death of Joseph, and consequently that the limitation over to Medcef Eden, Junior, was good, and that the interest of the purchaser at the Sheriff's sale ceased on death of Joseph without issue, and that the title thereupon passed to Medcef Eden, Junior. This decision disposes of any claim which the Bank of New York might make under the above conveyances.

The next case is that of *Lion ex dem Medcef* against Burtiss and The President, Directors and Company of the Bank of New York, reported in 20 Johnson, 483. It was here held, as to the land devised to Joseph, (which according to the previous decision passed on his death without issue to his brother), that the devise over to Medcef Eden, Junior, having taken effect, ceased to be executory, and he became seised in fee tail, by necessary implication of law, with remainder expectant in favor of John Eden and Hannah Johnson; and that the fee tail, by Statute of 23d February, 1786, was converted into a fee simple, and the remainder over to John Eden and Hannah Johnson was void. This was affirmed by the Court of Errors in case of *Wilkes vs. Lion*, reported in 2 Cowen, 333. The case was

reconciled by that court with the preceding one of Anderson *vs.* Jackson, as in that case the word "survivor" was used in the devise over, which was not done in this case, the testator not having in any way described John Eden and Hannah Johnson as surviving. This decision established the titles derived under the following Will of Medcef Eden, the younger, the surviving brother.

Last Will and Testament
of
MEDCEF EDEN.

}

Dated 23d July, 1819.
Proved 3d Nov., 1819.
In Westchester Co.,
I Wills, 263.

"I devise my whole real and personal estate to my wife, during her natural life, provided she so long continues my widow, for the maintenance and support of herself, her three daughters, Sally, Ann Elizabeth, and Rebecca, and of my friend John Pelletreau, whom I request to reside with them and assist them. Upon the death or remarriage of my wife, I devise the said estates to the said John Pelletreau, during his natural life, for the support of himself and of the said three girls, and after the death or marriage of my—and after the death of John Pelletreau, I give and devise the said landed estates, and every part thereof, to the said Sally, Ann Elizabeth and Rebecca, and to their heirs and assigns forever, provided, nevertheless, and this last devise is upon the express condition that if either of the said Sally, Ann Elizabeth or Rebecca should marry without the consent of my friend Aaron Burr, she shall forfeit her share, and the same shall pass immediately to the other sisters. I give to my wife, so long as she shall remain single, and to the said John Pelletreau after her death or marriage, full power and authority to sell and convey all or any part of my real estate, provided that the said Aaron Burr shall, in writing sign with his hand approve of and consent to such sale. But no such

sale shall be valid without such approbation and consent. The money arising from all such sales to be vested and secured in such manner as the said Aaron Burr shall direct, for the purposes of this my Will. In the case of any difference between my wife and her children and the said John Pelletreau, or between any of them, respecting the division of the income or proceeds of my estate, the same shall be referred to the judgment of the said Aaron Burr, who shall finally decide the same. I appoint my wife executrix of this my Will; on her death or re-marriage, the said John Pelletreau shall be my executor.

Letters Testamentary were granted to Rachel Eden (see Liber I, Wills, 262.) She died on 5th September, 1830, and letters were thereupon granted to John Pelletreau on 18 September, 1830 (see Liber A, Letters Testamentary, page 25).

THE TYSEN AND WILLIAMS TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	PATENT. <hr/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOM- AS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERTS.</p>	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson’s or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

<p style="text-align: center;">JAN VIGNE <i>to</i> JACOB CORNELISSE.</p>	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Not recorded, but re- cited in the following deed to JOSEPH HAYNES.</p>
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CONVEYS all that a certain part or parcel of land, situate lying and being at the Great Kill and laid out for an equal fifth part of a patent formerly granted to Johannes Van Brugge, Thomas Hall, Jan Vignie, Egbert Wouters and Jacob Leanders, bounded on the South by the land of Johannes Van Brugg, on the North by the land of Aaron Webbers, by Hudsons River on the West, and by the Commons of the City of New York on the East.

JACOB CORNELISSE <i>to</i> WOLFERT WEBBERS.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Not recorded, but re- cited in the following deed.
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CONVEYS same premises.

Wolfert Webbers died seised of this tract, and his heirs conveyed as follows :

ARNOUT WEBBERS <i>and</i> SARAH <i>his wife</i> ; JACOB WEBBERS <i>and</i> MARGARET, <i>his wife</i> ; FREDERICK WEBBERS <i>and</i> LENA, <i>his wife</i> ; CORNELIUS WEBBERS <i>and</i> JANNATIE, <i>his</i> <i>wife</i> ; ARIANTE VAN ARDEN (<i>late</i> ARIANTE WEBBERS), AL- TIE SOMERDICKE (<i>late</i> ALTIE WEBBERS), <i>and</i> MARGARET WEBBERS, <i>daughter and heir</i> <i>of</i> JOHN WEBBERS. <i>to</i> JOSEPH HAYNES.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 6th Oct., 1759. Ack. 6th Oct., 1759. Rec. 14th Oct., 1784. 42 Conveyances, 27. Consideration, £1,500.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> JOSEPH HAYNES.	}	Dated 17th July, 1762. Proved 9th May, 1763. 24 Wills, 22.
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Item: I do give and devise all my estate both real and personal unto my beloved wife Jane Haynes, to receive the rents,

issues and profits thereof during her natural life, to her own use and behoof; and at her decease I do give, devise and bequeath the one full and equal moyty or half part of all my estate both real and personal unto my two nieces Charlotte and Elizabeth Haynes, their heirs and assigns forever, equally to be divided between them, share and share alike, but in case either of my said two nieces should happen to die during the lifetime of my wife, then I do give and devise the share and part of her so dying to the survivor of my said two nieces, and to her heirs and assigns forever. And the other full and equal moyety or half part of all my estate both real and personal, at and immediately after my said wife's decease, I do give, devise and bequeath unto such of her sisters as shall be living at the time of her death, and to their heirs and assigns forever, equally to be divided between them, share and share alike.

By codicil dated 9th March, 1763, he provides that Ann Sevon may live with his wife during her widowhood, and in case his wife remarries, he gives said Ann Sevon an annuity of £100, to be void when she marries or moves out of province.

Jane Haynes died about 1768, leaving four sisters her surviving, viz., Anne, wife of Daniel Horsmander; Elizabeth Sevon, Mary Sevon, and Catharine Sevon.

The devisees of Joseph Haynes conveyed a piece of land on the West side of the Bloomingdale Road, opposite the tract in question, to John Reis (see Liber 42 Conveyances, page 49), which deed recited that the piece vested in Joseph Haynes was divided into three lots, one fronting on the Hudson River, and the other two fronting on the Bloomingdale Road, and both lying on the Westerly side thereof. Now the distances in the deed to Joseph Haynes (42 Conveyances, 27), would extend far enough East of the Bloomingdale Road to embrace the tract in question. Thus, apparently, Joseph Haynes did not go into possession of all the tract described in the deed to him,

but only of the portion lying West of the Bloomingdale Road. At any rate, some of the descendants of Woolfert Webbers, the grantors of Haynes, seemed to have owned or claimed the lands East of the Bloomingdale Road. Medcef Eden also appears to have claimed some interest in the premises, as he devises to his sons Joseph and Medcef Eden "twenty-one acres of land at Bloomingdale, in possession of Furman, Fink & Mott (see Liber 42 Wills, page 516)." The deed to Medcef Eden is not on record, and the validity and extent of his claim cannot be determined.

The following is the next instrument of record affecting the title to this tract :

MORTGAGE.

JOHN WEBBERS <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JOHN SOMARINDYCK.	}	To secure £258. Dated 10th June, 1789. Proved 19th Aug., 1793. Reg. 26th Aug., 1793. 6 Morts., 230.
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COVERS all that certain lot, piece or parcel of ground situate in the Outward of the City of New York, on the East side of the Bloomingdale Road, containing six acres and one hundred and forty-four rods, Bounded as follows, Beginning at a stake and heap of stones on the East side of the said road, about half a rod North of the fence made between the land of the late Arnout, deceased, and the land intended to be granted, and from thence running South sixty-two and a half degrees East by the North bounds of the said Arnout Webber's land, sixty rods to a stake and stone in the West bounds of the Corporation, so-called, and from thence North thirty-four degrees east by the said Corporation Lands, fifteen rods to a stake and heap of stones; then North sixty-one East sixty-eight rods to a stake and heap of stones on the East side of the said road; thence West twenty South eighteen rods to the place of beginning.

Letters of administration on the estate of John Somarindyke were granted to Sarah Somarindyke on 16th February, 1791 (see Liber 4 Letters Administration, page 180.)

SARAH SOMARINDYKE, <i>Admin- istratrix of</i> JOHN SOMARIN- DYKE, <i>to</i> RICHARD FURMAN.	}	ASSIGNMENT. ——— Dated 1st Sept., 1812.
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ASSIGNS above mortgage.

JOHN WEBBERS <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JOSIAH FURMAN.	}	DEED. ——— Dated 24th Aug., 1795. Ack. 3 Sept., 1795. Rec. 16 Dec., 1833. 305 Conveyances, 367. Consideration, £550.
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CONVEYS same premises.

Josiah Furman died intestate, on 19th April, 1798, leaving him surviving Elizabeth Furman, his widow, and,

1. George Furman,
2. John Furman,
3. Josiah Furman,
4. Richard Furman,
5. Elizabeth Furman,
6. Henry Furman,
7. Jacob Furman,
8. Joseph Pilmore Furman, and
9. Maria Furman,

His children and only heirs-at-law.

John Furman died, April 3d, 1801, intestate, unmarried and without issue.

George Furman died intestate August 23d, 1802, leaving him surviving two infant children, George Furman and Josiah Furman. On 15th July, 1806, George C. Cooper was appointed general guardian of said infants.

ELIZABETH FURMAN *and* JOSIAH
FURMAN, *widow and son of*
JOSIAH FURMAN, *deceased,*

to

REV. JOHN BASSETT *and* JOHN
CLENENNING, *Trustees for*
MRS. MARGARET SMITH.

MORTGAGE.

To secure \$500.
Dated 19th Nov., 1803.
Proved 8th Dec., 1803.
Rec. 14th Dec. 1803.
13 Morts., 212.

COVERS same tract.

DEED.

HENRY FURMAN *and* ELIZABETH
FURMAN, *widow,*
to
CHARLES SMYTH.

Dated 12th Dec., 1805.
Proved 31st Jan., 1806.
Rec. 7th Feb., 1806.
71 Conveyances, 498.
Consideration, \$300.

CONVEYS one equal undivided eighth part of same premises.

DEED.

RICHARD FURMAN, JR., *and*
MARY, *his wife,*
to
CHARLES SMYTH.

Dated 7th Mar., 1804.
Ack. 10th Mar., 1804.
Rec. 9th April, 1804.
66 Conveyances, 417.
Consideration, \$300.

CONVEYS all that right, title and interest of the said parties of the first part in and to the same premises.

JOSIAH FURMAN <i>to</i> CHARLES SMYTH.	} DEED. <hr style="width: 20%; margin: 0 auto;"/> Not recorded, but Recited in 16 Morts., 365.
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CONVEYS an undivided one eighth part of said premises.

CHARLES SMITH <i>to</i> DANIEL D. TOMPKINS <i>and</i> AN- DREW MORRIS, <i>as Guardian</i> <i>of</i> SUSANNAH <i>and</i> JOHN MC- CLAVEN.	} MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To Secure \$2,922.99. Dated 13th May, 1807. Ack. 30th July, 1807. Reg. 1 Aug., 1807. 16 Morts., 365.
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COVERS all those three equal undivided eighth parts of same premises.

ELIZABETH FURMAN, <i>the</i> <i>Younger,</i> <i>to</i> CHARLES SMYTH.	} DEED. <hr style="width: 20%; margin: 0 auto;"/> Not recorded, but the following mortgage is said to have been given to secure part of its purchase money.
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CONVEYS an undivided eighth part of same premises.

CHARLES SMYTH <i>to</i> ELIZABETH FURMAN, <i>the</i> <i>Younger.</i>	} MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To Secure \$600. Dated 14th June, 1808. Proved 11th April, 1809. Reg. 13th April, 1809. 20 Morts., 148.
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COVERS all that certain one equal undivided eighth part of same premises.

Elizabeth Furman, the younger, died in 1808, intestate and without issue. Joseph C. Cooper was appointed her administrator on 24th June, 1812 (see Liber 12 Letters Administration, page 115.)

HENRY FURMAN <i>to</i> DAVID LYONS.	}	ASSIGNMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 11th April, 1809.
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ASSIGNS all his interest in the mortgage given by Charles Smyth to Elizabeth Furman, the younger.

JOSIAH FURMAN <i>to</i> DAVID LYONS.	}	ASSIGNMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 11th April, 1809.
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ASSIGNS all his interest in said mortgage.

RICHARD FURMAN <i>to</i> DAVID LYONS.	}	ASSIGNMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 9th May, 1812.
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ASSIGNS all his interest in said mortgage.

		MORTGAGE.
CHARLES SMYTH <i>to</i> DANIEL D. TOMPKINS <i>and</i> AN- DREW MORRIS.	}	<hr style="width: 10%; margin: 0 auto;"/> To Secure \$621.18. Dated 15th Sept., 1809. Ack. 19th July, 1810. Reg. 20th July, 1810. 23 Morts., 261.

COVERS all that certain piece or parcel of land situate, lying and being in the Ninth Ward of the City of New York, and

bounded as follows to wit: Northerly by land now or late of Theodorus Bailey; Easterly by land now or late of Caspar Samsler; Southerly by land now or late of the New York Bank, and Westerly by the Bloomingdale Road. Containing seven acres, be the same more or less.

MORTGAGE.

<p style="text-align: center;">CHARLES SMYTH <i>and</i> ANN, <i>his wife,</i> <i>to</i> WILLIAM ADAMSON.</p>	}	<p>To Secure \$579.33. Dated 22d May, 1811. Ack. 23d May, 1811. Reg. 13th June, 1811. 26 Mort's., 518.</p>
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COVERS all that and those the undivided five equal eighth parts of the same premises.

The above mortgage is described as covering FIVE eighths of the tract in question. It is possible that there was an unrecorded deed from Maria Furman to Charles Smyth of an undivided eighth, which supposition is rendered more probable, from the fact that she was not made a party to the following suit:

DEED.

<p style="text-align: center;">CHARLES SMYTH <i>to</i> DANIEL D. TOMPKINS <i>and</i> AN- DREW MORRIS.</p>	}	<p>Dated 13th Jan., 1812. Ack. 18th Jan., 1812. Rec. 18th Jan., 1812. 96 Conveyances, 136. Consideration, \$10.</p>
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RECITES mortgage above set forth, recorded in Liber 16 Mortgages, page 365, and conveys all the estate, right, title, interest, use, trust property, equity of redemption, claim and demand whatsoever, both at law and in equity, of me the said Charles Smyth, of, in, to or out of all those three equal undivided eighth parts of same premises.

On 3d April, 1812, Charles Smyth made an insolvent assignment to Theodorus Bailey, William James McNeven and Robert Steel.

Joseph Pilmore Furman died on 13th September, 1812, intestate and without issue.

Josiah Furman, the second, died intestate, without issue, on 10th February, 1813.

Henry Furman sailed from New York about 12th September, 1812, in the privateer "Spitfire," and neither he nor the vessel, nor any person on board, has since been heard from. He left no wife nor children.

MORTGAGE.

JACOB FURMAN <i>to</i> MARIA FURMAN,	}	To Secure \$250. Dated 9th Nov., 1813. Ack. 9th Nov., 1813. Reg. 12th Nov., 1813. 30 Morts., 307.
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COVERS all that certain undivided eighth part of the same premises.

DEED.

JACOB FURMAN <i>to</i> MARIA FURMAN.	}	Dated 24th Aug., 1814. Ack. 25th Aug., 1814. Rec. 27th Aug., 1814. 107 Conveyances, 437. Consideration, \$500.
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CONVEYS all the one full equal undivided eighth part of same premises.

MORTGAGE.

JACOB FURMAN <i>to</i> RICHARD FURMAN.	}	To Secure \$250. Dated 14th Aug., 1815. Ack. 14th Aug., 1815. Rec. 17th Aug., 1815. 109 Conveyances, 521.
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COVERS all that one fifth part of one eighth part of same premises. Also one sixth part of one eighth part of the above

mentioned mortgage from Charles Smyth to Elizabeth Furman, the younger, registered in Liber 20 Mortgages, page 148.

IN CHANCERY.

Before the Chancellor.

RICHARD FURMAN

vs.

JOHN WEBBERS, ELIZABETH
FURMAN, JOSEPH C. COOPER,
JACOB FURMAN, DAVID LY-
ONS, DANIEL D. TOMPKINS,
ANDREW MORRIS, THEO-
DORUS BAILEY, WILLIAM
JAMES MCNEVEN, ROBERT
STEEL, THOMAS ADDIS EM-
MET, GEORGE D. COOPER,
and THOMAS H. BRANTING-
HAM.

- 1816—April 19 Bill filed to foreclose 6 mortgages, 230.
“ Filed, answers of David Lyons, Joseph C. Cooper, Administrator of Elizabeth Furman and Guardian of George Furman and Josiah Furman; George D. Cooper, Thomas H. Brantingham, Jacob Furman, John Webbers, Elizabeth Furman, Daniel D. Tompkins and Andrew Morris.
- 1817—June 9. Answer of Theodorus Bailey, William James McNeven and Robert Steel, filed.
July 3. Answer of Thomas Addis Emmet filed.
July 3. Order of reference to compute, etc.
July 7. Master reports \$235.91 due.

1817—July 7. Judgment of foreclosure and sale.

Nov. 17. Report of sale filed.

Nov. 17. Report of sale confirmed.

1820—Sept. 6. Decree enrolled.

Maria Furman, who had intermarried with George Francis on 22d December, 1815, was not made a party to the above suit. George Furman and Josiah Furman, sons of George Furman, were also omitted, Joseph C. Cooper, their guardian, having been made a defendant in their place.

The said George Furman perished at sea prior to 1822, as appears from Volume 22, Chancery Minutes, page 410, leaving his brother Josiah his only heir at law. The said Josiah Furman died about 1823, intestate, unmarried and without issue. His uncle Jacob Furman had died April 17th, 1821, without issue. His uncle Richard Furman left the City of New York for New Orleans about April, 1821, and has never since been heard from. He left him surviving a daughter Anna Maria Furman, afterwards Anna Maria Searles. (See petition for probate of will of Elizabeth Furman, which is recorded in Liber 86 Wills, 246.) It appears from this petition that upon the death, in 1843, of Elizabeth Furman, the widow of Josiah Furman, the elder, the only representatives of the family of the said Josiah Furman then living were the said Maria Francis and Anna Maria Searles. Maria Francis released her interest in the premises by deed recorded in Liber 305 Conveyances, 366, hereinafter set forth.

DEED.

WILLIAM VAN HOOK, <i>Master-</i> <i>in-Chancery,</i> <i>to</i> JAMES R. MULLANY.	}	Dated 29th Oct., 1817. Ack. 6th Nov., 1817. Rec. 10th Jan., 1818. 125 Conveyances, 109. Consideration, \$2,250.
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CONVEYS all said mortgaged premises.

DEED.

JAMES R. MULLANY <i>and</i> MARIA, <i>his wife,</i> <i>to</i> ELIAS BURGER.	}	Dated 1st Feb., 1822. Ack. 4th May, 1822. Rec. 6th May, 1822. 160 Conveyances, 3 l. Consideration, \$3,500.
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CONVEYS same premises.

DEED.

ELIAS BURGER <i>and</i> MARY, <i>his wife,</i> <i>to</i> JAMES ROBERT MULLANY.	}	Dated 4th March, 1825. Ack. 14th March, 1825. Rec. 25th Aug., 1829. 254 Conveyances, 259. Consideration, \$3,500.
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CONVEYS same premises.

On 26th March, 1827, Malachi Kelly recovered a judgment against James R. Mullany, in the Supreme Court, for \$660.77.

CERTIFICATE.

OLIVER M. LOWNDS, <i>Sheriff, etc.</i> , <i>to</i> JAMES W. LENT.	}	Dated 7 Sept., 1827. Ack. 14 Sept., 1827. Rec. 17 Sept., 1827. 226 Conveyances, 16. Consideration, \$540.
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CERTIFIES to sale to James W. Lent, by virtue of a writ of *feri facias* issued under the above judgment, of all interest which James R. Mullany had on the 26th March, 1827, in the same premises, and that he will be entitled to a deed on 7th December, 1828, unless sooner redeemed.

On 30th August, 1828, David Rogers recovered a judgment against James R. Mullany, in the Supreme Court, for \$1,514.67.

DEED.

OLIVER M. LOWNDS, <i>Sheriff, etc.</i> , to DAVID ROGERS.	}	Dated 22d Dec., 1828. Ack. 23d Dec., 1828. Rec. 29th Dec., 1828. 244 Conveyances, 420. Consideration, \$595.48.
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RECITES sale to James W. Lent above set forth, the judgment recovered by David Rogers, and that the said Rogers, on 16th September, 1828, tendered to said Lownds, Sheriff, etc., the purchase price paid by the said James W. Lent, with interest, which was accepted by the Sheriff, with the concurrence of said Lent.

CONVEYS same premises.

DEED.

DAVID ROGERS <i>and</i> SUSAN, his wife, to JAMES R. MULLANY.	}	Dated 15th July, 1829. Ack. 28th July, 1829. Rec. 2d Sept., 1829. 254 Conveyances, 313. Consideration, \$595.48
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QUITCLAIMS all the estate, right, title and interest of the said parties of the first part of, in, and to same premises.

DEED.

MARIA FRANCIS, <i>widow of</i> GEORGE FRANCIS, <i>and daughter of</i> JOSIAH FURMAN, <i>the Elder,</i> to JAMES R. MULLANY.	}	Dated 10th July, 1833. Ack. 16th July, 1833. Rec. 10th Dec., 1833. 305 Conveyances, 366. Consideration, \$20.
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CONVEYS all estate, right, title and interest in and to same premises.

In Liber 302 Conveyances, page 223, is recorded an agreement to sell three-fourths of said premises to Isaac Jaques, Robert P. Bell, and E. L. Williams.

JAMES R. MULLANY <i>to</i> ROBERT P. BELL, EBENEZER L. WILLIAMS <i>and</i> ISAAC JAQUES.	} DEED. — Dated 30th Mar., 1833. Ack. 1st April, 1833. Rec. 21st Nov., 1833. 304 Conveyances, 312. Consideration, \$6,000.
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CONVEYS all those three undivided fourth parts, the whole into four parts to be divided, of the same premises.

ISAAC JAQUES, ROBERT P. BELL, <i>and</i> CHARLOTTE, <i>his wife</i> , <i>to</i> GEORGE W. TYSEN.	} DEED. — Dated 22d Nov., 1833. Ack. 22d Nov., 1833. Rec. 22d Nov., 1833. 306 Conveyances, 222. Consideration, \$5,000.
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CONVEYS all that the one equal undivided moiety or half part of same premises.

JAMES R. MULLANY <i>to</i> EBENEZER L. WILLIAMS.	} DEED. — Dated 18th Nov., 1833. Prov. 21st Nov., 1833. Rec. 21st Nov., 1833. 304 Conveyances, 310. Consideration, \$4,000.
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CONVEYS one equal undivided fourth part or quarter of same premises.

ELIZABETH FURMAN, <i>widow of</i> JOSIAH FURMAN, <i>the Elder</i> . <i>to</i> GEORGE W. TYSEN <i>and</i> EBEN- EZER L. WILLIAMS.	} DEED. — Dated 4th Dec., 1833. Ack. 4th Dec., 1833. Rec. 16th Dec., 1833. 305 Conveyances, 365. Consideration, \$5.00.
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CONVEYS all the right, estate, title and interest which she, the said party of the second part, ever had or now hath of, in and to the same premises.

Copied from maps in Case Number 245 N.Y. District Office

47th ST.

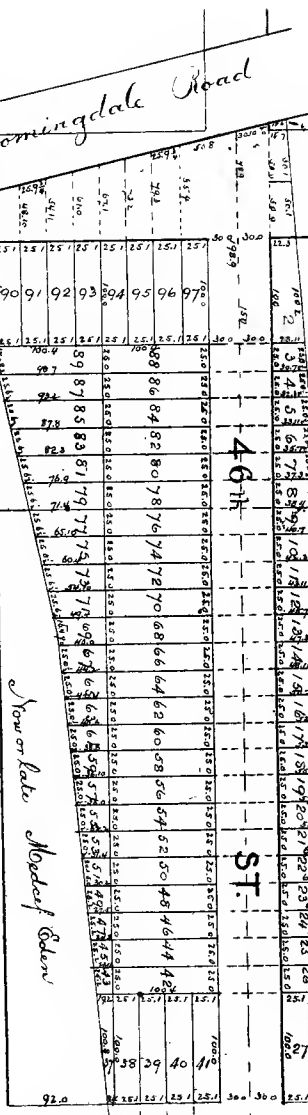
AVE.

MAP OF PROPERTY IN THE TWELFTH WARD OF THE CITY OF NEW YORK
BELONGING TO
GEORGE W. TYSEN AND EBENEZER L. WILLIAMS

Now or late William S. Row

46th

ST.



45th

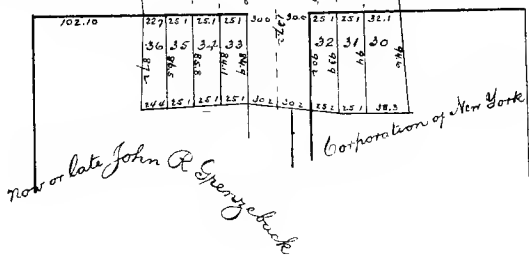
ST.

Now or late
Johannsen

Now or late
Medorf Cohen

SIXTH

AVE.



Now or late John R. Sperry & Co.

Corporation of New York

THE WILLIAM L. ROSE TRACT.

This is part of a tract of land which at an early period was vested in Alexander Fink, Senior, and Alexander Fink, Junior. There is no deed on record to either of them. For remarks on the title to this tract prior to their ownership, see abstract of Tysen and Williams tract, ante pages 63 to 67.

ALEXANDER FINK, SENIOR, <i>and</i> MARY, <i>his wife</i> ; ALEXAN- DER FINK, JUNIOR, <i>and</i> ELIZA- BETH, <i>his wife</i> , <i>to</i> THEODORUS BAILEY <i>and</i> JAMES CHEETHAM.	} DEED. — Dated 25th April, 1806. Ack. 30th April, 1806. Rec. 31st May, 1806. 72 Conveyances, 375. Cons. \$8,882.80.
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CONVEYS all that certain tract, piece or parcel of land situate, lying and being in the Ninth Ward of the said City of New York at Bloomingdale, bounded as follows, to wit: Beginning on the Easterly side of the Bloomingdale Road at the Northerly corner of land of Charles Smith, running thence along the same South sixty-one degrees forty-five minutes East sixteen chains and seventy-seven links to land of Doctor Hosack; thence along the same North thirty-four degrees forty-five minutes East

three chains and three links to land formerly belonging to Jacob Mott; thence along the same North fifty-four degrees fifteen minutes West eighteen chains, fifteen links to the said Bloomingdale Road; thence along the said road South eighteen degrees West five chains and thirty-two links to the place of beginning. Containing seven acres and seventeen perches of land.

DEED.

THEODORUS BAILEY *and* RE-
BECCA, *his wife*,
to
JAMES CHEETHAM.

Dated 1st May, 1806.
Ack. 4th Aug. 1806.
Rec. 17th Oct. 1806.
73 Conveyances, 355.
Consideration, \$5.00.

CONVEYS all the undivided moiety or equal half, part of all that that certain lot of land situate, lying and being in the Ninth Ward of the City of New York aforesaid, at Bloomingdale, being parcel of a lot of land lately conveyed to the said Theodorus Bailey and James Cheetham by Alexander Fink and Alexander Fink, Junior, and their wives respectively, bounded as follows, to wit: Beginning on the Easterly side of the Bloomingdale Road in a corner of the said Theodorus Bailey's lot, running thence along the same South fifty-nine degrees East sixteen chains and eighty-six links; thence North thirty-four degrees forty-five minutes East one chain and one link; thence North seventy-four degrees and fifteen minutes West seventeen chains and thirty-two links to the Bloomingdale Road aforesaid; and thence along the same South eighteen degrees West one chain and seventy-seven links and a third of a link to the place of beginning. Containing two acres one-quarter and nineteen perches, be the same more or less, as the same is delineated and described in the map or platt hereunto annexed.

DEED.

JAMES CHEETHAM <i>and</i> RACHEL, <i>his wife,</i> <i>to</i> JOHN CHEETHAM.	}	Dated 3d Feb. 1808. Ack. 3d Feb. 1808. Rec. 10th Feb. 1808. 79 Conveyances, 280. Consideration, \$3,500.
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CONVEYS the undivided moiety or half part of same premises.

DEED.

JOHN CHEETHAM <i>and</i> PHEBE, <i>his wife,</i> <i>to</i> JAMES CHEETHAM.	}	Dated 13th April, 1808. Ack. 13th April, 1808. Rec. 14th April, 1808. 80 Conveyances, 33. Consideration, \$3,500.
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CONVEYS the undivided moiety or half part of the same premises.

DEED.

JAMES CHEETHAM <i>and</i> RACHEL, <i>his wife,</i> <i>to</i> WILLIAM L. ROSE.	}	Dated 1st May, 1810. Ack. 16th Aug., 1810. Rec. 10th May, 1836. 353 Conveyances, 515. Consideration, \$3,500.
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CONVEYS all the same premises.

DEED.

JAMES CHEETHAM <i>and</i> RACHEL, <i>his wife,</i> <i>to</i> THEODORUS BAILEY.	}	Dated 1st May, 1806. Not recorded, but re- cited in the following deed.
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CONVEYS all that certain lot of land situate, lying and being in the Ninth Ward of the said City of New York at Blooming-

dale, being parcel of a lot of land lately conveyed to James Cheetham and the said Theodorus Bailey by Alexander Fink and Alexander Fink, Junior, and their wives respectively. bounded as follows, to wit: Beginning on the Easterly side of the Bloomingdale Road in a corner of a lot of land in the occupation of Charles Smyth, running thence along the same South sixty-one degrees and forty-five minutes East sixteen chains and seventy-seven links; thence North thirty-four degrees and forty-five minutes East one chain and one link; thence North fifty-nine degrees West sixteen chains and eighty-six links to the Bloomingdale Road aforesaid; and thence along the said road South eighteen degrees West one chain and seventy-seven links and a third of a link to the place of beginning. Containing two acres, one-quarter of an acre and seven perches, be the same more or less.

DEED.

THEODORUS BAILEY <i>and</i> MAR- THA, <i>his wife</i> , <i>to</i> WILLIAM L. ROSE.	}	Dated 1st May, 1810. Ack. 1st June, 1810. Rec. 10th May, 1836. 353 Conveyances, 512. Consideration, \$2,000.
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CONVEYS same premises.

WILLIAM L. ROSE <i>and</i> CHAR- LOTTE CLARA, <i>his wife</i> , <i>to</i> JOHN BACON, <i>Administrator</i> , <i>and</i> LETTES GRAYSON, <i>Admin-</i> <i>istratrix of JOHN GRAYSON,</i> <i>deceased.</i>	}	MORTGAGE. ——— To secure \$3,000. Dated 21st May, 1814. Ack. 21st May, 1814. Reg. 23d May, 1814. 31 Morts., 321.
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COVERS the two pieces vested in William L. Rose in the two deeds to him set forth.

WILLIAM L. ROSE *and* CHAR-
 LOTTE CLARA, *his wife*,
to
 JOHN BACON, *Administrator*,
and LETTES GRAYSON, *Admin-
 istratrix of JOHN GRAYSON,*
deceased.

MORTGAGE.

To secure \$1,000.
 Dated 27th May, 1814.
 Ack. 27th May, 1814.
 Rec. 30th May, 1814.
 31 Morts., 391.

COVERS same premises.

IN CHANCERY.

Before the Chancellor.

JOHN BACON, *Administrator*,
and LETTES GRAYSON, *Ad-
 ministratrix of JOHN GRAYSON,*
deceased.

vs.

WILLIAM L. ROSE *and* CHAR-
 LOTTE CLARA, *his wife*, *and*
 THOMAS R. SMITH.

- 1815—Feb. 4. Bill filed to foreclose above mortgages.
 March 6. Answer of defendants Rose and wife.
 April 6. Answer of defendant Smith.
 June 16. Order of reference to compute, etc.
 June 24. Master's report filed.
 June 24. Decree of foreclosure and sale.
 Oct. 14. Report of sale filed.
 Oct. 16. Decree enrolled.

DEED.

THOMAS BOLTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> LETTES GRAYSON.	}	Dated 30th Sept. 1815. Ack. 9th Oct., 1815. Rec. 12th Oct. 1815. 111 Conveyances, 311. Consideration, \$2,500.
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CONVEYS all said mortgaged premises.

This property, though taken in the individual name of Lettes Grayson, was considered to be held by her as part of the estate of John Grayson. John Bacon, her co-administrator, died in July, 1818.

John Grayson had died intestate in the City of New York in June, 1812, leaving him surviving his widow, Lettice Grayson, and the following heirs at law, viz.: Elizabeth Ann Grayson, Martha Grayson and a posthumous child called John Grayson, who was born November 30, 1812, and who died August 15, 1814.

Elizabeth Ann Grayson intermarried with Charles Mowatt on 3d May, 1824.

Martha Grayson intermarried with John E. Mowatt on 21st February, 1824. He died in January, 1829.

Letitia Grayson, widow of John Grayson, intermarried with Francis Graham on 16th April, 1830.

CHARLES MOWATT, <i>of 1st part,</i> ELIZABETH ANN GRAYSON, <i>of 2d part,</i> LETTICE GRAYSON, <i>of 3d part.</i>	}	ANTE-NUPTIAL SETTLEMENT. —. Dated 10th Mar., 1826. Proved 24th Aug., 1826. Rec. 24th Aug., 1826. 208 Conveyances, 242. Consideration, \$1.
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RECITES that a marriage is shortly to be solemnized between Elizabeth Ann Grayson and Charles Mowatt, and the said

Elizabeth Ann Grayson conveys to Lettice Grayson, with consent of Charles Mowatt, all her estate both real and personal, in trust to permit the said Ann Elizabeth to manage, lease, sell and convey the same as if she were a feme sole; and to convey the residue of the property undisposed of by her as she may by writing appoint, and in default of such appointment, to convey to her issue. If she leaves no issue, then to convey to her husband in fee, but if she survive her husband, then to her in fee.

DEED.

FRANCIS GRAHAM <i>and</i> LETTICE GRAHAM, <i>his wife</i> , <i>to</i> JAMES G. HAVILAND.	}	Dated 15th Dec., 1835. Ack. 15th Dec., 1835. Rec. 1st April, 1836. 351 Conveyances, 254. Consideration, \$1.
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RECITES previous ante-nuptial settlement, and that Lettice Graham, the trustee therein named had been discharged by the Court of Chancery by the decree in the following suit, and that James G. Haviland had been appointed trustee in her place.

CONVEYS all the real estate of which she is seised, or to which she may claim any right or title by virtue of the said ante-nuptial settlement, to hold on the trusts therein specified.

JOHN EDGAR MOWATT, <i>of 1st part</i> , MARTHA GRAYSON, <i>of 2d part</i> , JAMES MOWATT, <i>of 3d part</i> .	}	ANTE-NUPTIAL SETTLEMENT. Dated 17th Feb., 1824. Ack. 9th Nov., 1826. Rec. 10th Nov., 1826. 211 Conveyances, 114. Consideration, \$1.
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RECITES that a marriage is shortly to be solemnized between John Edgar Mowatt and Martha Grayson, and the said Martha

Grayson conveys to James Mowatt, with the consent of John Edgar Mowatt, all her estate real and personal, to hold on a trust similar in terms to those contained in the previous settlement of Elizabeth Ann Grayson.

IN CHANCERY.

Before Vice Chancellor.

MARTHA MOWATT, CHARLES
MOWATT *and* ELIZABETH
ANN, *his wife,*

vs.

FRANCIS GRAHAM *and* LETTICE,
his wife, and JAMES MOWATT.

- 1830—April 26. Bill filed for discovery and accounting.
 June 28. Answer of Francis Graham and wife filed.
 Dec. 20. Further answer of same filed.
 Dec. 29. Replication to answer filed.
 Aug. 30. Order pro confesso *vs.* James Mowatt on his consent.
- 1833—Sept. 9. Order of reference to Benjamin Clark to state account of real and personal estate of John Grayson, deceased, and discharging Lettice Graham as trustee for Elizabeth Ann Grayson, under ante-nuptial settlement above set forth.

IN CHANCERY.

Before Vice Chancellor.

FRANCIS GRAHAM *and* LETITIA,
his wife,

vs.

MARTHA MOWATT, CHARLES
 MOWATT *and* ELIZABETH
 ANN, *his wife, and* JAMES
 MOWATT.

- 1832—May 24. Cross bill filed for assignment of dower.
 July 21. Answer of Martha Mowatt and Charles Mowatt and wife filed.
 Oct. 8. Order pro confesso against James Mowatt on default of an answer.
- 1835—July 28. Decree entered in both suits, sets forth that parties have agreed upon compromise of the matters in difference between them and directs sale of all real estate, etc., at auction, describing tract in question as “certain blocks, pieces or parcels of ground situate at Bloomingdale in the Twelfth Ward of the City of New York, containing four acres and one-half an acre and twenty-six perches of land, more or less.” Decree signed by all parties, their solicitors and counsel.
- 1835—Dec. 15. Master’s report of sale filed.
 Dec. 12. Decree enrolled.

Master reports sale of lots 1 to 7 on map to James L. Graham; lots 8 to 11 on said map to same; 12 to 14 to same; 15 to 20 to same; 21 to 26 to same; 27 to 32 to Elijah H. Kimball; 33 to 38 to same; 39 to 44 to same; 45 to 50 to same; 51 to 56 to same; 57 to 62 to Stephen Reed; 63 to 65 to Elijah H. Kimball; 66, 67 to same; 68, 69 to same; 70 to 72 to same.

Reed

187	186	185	184	183	182	181	180
1349	1475	1556	1599	166	176.4	183.5	187

Hemmingdale

307	306	305	304	303	302	301	300
221	220	219	218	217	216	215	214
254	253	252	251	250	249	248	247

SEVENTH AVE.

FORTY NINTH ST.

MAP SHOWING THE DIVISION OF THE ESTATE OF THOMAS ADDIS EMMET.

824	823	822	821	820	819	818	817	816	815	814	813	812	811	810	809	808	807	806	805	804	803	802	801	800	799	798	797	796	795	794	793	792	791	790	789	788	787	786	785	784	783	782	781	780	779	778	777	776	775	774	773	772	771	770	769	768	767	766	765	764	763	762	761	760	759	758	757	756	755	754	753	752	751	750	749	748	747	746	745	744	743	742	741	740	739	738	737	736	735	734	733	732	731	730	729	728	727	726	725	724	723	722	721	720	719	718	717	716	715	714	713	712	711	710	709	708	707	706	705	704	703	702	701	700	699	698	697	696	695	694	693	692	691	690	689	688	687	686	685	684	683	682	681	680	679	678	677	676	675	674	673	672	671	670	669	668	667	666	665	664	663	662	661	660	659	658	657	656	655	654	653	652	651	650	649	648	647	646	645	644	643	642	641	640	639	638	637	636	635	634	633	632	631	630	629	628	627	626	625	624	623	622	621	620	619	618	617	616	615	614	613	612	611	610	609	608	607	606	605	604	603	602	601	600	599	598	597	596	595	594	593	592	591	590	589	588	587	586	585	584	583	582	581	580	579	578	577	576	575	574	573	572	571	570	569	568	567	566	565	564	563	562	561	560	559	558	557	556	555	554	553	552	551	550	549	548	547	546	545	544	543	542	541	540	539	538	537	536	535	534	533	532	531	530	529	528	527	526	525	524	523	522	521	520	519	518	517	516	515	514	513	512	511	510	509	508	507	506	505	504	503	502	501	500	499	498	497	496	495	494	493	492	491	490	489	488	487	486	485	484	483	482	481	480	479	478	477	476	475	474	473	472	471	470	469	468	467	466	465	464	463	462	461	460	459	458	457	456	455	454	453	452	451	450	449	448	447	446	445	444	443	442	441	440	439	438	437	436	435	434	433	432	431	430	429	428	427	426	425	424	423	422	421	420	419	418	417	416	415	414	413	412	411	410	409	408	407	406	405	404	403	402	401	400	399	398	397	396	395	394	393	392	391	390	389	388	387	386	385	384	383	382	381	380	379	378	377	376	375	374	373	372	371	370	369	368	367	366	365	364	363	362	361	360	359	358	357	356	355	354	353	352	351	350	349	348	347	346	345	344	343	342	341	340	339	338	337	336	335	334	333	332	331	330	329	328	327	326	325	324	323	322	321	320	319	318	317	316	315	314	313	312	311	310	309	308	307	306	305	304	303	302	301	300	299	298	297	296	295	294	293	292	291	290	289	288	287	286	285	284	283	282	281	280	279	278	277	276	275	274	273	272	271	270	269	268	267	266	265	264	263	262	261	260	259	258	257	256	255	254	253	252	251	250	249	248	247	246	245	244	243	242	241	240	239	238	237	236	235	234	233	232	231	230	229	228	227	226	225	224	223	222	221	220	219	218	217	216	215	214	213	212	211	210	209	208	207	206	205	204	203	202	201	200	199	198	197	196	195	194	193	192	191	190	189	188	187	186	185	184	183	182	181	180	179	178	177	176	175	174	173	172	171	170	169	168	167	166	165	164	163	162	161	160	159	158	157	156	155	154	153	152	151	150	149	148	147	146	145	144	143	142	141	140	139	138	137	136	135	134	133	132	131	130	129	128	127	126	125	124	123	122	121	120	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	102	101	100	99	98	97	96	95	94	93	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	76	75	74	73	72	71	70	69	68	67	66	65	64	63	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
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FORTY EIGHTH ST.

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FORTY SEVENTH ST.

SIXTH AVE.

124	123	122	121	120	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	102	101	100	99	98	97	96	95	94	93	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	76	75	74	73	72	71	70	69	68	67	66	65	64	63	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
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Copied from map in base number 114 St. V. Register's Office

-- w nereas there is a certain parcell of land lying and being upon this Island Mannhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen."

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

THE THOMAS ADDIS EMMET TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	} PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERTS.</p>	}	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

<p style="text-align: center;">JAN VIGNE <i>to</i> JACOB CORNELISSE.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Not recorded, but re- cited in the following deed to JOSEPH HAYNES.</p>
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CONVEYS all that a certain part or parcel of land, situate lying and being at the Great Kill and laid out for an equal fifth part of a patent formerly granted to Johannes Van Brugge, Thomas Hall, Jan Vignie, Egbert Wouters and Jacob Leanders, bounded on the South by the land of Johannes Van Brugg, on the North by the land of Aaron Webbers, by Hudsons River on the West, and by the Commons of the City of New York on the East.

JACOB CORNELISSE <i>to</i> WOLFERT WEBBERS.	} DEED. <hr style="width: 20%; margin: 0 auto;"/> Not recorded, but re- cited in the following deed.
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CONVEYS same premises.

Wolfert Webbers died seised of this tract, and his heirs conveyed as follows :

ARNOUT WEBBERS <i>and</i> SARAH <i>his wife</i> ; JACOB WEBBERS <i>and</i> MARGARET, <i>his wife</i> ; FREDERICK WEBBERS <i>and</i> LENA, <i>his wife</i> ; CORNELIUS WEBBERS <i>and</i> JANNATIE, <i>his</i> <i>wife</i> ; ARIANTE VAN ARDEN (<i>late</i> ARIANTE WEBBERS), AL- TIE SOMERDICKE (<i>late</i> ALTIE WEBBERS), <i>and</i> MARGARET WEBBERS, <i>daughter and heir</i> <i>of</i> JOHN WEBBERS. <i>to</i> JOSEPH HAYNES.	} DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 6th Oct., 1759. Ack. 6th Oct., 1759. Rec. 14th Oct., 1784. 42 Conveyances, 27. Consideration, £1,500.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> JOSEPH HAYNES.	} Dated 17th July, 1762. Proved 9th May, 1763. 24 Wills, 22.
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Item: I do give and devise all my estate both real and personal unto my beloved wife Jane Haynes, to receive the rents,

issues and profits thereof during her natural life, to her own use and behoof; and at her decease I do give, devise and bequeath the one full and equal moyty or half part of all my estate both real and personal unto my two nieces Charlotte and Elizabeth Haynes, their heirs and assigns forever, equally to be divided between them, share and share alike, but in case either of my said two nieces should happen to die during the lifetime of my wife, then I do give and devise the share and part of her so dying to the survivor of my said two nieces, and to her heirs and assigns forever. And the other full and equal moyety or half part of all my estate both real and personal, at and immediately after my said wife's decease, I do give, devise and bequeath unto such of her sisters as shall be living at the time of her death, and to their heirs and assigns forever, equally to be divided between them, share and share alike.

By codicil dated 9th March, 1763, he provides that Ann Sevon may live with his wife during her widowhood, and in case his wife remarries, he gives said Ann Sevon an annuity of £100, to be void when she marries or moves out of province.

Jane Haynes died about 1768, leaving four sisters her surviving, viz., Anne, wife of Daniel Horsmander; Elizabeth Sevon, Mary Sevon, and Catharine Sevon.

The devisees of Joseph Haynes conveyed a piece of land on the West side of the Bloomingdale Road, opposite the tract in question, to John Reis (see Liber 42 Conveyances, page 49), which deed recited that the piece vested in Joseph Haynes was divided into three lots, one fronting on the Hudson River, and the other two fronting on the Bloomingdale Road, and both lying on the Westerly side thereof. Now the distances in the deed to Joseph Haynes (42 Conveyances, 27), would extend far enough East of the Bloomingdale Road to embrace the tract in question. Thus, apparently, Joseph Haynes did not go into possession of all the tract described in the deed to him,

but only of the portion lying West of the Bloomingdale Road. At any rate, some of the descendants of Woolfert Webbers, the grantors of Haynes, seemed to have owned or claimed the lands East of the Bloomingdale Road. Medcef Eden also appears to have claimed some interest in the premises, as he devises to his sons Joseph and Medcef Eden "twenty-one acres of land at Bloomingdale, in possession of Furman, Fink & Mott (see Liber 42 Wills, page 516)." The deed to Medcef Eden is not on record, and the validity and extent of his claim cannot be determined.

The following is the next conveyance of record affecting title to this tract :

DEED.

PETER WEBBERS <i>and</i> CATHA- RINE, <i>his wife,</i> <i>to</i> EBENEZER TURELL.	}	Dated 22d June, 1782. Ack. 1st Feb., 1784. Rec. 25th Nov. 1785. 42 Conveyances, 284. Consideration, £250.
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CONVEYS all that certain tract or parcel of land situate, lying and being in the Outward of the City of New York, on the Easterly side of the highway, containing seven acres and sixty-two rods, that leads from the stone fence (so-called) to Bloomingdale, bounded as follows, viz : beginning at a stake set in the ground with stones laid round it, on the Easterly side of the said highway, between a house formerly owned by Joseph Haynes deceased, and the dwelling house of John Hopper, which stake and stones is in the South bounds of the said Hopper's land, and about half a rod to the Southward of the corner of the fence ; thence running South forty-seven and a half degrees East, by the said Hopper's land seventy-nine rods to a stake and heap of stones in the West bounds of the land belonging to the Corporation of the City of New York ; thence South thirty-four degrees

West, by land of the said corporation, thirteen rods, to a stake and stones; thence North fifty-two degrees West, seventy-three rods to a stake and stones on the East side of the said highway; thence North twenty degrees East twenty rods to the place of beginning.

There is here another break in the chain of conveyances, there being no recorded deed till the following from Joseph Mott. Thus it does not appear whether his title was derived from the grantee of Peter Webbers or from Medcef Eden, who, as shown on preceding page, claimed title thereto.

DEED.

JOSEPH MOTT <i>and</i> LYDIA, <i>his wife,</i> <i>to</i> CHARLES SMYTH.	}	Dated 5th Dec., 1805. Ack. 9th Dec., 1805. Rec. 11th Mar., 1806. 72 Conveyances, 89. Consideration, \$6,000.
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CONVEYS all that certain tract or parcel of land situate, lying and being in the Ninth Ward of the City of New York, on the Easterly side of the highway, containing eight acres, Bounded as follows, to wit: On the North by land now in the possession of Andrew Hopper, on the West by Bloomingdale Road, on the East by land formerly belonging the Corporation of the City of New York, but now in the possession of Doctor David Hosack, and on the South by land now in the possession of Alexander Fink, Junior.

MORTGAGE.

CHARLES SMYTH <i>to</i> JOSEPH MOTT.	}	To Secure \$5,000. Dated 6th Dec. 1805. Ack. 9th Dec., 1805. Reg. 23d Dec., 1805. 15 Morts., 315.
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COVERS same premises.

The Mott piece is colored Green & the Fink piece Red

49th

ST.

LANDS OF
JOSEPH MOTT AND ALEXANDER FINK.

N. 50° W. 19 Chains & 45 links

N. 51° W. 18 Chains & 70 links
A

48th

ST.

S. 52° E. 18 Chains & 27 links
B

S. 51 1/2° E. 18 Chains & 15 links
C

47th

ST.

N. 74° 15' W. 17 Chains & 32 links
D

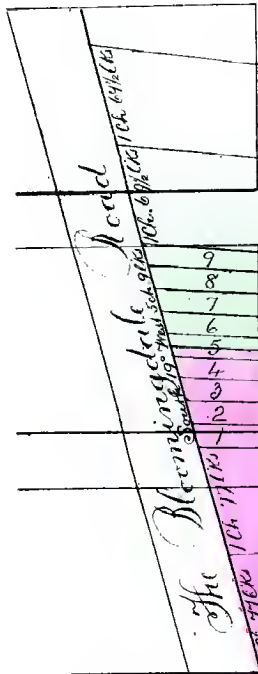
S. 59° E. 16 Chains & 86 links
E

S. 61° 45' E. 16 Chains & 77 links
F

46th

ST.

The large Lots are copied from Maps recorded in Sub 16 Cons p 265 & Sub 73 p 337



AVE

AVE

7th

6th

ASSIGNMENT.

JOSEPH MOTT <i>to</i> CHARLES WHITE, JR.	}	Dated 16th Aug., 1824. Ack. 17th Aug., 1824. Rec. 6th Jan., 1857. 526 Mortgages, 707. Consideration, \$1,950.
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ASSIGNS the above mortgage.

DECLARATION.

CHARLES WHITE, JR. <i>to</i> THOMAS ADDIS EMMET.	}	Dated 16th Aug., 1824. Ack. 18th Aug., 1824. Rec. 6th Jan., 1857. 526 Morts., 106.
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RECITES that Thomas Addis Emmet is the owner in fee of the premises described in the above mortgage.

DECLARES that the above mortgage has been assigned to him (White, Junior), in trust for such purposes and uses as the said Emmet, his heirs or assigns shall appoint, and to the intent that said mortgage may wait upon and attend the freehold and inheritance of the said Emmet and his heirs and assigns, in order to protect the same from all intervening or mesne conveyances or incumbrances, if any such there be.

The premises conveyed by the previous deed are represented by lots A, B, and C, on the accompanying diagram.

DEED.

CHARLES SMYTH, <i>to</i> JAMES CHEETHAM.	}	Dated 12th Nov., 1806. Ack. 12th Nov. 1806. Rec. 20th Aug., 1808. 81 Conveyances, 83. Consideration, \$——.
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CONVEYS said Lot A, by the following description :

All that certain divided third part marked A in the map hereunto annexed, containing two acres, two roods and twenty-

six and an half perches, of all that certain tract or parcel of land situate, lying and being in the Ninth Ward of the City of New York on the Easterly side of the highway, containing 8 acres, Bounded as follows, to wit: on the North by land now in the possession of Andrew Hopper; on the West by Bloomingdale Road; on the East by land formerly belonging to the Corporation of the City of New York, but now in the possession of David Hosack; and on the South by land now in the possession of Alexander Fink Junior.

DEED.

JAMES CHEETHAM <i>and</i> RACHEL, <i>his wife,</i> <i>to</i> THOMAS ADDIS EMMET.	}	Dated 8th May, 1807. Ack. 8th May, 1807. Rec. 16th May, 1807. 76 Conveyances, 263. Consideration, \$3,665.25
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CONVEYS same premises.

DEED.

CHARLES SMYTH <i>to</i> THOMAS A. EMMET,	}	Dated 9th July, 1806. Ack. 15th May, 1807. Rec. 16th May, 1807. 76 Conveyances, 261. Consideration, \$2,000.
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CONVEYS said Lot B, by the following description :

All that certain divided third part, marked B in the map hereunto annexed, containing two acres, two roods and thirteen and an half perches, of all that certain tract or parcel of land situate, lying and being in the Ninth Ward of the City of New York, on the Easterly side of the Highway, containing eight acres, Bounded as follows, to wit: on the North by land now in the possession of Andrew Hopper; on the West by Bloomingdale Road; on the East by land formerly belonging to the Corporation of the City of New York, but now in the posses-

sion of David Hosack; and on the South by land now in the possession of Alexander Fink, Junior.

Charles Smyth was also vested with Lot C, but the deed to him does not appear to be recorded. Lot D also became vested in Charles Smyth by the following deeds:

For remarks on the title to this piece, prior to Alexander Fink, see title of William L. Rose, ante page 79.

ALEXANDER FINK, SENIOR, *and*
MARY, *his wife*; ALEXANDER
FINK, JUNIOR, *and* ELIZA-
BETH, *his wife*,

to

THEODORUS BAILEY *and* JAMES
CHEETHAM.

DEED.

Dated 25th April, 1806.
Ack. 30th April, 1806.
Rec. 31st May, 1806.
72 Conveyances, 375.
Consideration, \$8,882.80

CONVEYS lots D, E and F by the following description: All that certain tract, piece or parcel of land situate, lying and being in the Ninth Ward of the said City of New York, at Bloomingdale, bounded as follows, to wit: Beginning on the Easterly side of the Bloomingdale Road, at the northerly corner of land of Charles Smith, running thence along the same South sixty-one degrees forty-five minutes, East sixteen chains and seventy-seven links, to land of Doctor Hosack; thence along the same North thirty-four degrees forty-five minutes East three chains and three links to land formerly belonging to Jacob Mott; thence along the same North fifty-four degrees fifteen minutes West eighteen chains fifteen links to the said Bloomingdale Roads; thence along the said Road South eighteen degrees West five chains and thirty-two links to the place of beginning. Containing seven acres and seventeen perches of land.

THEODORUS BAILEY <i>and</i> RE- BECCA, <i>his wife</i> ; JAMES CHEETHAM <i>and</i> RACHEL, <i>his</i> <i>wife,</i> <i>to</i> CHARLES SMYTH.	}	DEED. <hr style="width: 50px; margin: 0 auto;"/> Not recorded.
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CONVEYS lot D. by the following description: All that certain lot of land situate, lying and being in the Ninth Ward of the City of New York aforesaid, at Bloomingdale, being parcel of a lot of land lately conveyed to the said Theodorus Bailey and James Cheetham, by Alexander Fink and Alexander Fink, Junior, and their respective wives, bounded as follows, to wit: Beginning on the Easterly side of Bloomingdale Road in a corner of the said James Cheetham's lot, running thence along the same South seventy-four degrees and fifteen minutes East seventeen Chains and thirty-two links; thence North thirty four degrees and forty five minutes East one chain and one link; thence North fifty-four degrees and fifteen minutes West eighteen chains and fifteen links, to the Bloomingdale Road aforesaid, and thence along the same South eighteen degrees West one chain and seventy-seven links and a third of a link to the place of beginning, containing two acres one quarter and thirty one perches of land, be the same more or less.

MORTGAGE.

CHARLES SMYTH <i>to</i> CHARLES LE ROUX.	}	TO SECURE \$2,000. Dated 22d July, 1808. Proved 5th Aug., 1808. Reg. 6th Aug., 1808. 19 Mortgages, 367.
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COVERS same premises.

Charles Le Roux died, leaving a Will, recorded in New York Surrogate's office, in Liber 49 Wills, page 92, by which he appointed John Doughty, Charles L. Ogden, Thomas L. Ogden, and Lynde Catlin his executors. Letters Testamentary were granted to the first three named. (See Liber 49 Wills, page 97.)

JOHN DOUGHTY, CHARLES L. OGDEN and THOMAS L. OGDEN, <i>Executors of</i> CHARLES LE ROUX, <i>to</i> MARY STEWART, <i>Administratrix of</i> CHARLES STEWART.	}	ASSIGNMENT. — Dated 25th Jan., 1811. Proved 29th Jan., 1811. Reg. 1st Feb., 1811. 25 Mortgages, 432. Consideration, \$2,000.
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ASSIGNS above mortgage.

MARY STEWART, <i>Administratrix of</i> CHARLES STEWART, <i>to</i> CHARLES WHITE, JR.	}	ASSIGNMENT. — Dated 16th Aug., 1824. Ack. 18th Aug., 1824. Rec. 6th Jan., 1857. 526 Mortgages, 108. Consideration, \$2,000.
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ASSIGNS above mortgage.

CHARLES WHITE, JR. <i>to</i> THOMAS ADDIS EMMET,	}	DECLARATION. — Dated 16th Aug., 1824. Ack. 18th Aug., 1824 Rec. 6th Jan., 1857. 526 Mortgages, 106.
--	---	--

RECITES that Thomas Addis Emmet is the owner in fee of the premises described in above mortgage.

DECLARES that the above mortgage has been assigned to him (White Jr.) in trust for such persons and uses as the said.

Thomas Addis Emmet, his heirs or assigns, shall appoint, and to the intent that said mortgage may wait upon and attend the freehold and inheritance of the said Emmet, and his heirs and assigns, in order to protect the same from all mesne and intervening conveyances and encumbrances, if any such there be.

MORTGAGE.

<p style="text-align: center;">CHARLES SMYTH <i>to</i> MATTHIAS WARD <i>and</i> WILLIAM WARD.</p>	}	<p style="text-align: center;">To secure \$286.22. Dated 5th Aug., 1808. Proved 8th Aug., 1808. Reg. 8th Aug., 1808. 19 Mortgages, 371.</p>
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COVERS same premises.

Charles Smyth being thus seised of large lots C and D, divided the same into nine strips, as shown on diagram ante page 95.

TITLE TO STRIPS 1 AND 2, 3, 4 AND PART OF 5.

<p style="text-align: center;">CHARLES SMYTH <i>and</i> ANN, <i>his</i> <i>wife,</i> <i>to</i> WILLIAM JAMES MCNEVEN.</p>	}	<p style="text-align: center;">DEED. Dated 23d May, 1810. Not recorded, in possession of Richard S. Emmet.</p>
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CONVEYS strips 3 and 4, extending from the Bloomingdale Road to the Albany Avenue and from land now or late in possession of Charles Smyth on the North to the same on the South. Containing one acre more or less.

DEED.

CHARLES SMYTH <i>to</i> WILLIAM JAMES MCNEVIN,	}	Dated 11th Aug., 1808. Ack. 13th Aug., 1808. Rec. 13th Aug., 1808. 81 Conveyances, 43. Consideration, \$2,000.
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CONVEYS all those two certain lots of land situate, lying and being in the Ninth Ward of the City of New York, known and distinguished by lots Numbers 1 and 2 on a certain map made by Charles Loss, City Surveyor, on the fourth day of November in the year of our Lord 1806, and filed in the Clerk's office of the City and County of New York on the 12th day of August, 1808, may appear and bounded as follows, to wit; On the West by the Bloomingdale Road, on the North by land belonging to the said Charles Smyth, on the East by the Easterly side of the Albany Avenue, and on the South by land now or late belonging to James Cheetham, containing one acre, be the same more or less.

DEED.

WILLIAM JAMES MCNEVIN <i>to</i> CHARLES SMYTH.	}	Dated 23d May, 1810. Not recorded, but in possession of Richard S. Emmet.
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RECONVEYS said lots 1 and 2.

Theodorus Bailey recovered a judgment against Charles Smyth in N. Y. Supreme Court on 31st January, 1811, for \$5,000 debt and \$15.23 damages and costs. On 28th March, 1811, Thomas Addis Emmet recovered a judgment against Charles Smyth for \$20,000 debt and \$15.25 damages and costs. Writs of *feri facias* were issued under said judgments on 16th May, 1812.

DEED.

BENJAMIN FERRIS, <i>Sheriff</i> , <i>to</i> THOMAS ADDIS EMMET <i>and</i> WILLIAM JAMES MCNEVEN.	}	Dated 23d March, 1813. Ack. 27th March, 1813. Rec. 27th March, 1813. 102 Conveyances, 34. Consideration, \$32.
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RECITES said judgments and writs, and sale of the premises, and conveys all the estate, right, title, interest, property, claim and demand whatsoever whereof he, the said Charles Smyth, on the said 31st day of January, and on the said twenty-eighth day of March, in the year one thousand eight hundred and eleven, or at any time afterwards had or was seised or possessed of, in and to all that certain lot, piece or parcel of land situate, lying and being in the Ninth Ward of the City of New York on the Easterly side of the Bloomingdale Road between the four and five mile stones, butted and bounded as follows, viz: Westerly by the Bloomingdale Road aforesaid, Northerly by land now or late belonging to Jacob Mott, Easterly by land called the Botanic Garden, lately belonging to Doctor Hossack and now to the people of the State of New York, and Southerly by land now or late of William L. Rose, Esquire, containing three and one-quarter acres, be the same more or less.

The premises described in the above deed being bounded on the North by land of Jacob Mott, would be represented by lot D, being strips 1, 2, 3, 4 and part of 5. The number of acres given, however is three and one-quarter, instead of two and a half. The dimensions given would be nearly sufficient to include strips 6 and 7 and the residue of lot 5, as it was probably intended to do.

DEED.

WILLIAM JAMES MCNEVEN, <i>to</i> THOMAS ADDIS EMMET.	}	Dated — — 18—. Ack. 5th Feb., 1818. Rec. 6th Feb., 1818. 126 Conveyances, 69. Consideration, \$300.
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CONVEYS all interest in same premises.

TITLE TO STRIPS 8 AND 9.

DEED.

CHARLES SMYTH <i>to</i> THOMAS ADDIS EMMET.	}	Dated 30th June, 1807. Prov. 30th June, 1807. Rec. 1st July, 1807. 77 Conveyances, 4. Consideration, \$2,000.
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CONVEYS all those two certain lots of land situate, lying and being in the Ninth Ward of the City of New York on the East side of the highway, known and distinguished in a certain map made by Charles Loss and bearing date the fourth day of November, in the year of our Lord one thousand eight hundred and six, by lots Numbers 8 and 9 and bounded as follows, to wit: On the North by land now in the possession of Thomas Addis Emmet, Esquire, on the East by land now in the possession of David Hosack, on the South by land now in the possession of William Adamson, and on the West by Broadway or Bloomingdale Road, which said lot No. 8 contains two rods, two perches and two hundred and seventy-six square links; and said lot No. 9 also contains two rods, two perches and five hundred ninety-eight square links.

Thomas Addis Emmet mortgaged all of lots A, B, C and D on map ante page 95, though the title to strips 6 and 7 and part of 5 do not appear to have been vested in him. The title to these strips will be further considered post page 112.

MORTGAGE.

<p style="text-align: center;">THOMAS ADDIS EMMET <i>and</i> JANE, <i>his wife</i>, <i>to</i> CHARLES RACEY.</p>	}	<p>To secure \$4,500. Dated 16th Aug. 1824. Ack. 16th Aug., 1824. Rec. 17th Jan., 1825. 75 Morts., 320.</p>
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COVERS all that certain lot, piece or parcel of land situate, lying and being in the Ninth Ward of the City of New York on the Easterly side of the Bloomingdale Road between the three and four mile stones, butted and bounded as follows, viz: On the West by the said Bloomingdale Road and running along said road Northerly six chains, eighty-six links and one-third of a link; on the North by land now or late belonging to Andrew Hopper and running along said Hopper's land Easterly nineteen chains and forty-five links to land known as the Botanic Garden, East by the said Botanic Garden and running Southerly along said Botanic Garden four chains and thirty-five links; South by land now or late belonging to the Widow Grayson, and running along said land Westerly seventeen chains and thirty-two links to the place of beginning, containing ten acres and thirty-one perches, be the same more or less.

Charles Racey died intestate on 2d September, 1826, and letters of administration were issued by the Surrogate of Rich-

mond County to Eliza Racey, his widow, and after her decease to William H. Racey in September, 1850.

It is set up in the bill in the following suit that the said Eliza Racey having paid and settled with all the children of the said Charles Racey as to their share of their father's estate, became entitled to the above bond and mortgage as her sole individual property.

The said Eliza Racey died on 9th December, 1848, leaving a will by which she appointed Charles E. Racey and William H. Racey her executors. This will was proved in Richmond County on 24th March, 1849, and letters testamentary were there granted to said executors.

Thomas Addis Emmet died intestate on 11th November, 1827, leaving him surviving Jane Emmet, his widow, who died on 20th November, 1846, and

1. Robert Emmet.
2. Margaret Emmet.
3. Elizabeth Le Roy, wife of William H. Le Roy.
4. John P. Emmet.
5. Jane E. McEvers.
6. Mary Ann Graves, wife of Edward B. Graves.
7. Thomas Addis Emmet.
8. William C. Emmet,
his only children and heirs at law.

The said John P. Emmet died intestate on 13th August, 1842, leaving him surviving Mary B. Emmet, his widow, and Thomas Addis Emmet, Junior, and Jane Emmet his only heirs at law.

JANE EMMET, *widow of* THOMAS
 ADDIS EMMET, ROBERT EM-
 MET *and* ROSINA, *his wife* ;
 MARGARET EMMET, WILLIAM
 H. LE ROY *and* ELIZABETH,
his wife ; JOHN P. EMMET,
and MARY B., *his wife* ;
 THOMAS ADDIS EMMET, *and*
 ANNA R., *his wife* ; BACHE
 MCEVERS *and* JANE E., *his*
wife ; EDWARD A. B. GRAVES
and MARY ANN, *his wife* ;
 WILLIAM C. EMMET *and*
 LAURA M., *his wife*,

to

ANTHONY LISPENARD ROBERT-
 SON.

DEED.

Dated 13th June, 1839.
 Ack. 17th & 20th June,
 1839.
 Rec. 9th July, 1839.
 401 Conveyances, 20.
 Rec. 26 June, 1869.
 1108 Conveyances, 431.
 Consideration, \$5.

CONVEYS lots 9 to 125, both inclusive, on map at head of the
 abstract, ante page 89.

DEED.

ANTHONY LISPENARD ROBERT-
 SON,
to
 THOMAS ADDIS EMMET.

Dated 9th July, 1839.
 Ack. 9th July, 1839.
 Rec. 9th July, 1839.
 401 Conveyances, 25.
 Consideration, \$5.

CONVEYS lots 28 to 31, and 87 to 91 on said map.

DEED.

ANTHONY LISPENARD ROBERT-
 SON,
to
 WILLIAM C. EMMET.

Dated 9th July, 1839.
 Ack. 9th July, 1839.
 Rec. 31st Aug., 1839.
 398 Conveyances, 459.
 Consideration, \$5.

CONVEYS lots 47 to 52, 75 to 80 on said map.

DEED.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> MARGARET EMMET.	}	Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 31st Aug., 1839. 398 Conveyances, 461. Consideration, \$5.
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CONVEYS lots 58 to 63, 68 and 69.

DEED.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> MARY ANNE GRAVES, <i>wife of</i> EDWARD A. B. GRAVES.	}	Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 31st Aug., 1839. 398 Conveyances, 462. Consideration, \$5.
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CONVEYS lots 41 to 46, 81 to 86 on said map.

DEED.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> ELIZABETH LE ROY, <i>wife of</i> WILLIAM H. LE ROY.	}	Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 31st Aug., 1839. 398 Conveyances, 464. Consideration, \$5.
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CONVEYS lots 19 to 27, 92 to 116, and 125 on said map.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> JANE E. MCEVERS, <i>wife of</i> BACHE MCEVERS.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 31st Aug., 1839. 398 Conveyances, 466. Consideration, \$5.
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CONVEYS lots 117 to 124, 15 to 18 on said map.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> ROBERT EMMET.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 8th Oct., 1839. 400 Conveyances, 422. Consideration, \$5.
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CONVEYS lots 32 to 40 on said map.

ANTHONY LISPENARD ROBERT- SON, <i>to</i> JOHN P. EMMET.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 9th July, 1839. Ack. 9th July, 1839. Rec. 8th Oct., 1839. 400 Conveyances, 423. Consideration, \$5.
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CONVEYS lots 9 to 14, 64 to 67, 53 to 57, 70 to 74 on said map.

WILLIAM H. LE ROY <i>and</i> ELIZABETH, <i>his wife</i> , <i>to</i> THOMAS ADDIS EMMET.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 4th Nov., 1844. Ack. 6th Nov., 1844. Rec. 22d Nov., 1844. 452 Conveyances, 474. Consideration, \$13,500.
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CONVEYS lots 19 to 27, 92 to 116 and 125.

On 2d February, 1842, Thomas Addis Emmet recovered a judgment against William H. Le Roy in the Court of Common Pleas.

DEED.

MONMOUTH B. HART, <i>late</i> <i>Sheriff,</i> <i>to</i> THOMAS ADDIS EMMET.	}	Dated 8th Jan., 1845. Prov. 12th Feb., 1845. Rec. 17th Feb., 1845. 457 Conveyances, 210. Consideration, \$9.
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CONVEYS all interest which William H. Le Roy had on 2d February, 1842, in lots described in previous deed.

RELEASE.

ELIZA RACEY, <i>widow and Ad-</i> <i>ministratrix of</i> CHARLES RACEY, <i>to</i> THOMAS ADDIS EMMET.	}	Dated 31st Jan., 1846. Ack. 21st Mar., 1846. Rec. 21st Mar., 1846. 477 Conveyances, 49. Consideration, \$1.
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RELEASES from the lien of the previous mortgage lots 23 to 27, 92 to 100, 102 to 116, 125, on the map showing the division of the estate of Thomas Addis Emmet, deceased, which lots taken together form a triangle bounded as follows: Beginning at a corner formed by the intersection of the Northerly line of Forty-eighth Street with the Easterly side of Seventh Avenue; running thence Northerly along the Easterly side of Seventh Avenue one hundred and twenty-one feet four inches; thence on a diagonal line across said block in a Southeast direction ninety-two (?) feet nine inches to a point on the Northerly side of Forty-eighth Street distant thirteen feet seven inches from the Northeast corner of Sixth Avenue and Forty-eighth Street; thence Westerly along the Northerly side of Forty-eighth Street aforesaid nine hundred and fifteen feet to the place of beginning.

N. Y. SUPREME COURT.

WILLIAM H. RACEY, *Administrator of the Goods, Chattels and Credits yet Unadministered of CHARLES RACEY, deceased, and CHARLES E. RACEY and the said WILLIAM H. RACEY, Executors of the Last Will and Testament of ELIZA RACEY, deceased,*

vs.

ROBERT EMMET, MARGARET EMMET, WILLIAM H. LE ROY and ELIZABETH, *his wife*; JANE E. MCEVERS, THOMAS ADDIS EMMET and ANNA R., *his wife*; WILLIAM C. EMMET and LAURA M., *his wife*; MARY B. EMMET, JANE EMMET and THOMAS ADDIS EMMET, JUNIOR; EDWARD B. GRAVES and MARY ANN, *his wife*; GRACE P. HUBLEY and THOMAS F. POTTER.

- 1852—March 12. Complaint filed to foreclose. 75 Morts., page 320.
- Aug. 31. Richard S. Emmet appointed guardian *ad litem* for Jane Emmet, an infant over 14 years, on her petition.
- Oct. 7. Answer of said infant filed.
All the other defendants appear by Richard S. Emmet.
- Oct. 16. Order of reference to Philo T. Ruggles.

1852—Oct. 30. Master's report filed.

Oct. 30 Judgment of foreclosure and sale entered on
due notice to defendants' attorney.

1856—Sept. 10. Report of sale filed.

The judgment excepts from the premises directed to be sold "all that part of said premises lying and being to the North of the Southerly line of Forty-eighth Street, between the Fifth and Seventh Avenues."

The Master reports sale of lots 29 to 33, 72 to 76, to James Quackenbush, lot 25 to Joseph S. Hanson, lot 14 to Abraham Mead and Daniel Knight, lots 1 to 6, 12, 13, 15 to 20, to Edward J. King and Sylvester Brush; lots 86 to 89 to James Eagan, lots 40 and 41 to Gilbert J. Bogart, 77, 79, 80 to Thomas T. Ferris, 81 to 84 to Theodore Pugsley, Jr., lots 90 and 91 to Rufus S. King, lots 42 to 45 to E. K. Adams, lots 85 and 92 to John G. Flammer, lot 22 to William Lalor, lots 53 and 78 to John D. Phillips and Samuel Cohen, lots 62 to 65 to Aaron Jacobs, lots 46 and 47 to Oliver Charlock, lot 11 to Cornelius and Alexander C. Poillon, lots 54 to 61 to William C. Wetmore and Richard H. Bowne, lots 23 and 24 to Jonathan Odell, and lots 27 and 28 to Alexander Stewart.

We will now go back and consider the title to strips 6, 7 and part of 5, which were not vested in Thomas Addis Emmet at the time of making the mortgage foreclosed in the above action.

TITLE TO SLIPS 6 AND 7 AND PART OF 5.

CHARLES SMYTH

to

WILLIAM ADAMSON.

DEED.

Dated 21st April, 1807.

Not recorded, but

see following mortgage.

CONVEYS all that certain lot of land situate, lying and being in the Ninth Ward of the City of New York, and bounded as

follows, to wit: on the North by land now in the possession of Thomas Addis Emmet, esquire; on the West by Bloomingdale Road, or Broadway; on the South by land now in the possession of the said Charles Smith; and on the East by the Albany Avenue, as the same is described in a map now in the possession of the said Charles Smith, containing one acre, two roods, five perches and one hundred and eighty square links.

MORTGAGE.

WILLIAM ADAMSON <i>to</i> CHARLES SMITH.	}	To Secure \$2,000. Dated 21st April, 1807. Proved 25th June, 1807. Reg. 26th Sept., 1807. 16 Mortgages, 446.
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Covers same premises.

ASSIGNMENT.

CHARLES SMITH <i>to</i> MARY ROBSON.	}	Dated 26th Sept., 1807. Ack. 26th Sept., 1807. Reg. 26th Sept., 1807. 16 Morts., 447. Cons., \$2,058.35.
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Assigns above mortgage.

MARY ROBSON <i>to</i> WILLIAM BAKEWELL <i>and</i> BEN- JAMIN R. ROBSON.	}	ASSIGNMENT. Dated 6th Nov., 1812. Not recorded, but re- cited in next deed.
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Assigns said mortgage.

WILLIAM BAKEWELL <i>and</i> BEN- JAMIN R. ROBSON to WILLIAM BAKEWELL <i>and</i> BEN- JAMIN R. ROBSON,)	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 1st Feb., 1815. Ack. 15th June, 1815. Rec. 22 June, 1815. 109 Conveyances, 323. Consideration, \$1,100.
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RECITES above mortgage, its assignments, and that premises had been advertised for sale pursuant to the statute.

CONVEYS same premises.

Last Will and Testament of WILLIAM BAKEWELL.)	Dated 14th Feb., 1849. Proved 8th Sept., 1849, in Kings Co. Surro- gate's office, in Liber 11 Wills, 397.
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I order and direct my executors hereinafter named (or such as may qualify) to sell and dispose of all my real estate in the City and County of New York, or wheresoever the same may be, as soon after my decease as they may deem advantageous, and for that purpose I authorize and empower them to execute and deliver deed or deeds or other instruments in writing, as the law may require, so as to vest the title thereof in the purchaser or purchasers, and upon the sale thereof, after paying the encumbrances on said property, then the proceeds thereof, with such proceeds as may remain of my personal estate, I give, devise and bequeath one third part thereof to my daughter Mary Louisa, the wife of Joseph W. Barker; I also give, devise and bequeath the one other third part thereof to my daughter Eliza Ann, the wife of John V. Cole; I also give, devise and bequeath the other third part thereof to my daughter Emily Augusta Bakewell * * * * Lastly, I nominate, constitute and appoint Joseph W. Barker and John V. Cole, my sons-in-law, executors of this my last Will and Testament.

Letters testamentary were granted to both executors, on 13th September, 1849. (See Liber 2 Letters Testamentary, page 229.)

As the title to strips 6 and 7 and part of 5 were not vested in Thomas Addis Emmet, at the time of making the mortgage foreclosed in suit of Racey *vs.* Emmet, ante page 110, in order to give a good title to the purchasers, Benjamin R. Robson and the Executors of William Bakewell released and quitclaimed to each of the heirs of Thomas Addis Emmet the portion of the mortgaged premises vested in such heir at the time of the foreclosure, and such heir released in turn to the purchaser at the said foreclosure sale.

The following is a list of the conveyances to each heir by said Robson and Bakewell's executors :

DEEDS BY EXECUTORS OF WILLIAM BAKEWELL.

- 627 Conv's, 509, to W. C. Emmet, lots 47 to 52 and 75 to 80.
 511, to Robert Emmet, lots 32 and 40.
 513, to Thomas Addis Emmet, lots 28 to 31, 87 to 91, 19 to 22.
 516, to Thomas Addis Emmet, and Jane Emmet, lots 53 to 57, and 70 to 74.
 518, to Margaret Emmet, lots 58 to 63, 68 and 69.
 520, to Jane E. McEvers, lots 15 to 18.
 522, to Mary Ann Graves, lots 41 to 46, and 81 to 86.

DEEDS BY BENJAMIN R. ROBSON AND WIFE.

- 627 Conv's, 524, to William C. Emmet, lots 47 to 52, 75 to 80.
 525, to Robert Emmet, lots 32 to 40.
 527, to Thomas Addis Emmet, lots 28 to 31, 87 to 91, 19 to 22.
 528, to Thos. A. Emmet and Jane Emmet, lots 53 to 57, 70 to 74.
 529, to Jane McEvers, lots 15 to 18.
 531, to Mary Ann Graves, lots 41 to 46, 81 to 86.
 532, to Margaret Emmet, lots 58 to 63, 68 and 69.

THE ASTOR AND CUTTING TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> to THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	PATENT. Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

<p style="text-align: center;">SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i>. JACOB LEANDERTS.</p>	}	<p style="text-align: center;">PATENT.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Albany. 2 Patents, 111.</p>
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

<p style="text-align: center;">JACOB CORNELISSE <i>to</i> WOLFERT WEBBERS.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Not recorded, but recited in the following deed.</p>
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CONVEYS same premises.

Wolfert Webbers died seised of this tract, and his heirs conveyed as follows :

ARNOUT WEBBERS *and* SARAH
his wife; JACOB WEBBERS
and MARGARET, *his wife*;
 FREDERICK WEBBERS *and*
 LENA, *his wife*; CORNELIUS
 WEBBERS *and* JANNATIE, *his*
wife; ARIANTE VAN ARDEN
 (*late* ARIANTE WEBBERS), AL-
 TIE SOMERDICKE (*late* ALTIE
 WEBBERS), *and* MARGARET
 WEBBERS, *daughter and heir*
of JOHN WEBBERS.

to

JOSEPH HAYNES.

DEED.

Dated 6th Oct., 1759.
 Ack. 6th Oct., 1759.
 Rec. 14th Oct., 1784.
 42 Conveyances, 27.
 Consideration, £1,500.

CONVEYS same premises.

Last Will and Testament
of
 JOSEPH HAYNES.

Dated 17th July, 1762.
 Proved 9th May, 1763.
 24 Wills, 22.

Item: I do give and devise all my estate both real and personal unto my beloved wife Jane Haynes, to receive the rents, issues and profits thereof during her natural life, to her own use and behoof; and at her decease I do give, devise and bequeath the one full and equal moyty or half part of all my estate both real and personal unto my two nieces Charlotte and Elizabeth Haynes, their heirs and assigns forever, equally to be divided between them, share and share alike, but in case either of my said two nieces should happen to die during the lifetime of my wife, then I do give and devise the share and part of her so dying to the survivor of my said two nieces, and to her heirs

and assigns forever. And the other full and equal moyety or half part of all my estate both real and personal, at and immediately after my said wife's decease, I do give, devise and bequeath unto such of her sisters as shall be living at the time of her death, and to their heirs and assigns forever, equally to be divided between them, share and share alike.

By codicil dated 9th March, 1763, he provides that Ann Sevon may live with his wife during her widowhood, and in case his wife remarries, he gives said Ann Sevon an annuity of £100, to be void when she marries or moves out of province.

Jane Haynes died about 1768, leaving four sisters her surviving, viz., Anne, wife of Daniel Horsmander; Elizabeth Sevon, Mary Sevon, and Catharine Sevon.

The deed to Medcef Eden is not on record, but he is supposed to have purchased from the devisees of Joseph Haynes. Medcef Eden died on 14th September, 1798.

Last Will and Testament
to
MEDCEF EDEN.

} Dated 29th Aug., 1798.
} Proved 19th Dec., 1798.
} 42 Wills, 516.

After devising certain real property to his son Joseph, testator provides as follows: I give, devise and bequeath to my son Medcef, all and singular my farm and tract of land at Bloomingdale, on the North side of the road leading from Bloomingdale, from the said road extending to the North River, together with all the rights, profits, hereditaments and appurtenances thereunto belonging, and all the houses, outhouses, stables, barns and other buildings and improvements thereon erected and built. * * * to have and to hold, receive, take and enjoy all and singular the hereinbefore mentioned and intended to be hereby given and devised and bequeathed premises, and every part and

parcel thereof, unto the sole and only proper use, benefit, and behoof of my said son Medcef, his heirs and assigns, from the time of my decease, as and for his own proper estate forever.

Item: It is my Will, and I do so order and appoint, that if either of my said sons should depart this life without lawful issue, his share or part shall go to the survivor, and in case of both their deaths without lawful issue, then I give all the property aforesaid to my brother John Eden, of Loftus, in Cleveland in Yorkshire, and my sister Hannah Johnson, of Whitby, in Yorkshire, and their heirs. Item: all the rest, residue and remainder of my estate, as well real as personal, not hereinbefore disposed of, my debts and funeral expenses being first paid and discharged, I give unto my two sons Joseph and Medcef equally to be divided between them, share and share alike.

Joseph Eden died without issue, on 20th August, 1813. Medcef Eden, the younger, died without issue on 26th July, 1819. It was held in case of *Lion vs. Burtis*, 20 Johnson, 483, and in case of *Wilkes vs. Lion*, 2 Cowen, 333, that the remainder to John Eden and Hannah Johnson was void.

On the 19th day of August, 1800, Brockholst Livingston recovered a judgment in the Supreme Court against Joseph Eden and Medcef Eden for \$14,014.

On the 29th day of August, 1800, Simeon Gilbert recovered a judgment in said Supreme Court against the same parties for \$11,014.

On the 4th day of September, 1800, Henry Masterton recovered a judgment in the said Supreme Court against the said parties for \$10,014.37.

On the 2d day of September, 1800, John Jones recovered a judgment in said Supreme Court against the same parties for \$7,014, and another for \$11,016.06 on 8th September, 1800.

Writs of fieri facias were issued under these judgments, and

the premises described in the following deed were sold by virtue thereof to Tunis Wortman. In the case of Waldron and others *vs.* Gianini, reported in 6 Hill, 601, where the question was raised as to the extent of the interest conveyed by the said deed it was held that Medcef Eden, Junior, had a base or determinable fee in the premises thereby conveyed, subject to be determined by his death without issue during the lifetime of Joseph Eden, and that upon the death of Joseph before him, his interest became a fee simple, and the title conveyed to Wortman became indefeasible.

DEED.

JAMES MORRIS, *Sheriff, etc.*,
to
TUNIS WORTMAN.

Dated 23d April, 1801.
Proved 23d Nov., 1803.
Rec. 17th Feb., 1804.
66 Conveyances, 271.
Consideration, \$39,000.

RECITES the above Judgments and writs.

CONVEYS all the estate, right, title, interest, property claim and demand, in law and in equity, which he the said Medcef Eden had or now hath, of, in and to all that certain messuages or dwelling houses and farm, tract, piece or parcel of land, situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, bounded Easterly in front by the Bloomingdale Road, Westerly in the rear by the North or Hudson's River, Southerly on the one side by the land of John L. Norton, and northerly on the other side by land of Louis Simond, Charles Kelly and John Hopper, as the same is now in the tenure and occupation of the said Medcef Eden. Containing seventy acres, be the same more or less.

JOSEPH EDEN <i>and</i> MEDCEF EDEN <i>to</i> TUNIS WORTMAN.	} DEED. Dated 3d March, 1802. Proved 22d Nov., 1803. Rec. 18th Feb., 1804. 66 Conveyances, 276. Consideration, \$1.
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RELEASES all interest in said premises.

TUNIS WORTMAN <i>and</i> MAR- GARET, <i>his wife</i> , <i>to</i> BROCKHOLST LIVINGSTON.	} MORTGAGE. To Secure \$5,000. Dated 25th April, 1801. Ack. 25th April, 1801. Reg. 29th April, 1801. 11 Mort's., 24.
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COVERS same premises.

TUNIS WORTMAN <i>and</i> MAR- GARET, <i>his wife</i> , <i>to</i> BENJAMIN F. HASKIN.	} MORTGAGE. To Secure \$32,084.80. Dated 25th April, 1801. Ack. 25th April, 1801. Reg. 8th May, 1801. 11 Mortgages, 47.
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COVERS same premises.

BENJAMIN F. HASKIN <i>to</i> NATHANIEL PENDLETON, <i>and</i> WILLIAM CUTTING.	} ASSIGNMENT. Dated 26th June, 1801. Recited in the following suit.
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ASSIGNS above mortgage in trust to receive the monies secured to be paid thereby, and to pay one third thereof to John Jacob Astor, and two thirds thereof to Benjamin F. Haskin.

The said Benjamin F. Haskin, being indebted to the United

States in the sum of \$6,997.05, on 7th February, 1802, required the said Pendleton and Cutting to pay to Edward Livingston for the use of the United States, the said sum, which they agreed to do out of the moneys which might come to their hands from said bond and mortgage.

Henry Fisher having recovered a judgment against the said Benjamin F. Haskin, for \$7,000 and upwards, the said Haskin, on 1st April, 1802, assigned \$4,157 of the said mortgage to Fisher, and required the said Pendleton and Cutting to pay him thereout, which they agreed to do.

Benjamin F. Haskin also assigned to Robert W. Cosborough, \$7,000 of his said bond and mortgage, and afterwards assigned to Samuel C. Handy the residue of his interest in said bond and mortgage.

IN CHANCERY,

Before the Chancellor.

NATHANIEL PENDLETON, WIL-
LIAM CUTTING, EDWARD LIV-
INGSTON, JOHN JACOB ASTOR
and HENRY FISHER

agst.

TUNIS WORTMAN, BENJAMIN F.
HASKIN, SAMUEL C. HANDY,
ROBERT W. COSBOROUGH *and*
BROCKHOLST LIVINGSTON.

1802—Aug. 23. Bill filed to foreclose above mortgage, to Benjamin F. Haskin.

1803—June 4. Answer of Tunis Wortman filed.

June 4. Answer of Brockholst Livingston filed.



MAP OF THE PORTION OF THE ASTOR AND CUTTING TRACT

VESTED IN JOHN JACOB ASTOR.

Note: The portions marked A and colored Green were set apart to John Jacob Astor
 The portions marked B and colored Red were set apart to William Astor
 The portions marked C and colored Yellow were set apart to Henry Astor

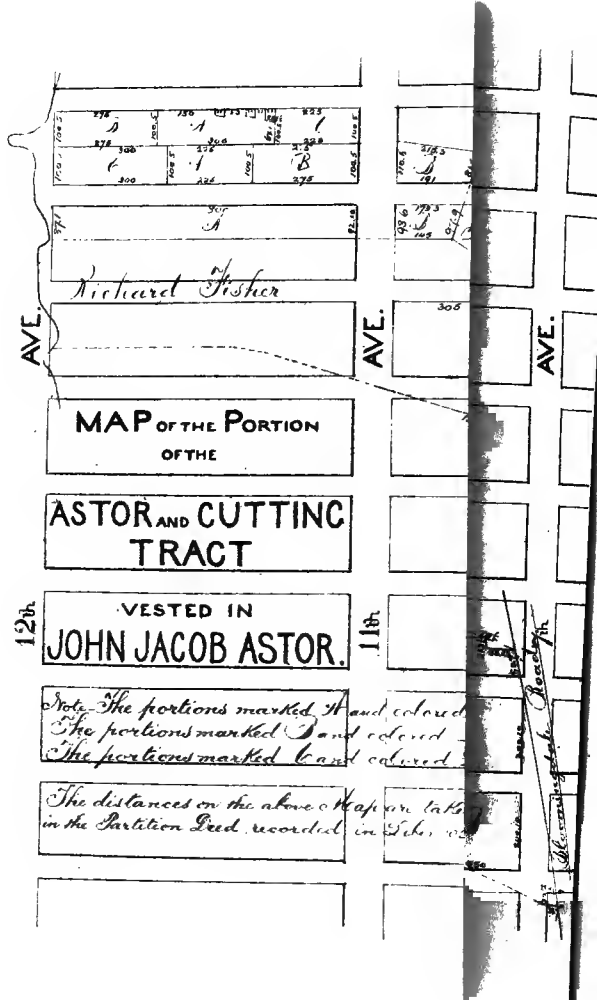
The distances on the above Map are taken from the descriptions in the Partition Deed recorded in Liber 1026 Conveyances, page 599

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- 1802—Aug. 23. Bill filed to foreclose above mortgage, to Benjamin F. Haskin.
- 1803—June 4. Answer of Tunis Wortman filed.
- June 4. Answer of Brockholst Livingston filed.

- 1803—June 4. Order of reference to master to compute.
 June 4. Report filed.
 June 4. Decree of foreclosure and sale.

GEORGE I. EACKER, <i>Master-in-Chancery,</i> <i>to</i> JOHN JACOB ASTOR <i>and</i> WIL- LIAM CUTTING.)	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 13th June, 1803. Ack. 18th June, 1803. Rec. 1 Aug., 1803. 64 Conveyances, 440. Consideration, \$25,000.
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CONVEYS all said mortgaged premises.

William Cutting released to John Jacob Astor a large portion of the tract thus vested in them, and they conveyed the other lots to various purchasers, as hereinafter shown. The annexed map shows the portions thereof vested in John Jacob Astor, and the names of the persons in whom the other portions of the tract were finally vested. We will first consider the title to the lots vested in John Jacob Astor.

THE JOHN JACOB ASTOR PIECE.

This comprises lots 1, 2, 3, 4, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 26, 27 and 34, on map, ante page 115.

DEED.

WILLIAM CUTTING <i>and</i> GER- TRUDE, <i>his wife,</i> <i>to</i> JOHN JACOB ASTOR.)	Dated 1st July, 1803. Ack. 2d and 14th July, 1803. Rec. 5th June, 1804. 67 Conveyances, 20. Consideration, \$1.
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CONVEYS all interest, etc., of, in and to all those two certain lots pieces or parcels of land situate, lying and being at Bloom-

ingdale, in the Seventh Ward of the said City, and are part of a certain farm formerly the property of Medcef Eden, deceased, which said lots, pieces or parcels of land hereby released, or intended to be released, are distinguished in a certain map of the division of the said farm, by the said John Jacob Astor and William Cutting, by lots number one and number thirty-four, which said lot number one is bounded Easterly by the Bloomingdale main road, Westerly by lot number two, Southerly by land of John L. Norton, and Northerly by the road leading from the road first mentioned to Hudson's River, and estimated to contain twenty acres, be the same more or less.

The said lot number thirty-four is bounded Easterly by lot number thirty-three, Westerly by Hudson's River, Northerly by land of Lewis Simond, and Southerly by the road last mentioned, and is estimated to contain eight acres, be the same more or less, as by the said map filed or to be filed in the office of the Clerk of the City and County of New York, reference being thereunto had, will more fully appear.

DEED.

WILLIAM CUTTING <i>and</i> GER- TRUDE, <i>his wife</i> , <i>to</i> JOHN JACOB ASTOR.	}	Dated 14th Feb., 1804. Ack. 16th Feb., 1804. Rec. 6th June, 1804. 67 Conveyances, 23. Considerat'n, \$4,346.09.
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CONVEYS all the one full, equal and undivided moiety or half part of all and singular the following lots, (each one into two equal parts to be divided), situate, lying and being at Bloomingdale in the late Seventh (now Ninth) Ward of the said City of New York, and are part of a certain farm formerly the property of Medcef Eden, deceased, which said lots (the moieties of which are hereby intended to be released), are distinguished in a certain map of the division of the said farm, made by the said John and William, by lots numbers Two, Ten, Eleven, thirteen

fourteen, fifteen, sixteen, seventeen, Eighteenth, Ninety (nineteen?), Twenty, Twenty-one, Twenty-five, Twenty-six and Twenty-seven, as by the said map filed in the Office of the Clerk of the City and County of New York, reference being thereto had, will more fully appear.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> ; WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , <i>to</i> DANIEL PARIS.	}	DEED. — Dated 1st July, 1803. Ack. 14th July, 1803. Rec. 25th Oct., 1826. 209 Conveyances, 364. Consideration, \$1,290.
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CONVEYS all those certain lots, pieces or parcels of land situate, lying and being at Bloomingdale, in the Seventh Ward of the said city, and are part of a certain farm formerly the property of Medcef Eden, deceased, which said lots hereby granted are distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting by lots No. Three and number Four, the said lot number three being bounded easterly by lot number Two, Westerly by lot number Four, Northerly by the road leading from Bloomingdale main road to Hudson River, and Southerly by lands of John L. Norton, and contains one hundred feet front and rear, and on the Easterly side five hundred and thirty-nine feet, and on the Westerly side five hundred and thirty feet, be the same more or less. The said lot number Four is bounded Easterly by lot number three, Westerly by lot number five, Northerly by the road last mentioned, and Southerly by lands of the said John L. Norton, and contains in front and rear one hundred feet, and in length on the Westerly side five hundred and twenty feet, and on the Easterly side five hundred and thirty feet, be the same more or less, as by the said map filed or to be filed in the Office of the Clerk of the City and County of New York,

reference being thereto had, will appear. And also the right and use of the road last mentioned, and a landing on the said river at the extremity of the said road last mentioned.

DEED.

DANIEL PARIS <i>and</i> CATHARINE R., <i>his wife</i> , to JOHN JACOB ASTOR.	}	Dated 21st Oct., 1826. Ack. 21st Oct., 1826. Rec. 25th Oct., 1826. 209 Conveyances, 367. Consideration, \$3,000.
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CONVEYS same premises as preceding deed.

JOHN EDEN, <i>late of Loft House,</i> <i>Cleveland, Yorkshire, England,</i> <i>but now of New York, and</i> JANE, <i>his wife</i> ; JACOB NOBLE, <i>of London, and ANN, his wife,</i> <i>by HENRY C. DE RHAM, their</i> <i>Attorney,</i> to JOHN JACOB ASTOR.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 11th July, 1826. Proved 11th July, 1826. Rec. 13th July, 1826. 207 Conveyances, 247. Consideration, \$9,000.
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RECITES deed from Master to Cutting and Astor, and that Astor had sold with Warranty, portions of the premises so conveyed to him, and that John Eden, as a devisee under Will of Medcef Eden, and as heir-at-law of Medcef Eden and of Hannah Johnson, a devisee under said will, and the said Jacob Knobel and Ann, his wife, in right of the said Ann, as the remaining heir-at-law of the said Medcef Eden and Hannah Johnson, claim some interest in said lands, and have instituted suits of ejectment for the recovery thereof, and that Astor had agreed to compromise said claims as to such parts of his premises as he now holds or has sold to any person or persons.

RELEASES all and singular the farm of ground and premises above particularly described, including as well such parts thereof as are now held and claimed by the said John Jacob Astor, as all such lots, pieces or parcels thereof as have been, at any time heretofore, sold or conveyed by the said John Jacob Astor to all and every person or persons whosoever, excepting, nevertheless, the portion owned by Jonathan Ogden.

The above deed was executed by Jacob Knoble and Ann, his wife, by Henry C. De Rham, their attorney, by virtue of a power of attorney recorded in Liber 1 Powers of Attorney, page 430.

The decisions referred to, ante page 119, would seem to dispose of the claims of John Eden and Ann Noble, independently of the above release.

John Jacob Astor made an agreement with John L. Norton the owner of the tract adjoining on the South, straightening the boundaries of their respective tracts so that the same should run parallel with, or at right angles to, the present streets and avenues. The old and the new boundaries are both shown on maps, ante pages 115 and 123. This change of boundary was effected by deed recorded in Liber 245 Conveyances, page 108, which is set forth in full in abstract of the John L. Norton tract, ante pages 36 to 40.

JOHN JACOB ASTOR <i>to</i> JOHN JACOB ASTOR, WILLIAM ASTOR <i>and</i> HENRY ASTOR, <i>of 2d part, and</i> WILLIAM B. ASTOR, <i>of 3d part.</i>)	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 22d Feb., 1842. Proved 24th Feb., 1842. Rec. 24th Feb., 1842. 423 Conveyances, 342. Consideration, \$1.
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CONVEYS to parties of the second all and singular the lands belonging to the said party of the first part contained within

the following described boundaries, viz.: Southerly by Forty-second Street, Easterly by the Bloomingdale Road, Northerly by Fifty-first Street, and Westerly by the Hudson River; the same are delineated and laid down on a map thereof now in the possession of the said party of the first part, as by reference thereunto being had will more particularly and at large appear. Habendum to John two-fourths and to William and Henry one-fourth each.

Subject, however, to the power hereby granted and now given to their father, the party of the third part, that he may at any time during his life, if he shall consider either of his sons unworthy the enjoyment of the lands now conveyed, to convey the share or shares of such son or sons to the others or other of them by deed of appointment or conveyance under his hand and seal.

John Jacob Astor, William Astor and Henry Astor, by agreement dated 21st January, 1867, appointed Ezra P. Davies, Thomas M. Beare and Richard I. Thorne commissioners to make partition of said premises, whose report was made July 8th, 1867.

JOHN JACOB ASTOR, JUNIOR, <i>and</i> CHARLOTTE AUGUSTA, <i>his wife,</i> <i>of 1st part,</i> WILLIAM ASTOR <i>and</i> CAROLINE M., <i>his wife,</i> <i>of 2d part,</i> HENRY ASTOR, <i>of 3d part.</i>	}	PARTITION DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 31st Oct., 1867. Ack. 28th Jan., 1868 & 3d Feb., 1868. Rec. 4th Feb., 1868. 1026 Conveyances, 597. Consideration, \$1.
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DIVIDES the property vested in them by the preceding deed, according to the map, ante page 123.

HENRY ASTOR <i>to</i> JOHN JACOB ASTOR, WILLIAM ASTOR <i>and</i> CHARLES F. SOUTHMAYD.	}	DEED. — Dated 15th Feb., 1869. Ack. 15th Feb., 1869. Rec. 15th Feb., 1869. 1074 Conveyances, 559. Consideration, \$1.
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CONVEYS all the premises set apart to Henry Astor by the preceding deed.

In trust to receive rents and profits and apply the same to use of Henry Astor during his natural life, and upon his death to convey the whole capital of the trust estate to his issue, if he leave issue, in such proportions as he may designate by his will, and in default of such appointment, or as far as the same may not extend, to them equally per stirpes and not per capita. If he leave a widow she is to be entitled to dower therein, the same as if he had died seised thereof, and if he leaves no issue, then to convey the capital of the trust estate, subject to his widow's right to receive one-third of rents and profits during her survivorship, to his brothers and sisters (other than John Jacob Astor) who shall survive him, and to the issue of such of them as shall be then deceased, such issue to take the parent's share. If none of his said brothers or sisters and none of their issue survive him, then to convey to his right heirs in fee simple. Grants to said trustees or any two of them power to sell, to lease, to covenant for renewals thereof, to make covenants against nuisance and as to buildings, to exchange the property, to mortgage, to purchase lands under water adjoining said premises; to invest the proceeds of any sale in real estate, or such securities as they deem best. These powers can be exercised by any two of the original trustees, but in case of substituted trustees the power to sell, exchange or mortgage cannot be exercised without the consent in writing under seal of said Henry Astor. Any trustee may at any time resign his trust, and in case of such vacancy

the same shall be filled so as to keep up the number to three. In case of a vacancy occurring by resignation of a trustee, the new trustee shall be appointed by the retiring trustee and the remaining trustees by an instrument recorded in New York Register's office, but in case of a vacancy from any other cause, the new trustee shall be appointed by the surviving or continuing trustees in like manner.

John Jacob Astor, by instrument dated 9th May, 1872, and recorded in Liber 1221 Conveyance, 312, resigned his position as trustee. Franklin H. Delano was appointed trustee in his place by instrument dated 9th May, 1872, and recorded in said office in Liber 1221 Conveyance, page 311.

William Astor by instrument dated 29th May, 1872, and recorded in said office in Liber 1221 Conveyance, page 311, resigned his position as trustee. James F. Chamberlain was appointed trustee in his place by instrument recorded in said office in 1221 Conveyance, page 310.

WILLIAM B. ASTOR <i>to</i> JOHN JACOB ASTOR, WILLIAM ASTOR, HENRY ASTOR <i>and</i> JOHN JACOB ASTOR, WIL- LIAM ASTOR <i>and</i> CHARLES F. SOUTHMAYD, <i>Trustees of</i> HENRY ASTOR.	}	DEED. — Dated 30th April, 1869. Ack. 5th & 7th May, 1869. Rec. 13th May, 1869. 1099 Conveyances, 544- Consideration, \$1.
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RECITEs above deed from John Jacob Astor and the power of appointment thereby granted to William B. Astor, and the preceding deed of trust, and that all occasions for the possible exercise of this power has long since passed, and that the

interest and convenience of the parties requires its extinguishment.

Releases, surrenders, yields up and extinguishes said power, and agrees that he will not hereafter exercise it or attempt to exercise it. John Jacob Astor, William Astor and Henry Astor also agree with each other that said power shall be extinguished and the lands released therefrom, and they will never claim title through any attempted exercise of it.

THE FRANCIS FEITNER PIECE.

This comprises lots 5 and 6 on said map.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH <i>his wife</i> ; WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , <i>to</i> WILLIAM BETHEL.	}	Dated 1st July, 1803. Ack. 1st, 2d and 14th July, 1803. Rec. 3d Dec., 1808. 81 Conveyances, 452. Consideration, \$1,465.
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CONVEYS all those certain lots, pieces or parcels of land situate, lying and being at Bloomingdale in the Seventh Ward of the said City, and are part of a certain farm formerly the property of Medcef Eden, deceased, which said lots hereby granted are distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting by lot No. Five and Number Six, the said lot Number Five, being bounded Northerly by the road leading from the Bloomingdale main road to Hudson River, Southerly by lands of John L. Norton, Easterly by lot Number Four, and Westerly by lot Number Six, and contains in front and rear one hundred feet, on the Easterly side in length five hundred and twenty feet, and in length on the Westerly side five hundred and two feet,

be the same more or less. The said lot Number Six, being bounded Northerly by the road last mentioned, Southerly by lands of the said John L. Norton, Easterly by lot Number Five, and Westerly by lot Number Seven, and contains in front and rear one hundred feet, and in length on the Easterly side five hundred and two feet, and in length on the Western side five hundred feet, be the same more or less.

DEED.

WILLIAM BETHEL <i>to</i> FRANCIS FEITNER.	}	Dated 3d Feb., 1825. Ack. 3d Feb., 1825. Rec. 1st April, 1825. 188 Conveyances, 565. Consideration, \$1,465.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>to</i> FRANCIS FEITNER.	}	Dated 2d July, 1832. Prov. 6th Feb., 1833. 69 Wills, 602.
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“I give and bequeath unto all my sons and daughters, except my son Francis and my daughter Eliza, all my real and personal estate, to have share and share alike, alike except too shares, wick will be herein after menchioned, first my sons Charles, Peeter, George and Daniel, and my daughters Hanah and Cathieren Ann, to have six shares out of eight, and the other too shares I give and bequeath unt the sons and daughters of my son Frances and my daughter Eliza’s sons and daughters, and my son Frances to be the Atjant and Gardeen of one share for his sons and daughters duering his naturreal life, subject to the controle of the Perogate, and if his children should not arive too the years of matureaty then, then that one share or one eighth of my real and personal estate to fall back to my sons’ and daughters’ children, share and share alike. But my daughter

Eliza to have the income of her share dureing her natureal life, and then to her children, share and share alike. But no part of this so to take place until the death of my beloved wife Catheran, she to have all my reall and personal estate during her natural life.”

Francis Feitner died on 4th January, 1833, leaving him surviving his widow, Catherine Feitner, who died on 19th October, 1834, and the following children :

1. Charles Feitner,
2. Peter Feitner,
3. Elizabeth, wife of Balaam Ackerman.
4. Francis Feitner, Junior,
5. George Feitner,
6. Hannah, afterwards wife of John Cornish,
7. Daniel Feitner,
8. Catherine Ann Feitner.

Francis Feitner Junior, had, at commencement of the follow ing suit, one child, John Francis Feitner, then about three years old. Elizabeth Ackerman had then two children, Francis Woodruff and Catherine Ann Woodruff.

The grandchildren of testator living at commencement of the following suit were John Francis Feitner, son of Francis Feitner, Junior ; Francis Woodruff and Catharine Ann Woodruff, children of Elizabeth Ackerman ; Charles Edward Feitner and John Wesley Feitner, children of Charles Feitner ; John F. Feitner, child of Peter Feitner ; and Ann Maria Cornish, child of Hannah Cornish.

Hannah Feitner, one of said children, having been a witness to said will, the devise to her was void, and the following release was given to confirm her one eighth interest, which was the share of the estate to which she would have been entitled if no will had been made.

- 1836—April 4. Order *pro confesso vs.* George Feitner and Elsey, his wife, Francis Feitner, Junior, and Elizabeth Ackerman, on default of appearance.
- April 4. Order *pro confesso vs.* The New York Life Insurance and Trust Company, on default of answer.
- March 16. Order appointing James R. Whiting guardian *ad litem* of Daniel Feitner, Catharine Ann Feitner, Francis Woodruff and Catharine Ann Woodruff, infants over fourteen years of age, on their own petition; and also guardian *ad litem* of John Francis Feitner, Charles Edward Feitner, John Wesley Feitner, John F. Feitner, and Ann Maria Cornish, infants under the age of fourteen years, on the petitions of their respective fathers.
- June 16. Answers of said infants filed.
- Oct. 19. Order *pro confesso vs.* Balaam Ackerman and Elizabeth, his wife, and John Cornish and Hannah, his wife, who had appeared by John L. Riker, on default of answer.
- Oct. 24. Order of Reference on title, etc.
- 1837—April 8. Order directing that Eliza Feitner (a daughter which had been born to Francis Feitner Junior, since the commencement of this action), be made a party defendant, and that James R. Whiting be appointed her guardian *ad litem*.
- May 19. Report on title filed.
- May 29. Decree of partition entered; Isaac Adriance, Andrew McGown and Isaac L. Varian appointed Commissioners of partition.

- 1838—March 5. Report of Commissioners filed.
 March 5. Final decree of confirmation entered.
 May 19. Decree enrolled.

THE HENRY ULRICH PIECE.

This is Lot No. 7 on said map.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> ; WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , <i>to</i> WILLIAM DODGE.	}	Dated 1st July, 1803. Ack. 5th Aug. & 8th Sept., 1803. Rec. 6th Aug., 1821. 155 Conveyances, 25. Consideration, \$780.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being at Bloomingdale in the Seventh Ward of the said city, and is part of a certain farm formerly the property of Medcef Eden deceased, which said lot hereby granted is distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting by Lot Number Seven, and bounded North by a road leading from Bloomingdale main road to Hudson River, Westerly by Lot Number Eight, Southerly by land belonging to John Lake Norton, and Easterly by Lot Number Six, containing in breadth, on front and rear one hundred feet, and in length on the West side four hundred and eighty feet, and on the East side five hundred feet, be the same more or less, as by the said map filed or to be filed in the office of the Clerk of the City and County of New York, reference being thereto had, will more fully appear. And also the right and use of the road last mentioned, and landing on the said river at the extremity of the said road last mentioned.

DEED.

WILLIAM DODGE <i>and</i> ELIZABETH, <i>his wife</i> , to SAMUEL MINER.	}	Dated 2d Dec., 1824. Ack. 2d Dec., 1824. Rec. 19th May, 1835. 329 Conveyances, 503. Consideration, \$500.
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CONVEYS same premises by substantially same description.

DEED.

SAMUEL MINER <i>and</i> MARGARET BARBARA, <i>his wife</i> , to HENRY ULRICH.	}	Dated 18th May, 1825. Ack. 18th May, 1825. Rec. 19th May, 1825. 190 Conveyances, 286. Consideration, \$500.
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CONVEYS same premises.

THE ANTHONY POST PIECE.

This comprises Lots 8 and 9 on said map.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> ; WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , to ANTHONY POST.	}	DEED. Not recorded.
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CONVEYS said lots 8 and 9.

Last Will and Testament
of
ANTHONY POST.

} Dated 2d June, 1825.
} Proved 21st June, 1832.
} 69 Wills, 110.

He devises all the residue of his estate, real and personal (after providing for certain legacies) to his executors therein-after named, in trust to pay the said legacies, and keep buildings on his lands in good repair, and then to pay over to his wife Magdalen one third part of the whole net income of his estate, during her natural life, which provision is declared to be in lieu of dower ; and in trust to pay over the residue of his said net income to his three daughters, Ellen Valentine, Elizabeth, wife of Doctor James R. Manley, and Ann, wife of Doctor Joseph Bayley, or the children of such of them as may be deceased, or the heirs of such child or children, share and share alike ; the child or children of such of his said daughters as may be deceased to be entitled to the share their mothers would have been entitled to had she been living, with power to sell the real estate whenever they deem it necessary and expedient. In trust, on the death of his wife, to sell all residue of his real estate then remaining unsold, and pay over the proceeds of the said sale or sales, together with all other funds belonging to the estate then in their hands, to his said three daughters, to be divided between them, share and share alike, and in case of the death of any or either of them, the share or shares of such as may be deceased to go to her or their children then living, or the heirs of such child or children, and to be paid to them or their legal guardian.

Appoints Abraham Van Nest, Joseph Bayley, and John D. Campbell his executors.

By codicil dated 4th April, 1827, he provides that \$3,000 shall be deducted from the portion of the property devised by his will to his daughter Ellen Valentine.

Letters testamentary were issued to Joseph Bayley only, on 21st July, 1832, in Liber 1, Letters Testamentary, page 391, the others having refused to qualify.

Magdalena Post, the widow of Anthony Post, died in March, 1844.

Joseph Bayley died in December, 1836.

Letters of administration, with the will annexed, were thereupon granted to Samuel G. Raymond, who acted as such until his death, which occurred on 25th August, 1850.

Ann Bayley, one of the daughters of Anthony Post, died on 21st December, 1829. She left her surviving Sarah Ann Bayley, William Bayley, Magdalena Bayley, Anthony Post Bayley, Joseph Bayley, Anna B. Bayley, and Mary E. Bayley, her children, and Joseph B. Lawrence, Isabella Lawrence, and Joseph B. Halsey, her grandchildren.

Ellen Valentine, James R. Manley and Eliza, his wife, and the above-named children of Ann Bayley, Richard Lawrence, general guardian of Joseph B. and Isabella Lawrence, and William Bayley, general guardian of Joseph B. Halsey, filed a petition in the Supreme Court on 9th January, 1851, asking for the appointment of a new trustee, authorized to execute the powers contained in will of Anthony Post, and therein nominated Abel T. Anderson as such trustee. An order was entered the same day appointing him such trustee, with full power to execute the trust powers as directed in said will, as though he had been named sole executor therein.

THE JOHN T. IRVING PIECE.

This is lot number 12 on same map.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> , WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , <i>to</i> JOHN T. IRVING.	}	Dated 1st July, 1803. Ack. 1st, 2d & 14th July, 1803. Rec. 1st June, 1825. 194 Conveyances, 68. Consideration, \$550.
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CONVEYS all that certain lot, piece or parcel of land, situate and being at Bloomingdale, in the Seventh Ward of the said city, and is part of a certain farm formerly the property of Medcalf Eden, deceased, which said lot hereby granted, distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting, by Lot No. Twelve, and is bounded Northerly by the road leading from the Bloomingdale main road to Hudsons River, Southerly by land of John L. Norton, Easterly by lot number eleven, and Westerly by lot number thirteen, and contains in front and rear one hundred feet, on the Easterly side four hundred and forty-five feet, and on the Westerly side four hundred and forty-two feet, be the same more or less, as by the said map filed or to be filed in the office of the Clerk of the City and County of New York, reference being thereto had, will appear. And also the right and use of the road last mentioned, and a landing on the said river at the extremity of the said road last mentioned.

John T. Irving died on 15th March, 1838, leaving him surviving his widow and the children and grandchildren mentioned in his Will.

Last Will and Testament
of
JOHN T. IRVING.

} Dated 28th Jan., 1837.
} Proved 16th April, 1838.
} 78 Wills, 343.

The testator gives to his wife Abby S. Irving, in lieu of dower, the yearly income of one third of all his estate, real and personal and then provides as follows: "I give, devise and bequeath to my said son Gabriel F. Irving and his heirs, the one sixth part of my said real and personal estate. I give, devise and bequeath to my son John Treat Irving and his heirs the one sixth part of my said real and personal estate. I give, devise and bequeath to my son Washington Irving and his heirs the one-sixth part of my said real and personal estate. I give, devise and bequeath to my daughter Abbey Irving and her heirs the one-sixth part of my said real and personal estate. I give, devise and bequeath to my son George Irving and his heirs, the one sixth part of my said real and personal estate. I give, devise and bequeath to my two grandchildren, Sarah Irving Clark and William Irving Clark, the children of my daughter Sarah, now deceased, the late wife of Edwin Clark, and to their heirs, the one sixth part of my said real and personal estate, to be equally divided between them, and in case of the death of either before arriving at the age of twenty-one years without leaving lawful issue, then the survivor of them, or his or her heirs is to have the whole of said sixth; and in case of the death of both, before arriving at said age, or leaving lawful issue, then I give, devise and bequeath the said sixth part of my said real and personal estate to my said five children, Gabriel F., John Treat, Washington, Abbey, and George, before named, and to their heirs, to be equally divided between them, share and share alike." He further provides that the said last six devisees shall be subject to the provisions for his wife, and that the third part

out of which her income is to arise is not to be divided till after her death. Each devise to be subject to the devisees paying to his executor such sums of money as may have been advanced by him to each. He appoints his wife Abbey S. Irving and Gabriel F. Irving, John Treat Irving, Washington Irving, Junior, and Edwin Clark his executrix and executors, and authorizes them or a majority of them, to sell and convey his real estate or any part thereof.

Letters testamentary were issued to Gabriel F. Irving and Edwin Clark, on 16 April, 1838 (see Liber 4 Letters Testamentary, page 49), and to John T. Irving, on 3d August, 1838 (see same Liber, page 84), and to Washington Irving, Junior, on 9th June, 1853 (see Liber 11 Letters Testamentary, page 139).

DEED.

ABBY IRVING <i>to</i> JOHN TREAT IRVING.	}	Dated 22d Sept., 1845. Ack. 22d Sept., 1845. Rec. 1st Nov., 1845. 468 Conveyances, 219. Consideration, \$1.
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RECITES that a marriage is shortly to be solemnized between Abbey Irving and Henry Van Wart, Junior, and that she is entitled to a share of certain real estate devised to her by her father, the late John T. Irving, and yet unsold by the executors of his estate.

CONVEYS all her right, title, interest and share in the said real estate of her late father, the late John T. Irving, deceased, with other property. To hold subject to the uses and trusts set forth in the following deed.

HENRY VAN WART, JUNIOR, <i>of 1st Part,</i> ABBY IRVING, <i>of 2d Part.</i> JOHN TREAT IRVING, <i>of 3d Part.</i>	}	AGREEMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 22d Sept., 1845. Ack. 22d Sept., 1845. Rec. 1st Nov., 1845. 468 Conveyances, 220.
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RECITES the previous deed and agrees that the property thereby conveyed shall be held on the following trusts, namely: to receive the rents and profits, and apply them to the use of Abby Irving during her natural life, free from the debts and control of her husband, and on her death to divide the same among her children, the issue of a deceased child to stand in the place of its parent. But in default of such children, then to convey to such person or persons as she may by will appoint, and in default of such appointment, to Henry Van Wart, Junior, in fee. In case the said Henry Van Wart, Junior, die during the lifetime of the said Abby Irving, and leave no children of the marriage him surviving, then to convey to her, the said Abby Irving, in fee, whereupon the trust hereby created shall terminate.

It is further provided that said trustee may sell and convey on written consent of Henry Van Wart junior, and Abby, his intended wife, if both are living, or of the survivor, if one be dead.

By a decree of the Supreme Court, entered at a special term thereof, on 31st March, 1857, on petition of Henry Van Wart, junior, and Abby, his wife, and John Treat Irving, the said Henry Van Wart, Junior, was appointed trustee in place of the said John Treat Irving.

DEED.

JOHN TREAT IRVING, <i>Trustee of</i> ABBY IRVING VAN WART, <i>to</i> HENRY VAN WART, JR.	}	Dated 1st April, 1857. Proved 2d April, 1857. Rec. 4th April, 1857. 730 Conveyances, 158. Consideration, \$1.
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RECITES preceding instrument, and the decree for the substitution of trustees.

CONVEYS all and every the estate, right, title and interest and share of her the said Abby Irving Van Wart (formerly Abby Irving), of, in and to all the real estate devised by her said father, the late John T. Irving, deceased. To hold on the same trusts specified in the preceding instrument.

DEED.

JOHN T. IRVING <i>and</i> HELEN, <i>his wife,</i> <i>to</i> EDWIN CLARK.	}	Dated 10th July, 1856. Ack. 10th July, 1856. Rec. 12th July, 1856. 715 Conveyances, 100. Consideration, \$20,000.
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RECITES that the said John T. Irving as heir-at-law and devisee is seised of certain interest in the real estate of his father, the late John T. Irving, deceased.

CONVEYS all the estate, right, title and interest of the parties of the first part, or either of them, in all the lands and real estate of the said John T. Irving, late of the City of New York, deceased, at the time of his death, situated in the said City of New York (specifying, among others, the following described premises): "Also all those certain other lots of land, situate in the Nineteenth Ward of the City of New York, lying between Forty-sixth Street and Forty-eighth Street, and between the

Ninth and Tenth Avenues, at Bloomingdale, in the former Seventh Ward of the said city, being part of a certain farm formerly the property of Medcef Eden, deceased, and known on a certain map of the division of said farm made by John Jacob Astor and William Cutting, as lot Number Twelve, and being the same premises conveyed to the said John T. Irving, deceased, by deed recorded in the office of the Register aforesaid, in Liber, No. 104 of Conveyances, page 68.”

EDWIN CLARK <i>to</i> ELIZA E. IRVING, ABBY IRVING VAN WART, WASHINGTON IRVING, JUNIOR, and WIL- LIAM IRVING CLARK and SARAH IRVING KENT, <i>wife of</i> JAMES KENT.	}	COVENANT. <hr style="width: 10%; margin: 0 auto;"/> Dated 10th July, 1856. Ack. 11th July, 1856. Rec. 12th July, 1856. 715 Conveyances, 99. Consideration, \$1.
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RECITES the preceding deed, and that the purchase money therein specified was the money of and advanced by Eliza E. Irving and the others above named, and avers that he will stand seised of said premises, thereby conveyed, in trust for their sole use, for each, in proportion to the sum advanced by him or her, each having given \$5,000, except William Irving Clark and Sarah Irving Kent, who advanced \$5,000 between them.

See Liber 786 Conveyances, page 629, for deed from the Executors of John T. Irving to Richard Horn, of the part of said lot Number Twelve lying North of Forty-eighth Street.

See Liber 744 Conveyances, page 562, for deed from said Executors to John Jacob Astor, Junior, William Astor and Henry Astor, of the part of lot twelve lying South of Forty-

seventh Street, and also of the gore, comprising all of lot twelve lying North of Forty-seventh Street and West of a line drawn parallel with Tenth Avenue and 225 feet Eastwardly therefrom. The Astors at the same time conveyed to Edwin Clark (see 752 Conveyances, page 143), a gore of land on each side of lot twelve, between Forty-seventh and Forty-eighth Streets, so as to square the boundary lines of the Irving piece, and make the same extend 150 feet on both Forty-seventh and Forty-eighth Streets, and begin on each street 225 feet East of Tenth Avenue. Edwin Clark, by instrument recorded in Liber 752 Conveyances, page 140, certifies that the deed was made to him in trust for other devisees of John T. Irving.

THE FRANCES HENDRICKS PIECE.

This comprises lots 28, 29, 30, 31, 32 and 33 on said map.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife</i> ; WILLIAM CUTTING <i>and</i> GERTRUDE, <i>his wife</i> , <i>to</i> JOHN WILKES.	}	Dated 30th June, 1803. Ack. 1st, 2d & 14th July, 1803. Rec. 25th May, 1804. 66 Conveyances, 520. Consideration, \$2,935.
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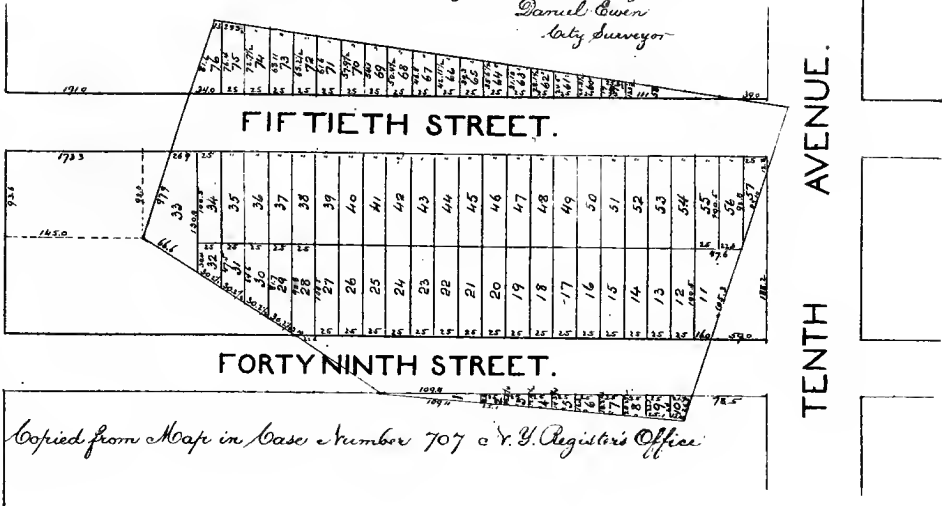
CONVEYS all those six certain lots, pieces or parcels of land situate, lying and being at Bloomingdale, in the Seventh Ward of the said city, and are part of a certain farm formerly the property of Medcef Eden, deceased, which said lots hereby intended to be granted are distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting, by lots number twenty-eight, twenty-nine,

MAP
 OF PROPERTY
 SITUATED IN THE 22^d WARD
 OF THE CITY OF NEW YORK
 BELONGING TO THE STATE OF
FRANCES HENDRICKS DEC'D

Surveyed and drawn August 5th 1850
Daniel Owen
City Surveyor

ELEVENTH AVENUE.

TENTH AVENUE.



thirty, thirty-one, thirty-two and thirty-three, which said lots are bounded Easterly by lot number twenty-seven, Westerly by lot number thirty-four, Southerly by the road leading from the Bloomingdale main road to the River, and Northerly partly by lands of Mr. Hopper, and partly by lands of Lewis Simond; the Northerly boundary of the said lots hereby granted is in length from the Northwest corner of lot number twenty-seven aforesaid to the Northeast corner of lot number thirty-four aforesaid, along the said lands of Hopper and Simond, six hundred feet, be the same more or less; and the Southerly boundary of the said lots hereby granted is in length from the Southwest corner of lot number twenty seven aforesaid to the Southeast corner of lot number thirty-four aforesaid, along the said road last mentioned, six hundred feet, be the same more or less. And also all the right and use of the road last mentioned, and a landing on the said river at the extremity of the last mentioned road.

MORTGAGE.

JOHN WILKES <i>and</i> MARY, <i>his</i> <i>wife,</i> <i>to</i> THE PRESIDENT <i>and</i> DIRECTORS <i>of the</i> MANHATTAN CO.	}	To secure \$8,736.30. Dated 22d Jan., 1812. Ack. 25th Jan., 1812. Reg. 1st Feb., 1812. 22 Mortgages, 510. Rec. 28th Dec., 1818. 145 Conveyances, 32.
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RECITES that John Wilkes is indebted to Isaac Moses and sons in sum of \$5,910.01, and to the Manhattan Co. in sum of \$2,826.29.

COVERS same premises.

John Wilkes (also known as John de Ponthieu Wilkes), died on 1st March, 1818, leaving him surviving, Eliza Frances Wilkes, John Wilkes, Henry Wilkes, Edmund Wilkes, and

Charles Wilkes, Junior, his children, and Mary Wilkes his widow.

<p style="text-align: center;"><i>Last Will and Testament</i> of JOHN DE PONTHEIU WILKES.</p>	}	<p>Dated 17th Aug., 1808. Proved 25th Mar., 1818. 54 Wills, 329.</p>
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I give, devise and bequeath unto my good brother, Charles Wilkes, Cashier of the Bank of New York, guardian and executor hereinafter named, all and singular my real and personal estate and effects whatsoever and wheresoever, either in possession, reversion, remainder or expectancy, whereof or wherein I shall be any ways seised or possessed of, interested in or intitled unto, at the time of my death. Upon trust that he, the said Charles Wilkes do and shall, as in his judgment shall seem best, control and manage, or otherwise sell and dispose of, or keep, my said real and personal estate for the use and benefit of my five children, namely: Eliza Frances, John, Henry, Edmund and Charles, as and in manner hereinafter mentioned, and my will and meaning is, and I hereby order and direct, that my said Executor, Charles Wilkes, shall apply, appropriate, distribute and divide all and singular my said real and personal estate and effects, and the rents, issues, profits, dividends and proceeds thereof, unto and amongst all and every of such my said five children as shall be then living, and among the child and children of such of them as shall be then dead, who, nevertheless, shall be entitled only to the share or shares which his, her, or their respective parent or parents would have been entitled to had they been living, share and share alike, to whom I hereby give, devise and bequeath the same accordingly."

Gives his said brother Charles Wilkes full power of sale, and appoints him sole executor.

IN CHANCERY,
Before the Chancellor.

THE PRESIDENT <i>and</i> DIRECTORS <i>of the</i> MANHATTAN CO. vs. ELIZA FRANCIS WILKES, JOHN WILKES, HENRY WILKES, EDMUND WILKES, CHARLES WILKES, JUNIOR, MARY WILKES, <i>and</i> CHARLES WILKES, <i>Executor of</i> JOHN WILKES.	}
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- 1818—July 21. Bill filed to foreclose above mortgage.
 Sept. 30. Order appointing Edward Wilkes guardian
ad litem of Charles Wilkes, Junior.
 Oct. 1. Answer of infant filed.
 Oct. 1. Order *pro confesso* against the other defend-
 ants, on consent of Edmund Wilkes, their
 solicitor.
 Oct. 1. Order of reference to compute the amount due.
 Oct. 5. Master reports \$12,519.35 due.
 Oct. 5. Decree of foreclosure and sale.
 Dec. 29. Report of sale of premises to Harman Hen-
 dricks.
 Dec. 29. Report confirmed.
 1819—June 24. Decree enrolled.

DEED.

THOMAS BOLTON, <i>Master-in- Chancery,</i> to HARMAN HENDRICKS.	}	Dated 28th Oct., 1818. Ack. 26th Dec., 1818. Rec. 30th Dec., 1818. 133 Conveyances, 389. Consideration, \$5,700.
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CONVEYS all said mortgaged premises.

Harman Hendricks died intestate on 3d April, 1838, leaving him surviving Frances Hendricks, his widow, and

1. Uriah Hendricks,
2. Henry Hendricks,
3. Washington Hendricks,
5. Montague M. Hendricks.
5. Hetty, wife of Aaron L. Gomez,
6. Emily Grace, wife of Benjamin Nathan.
7. Hannah Hendricks.
8. Rosalie Hendricks.
9. Selina Hendricks,
10. Hermoine Hendricks.

his only children and heirs-at-law.

Letters of administration were granted to Uriah Hendricks. (See Liber 37 Letters Administration, page 148.)

<p style="text-align: center;">HENRY TOBIAS, <i>of 1st part.</i></p> <p>ROSALIE HENDRICKS, <i>an infant,</i> <i>of 2d part.</i></p> <p>FRANCES HENDRICKS, <i>Guardian</i> <i>of ROSALIE HENDRICKS,</i> <i>of 3d part.</i></p> <p>URIAH HENDRICKS, HENRY HENDRICKS, WASHINGTON HENDRICKS <i>and</i> MONTAGUE M. HENDRICKS, <i>of 4th part.</i></p>	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 2d Oct., 1839. Ack. 2d Oct., 1839. Rec. 5th Oct., 1839. 396 Conveyances, 632. Consideration, \$10.</p>
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RECITES that a marriage is about to be solemnized between Henry Tobias and Rosalie Hendricks, and that it has been agreed that her share of her father's estate should be placed in the hands of trustees for her benefit.

Rosalie Hendricks, by and with the consent of Henry Tobias, conveys to parties of the fourth part, all the one full, equal undivided tenth part of the same premises, with other property.

In trust to receive rents and profits, and apply the same to the use of Rosalie Hendricks during her natural life, and on her decease to convey the same to her heirs, free from the curtesy of her husband, in such shares as they would have taken had she died intestate seized of said premises.

Rosalie Hendricks thereupon married Henry Tobias, and died shortly thereafter intestate and without issue. Her trustees thereupon conveyed to her mother, brothers and sisters, her heirs-at-law, the one-tenth part of the piece in question (see 476 Conveyances, 8).

Washington Hendricks, another of said children, died on 16th March, 1841.

Last Will and Testament
of
WASHINGTON HENDRICKS.

} Dated 8th March, 1841.
} Proved 22d April, 1841.
} 83 Wills, 259.

After giving sundry legacies, the testator provides as follows :
“All the rest and residue of my estate, real and personal of every kind and description, whatever and wheresoever, including everything not herein effectually disposed of, I give, devise and bequeath unto my mother, Frances Hendricks, for and during the term of her natural life ; she is to receive the rents, income and profits thereof, to her own use during the term aforesaid. And I further give to my said mother full power and authority by deed, under seal, by last will and testament, and by codicil thereto, to dispose of all or any part of the said residue of my real and personal estate in fee simple or otherwise. And I do give and bequeath all and singular the said residue of my real and personal estate, subject, nevertheless, to her power of disposition as aforesaid, immediately upon the

decease of my said mother, in fee simple unto my brothers and sisters and the issue of any deceased brother or sister, they to take as tenants in common, bnt so, nevertheless, that the issue of any deceased brother or sister shall take equally among them the share or shares only which the parent or respective parents of such issue if then living would have taken, at the decease of my said mother, such issued representing the parent."

HANNAH HENDRICKS

to

FRANCES HENDRICKS, *widow*,
 URIAH HENDRICKS, HENRY
 HENDRICKS, MONTAGUE M.
 HENDRICKS, EMILY G. NA-
 THAN, *wife of* BENJAMIN NA-
 THAN, SELINA HENDRICKS,
 HERMIONE HENDRICKS, *and*
 HETTY GOMEZ, *wife of* AARON
 L. GOMEZ.

DEED.

Dated 16th Mar., 1846.
 Ack. 16th Mar., 1846.
 Rec. 17th Mar., 1846.
 476 Conveyances, 28.
 Consideration, \$32,000.

RECITES deaths and intestacy of Harman Hendricks and Rosalie Tobias, and will of Washington Hendricks. CONVEYS all and singular one equal ninth part of the premises of which Harman Hendricks died seised.

DEED.

SAME

to

SAME.

Dated 9th March, 1846.
 Ack. 16th Mar., 1846.
 Rec. 17th Mar., 1846.
 476 Conveyances, 29.
 Consideration, \$32,000.

CONVEYS all and singular the one equal undivided ninth part of the real estate of which her father died seised, specially describing it.

URIAH HENDRICKS *and* FANNY,
his wife; HENRY HENDRICKS
and HARRIET, *his wife*; MON-
 TAGUE M. HENDRICKS *and*
 RACHEL, *his wife*; BENJAMIN
 NATHAN *and* EMILY GRACE,
his wife; SELINA HENDRICKS,
 HERMOINE HENDRICKS,
 AARON L. GOMEZ *and* HENRY,
his wife,
 to
 FRANCES HENDRICKS.

DEED.

Dated 1st Jan., 1847.
 Ack. 1st March, 1847.
 Rec. 2d March, 1847.
 485 Conveyances, 598.
 Consideration, \$82,200.

CONVEYS same premises.

Frances Hendricks died on first day of May, 1854, leaving eight children her surviving. Hermoine Hendricks, one of said children, previous to the death of her mother, had intermarried with Alfred Tobias. See ante-nuptial settlement as to personal property, in Liber 485 Conveyances, 573.

Last Will and Testament
of
 FRANCES HENDRICKS.

Dated 15th June, 1841.
 Proved 5th June, 1854.
 110 Wills, 167.

She devises to her executors all the lands or real estate of which she is now seised and whereof she may be seised or entitled to at the time of her decease, in trust, to sell and absolutely dispose of the same and every part thereof, in separate lots or parcels, by public auction or private contracts, for cash or upon credit, and convey the same to the respective purchasers thereof. She directs that the moneys arising from such sales shall be deemed part and parcel of her personal estate and subject to the dispositions made by her concerning the

same. She directs that all her debts be first paid out of her personal estate, and that the residue thereof be divided into eight parts. Each one of said eight parts she devises to her executors in trust for one of her eight children, each child taking a beneficial interest in one of said eight shares. The nature of the trust is as follows: the executors are to invest the same and receive the income and profits thereof, and apply the same to the use of such child, during his or her natural life, the title of said executors to terminate on the death of such child, and she thereupon bequeaths such eighth part unto the child or children of such child living at the time of his or her decease, and the issue of any deceased child, the issue of a deceased child to take its parent's share. In case such child of testatrix should die without leaving issue, she devises such eighth part to her surviving child or children living at the time of the decease of such child, and the issue of a deceased child, such issue taking its parent's share.

Testatrix further provides that in case any of her said children shall die before her, without issue living at death of testatrix, she devises the share of such child to her executors, to be divided into equal shares, and to be applied in equal augmentation of the bequests hereinbefore made, and to be held on like trusts.

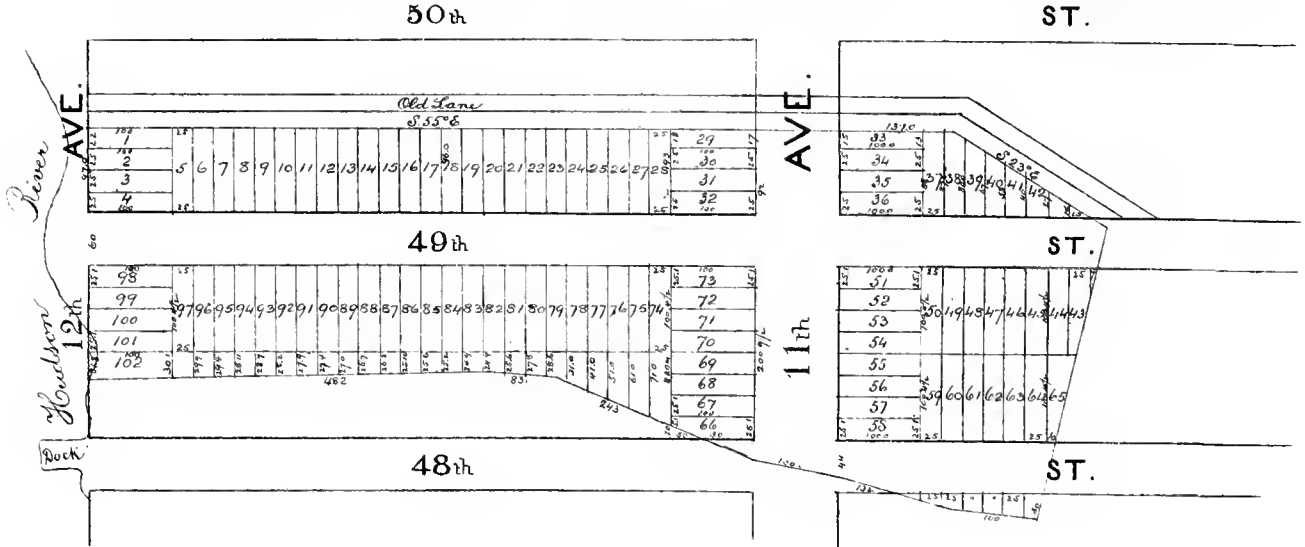
She appoints her sons Uriah, Henry and Montague M. the executors and trustees of her will.

By codicil dated 27th day of July, 1852, after reciting the will of Washington Hendricks, above set forth, and the power of appointment therein given her, she declares that in pursuance of such power she devises unto the executors and trustees named in her will as joint tenants in fee simple, all the said rest and residue of the real estate whereof her son Washington Hendricks was at the time of his death seised or possessed, whatever and wheresoever, and of which she shall have made

MAP OF THE PROPERTY OF RICHARD FISHER.

*Surveyed and laid out by Ch. Spencer, City Surveyor,
c. 1840, July 16, 1840.*

Copied from Map in Case Number 359 of U. S. Register's Office



no other disposition at the time of her decease, upon trust to sell and absolutely dispose of the same and every part thereof, in separate lots or parcels, by public auction or private contracts, and for cash or upon credit as to them shall seem expedient, and convey the same to the respective purchasers thereof. She directs that the monies arising from such sales shall be deemed part of her personal estate, and shall be appropriated, applied and divided by said executors and trustees, as in her Will directed, mentioned and expressed, and given under and subject to the same limitation, qualifications, limitations and clauses as in said Will and this codicil expressed and declared of and concerning the same.

Letters testamentary were granted to all three executors. See Liber 12 Letters Testamentary, page 11.

THE RICHARD FISHER PIECE.

This comprises lots 22, 23, and 24 on Astor and Cutting map.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife,</i> <i>to</i> WILLIAM CUTTING.	}	Dated 30th July, 1803. Ack. 8th Sept., 1803. Rec. 15th March, 1804. 66 Conveyances, 355. Consideration, \$1.
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CONVEYS all the right, title, interest, property, dower, right of dower, claim and demand whatsoever, both in law and equity, of them the said parties of the first part, of, in and to all that certain lot, piece or parcel of land situate, lying and being at Bloomingdale, in the Seventh Ward of the said City, and is part of a certain farm formerly the property of Medcef Eden, deceased, which said lot, piece or parcel of land, hereby re-

leased, or intended to be released, is distinguished in a certain map of the division of the said farm made by the said John Jacob Astor and William Cutting, by lot number twenty four, and is bounded Easterly by lot number twenty-three, Westerly by Hudson's River, Southerly by land of ——— Norton, and Northerly by the road leading from the Bloomingdale main road to the said river, and estimated to contain eight acres of land, be the same more or less.

DEED.

JOHN JACOB ASTOR <i>and</i> SARAH, <i>his wife,</i> <i>to</i> WILLIAM CUTTING.	}	Dated 14th Feb., 1804. Ack. 16th Feb., 1804. Rec. 15th March, 1804. 66 Conveyances, 356. Consideration, \$425.
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CONVEYS all the one full, equal and undivided moiety or half part of all and singular the following lots, each one into two equal parts to be divided, situate, lying and being at Bloomingdale, in the late Seventh now Ninth Ward of the said City of New York, and are a part of a certain farm, formerly the property of Medcef Eden, deceased, which said lots (the several moieties of which are hereby intended to be released), are distinguished in a certain map of the division of the said farm made by the said John and William, by lots numbered twenty-two and twenty-three.

DEED.

WILLIAM CUTTING <i>and</i> GER- TRUDE, <i>his wife,</i> <i>to</i> JONATHAN OGDEN.	}	Dated 31st Dec., 1817. Ack. 2d Jan., 1818. Rec. 5th Jan., 1818. 125 Conveyances, 75. Consideration, \$10,000.
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CONVEYS all those three certain lots, pieces or parcels of land, situate, lying and being in the Ninth Ward of the said

city, and distinguished on a map made of the division of the farm formerly of Medcef Eden, filed in the office of the Register in and for the said City, on the 21st day of February, in the year 1806, by lots numbered twenty-two, twenty-three and twenty-four (22, 23, 24), bounded Westerly by the North or Hudson's River, Easterly by lot number twenty-one, Southerly by land now or late of John L. Norton, and Northerly by a lane leading from the Bloomingdale Road to Hudson's River.

JOHN EDEN <i>and</i> JANE, <i>his wife</i> , JACOB KNOBLE <i>and</i> ANN, <i>his wife</i> , <p style="text-align: center;"><i>to</i></p> JONATHAN OGDEN.)	DEED. — Dated 10th Oct., 1821. Ack. 10th Oct., 1821. Rec. 11th Oct., 1821. 156 Conveyances, 144. Consideration, \$1,500.
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RECITES that John Eden, in his own right, and as one of the heirs of his late sister, Hannah Johnson, and the said John Knobel and Ann, his wife, in right of the said Ann, who is a daughter and only heir of Mathew Eden, deceased, and co-heir with John Eden of the said Hannah Johnson, claim some interest in said premises, by virtue of an executory devise in will of Medcef Eden.

RELEASES same premises.

JOHN EDEN <i>and</i> JANE, <i>his wife</i> , JACOB KNOBEL <i>and</i> ANN, <i>his wife</i> , <p style="text-align: center;"><i>to</i></p> JONATHAN OGDEN.)	RELEASE. — Dated 10th Dec., 1825. Ack. 26th Dec. 1825. Rec. 31st Dec., 1825. 196 Conveyances, 399. Consideration, \$1,000.
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CONVEYS same premises.

DEED.

JONATHAN OGDEN *and* CHAR-
 LOTTE, *his wife*,
to
 JOHN FISHER.

Dated 3d May, 1823.
 Ack. 10th May, 1823.
 Rec. 17th June, 1823.
 167 Conveyances, 177.
 Consideration, \$7,500.

CONVEYS same premises.

DEED.

JOHN FISHER *and* MARGARET,
his wife,
to
 RICHARD FISHER.

Dated 20th April, 1829.
 Ack. 29th May, 1829.
 Rec. 28th April, 1832.
 285 Conveyances, 361.
 Consideration, \$14,000.

CONVEYS same premises.

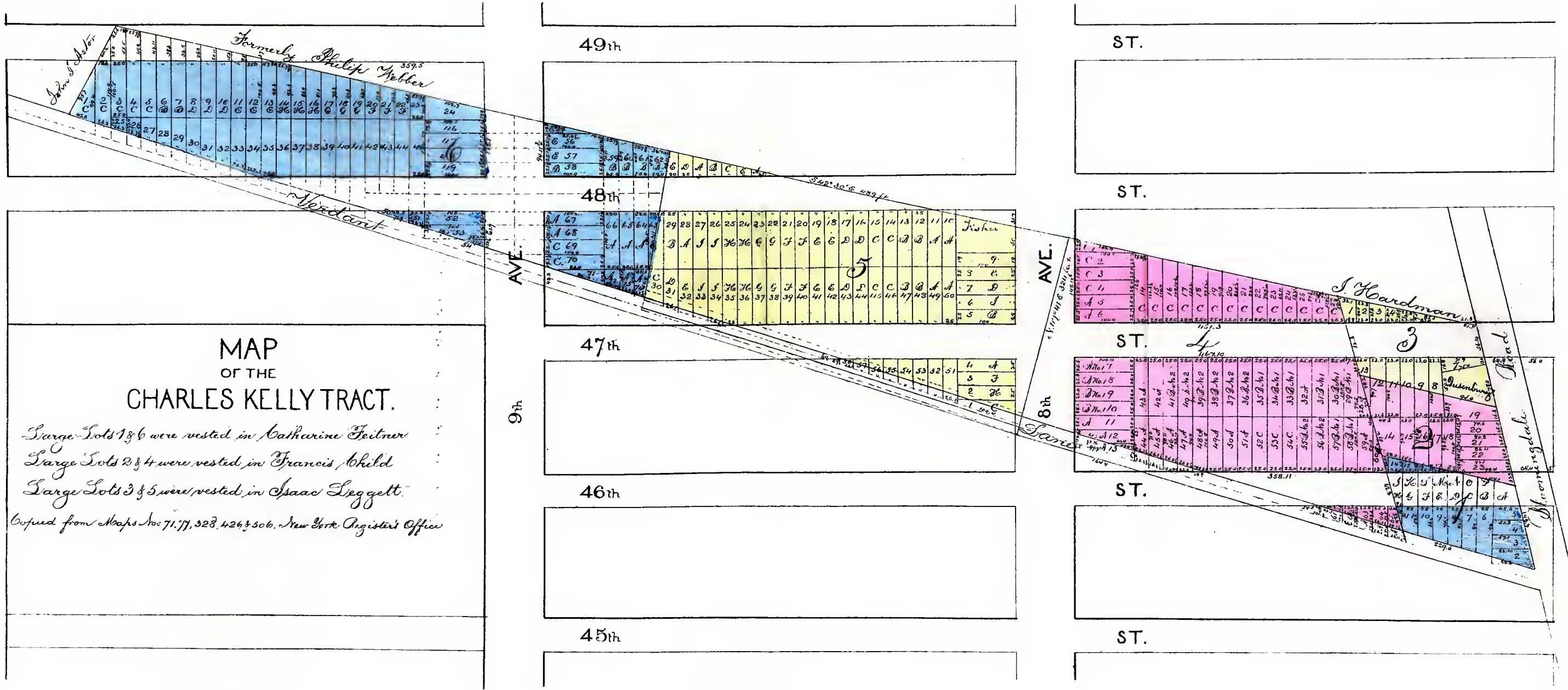
The map of this tract, which is on file in Case Number 359, differs in its location of Verdant Lane from the maps of the adjacent tracts belonging to Frances Hendricks and John Jacob Astor. There are so many inaccuracies apparent in this map that it is probably safe to consider it erroneous in this respect also.

10th AVE.

9th AVE.

MAP OF THE CHARLES KELLY TRACT.

Large Lots 1 & 6 were vested in Catharine Feitner
 Large Lots 2 & 4 were vested in Francis Child
 Large Lots 3 & 5 were vested in Isaac Leggett.
 Copied from Maps Nos 71, 77, 328, 426 & 506. New York Register's Office



49th

ST.

48th

ST.

47th

ST.

46th

ST.

45th

ST.

10th AVE.

9th AVE.

7th AVE.

THE CHARLES KELLY TRACT.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERTS.	}	PATENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

JAN VIGNE <i>to</i> JACOB CORNELISSE.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Not recorded, but re- cited in the following deed to JOSEPH HAYNES.
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CONVEYS all that a certain part or parcel of land situate, lying and being at the Great Kill and laid out for an equal fifth part of a patent formerly granted to Johannes Van Brugge, Thomas Hall, Jan Vignie, Egbert Wouters and Jacob Leanders, bounded on the South by the land of Johannes Van Brugg, on the North by the land of Aaron Webbers, by Hudsons River on the West, and by the Commons of the City of New York on the East.

JACOB CORNELISSE <i>to</i> WOLFERT WEBBERS.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Not recorded, but re- cited in the following deed.
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CONVEYS same premises.

Wolfert Webbers died seised of this tract, and his heirs conveyed as follows:

ARNOUT WEBBERS *and* SARAH
his wife; JACOB WEBBERS
and MARGARET, *his wife*;
FREDERICK WEBBERS *and*
LENA, *his wife*, CORNELIUS
WEBBERS *and* JANNATIE, *his*
wife; ARIANTE VAN ARDEN
(*late* ARIANTE WEBBERS), AL-
TIE SOMERDICKE (*late* ALTIE
WEBBERS), *and* MARGARET
WEBBERS, *daughter and heir*
of JOHN WEBBERS.

to

JOSEPH HAYNES.

DEED.

Dated 6th Oct., 1759.
Ack. 6th Oct., 1759.
Rec. 14th Oct., 1784.
42 Conveyances, 27.
Consideration, £1,500.

CONVEYS same premises.

Last Will and Testament
of
JOSEPH HAYNES.

Dated 17th July, 1762.
Proved 9th May, 1763.
24 Wills, 22.

Item: I do give and devise all my estate both real and personal unto my beloved wife Jane Haynes, to receive the rents, issues and profits thereof during her natural life, to her own use and behoof; and at her decease I do give, devise and bequeath the one full and equal moyty or half part of all my estate both real and personal unto my two nieces Charlotte and Elizabeth Haynes, their heirs and assigns forever, equally to be divided between them, share and share alike, but in case either of my said two nieces should happen to die during the lifetime of my wife, then I do give and devise the share and part of her so dying to the survivor of my said two nieces, and to her heirs

and assigns forever. And the other full and equal moyety or half part of all my estate both real and personal, at and immediately after my said wife's decease, I do give, devise and bequeath unto such of her sisters as shall be living at the time of her death, and to their heirs and assigns forever, equally to be divided between them, share and share alike.

By codicil dated 9th March, 1763, he provides that Ann Sevon may live with his wife during her widowhood, and in case his wife remarries, he gives said Ann Sevon an annuity of £100, to be void when she marries or moves out of province.

Jane Haynes died about 1768, leaving four sisters her surviving, viz., Anne, wife of Daniel Horsmanden; Elizabeth Sevon, Mary Sevon, and Catharine Sevon.

<p>DANIEL HORS MANDEN <i>and</i> ANNE, <i>his wife (late</i> MISS ANNE SEVON); ELIZABETH SEVON, MARY-SEVON <i>and</i> CA- THARINE SEVON, CHARLOTTE HAYNES, <i>and</i> ELIZABETH HAYNES,</p> <p style="text-align: center;"><i>to</i></p> <p style="text-align: center;">JOHN REIS.</p>	<p>DEED.</p> <hr style="width: 20%; margin: 0 auto;"/> <p>Dated 16th Jan., 1771. Ack. 16th Jan., 1771. Rec. 16th Nov., 1784. 42 Conveyances, 49. Consideration, £1,000.</p>
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RECITES will of Joseph Haynes, and that his widow is now deceased, leaving her surviving four sisters: Anne, wife of Daniel Horsmander; Elizabeth Sevon, Mary Sevon and Catharine Sevon; and that said tract had been mortgaged to Anne Sevon (now Horsemander) to secure £1,600; and that said tract had been divided into three lots, known as lots Numbers 1, 2 and 3, the said lot number 3 fronting Hudson River, and the said lots number one and two fronting the highway leading to Bloomingdale.

CONVEYS all that certain lott, piece or parcel of land, being part of the said farm or plautation whereof the said Joseph Haines so died seised as aforesaid, and which same lot, piece or parcel of land, hereby intended to be granted, is distinguished by the plan thereof made by the said Francis Marschalk by the lot number two, and is the Northermost of the same two lots fronting on the road leading to Bloomingdale, and the same lot number two. Begins at the Southermost corner of a tract of land belonging to John Hopper, where the same bounds on the said road leading to Bloomingdale and runs thence, agreeable to the map or plan thereof made by the said Francis Marschalk, in the year one thousand seven hundred and sixty, along the said Bloomingdale Road South twenty-one degrees West fourteen chains to the Northeasterly corner of the said lot number one; thence along the Northerly bounds of the said lot number one, North thirty-seven degrees thirty minutes, West thirty-nine chains and thirty links to the said lot number three; thence along the said lot number three North fifty-four degrees East six chains and sixty links to the land of the said John Hopper, thence along his land as follows: South fifty degrees East two chains and fifty links, thence South forty-eight degrees thirty minutes East six chains, thence South forty-one degrees thirty minutes East seven chains, thence South thirty-six degrees thirty minutes East five chains, thence South fifty-three degrees East eight chains; thence South fifty-six degrees East three chains and thirty-six links to the place of beginning, Containing thirty-two acres, more or less.

Excepting and always reserving out of the premises hereby granted twelve feet and six inches of ground all along the Southerly bounds of the same hereby granted premises, and extending from the front thereof on the said Bloomingdale Road to the rear on the said lot number three, which said twelve feet and six inches of ground, together with the like quantity of twelve feet and six inches adjoining thereto, and to be taken from the

Northerly bounds of the said lot number one, is reserved and intended, and shall forever be, remain and continue as and for a common road and passage between the said lots number one and two from the said Bloomingdale Road down to the said lot number three.

It appears from recitals in the following deed that John Reis died intestate seised of said tract, leaving him surviving four daughters, his only heirs-at-law, viz. : Catharine, wife of Charles Kelly; Elizabeth, wife of Philip Webbers; Barbara Reis and Catrenea Reis. The last two named daughters went with their mother to Germany, and while there Barbara intermarried with one Eckelin, and Catrenea with one Blackstedlin. Their mother also intermarried with Johannes Hassell.

CHARLES KELLY <i>and</i> CATH- ARINE, <i>his wife</i> ; PHILIP WEB- BERS <i>and</i> ELIZABETH, <i>his wife</i> , <i>to</i> HENRY SHUTZ.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 28th Aug., 1786. Ack. 28th Aug., 1786. Rec. 29th Aug., 1786. 43 Conveyances, 502. Consideration, 10s.
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CONVEYS all that the one full and equal moiety or half part of, in and to the same premisses.

In trust to convey one undivided fourth of said tract to Charles Kelly and one undivided fourth to Philip Webbers.

There appears to be no deed on record from Shutz to Kelly or to Webers. The trust expressed in above deed would, however, vest the title in them without such deed.

ANNA BARBARA ECKELIN <i>and</i> ANNA CATHARINE ELIZABETH BACKSTEDLIN, <i>to</i> JOHANN HENRICH DORR.	}	POWER. <hr style="width: 20%; margin: 0 auto;"/> Dated 28th April, 1791. Rec. 17th Dec., 1828. 2 Powers Attorney, 231.
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RECITES that their mother, Catharine Hassell, has left an estate of \$3,611, and that they are willing to release the prop-

CONVEYS all that the said lot of land, distinguished by the number one, the same being the Southerly moiety or half part of the said lot, piece or parcel of land which was conveyed as aforesaid to the said Johannes Rees, Containing sixteen acres of land, as the same is laid down and delineated on the said map or chart hereunto annexed.

Habendum, to parties of the second part as joint tenants.

Catharine Kelly died July 3d, 1800, leaving her husband Charles Kelly and three daughters her surviving—

Catharine, wife of Francis Feitner ; Barbara, wife of Isaac Leggett ; Mary, wife of Francis Child, Junior.

Charles Kelly divided the tract so vested in him into six lots, three fronting on the Bloomingdale Road, and three fronting on Verdant Lane. Two of these lots he conveyed to each of his three daughters above named.

TITLE TO LOT NUMBER ONE.

A small strip along the Northerly side of this lot appears to have been conveyed by deed recorded in Liber 67 Conveyances, page 98. See remarks thereon, post page 169.

DEED.

<p style="text-align: center;">CHARLES KELLY <i>to</i> FRANCIS FITNER <i>and</i> CATH- ARINE, <i>his wife.</i></p>	}	<hr style="width: 20%; margin: 0 auto;"/> <p>Dated 17th Nov., 1802. Prov. 7th March, 1829. Rec. 7th March, 1829. 248 Conveyances, 127. Consideration, \$1.</p>
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CONVEYS all that certain lot or parcel of land, being part of the farm now occupied by, and belonging to the said Charles

Kelly, situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, on the Westerly side of the Bloomingdale Road, and known and distinguished in a certain map or chart of part of the said farm made by Charles Loss, City Surveyor, dated the 30th day of October, one thousand eight hundred and one, by lot Number One, which said lot number one, intended to be hereby granted, is bounded as follows, to wit: Beginning on the said Bloomingdale Road, at the Easterly corner of a road of forty feet in breadth, lately laid out, leading to the North River; and running thence along the said Bloomingdale road North nineteen degrees East one hundred and forty-eight feet to the Southerly corner of Lot Number Two, conveyed by the said Charles Kelly to Francis Child, Junior, and Mary, his wife; thence North forty-four degrees twenty-five minutes West two hundred and thirty-five feet six inches to the land of the said Charles Kelly; thence along the same South nineteen degrees West one hundred and forty one feet three inches to the said road leading to the North River; thence along the said road last mentioned South forty degrees East Two hundred and thirty-eight feet to the place of beginning. Containing about two roods and thirty-six perches of land.

Francis Feitner died on 4th January, 1833, leaving Catharine Feitner him surviving. She died in October, 1834.

Last Will and Testament
of
 CATHARINE FEITNER.

} Dated 24th Jan., 1833.
 } Rec. 17th Jan., 1835.
 } 73 Wills, 197.

She directs her executors to sell the premises conveyed by the previous deed, and directs the distribution of the proceeds among her children and grandchildren in the proportions therein named.

She appoints her sons Peter Feitner and Charles Feitner her executors.

Letters testamentary were granted to both executors. See Liber 2, Letters Testamentary, page 355.

The lot in question was subdivided into city lots (see map number 328), and sold by the executors pursuant to this power.

TITLE TO LOT NUMBER TWO.

DEED.

<p style="text-align: center;">CHARLES KELLY to FRANCIS CHILD, JR., <i>and</i> MARY, <i>his wife.</i></p>	}	<p style="text-align: center;">—</p> <p>Dated 4th Nov., 1801. Ack. 7th May, 1804. Rec. 22d June, 1804. 67 Conveyances, 98. Consideration, \$1.</p>
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CONVEYS all that certain lot or parcel of land, being part of the farm now occupied by and belonging to the said Charles Kelly, situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, on the Westerly side of the Bloomingdale road, and known and distinguished in a certain map or chart of part of the said farm made by Charles Loss, City Surveyor, dated the thirtieth day of October, one thousand eight hundred and one, by lot Number Two, which said lot number two, intended to be hereby granted, is bounded as follows, to wit: Beginning on the said road, at the Easterly corner of lot number one, intended to be conveyed by the said Charles Kelly to his daughter Catharine Feitner, and running thence along the said road North nineteen degrees East one hundred and fifty feet and six inches to the Southerly corner of lot number three, intended to be conveyed by the said Charles Kelly to his

daughter Barbara Leggett; thence North forty-five degrees West two hundred and thirty four feet, to other land of the said Charles Kelly; thence along the same South nineteen degrees West one hundred and forty-six feet and nine inches to the Northerly corner of the said lot number one, and thence along the same South forty-four degrees twenty-five minutes East two hundred and thirty-five feet and six inches to the said place of Beginning. Containing two roods and thirty-six perches of land, as by the said map or chart hereunto annexed may appear.

Verdant Lane is laid down on the map annexed to the above deed as 25 feet instead of 40 feet wide, as shown in subsequent maps attached to deeds recorded in Liber 248 Conveyances, page 127, and in Liber 134 Conveyances, page 370.

Seven and a half feet, half of the difference in the width, is added to each of the three lots proportionately, so as to make each 150 feet 6 inches wide instead of 148 feet. Lot 2, according to the above deed and map thereto annexed, covers five feet of lot 1, and falls short 2 feet 6 inches from reaching lot 3, as shown on the other maps attached to the deeds above referred to. It is to be noted that the above deed is of an earlier date and record than the deeds of lots 1 and 3.

DEED.

FRANCIS CHILD <i>and</i> MARY, <i>his</i> <i>wife,</i> <i>to</i> JOHN PUNTZIUS.	}	Dated 3d Oct., 1808. Ack. 11th Act., 1808. Rec. 27th Oct., 1810. 89 Conveyances, 242. Consideration \$1.
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CONVEYS same premises upon the special trust to reconvey to said Francis Child.

DEED.

JOHN PUNTZIUS <i>to</i> FRANCIS CHILD.	}	Dated 4th Oct., 1808. Ack. 11th Oct., 1808. Rec. 27th Oct., 1810. 89 Conveyances, 246. Consideration, \$1.
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RECONVEYS same premises.

DEED.

FRANCIS CHILD <i>and</i> MARY, <i>his</i> <i>wife,</i> <i>to</i> DAVID S. BROWN.	}	Dated 19th Aug., 1834. Ack. 30th Aug., 1834. Rec. 23d Sept. 1834. 317 Conveyances, 200. Consideration, \$2,000.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being in the Twelfth Ward of the City and County of New York, Bounded and containing as follows, to wit: Southeasterly on the Bloomingdale Road one hundred and forty-nine feet six inches; Northwesterly, in the rear, by other land belonging to the said Francis Child, one hundred and thirty-four feet ten inches; Northeasterly partly by land belonging to John Dusenbury and partly by land belonging to said David S. Brown, two hundred and thirty feet six inches, and Southwesterly by land belonging to the estate of Francis Feitner, deceased, and Catharine, his widow, two hundred and thirty-six feet eight inches, the same being part of the premises conveyed by Charles Kelly by above deed.

TITLE TO LOT NUMBER THREE.

DEED.

CHARLES KELLY <i>and</i> CATH- ARINA, <i>his wife</i> , <i>to</i> BARBARA LEGGET.	}	Dated 4th Aug., 1798. Proved 11th Mar., 1833. Rec. 14th March, 1833. 293 Conveyances, 322. Consideration, \$1.
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CONVEYS all that certain lot or parcel of land situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, bounded Easterly in front by the road, Westerly in the rear by land belonging to the said Charles Kelly, Northerly by land of Philip Webbers, and Southerly by land belonging to the said Charles Kelly, Containing in breadth in front and rear at each end fifty feet, and in length on each side one hundred and fifty feet.

DEED.

CHARLES KELLY <i>to</i> ISAAC LEGGET <i>and</i> BARBARY, <i>his wife</i> ,	}	Dated 16th Nov., 1802. Proved 16th Feb., 1819. Rec. 18th Feb., 1819. 134 Conveyances, 370. Consideration, \$1.
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CONVEYS all that certain lot or parcel of land, being part of the farm now occupied by and belonging to the said Charles Kelly, situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, on the Westerly side of the Bloomingdale Road, and known and distinguished in a certain map or chart of part of the said farm, made by Charles Loss, City Surveyor, dated the thirtieth day of October, one thousand eight hundred and one, by lot Number Three, which said lot number three intended to be hereby granted is bounded as follows, to wit: Beginning on the said Bloomingdale Road, at the Easterly corner of lot number two, conveyed by the said Charles Kelly to Francis Child, Junior, and Mary, his wife, and run-

ning thence along said Bloomingdale Road North nineteen degrees East one hundred and forty-eight feet to land of Philip Webbers; thence along the same North forty-five degrees thirty minutes West two hundred and thirty-two feet six inches to land of the said Charles Kelly; thence along the same South nineteen degrees West one hundred and forty-five feet to the said lot number two; thence along the same South forty-five degrees East two hundred and thirty-four feet to the place of beginning. Containing about two roods and thirty-six perches of land, as by the map hereto annexed may appear.

DEED.

ISAAC LEGGETT <i>and</i> BARBARA, <i>his wife,</i> <i>to</i> JOHN H. DUSENBURY.	}	Dated 25th May, 1825. Ack. 16th Feb., 1826. Rec. 17th Feb., 1826. 201 Conveyances, 77. Consideration, \$400.
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CONVEYS all that certain lot of land situate, lying and being at Bloomingdale in the Ninth Ward of the City of New York, Bounded and containing as follows, to wit: Easterly by the Bloomingdale Road seventy-eight feet, Westerly in the rear by other land of the said Isaac Leggett, fifty feet; Northerly also by other land of the said Isaac Leggett, seventy-five feet, and Southerly by land of Francis Child and Mary, his wife, ninety-four feet, containing in breadth in front seventy-eight feet, in rear fifty feet, on the Northerly side, seventy-five feet, and on the Southerly side ninety-four feet.

Last Will and Testament <i>of</i> ISAAC LEGGETT.	}	Dated 29th Dec., 1832. Proved 5th Mar., 1833. 70 Wills, 78.
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“First, I Will and ordain that so much of my real estate situated on the Bloomingdale Road as is necessary to pay the debts

I may owe at the time of my decease, shall be sold at such time and in such manner as my Executrix and Executors shall think most beneficial." He appoints Barbara Leggett his executrix, and John Dusenbury and Thomas I. Stevens his executors.

Letters testamentary were granted to Barbara Leggett and John Dusenbury, on 5th April, 1833 (see Liber 2, Letters Testamentary, page 48), and to Thomas I. Stevens on 28th April, 1834, same Liber, page 210.

BARBARA LEGGETT, <i>individually,</i> <i>and as Executrix of ISAAC</i> LEGGETT; <i>and JOHN DUSEN-</i> BURY, <i>Executor of ISAAC LEG-</i> GETT, <p style="text-align: center;"><i>to</i></p> DAVID S. BROWN.	}	DEED. Dated 7th May, 1833. Proved 8th May, 1833. Rec. 8th May, 1833. 296 Conveyances, 420 Consideration, \$1,600.
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CONVEYS all of lot 3, excepting the premises conveyed in previous deed.

TITLE TO LOT NUMBER FOUR.

CHARLES KELLY <p style="text-align: center;"><i>to</i></p> FRANCIS CHILD, JUNIOR, <i>and</i> MARY, <i>his wife.</i>	}	DEED. Dated 29th Mar., 1804. Ack. 7th May, 1804. Rec. 22d June, 1804. 67 Conveyances, 101. Consideration \$1.
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CONVEYS all that certain lot or parcel of land situate, lying and being in the Ninth Ward of the City of New York, and is known and distinguished in a certain Map or chart of the farm

of the said Charles Kelly made by Charles Loss, City Surveyor, dated third day of March instant, by lot Number Four, and is bounded and contains as follows, to wit: Beginning on the Northerly side of a road of forty feet in width, lately opened, leading from the Bloomingdale Road towards the North River, at the Westerly corner of a lot of land lately conveyed by the said Charles Kelly to Francis Feitner and Catharine, his wife, distinguished in the said map by the number one, at the distance of 238 feet from the said Bloomingdale Road, and running from thence along the said road leading towards the North River North forty degrees West nine chains and eighty-one links to a lot of land distinguished in the said map by the number five, intended to be conveyed by the said Charles Kelly to Isaac Leggett and Barbara, his wife; thence along the same North fifty degrees East four chains and eighty links to land belonging to Philip Webbers; thence along the same South forty-five degrees thirty minutes East seven chains and eight links to a lot of land distinguished in the said map by the number three, lately conveyed by the said Charles Kelly to the said Isaac Leggett and Barbara, his wife; thence along the same and along a lot of land distinguished in the said map by the number two, lately conveyed by the said Charles Kelly to the said Francis Child, Junior, and Mary, his wife, and along the said lot of land number one South nineteen degrees West six chains and twenty-five links to the place of beginning. Containing four acres one rood and twenty-nine perches of land. Habendum as tenants in common, reserving a life estate to said Charles Kelly.

FRANCIS CHILD <i>and</i> MARY, <i>his</i> <i>wife,</i> <i>to</i> JOHN PUNTZIUS.)	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Oct., 1808. Ack. 11th Oct., 1808. Rec. 27th Oct., 1810. 89 Conveyances, 242. Consideration, \$1.
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CONVEYS lots two and four upon the special trust to reconvey to said Francis Child.

DEED

JOHN PUNTZIUS <i>to</i> FRANCIS CHILD.	}	Dated 4th Oct., 1808. Ack. 11th Oct., 1808. Rec. 27th Oct., 1810. 89 Conveyances, 246. Consideration, \$1.
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CONVEYS said lots numbers two and four.

Francis Child died in October, 1834.

<i>Last Will and Testament of</i> FRANCIS CHILD.	}	Dated 1st Dec., 1826. Proved 29th Oct., 1834. 73 Wills, 143.
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Gives to his wife Mary, during her life, the rents and profits of all his estate, both real and personal, for her support and that of his children, in lieu of dower. After her decease or remarriage, he gives one fourth of his said estate to his son John Child in fee. Devises to his daughter Jane, wife of Thomas Woodward, one fourth, during the term of her natural life, remainder, on her decease, unto her lawful issue in fee, and in default of such issue to the rest of his children. Devises one fourth to his son Abraham Child in fee. He devises the remaining fourth to his daughter Caroline Frances Child, during life, remainder to her lawful issue in fee, and in default of such issue to the rest of his children. He further provides that if he have any other children by his said wife, such child shall have an equal share with his other children.

John Child, the son of the testator, died before his father, intestate and without issue.

Abraham Child, the other son of the testator, died in April, 1844, intestate and without issue.

Caroline Frances Child, a daughter of the testator, intermarried with Joseph W. Savage. She died on 21st June, 1843, leaving her surviving two daughters, Josephine W. Savage and Caroline Frances Savage, her only children.

After the making of the will, and before the death of the testator, a daughter named Mary Child was born to the said Frances Child. She intermarried with Henry L. Parsons, on 12th March, 1844, and died intestate February 17th, 1847, leaving her surviving her daughter, Josephine Parsons, her only child and heir-at-law. Before her marriage, she entered into the following ante-nuptial settlement :

HENRY L. PARSONS, <i>of 1st part.</i> MARY PARSONS, <i>of 2d part,</i> JOHN T. BROWN <i>and</i> LUCIAN F. WHEELER, <i>of 3d part.</i>	} .	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 24th April, 1844. Ack. 24th April, 1844. Rec. 24th May, 1844. 450 Conveyances, 106.
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Recites that Mary Parsons, then an infant of 16 years, is entitled to a certain share in the estate of her father Francis Child, and that it is the intention to settle all such estate to the sole and separate use of the said Mary Parsons, with power to dispose of the same by deed or will, and so that the same may be free from debts and control of her husband, and in default of such appointment may descend to her right heirs.

Henry L. Parsons covenants that he and his said wife, as soon as she attains her majority, will settle and assure all her real estate to her separate use in the manner thereinbefore recited, and that she shall enjoy the same in like manner until the execution of the formal settlement. •

By an order of the Court of Chancery, entered on 27th October, 1845, Joseph W. Savage and Mary Child were substituted as trustees in place of Brown and Wheeler.

Jane Woodward, a daughter of the testator intermarried first with Thomas Woodward, whom she survived. She intermarried afterwards with Stephen Reed on 17th September, 1846.

STEPHEN REED, <i>of 1st part,</i>	}	DEED.
JANE WOODWARD, <i>of 2d part,</i>		Dated 15th Sept., 1846.
LUCAS PARSONS, <i>of 3d part.</i>		Proved 15th Sept., 1846. Rec. 15th Sept., 1846. 477 Conveyances, 480. Consideration, \$1.

RECITES will of Francis Child, and that a marriage is shortly to be solemnized between the said Stephen Reed and Jane Woodward.

Jane Woodward, with consent of Stephen Reed, conveys to Lucas Parsons all her interest in her father's estate. In trust to receive the rents and profits, and apply the same to the use of Jane Woodward. The said Stephen Reed relinquishes all right in the said estate.

Before the execution of the above deeds, on or about the 15th of February, 1840, Mary Child had filed a bill in the Court of Chancery against Thomas Woodward and others, for the construction of the will of Francis Child, and for a partition of his estate. A decree was enrolled in said cause on 11th November, 1845, partitioning the said estate.

IN CHANCERY,

Before the Chancellor.

STEPHEN REED *and* JANE, *his*
wife, *and* LUCAS PARSONS,
her Trustee,

vs.

MARY CHILD, JOSEPHINE PAR-
 SONS *and* HENRY L. PARSONS,
 JOSEPHINE W. SAVAGE, JO-
 SEPH W. SAVAGE *and* CAR-
 OLINE FRANCES SAVAGE.

1847—March 23. Bill filed to review and set aside the preceding decree, on account of errors and irregularities, and a mistake as to interests of Jane Reed.

April 15. Order appointing Elijah Ward guardian *ad litem* of Josephine Parsons, an infant under 14, on petition of her father.

1847—April 17. Order appointing Jared Sparks, guardian *ad litem* of Josephine W. Savage and Caroline Frances Savage, infants under 14, on petition of their father.

Oct. 9. Answers of all said infants filed.

Oct. 9. Answer of Mary Child filed.

Oct. 9. Answer of Henry L. Parsons filed.

Oct. 9. Answer of Joseph W. Savage filed.

Oct. 9. Replications to said answers filed.

1848—July 28. Order of reference to Murray Hoffman.

- 1849—July 3. Referee's report filed—decides that the proceedings in the above suit, from and after the order of reference therein, are inoperative and void, and are hereby set aside, and then adjudges the various interests of the parties, and dismisses so much of the bill as asks for a partition.
- Feb. 3. Judgment entered accordingly.
- March 7. Decree enrolled.

MARY CHILD, *widow of* FRANCIS
CHILD,

to

JANE REED *and* LUCAS PAR-
SONS, *her Trustee*; JOSEPHINE
PARSONS, JOSEPHINE W. SAV-
AGE *and* CAROLINE FRANCES
SAVAGE.

DEED.

—
Dated 23d March, 1849.
Proved 23d Mar., 1849.
Rec. 26th Mar., 1849.
517 Conveyances, 298.
Consideration, \$1.

RECITES the preceding decree, and in pursuance thereof conveys all the estate, right, title and interest whatsoever that she has, takes or claims, under and by virtue of the last will and testament of the said Francis child, deceased, or by force of law, as the widow of the said Francis Child, deceased, or under and by virtue or reason of the death of Abraham Child, deceased, intestate and without issue, one of the children of the said Mary Child, party of the first part, and the said Francis Child, deceased, or in any other manner whatsoever, of, in and to said lot four in question.

N. Y. SUPREME COURT.

STEPHEN REED *and* JANE REED,
his wife, and LUCAS PARSONS,
her Trustee,

vs.

MARY CHILD, JOSEPH W. SAV-
 AGE, HENRY L. PARSONS,
 JOSEPHINE PARSONS, JOSE-
 PHINE W. SAVAGE *and* CAR-
 OLINE FRANCES SAVAGE.

- 1849—April 17. Petition for partition filed.
- April 17. Order appointing Jared Sparks guardian for Josephine Parsons, Josephine W. Savage and Caroline Frances Savage, on petition of their respective fathers.
- April 20. Mary Child, Joseph W. Savage, Henry L. Parsons and Jared Sparks, guardian as aforesaid, were served with copy of the petition and notice of its presentation at Special Term, on 4th June, 1849.
- June 4. Order that defendants appear and answer.
- July 16. Answer of said infants, Josephine Parsons, Josephine W. Savage and Caroline Frances Savage, filed.
- 1850—Feb. 4. Order entered by the General Term that the appeal taken by said infants from the judgment rendered in previous suit be dismissed, except as to the question whether said infants took an absolute or determinable fee in estate of Francis Child.

- Feb. 9. Order that the above answer of said infants be withdrawn and the usual general answer be put in.
- Feb. 16. General answer of said infants filed.
- March 4. Order of reference to Murray Hoffman, on title, etc.
- Oct. 5. Report filed.
- Oct. 5. Judgment of partition entered; Murray Hoffman, Thomas Addis Emmet and Benjamin F. Goodspeed, appointed commissioners of partition.
- 1851—Feb. 26. Report of Commissioners filed.
- 1857—Feb. 26. Final judgment of partition entered; leave is given to parties to apply for leasing, mortgaging or selling their property to pay incumbrances, which was done in case of lots 27, 52, 53 and 54.

The Commissioners set apart to Jane Reed and Lucas Parsons, her trustee, in fee, lots 1, 2, 3, 4; and to Jane Reed, for life, lots 14 to 27, 52, 53 and 54. They set apart to Josephine Parsons, in fee, lots 5, 6, 11, 12, 13, 42 to 51, 32, 28, 59 to 65, They set apart to Josephine W. Savage, lots 7 and 8 in fee simple, and lots 33, 34, 35, 29, 30, 31, 57 and 58 in fee determinable in case she and her sister both die under age and without issue. They set apart to Caroline Frances Savage lots 9 and 10 in fee simple, and lots 36 to 41, 55 and 56 in fee determinable in case both she and her sister die under age and without issue.

TITLE TO LOT NUMBER FIVE.

DEED.

CHARLES KELLY <i>to</i> ISAAC LEGGET <i>and</i> BARBARA, <i>his wife,</i>	}	Dated 29th Mar., 1804. Ack. 7th May, 1804. Rec. 26th Feb., 1805. 69 Conveyances, 96. Consideration, \$1.
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CONVEYS all that certain lot or parcel of land situate, lying and being in the Ninth Ward of the City of New York, and is known and distinguished in a certain map or chart of the farm of the said Charles Kelly, made by Charles Loss, City Surveyor, dated the third day of March instant, by lot number Five, and is bounded and contains as follows, to wit: Beginning on the Northerly side of a road of forty feet in width lately opened, leading from the Bloomingdale Road towards the North River, at the Westerly corner of a lot of land distinguished in the said map by the number Four, intended to be conveyed by the said Charles Kelly to Francis Child, Junior, and Mary, his wife, and runs from thence along the said road leading towards the North River, North forty degrees West ten chains and twenty-nine links to a lot of land distinguished in the said map by the number Six, intended to be conveyed by the said Charles Kelly to Francis Feitner and Catharine, his wife; thence along the same North fifty degrees East, three chains and seventy-five links to land belonging to Philip Webbers; thence along the same South forty-five degrees thirty minutes East ten chains and thirty-two links to the said lot number four; thence along the same South fifty degrees West four chains and eighty links to the place of beginning. Containing four acres, one rood and twenty-nine perches of land, as by the said map hereunto annexed may appear. Habendum, as tenants in common, reserving a life estate to said Charles Kelly.

Last Will and Testament
of
 ISAAC LEGGETT.

} Dated 29th Dec., 1832.
 } Proved 5th March, 1833.
 } 70 Wills, 78.

First, I will and ordain that so much of my real estate, situated on the Bloomingdale Road, as is necessary to pay the debts I may owe at my decease, shall be sold at such time and in such a manner as my executrix and executors shall think most beneficial, and in case the said property on the Blomingdale road is not sufficient for the purposes above mentioned, then such other part of my property shall be disposed of as shall be necessary to liquidate all my debts. Secondly, all the residue and rest of my estate both real and personal, I give and bequeath to my beloved wife during her natural life, the income thereof to be employed under the direction of the said Barbara and my executors in maintaining and educating my children who are under the age of twenty-one years. Thirdly, I ordain that after the death of my said wife, that each of my children, on their arriving at the age of twenty-one years, with the exception of my daughter Sally Dusenbury, who has already received of me two lots on the Bloomingdale Road, shall each receive one lot of ground, out of my property situated on the Eighth Avenue, as an equivalent for those given as above mentioned to my daughter Sally. Fourthly, I do ordain that after the above sale and apportionment of my property is made, that all the residue and remainder of my estate, both real and personal, shall be equally divided among all my children, without exception, or their lawful heirs. Fifthly, I do hereby constitute and appoint my wife, Barbara Leggett, executrix, and John Dusenbury and Thomas I. Stevens executors, of this my last will and testament.

Letters testamentary were granted to Barbara Leggett and John Dusenbury on 5th April, 1833 (see Liber 2 Letters Testa-

mentary, page 48), and to Thomas I. Stevens on 28th April, 1834 (same Liber, page 210.)

The executors caused a map to be made of this property which is on file in New York Register's office, in Case number 71.

Verdant Lane is located thereon a little too far North, the difference between that and the real line is shown on map, ante page 159. Barbara Leggett, widow and executrix, conveyed certain lots to each of testator's children, viz: Lots 8, 18, 19, 41, 42, 32, 61, and 66 to Charles Leggett, in 314 Conveyances, 356. Lots 4, 10, 11, 28, 49, 50, 63, and 67 to Henrietta Leggett, in 312 Conveyances, 595. Lots 3, 20, 21, 39, 40, 51 and 58 to William V. Leggett, in 312 Conveyances, 596 (see also 382 Conveyance, 386, and 384 Conveyances, 384.) Lots 2, 24, 25, 35, 36, 53 and 56 to Tamer V. Leggett, in 312 Conveyances, 597. Lots 5, 12, 13, 29, 47, 48 and 64 to Barbara Ann Leggett, in 312 Conveyances, 598. Lots 22, 23, 37, 38, 52 and 57 to John H. and Sarah Dusenbury, in 315 Conveyances, 488, and in 344 Conveyances, 108. Lots 6, 26, 27, 33, 34, 54 and 55 to Robert and Jane C. McCord, in 316 Conveyances, 434. Lots 1, 14, 15, 45, 46, 30 and 65 to Kelly Leggett, in 317 Conveyances, 274, and in 316 Conveyances, 615; and lots 7, 16, 17, 43, 44, 59 and 60 to Daniel and Mary Ann Kolb, in 320 Conveyances, 412.

TITLE TO LOT NUMBER SIX.

CHARLES KELLY <i>to</i> CATHARINE FEITNER, <i>wife of</i> FRANCIS FEITNER.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 1st Nov., 1805. Ack. 31st March, 1806. Rec. 7th March, 1829. Liber 248, p. 125. Consideration, \$1.
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CONVEYS all that certain lot or parcel of land situate, lying and being in the Ninth Ward of the City of New York, and is

known and distinguished in a certain map or chart of the farm of the said Charles Kelly, made by Charles Loss, city surveyor, dated the Third day of March, One thousand eight hundred and four, by lot Number Six and is bounded and contains as follows, to wit: Beginning on the Northerly side of a road of forty feet in width lately opened leading from Bloomingdale road to the North or Hudson River at the Westerly corner of a lot of land distinguished in the said Map by the number five, lately conveyed by the said Charles Kelly to Isaac Legget and Barbara, his wife, and runs from thence along the said road leading to the North or Hudson River North forty degrees West fifteen chains and thirty-eight links to land lately belonging to Medcalf Eden and now belonging to John Jacob Astor; thence along the same North seventy-seven degrees thirty minutes East two chains and fifty-two links to land belonging to Philip Webbers; thence along the same South forty-five degrees thirty minutes East fourteen chains to the said lot Number Five; thence along the same South fifty degrees West three chains and seventy-five links to the place of beginning. Containing four acres, one rood and twenty-nine perches of land.

Reserving a life estate to the said Charles Kelly.

Catharine Feitner died in October, 1834.

Last Will and Testament
of
 CATHARINE FEITNER.

} Dated 24th Jan., 1833.
 } Proved 24th Nov., 1834.
 } 73 Wills, 197.

After directing the sale of large lot 1, of this tract and the distribution of the proceeds, the testatrix provides as follows: "I do give and devise all my real estate, except the house and

lot at Bloomingdale, before directed to be sold, as follows, viz: I give and devise one equal eighth part of the same to each of my children, Charles Feitner, Peter Feitner, Hannah Feitner, George W. Feitner, Daniel Feitner and Catharine Ann Feitner and their heirs forever. Eighth: I do give and devise to the children of my said daughter, Elizabeth Ackerman and such other children as she may have and their heirs forever, one equal eighth part of the said real estate, but during the life of said daughter Elizabeth, she is to have the charge and management thereof, and is to receive the rents and income thereof on her sole and separate receipt free from the control of her husband or any other person, to be applied by her to the support of herself and her children. Ninth: I give and devise to the children of my son Francis Feitner and such other children as he may have and their heirs forever, the remaining eighth part of such real estate as aforesaid." She appoints Francis guardian of her children, with power to receive income during his life and apply the same to support of his children. She also directs as follows: "That my executors or the survivor of them shall forthwith after my decease apply to the Court of Chancery of the State of New York for the appointment of commissioners who shall under the direction of the said Court make partition or division of my real estate into so many equal parts or shares as shall be necessary to carry into effect this will." She appoints Peter Feitner and Charles Feitner her executors.

Letters testamentary were issued to both. See Liber 2 Letters Testamentary, 355.

IN CHANCERY.

Before Vice Chancellor.

CHARLES FEITNER *and* PETER
FEITNER, *Executors, etc. of*
CATHERINE FEITNER, *deceased.*

vs.

GEORGE FEITNER *and* ELSEY,
his wife; JOHN CORNISH *and*
HANNAH, *his wife*; BALAAM
ACKERMAN *and* ELIZABETH,
his wife; DANIEL FEITNER,
CATHARINE ANN FEITNER,
JOHN FRANCIS FEITNER,
FRANCIS FEITNER, JUNIOR,
FRANCIS WOODRUFF *and*
CATHARINE ANN WOODRUFF.

1835—April 24. Bill for partition filed.

Aug. 15. Order *pro confesso vs.* Balaam Ackerman,
Elizabeth Ackerman and Francis Feitner,
Junior, on default of appearance.

Aug. 22. Order appointing James R. Whiting, guardian
ad litem of Daniel Feitner, Catherine
Feitner and Francis Woodruff, infants
over age of 14 years, on their petition, and
of John Francis Feitner, an infant under
14 years, on petition of his father, and of
Catharine Ann Woodruff, an infant under
14 years, on petition of her mother.

Aug. 25. Answers of said infants filed.

Sept. 9. Order *pro confesso vs.* George Feitner and
wife, and John Cornish and wife, on con-
sent of John L. Riker, their solicitor.

- 1835—Sept. 12. Reference to Thomas Addis Emmet, Junior,
on title, etc.
- Oct. 13. Report on title filed.
- Nov. 9. Decree of partition filed. Isaac Adriance,
Andrew McGown and Aaron Clark
appointed commissioners.
- 1836—Feb. 22. Report of commissioners filed.
- Feb. 22. Final decree filed.
- April 13. Decree enrolled.

The commissioners set apart to Charles Feitner lots 14, 15, 16, 36, 37, 38, 47, 48, 51 and 71. To Peter Feitner lots 64, 65, 66, 67, 68, 72, 73 and 74. To George Feitner lots 11, 12, 13, 33, 34, 35, 55, 56, 57 and 63. To Hannah Cornish lots 20, 21, 22, 23, 24, 42, 43, 44, 45, 46 and 50. To Daniel Feitner lots 6, 7, 28, 29, 58, 59, 60, 61 and 62. To Catherine Ann Feitner lots 1, 2, 3, 4, 5, 25, 26, 27, 69 and 70. To Elizabeth Ackerman and her children lots 17, 18, 19, 39, 40, 41, 49 and 54. To John Francis Feitner and other children of Francis Feitner, Junior, lots 8, 9, 10, 30, 31, 32, 52 and 53.

THE PHILIP WEBBERS TRACT.

The early title to this tract, prior to the following deed, is shown in that of Charles Kelly, ante pages 159 to 165.

<hr/>		DEED.
CHARLES KELLY <i>and</i> CATH-	}	—
ARINE, <i>his wife,</i>		Dated 12th June, 1792.
<i>to</i>		Not recorded, but
PHILIP WEBBERS <i>and</i> ELIZA-		Recited in following
BETH, <i>his wife,</i>	Deed.	
<hr/>		

CONVEYS the Northerly moiety of said tract.

<hr/>		DEED.
CHARLES KELLY, FRANCIS	}	—
FEITNER <i>and</i> CATHARINE, <i>his</i>		Dated 3d Jan., 1820.
<i>wife;</i> ISAAC LEGGETT <i>and</i>		Ack. 4th Jan., 1820.
BARBARA, <i>his wife;</i> FRANCIS		Proved 5th Jan., 1820.
CHILD <i>and</i> MARY, <i>his wife,</i>		Rec. 5th Jan., 1820.
<i>to</i>		141 Conveyances, 174.
PHILIP WEBBERS.	Consideration, \$1.	
<hr/>		

CONVEYS all the estate, right, title and interest, claim and demand whatsoever, both at law and in equity, of them and each

of them, the said parties of the first part, of, in, to or out of all that certain lot, piece or parcel of land situate in the Ninth Ward of the City of New York, at Bloomingdale, bounded Easterly by the Bloomingdale Road, Westerly by the Eighth Avenue, Northerly by land now or late belonging to the estate of John Horne, deceased, and Southerly partly by land conveyed to the said Isaac Leggett by Esther Gomez, and partly by land lately conveyed by the said Charles Kelly to the said Francis Child and Mary, his wife. And also all that other certain lot, piece or parcel of land situate at Bloomingdale, aforesaid, in the said Ninth Ward of the City of New York, bounded Easterly by the said Eighth Avenue, Westerly in the rear by land now or late belonging to the estate of John Hopper, deceased, and partly by land lately conveyed by the said Charles Kelly to the said Francis Feitner and Catharine, his wife, and partly by land lately conveyed by the said Charles Kelly to the said Isaac Leggett and Barbara, his wife, which said two lots of land above described and hereby released, being parts of a certain lot of land No. 2 (number two), on a certain map made thereof by Casimer Th. Goerck, conveyed to the said Phillip Webbers and Elizabeth, his wife, by the said Charles Kelly and his said late wife, Catharine, in and by a certain deed of partition bearing date the twelfth day of June, one thousand seven hundred and ninety-two, which said deed of partition the said Phillip Webbers says he has lately been robbed of, and this present writing is given in consequence thereof.

Phillip Webbers conveyed small portions of the tract thus vested in him, by various deeds hereinafter set forth. The location of the pieces thus conveyed is shown on map, ante page 189.

DEED.

PHILIP WEBBERS <i>and</i> ELIZA- BETH, <i>his wife</i> , <i>to</i> ESTHER GOMEZ.	}	Dated 20th Nov., 1801 Ack. 24th Nov., 1801. Rec. 18th April, 1825. 189 Conveyances, 237. Consideration, \$420.
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CONVEYS all that certain piece or parcel of land situate, lying and being in the Seventh Ward of the said city, Bounded as follows, to wit: Beginning on the West side of Bloomingdale Road, at the Northeast corner of Jonathan Hartman's lot, and running thence North fifty-nine degrees West one chain and fifty-two links along said Hartman's Northerly bounds to a small apple tree; thence South thirty-four degrees West thirty-eight links along the rear of said lot to Charles Kelly's North line; thence North forty-one degrees West seven chains and seventy-five links along said Kelly's North line opposite to the apple tree; thence North thirty-eight degrees East thirty-six links to and including said apple tree, thence South fifty-two degrees East eight chains and sixty links to the said Bloomingdale Road; thence South sixteen degrees West one chain and six and seven links along said road to the place of beginning. Co

DEED.

ISAAC LEGGET <i>and</i> BARBARA, <i>his wife,</i> <i>to</i> CHARLES ROE.	}	Dated 15th April, 1825. Ack. 15th April, 1825. Rec. 20th April, 1825. 189 Conveyances, 278. Consideration, \$ 1,500.
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CONVEYS same premises.

DEED.

PHILIP WEBBERS <i>and</i> ELIZA- BETH, <i>his wife,</i> <i>to</i> JONATHAN HARTMAN.	}	Dated 18th May, 1807. Ack. 10th June, 1807. Rec. 11th Jan., 1832. 281 Conveyances, 38. Consideration, \$312.50.
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CONVEYS all that piece or parcel of ground and premises situate, lying and being in the Ninth Ward of the City of New York, fronting Easterly on the road called Bloomingdale Road, Southerly joining a lot belonging to Isaac Leggett, Westerly and Northerly by land belonging to the said Philip Webber and Elizabeth, his wife, which said piece of ground is in front fifty feet, in the rear twenty-five feet, and in length on the North side one hundred and fifteen feet, and on the South side one hundred feet.

DEED.

JONATHAN HARDMAN <i>and</i> SARAH, <i>his wife,</i> <i>to</i> PHILIP WEBBERS.	}	Dated 4th March, 1820. Ack. 4th March, 1820. Rec. 4th March, 1820. 142 Conveyances, 120. Consideration, \$250.
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CONVEYS same premises.

DEED.

PHILIP WEBBERS <i>to</i> JONATHAN HARDMANN.	}	Dated 29th March, 1825. Ack. 29th March, 1825. Rec. 29th March, 1825. 186 Conveyances, 355. Consideration, \$250.
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CONVEYS all that piece or parcel of ground and premises situate, lying and being in the Ninth Ward of the City of New York fronting Easterly on the road called Bloomingdale Road, Southerly, Westerly and Northerly joining lands belonging to Isaac Leggett, which said piece of ground is in front fifty feet, in rear twenty-five feet, in length on the North side one hundred feet, and on the South side one hundred and fifteen feet.

DEED.

PHILIP WEBBERS <i>and</i> ELZA- BETH, <i>his wife</i> , <i>to</i> WILLIAM STRATTON.	}	Dated 11th Sept., 1819. Ack. 11th Sept., 1819. Rec. 11th Sept., 1819. 139 Conveyances, 291. Consideration, \$300.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being at Bloomingdale, in the Ninth Ward of the City of New York, beginning on the Northwesterly side of the Eighth Avenue, adjoining the land late belonging to Charles Kelly, and lately conveyed by him to Isaac Leggett and Barbara, his wife; running thence along the same North forty-one degrees thirty minutes West one hundred and thirty-four feet; then along other land belonging to the said Philip Webbers North thirty-three degrees thirty minutes East thirty feet; thence along the same South fifty-six degrees thirty minutes East eleven feet four inches; thence along the same North thirty-three degrees thirty minutes East fifty-five feet; thence

DEED.

PHILIP WEBBERS <i>and</i> ELIZA- BETH, <i>his wife</i> , <i>to</i> WILLIAM WAITE.	}	Dated 24th July, 1821. Ack. 24th July, 1821. Rec. 24th July, 1821. 153 Conveyances, 429. Consideration, \$300.
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CONVEYS all that certain lot of ground situate, lying and being at Bloomingdale, in the Ninth Ward of the City of New York, Bounded and containing as follows, to wit: Beginning on the Easterly side of the Eighth Avenue, at the Northerly corner of land late belonging to Charles Kelly, and now belonging to Francis Child, running thence along the said Eighth Avenue North thirty-three degrees thirty minutes East eighty-two feet; thence along other land of the said parties of the first part South fifty-six degrees thirty minutes East one hundred and sixty-six feet; thence along the same South thirty-three degrees thirty minutes West seventy-three feet to land of Isaac Leggett; thence along the said last mentioned land North fifty-six degrees West one hundred and sixteen feet; thence along the same South thirty-three degrees West twenty-three feet to the land first mentioned, and thence along the same North forty-one degrees thirty minutes West fifty-two feet to the place of beginning.

DEED.

PHILIP WEBBERS <i>to</i> CATHARINE STRATTON.	}	Dated 27th April, 1825. Ack. 28th April, 1825. Rec. 28th April, 1825. 189 Conveyances, 411. Consideration, \$20.
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CONVEYS all that certain piece or parcel of land situate at Bloomingdale in the Ninth Ward of the City of New York. beginning at the Westerly corner of a certain lot of land lately

conveyed by the said Philip Webbers to the said William Stratton in his lifetime; running thence Northwesterly along land late of Charles Kelly, now of Isaac Legget and Barbara his wife twenty feet; thence Northeasterly along other land of the said Philip Webbers and parallel with the Eighth Avenue seventy-eight feet; thence Southeasterly along land of Samuel Savage thirty feet; thence Southwesterly along the said lot of land conveyed to the said William Stratton as aforesaid fifty-five feet; thence Northwesterly along the same eleven feet four inches; thence Southwesterly along the same thirty feet to the place of beginning.

Philip Webbers conveyed the residue of the tract to his daughters and grand-daughters by the following deed.

PHILIP WEBBERS <i>to</i> SARAH HARDMAN, <i>wife of</i> JONATHAN HARDMAN, LETTY SAVAGE, <i>wife of</i> SAMUEL SAVAGE, CATHARINE STRATTON, MARGARET WAITE, ELIZABETH LOWERY, FRANCES VIDAL, <i>wife of</i> JOHN VIDAL, MISS MARIA WEBBERS, MARGARET WEBBERS, <i>widow of</i> JOHN WEBBERS <i>and</i> LETTY HUGHES.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 12th April, 1825. Ack. 12th April, 1825. Rec. 29th April, 1825. 191 Conveyances, 1. Consideration, \$1.
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RECITES that Sarah Hardman, Letty Savage, Catharine Stratton, Margaret Waite, Elizabeth Lowery, Frances Vidal and Maria Webbers are daughters of Philip Webbers, that Margaret Webbers is the widow of John Webbers, a deceased son of Philip Webbers, and Letty Hughes is the grand-daughter of said Philip Webbers.

CONVEYS all and singular the tenements and hereditaments, including the messuage on which the said party of the first part now resides and dwells at Bloomingdale aforesaid.

On condition "that if the said Letty Hughes shall be intermarried and have a husband now living, then all the estate to her hereby granted shall cease, determine and be utterly null and void."

Reserving also a life estate to said Philip Webbers and his wife if he shall hereafter marry. It is further provided that upon the death of Philip Webbers said premises shall be divided into nine equal parts, and that each of the parties of the second part shall draw for their respective parts, with the exception that the said Samuel Savage and Letty, his wife, Catharine Stratton and Margaret Waite shall reserve and retain for their *pro rata* proportions the pieces of land they now occupy.

Philip Webbers died March 25th, 1830, without having married again.

The above grantees divided the property thus vested in them by deeds to each, which are duly recorded.

THE HOPPER FARM.

THE tract in question is included in the following patent.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> THOMAS HALL, JOHN VIGNE, EGBERT WOUTERS <i>and</i> JACOB LEANDERTS.	} PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Sept. 1667. Rec. in Sec'y of State's Office at Albany in 2 Patents 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

THE above patent appears to have been revoked and the following one given in its place.

SIR RICARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOM- AS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERTS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

AERNOUT WEBBERS <i>and</i> JAN- NETJE, <i>his wife,</i> <i>to</i> JOHN BALME.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 2d Nov., 1713. Proved 3d Feb., 1727. Rec. 10th Feb., 1727. 31 Conveyances, 227. Consideration, £500,
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CONVEYS all that certain farm or parcell of land lying and being in the outward of said City near the place commonly called and known by the name of the Great Kill, being bounded on the North by the land or ffarm of Jacob Regnier, to the South by the land or ffarm of Wolfert Webbers, Jr., West to the North River and East to the commons of said City. Being in length from said river on both sides on an East line two hundred and fifty rod, and in breadth on each end sixty rod, be the same by estimation more or less.

DEED.

JOHN BALME <i>to</i> MATHIAS HOPPE.	} Dated 13th Aug., 1714. } Ack. 3d Feb., 1727. } Rec. 10th Feb., 1727. } 31 Conveyances, 230. } Consideration, '80.
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CONVEYS same premises.

Subject to mortgage by John Balme to Arnout Webbers for £400, dated 2d November, 1713.

John Hopper became seised of said farm prior to 1759, as appears by deed of tract adjoining on the North, recorded in Liber 36, Conveyances page 46, which speaks of it as then vested in John Hopper.

<i>Last Will and Testament of</i> JOHN HOPPER, <i>the Elder.</i>	} Dated 12th Oct., 1778. } Proved 19th July, 1779. } 32 Wills, 106.
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I give and bequeath unto my well beloved children and my four grand children named as following: My sons by name Mathew Hopper, John Hopper, Andrew Hopper, Yellis Hopper, my daughter named Jemima Hopper, the wife of John Horn, and names of my four grand-children named Mary Hopper, Ann Hopper, John Hopper and Nicholas Hopper, the children of my son Wessell Hopper, deceased, all and singular of my lands and tenements situate of the outward of the City and County of New York, together with all my moveable estate, to them and their heirs and assigns forever, to be divided in the manner hereinafter mentioned. First: I will and order all my lands situate in the outward of the City of New York to be

divided into six equal lotts or parts with the improvements thereon to be numbered One, Two, Three, Four, Five and Sixth on a chart or map to be made thereof, and it is well known that one lot or parcel of ground when divided into six equal parts will not be of equal value with another lott; agreeable to the true intent and meaning of this devise or present writing. Therefore I will and order that the devisees, their heirs and assigns for them do unanimously agree upon the value and division thereof, and that my executors do nominate and appoint three men of good understanding and judgment in lands and tenements that are in no ways interested in the estate, to appraise and value each particular of ground with the improvements thereon and affix, ascertain the value or price of each lot to the number thereof. That thereby that each and every of the devisees, their heirs and assigns for them, may be bound to take any of the said lots at the price annexed to, and the Inheritors of those lots of greater value, their heirs, assigns or guardians, shall, within one month after a division thereof, pay to the Inheritors of those lots of lesser value a proportionable sum of money, so as to make the six lots equal in value, agreeable to the appraisement, as is before directed, and also that six tickets, prepared and numbered with the numbers of the said six lots, under the inspection of the three persons appointed by my executors to appraise and value the said six lotts of ground, at which time the said six devisees, their heirs and assigns, or guardians for them, are each to draw one ticket, and the number thereon shall be the number of the lott that he or she shall inherit by the devise.

My will is that my four grandchildren before mentioned, the children of my Wessell Hopper, deceased, shall only be entitled to one of the six lots of ground amongst them four and to divide the same share and share alike when the youngest shall be of full age of twenty-one years, and their guardians may be bound as one for them in the before-mentioned six lots of ground.

My will is also that there be and remain a free and good cart road or waggon road from Hudson's river to the Commons, running through each and every of the said lotts of ground, which said lotts Road shall always be and remain free for any or either of them the possessors of any or either of said lotts of ground, to pass and repass without any hindrance, denial of any of the possessor or possessors of any of said lotts.

On 4th February, 1782, agreement was entered into between Matthew Hopper, of 1st part; John Hopper, of 2d part; Andrew Hopper, of 3d part; Yellis Hopper, of 4th part; John Hopper, of 5th part, Ann Hopper, mother and guardian of Ann Hopper; John Hopper and Nicholas Hopper, of 6th part, and Lawrence Allwey, of 7th part, by which said devisees agreed to divide the farm in question into twelve lots, six on each side of the Bloomingdale Road, specifying which two lots shall go together on the division. It was thereby further agreed that the burying ground on lot 2 on the West side of said road, should remain a family burying ground forever, and in case of a future sale of said lot should be reserved in the deed. This agreement was proved on 18th February, 1782, and recorded in Secretary of State's office at Albany, in Liber 21 Deeds, page 149, on 25th February, 1782.

Pursuant to this agreement, on a division of said lots by ballot, lot 1 on East side of the Bloomingdale Road, and lot 3 on West side fell to Andrew Hopper, lot 2 on East side and 4 on West side fell to Yellis Hopper, lot 3 on East side and 2 on West side fell to Matthew Hopper, lot 4 on East side and 1 on West side fell to John Horne, lot 5 on East side and 5 on West side fell to children of Wessel Hopper, lot 6 on East side and 6 on West side fell to John Hopper.

This division was ratified by deeds of partition executed to each devisee. These deeds will be hereinafter set forth in

giving the separate titles to the several lots. Lots 1, 2, and 3, on the East side of the Bloomingdale Road compose what is hereinafter designated as the Andrew Hopper Piece. Lots 4 and 5, on the East side of said road compose the James Meinell Piece. Lot 1, on the West side of the said road, constitutes the John Horn Piece. Lot 3, on the West side of said road constitutes the Gertrude Cutting Piece. Lots 2, 4, 5, and 6, on the West side of said road, together with lot 6 on the East side thereof, compose the Striker and Mott Pieces. These Pieces will be considered in the order above mentioned.

FIFTY FIRST STREET.

STREET.

MAP OF THE ANDREW HOPPER TRACT.

SEVENTH AVENUE.

FIFTIETH STREET.

STREET.

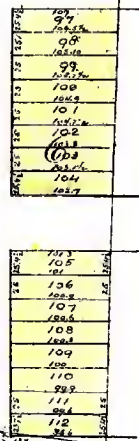
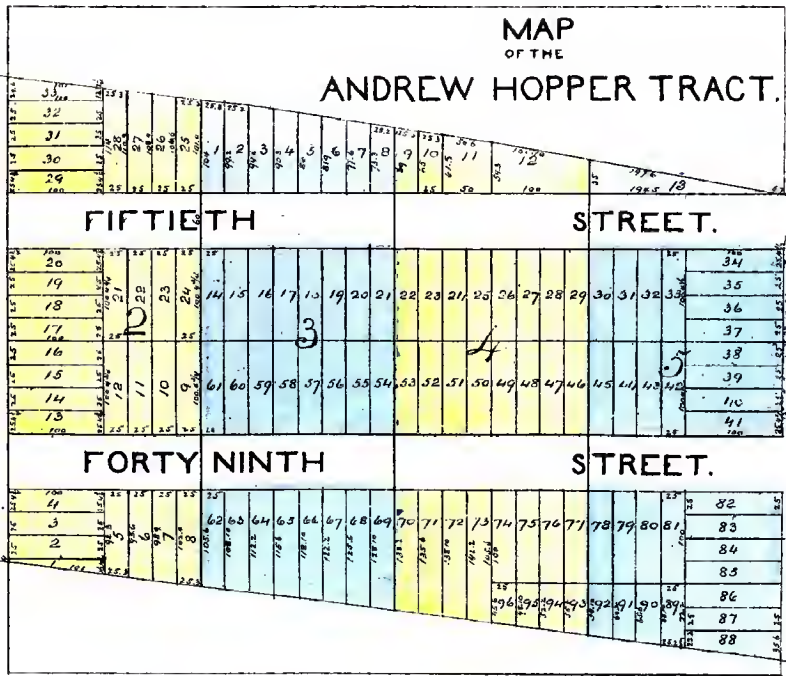
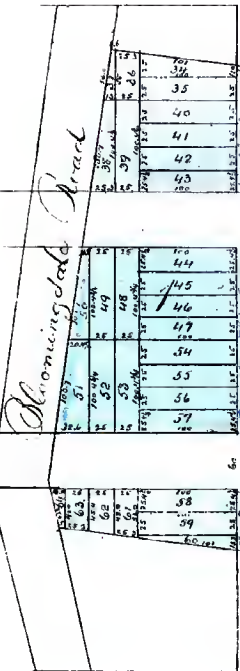
FORTY NINTH STREET.

STREET.

FORTY EIGHTH STREET.

STREET.

SIXTH AVENUE.



The lot numbers and distances are copied from maps Nos 154 & 188 of the Register Office.

THE ANDREW HOPPER PIECE.

This comprises lots 1, 2, and 3, on the East side of the Bloomingdale Road. As just before shown, said lot 1 was set apart to Andrew Hopper, lot 2 to Yellis Hopper, and lot 3 to Matthew Hopper.

MATTHEW HOPPER, JOHN HOPPER, YELLIS HOPPER, JOHN HORNE *and* JEMIMA, *his wife*; ANN HOPPER, *Mother and Guardian of* ANN HOPPER, JOHN HOPPER *and* NICHOLAS HOPPER, *Minors*; *and* LAWRENCE ALLWYE *and* MARY, *his wife*,

to

ANDREW HOPPER.

DEED.

Dated 15th Feb., 1782.
Proved 20th Dec., 1784.
Rec. 20th Dec., 1784.
42 Conveyances, 176.
Consideration, 5s.

CONVEYS all those two certain lots belonging to said farm, and known by the name of lot number three on the West side

of said Bloomingdale Road and by lot number one on the East side of said Bloomingdale Road. Lot number three on the West side of said road contains in breadth in front and rear seven chains and fifty links, and in length on each side twenty chains and fifty links. Lot number one, on the east side of said road contains in length on each side twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains and forty-five links, as by a draft or map thereof, made by Evert Bancker, Junior, may more fully appear, relation thereunto being had.

MATTHEW HOPPER, JOHN HOPPER, ANDREW HOPPER, JOHN HORNE *and* JEMIMA, *his wife*; ANN HOPPER, *Mother and Guardian to* ANN HOPPER, JOHN HOPPER *and* NICHOLAS HOPPER, *minors*; *and* LAWRENCE ALLWYE *and* MARY, *his wife*,

to

YELLIS HOPPER.

DEED.

Dated 15th Feb., 1782.

Proved 16th Feb., 1782.

Rec. in Secretary of State's Office at Albany.

21 Deeds, 151.

Consideration, 5s.

CONVEYS all those two certain lots belonging to said farm, and known by the name of lot number four, on the West side of said Bloomingdale Road, and by lot number two on the East side of said Bloomingdale Road; Lot number four on the West side of said road contains in breadth in front and rear seven chains and fifty links, and in length on each side twenty chains. Lot number two on the East side of said road contains in length on each side of said road twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains

and forty-five links, as by a draft or map thereof made by Evert Bancker, Junior, may fully appear relation thereunto being had.

JOHN HOPPER, ANDREW HOP-
YELLIS HOPPER, ANN HOP-
PER, *Mother and Guardian of*
ANN, JOHN *and* NICHOLAS
HOPPER; LAWRENCE ALL-
WYNE *and* MARY, *his wife*;
JOHN HORNE *and* JEMIMA,
his wife,

to
MATTHEW HOPPER.

DEED.

Dated 15th Feb., 1782.

CONVEYS lot number three on the East side of Blomingtondale Road.

DEED.

MATTHEW HOPPER *and* ALLY,
his wife,

to
YELLIS HOPPER.

Dated 20th Feb., 1782.
Ack. 20th Feb., 1782.
Rec. in Secretary of
State's Office, at Al-
bany.
21 Deeds, 153.
Consideration, £350.

CONVEYS lot number three on the East side of the Bloomingdale road.

DEED.

YELLIS HOPPER *and* ELIZA-
BETH, *his wife,*

to
ARIE RYCKMAN.

Dated 11th April, 1788.
Rec. 29th Oct. 1793, in
Secretary of State's
Office, at Albany.
25 Deeds, 237.

CONVEYS said lots 2 and 3 on the East side of the Bloomingdale Road.

DEED.

AARON RYCKMAN <i>and</i> RACHEL, <i>his wife,</i> <i>to</i> ANDREW HOPPER.	}	Dated 15th Sept., 1793. Rec. 31st Oct., 1793, in Secretary of State's Office, at Albany. 25 Deeds, 239.
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CONVEYS said lots Two and Three.

Andrew Hopper, being thus vested with the title to lots One, Two and Three, died seized thereof in April, 1824, intestate, leaving him surviving Elizabeth Hopper, his widow, and the following heirs-at-law :

- | | | |
|--|---|--|
| 1. Jasper Hopper, his only son,
2. Mary Dusenbury, his daughter,
3. Charlotte, wife of Abijah G. Bene-
dict,
John H. Newcomb,
Charles T. Newcomb,
Mary D. Newcomb,
Andrew H. Newcomb,
Catharine H. Newcomb,
Zacheus T. Newcomb,
Sarah Newcomb, | } | Children of Rachel
Newcomb,
a deceased daughter. |
|--|---|--|

IN CHANCERY.

Before the Chancellor.

JASPER HOPPER

vs.

ELIZABETH HOPPER, BARZILLAI
 DUSENBERRY *and* MARY, *his*
wife; ABIJAH G. BEN-
 EDICT *and* CHARLOTTE, *his*
wife; JOHN H. NEWCOMB,
 CHARLES T. NEWCOMB, MARY
 D. NEWCOMB, ANDREW H.
 NEWCOMB, CATHARINE H.
 NEWCOMB, ZACHEUS T.
 NEWCOMB, *and* SARAH NEW-
 COMB.

1824—June 3. Bill for partition filed.

Aug. 30. Elizabeth Hopper appears by Benjamin Ferris.

Sept. 20. B. Dusenberry and wife appear by same solicitor.

Oct. 15. Separate answers of said three defendants filed.

Oct. 23. Filed separate answers of Abijah G. Benedict and wife, Sarah Newcomb, Catharine H. Newcomb, Andrew H. Newcomb, Zacheus T. Newcomb, John H. Newcomb, Mary D. Newcomb and Charles T. Newcomb.

Oct. 23. Replications to said answers filed.

Nov. 26. Order of reference to Master on title, etc.

Nov. 27. Judgment of partition. Richard Riker, John Targee and John W. Wyman appointed Commissioners.

- 1825—Feb. 21. Commissioners report in favor of a sale.
 Feb. 21. Decree of sale entered at Albany.
 April 25. Report of sale filed and confirmed.
 July 14. Decree enrolled.

The Commissioners divided the property into six lots, as shown on map, ante page 205.

TITLE TO LOTS 1 AND 2.

RICHARD RIKER, JOHN TARGEE and JOHN W. WYMAN, <i>Commissioners of Partition,</i> <i>to</i> ELIZABETH HOPPER, <i>widow.</i>	}	. DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 2d May, 1825. Ack. 19th May, 1825. Rec. 25th May, 1825. 190 Conveyances, 330. Consideration, \$3,050.
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CONVEYS all that certain messuage, or dwelling house, and two lots or parcels of land and premises situated, lying and being at Bloomingdale, in the Ninth Ward of the City of New York, being part and parcel of the farm whereof Andrew Hopper, deceased, was seised, and which he occupied at the time of his death, and in a division made of the said farm under the direction of the said commissioners, for the purposes of the said sale, and on a map of the said farm, with the divisions thereof, also made under their direction, by Edward Doughty, City Surveyor, distinguished by lots numbers one and two, the two lots together being bounded and containing as follows, that is to say: bounded Westerly by the highway commonly called the Bloomingdale Road, Easterly by lot number three of the said farm, Southerly by premises now in the occupation of Thomas Addis Emmet, Esquire, and northerly by a

lane which divides the said farm whereof the said hereby described lots numbers one and two are parts and parcels, from the lands and premises formerly of John Hopper, lot number one being on the Westerly side of and including the avenue on the map of the City of New York called Seventh Avenue, and lot number two being on the Easterly side of and extending two hundred feet Easterly from the said Seventh Avenue, and the two lots together containing within the said boundaries five acres and sixty hundreth parts of an acre of land, be the same more or less.

BARZILLAI DUSENBERRY *and*
 MARY, *his wife*; ABIJAH G.
 BENEDICT *and* CHARLOTTE,
his wife; CHARLES T. NEW-
 COMB *and* MARY D., *his wife*;
 ANDREW H. NEWCOMB, CATH-
 ARINE H. NEWCOMB, ZA-
 CHEUS T. NEWCOMB *and*
 SARAH NEWCOMB,
to
 ELIZABETH HOPPER.

DEED.

Dated 4th May, 1825.
 Ack. 4th, 6th & 11th
 May, 1825.
 Rec. 25th May, 1825.
 190 Conveyances, 334.
 Consideration, \$1.

CONVEYS same premises.

The above deed was not executed by Zacheus T. Newcomb or Sarah Newcomb.

JASPER HOPPER *and* CHAR-
 LOTTE, *his wife*,
to
 ELIZABETH HOPPER.

DEED.

Dated 4th May, 1825.
 Ack. 4th May, 1825.
 Rec. 25th May, 1825.
 191 Conveyances, 155.
 Consideration, \$1.

CONVEYS same premises.

Elizabeth Hopper died intestate in the autumn of 1825, leaving no issue. Her brothers, John and William Guest, and her sister Sarah, wife of Benjamin Russell, were her only heirs-at-law. They divided the tract thus vested in them into city lots (see map in Case number 188, a copy of which is given, ante page 205), and partitioned the lots among themselves, as shown by the following deeds.

WILLIAM GUEST <i>and</i> MARY, <i>his wife</i> ; BENJAMIN RUSSELL <i>and</i> SARAH, <i>his wife</i> , <i>to</i> JOHN GUEST.)	DEED. ——— Dated 26th Oct., 1827. Ack. 27th Oct., 1827. Rec. 7th Dec., 1827. 228 Conveyances, 201. Consideration, \$1.
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RECITES death of Elizabeth Hopper, seised of the premises described in previous deed, leaving William Guest, John Guest, and Sarah Russell, her only heirs-at-law, and that they had made partition of said premises, and that lots numbered 44 to 64 on map entitled "Map of land in the Twelfth Ward of the City of New York," made by George B. Smith, City Surveyor, dated 19th March, 1827, fell to share of John Guest.

CONVEYS said lots 44 to 64.

BENJAMIN RUSSELL <i>and</i> SARAH, <i>his wife</i> ; WILLIAM GUEST <i>and</i> MARY, <i>his wife</i> , <i>to</i> JOHN GUEST.)	DEED. ——— Dated 14th Nov., 1831. Ack. 16th & 23d Nov., 1831. Rec. 2d Dec., 1831. 278 Conveyances, 365. Consideration, \$1.
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CONVEYS all that certain parcel of land situate at Bloomingdale, in the Twelfth Ward of the City of New York, beginning at a point where the middle of the Bloomingdale Road inter-

sects the middle of Fiftieth Street; running thence South along the middle of said road to a point intersected by the line next hereinafter mentioned, and which line on the Easterly side of said road is distant forty-three feet eight inches South of the Southerly side of Forty-ninth Street; thence Easterly along a right line to a point which on the Westerly side of Seventh Avenue is sixty-five feet eight and three-quarter inches South of the Southerly side of Forty-ninth Street; thence in the same line Easterly to the middle of Seventh Avenue, thence along the middle of the said avenue to a point intersected by the middle of Fiftieth Street; thence along the middle of Fiftieth Street to the place of beginning. Being the same premises which, with the exception of the streets, roads and avenues, were conveyed by the previous deed, this release being intended as a confirmation of said title, and to convey to the said party of the second part his portion of the roads, streets and avenues not then divided.

JOHN GUEST <i>and</i> AMELIA, <i>his</i> <i>wife</i> , BENJAMIN RUSSELL <i>and</i> SARAH, <i>his wife</i> , <i>to</i> WILLIAM GUEST.)	DEED. ——— Dated 26th Oct., 1827. Ack. 29th Oct., 1827. Rec. 10th July, 1830. 264 Conveyances, 258. Consideration, \$1.
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RECITES death of Elizabeth Hopper, intestate, leaving John Guest, William Guest and Sarah Russell her only heirs-at-law, and that they had made partition of said premises, and that lots 27 to 43 on the aforesaid map had fallen to share of William Guest.

CONVEYS said lots 27 to 43.

<hr/>		DEED.
WILLIAM GUEST <i>and</i> MARY, <i>his wife</i> ; JOHN GUEST <i>and</i> AMELIA, <i>his wife</i> ,	}	Dated 26th Oct., 1827. Ack. 27th & 29th Oct., 1827.
<i>to</i>		
SARAH RUSSELL, <i>wife of</i> BEN. JAMIN RUSSELL.	}	Rec. 10th Nov., 1828. 241 Conveyances, 485. Consideration, \$1.
<hr/>		

RECITES death of Elizabeth Hopper, intestate, leaving John Guest, William Guest and Sarah Russell her only heirs-at-law, and that they had made partition of said premises, and that lots 1 to 26 on the aforesaid map had fallen to the share of Sarah Russell.

CONVEYS said lots 1 to 26.

TITLE TO LOTS 3 AND 5.

<hr/>		DEED.
RICHARD RIKER, JOHN TARGEE <i>and</i> JOHN W. WYMAN, <i>Com-</i> <i>missioners of Partition</i> ,	}	Dated 2d May, 1825. Ack. 19th May, 1825. Rec. 1st Sept., 1826. 209 Conveyances, 36. Consideration, \$965.
<i>to</i>		
JOHN J. HOPPER.	}	
<hr/>		

CONVEYS all that certain lot or parcel of land and premises situated, lying and being at Bloomingdale in the Ninth Ward of the City of New York, being part and parcel of the farm whereof Andrew Hopper, deceased, was seised and which he occupied at the time of his death, and in a division made of the said farm under the direction of the said Commissioners for the purposes of the said sale and on a map of the said farm with the divisions thereof also made under their direction by Edward

Doughty, City Surveyor, distinguished by lot Number Three, bounded and containing as follows, that is to say: Bounded Westerly by lot Number Two of the said farm, Easterly by lot Number Four of the said farm, Southerly by premises now in the possession of Thomas Addis Emmet, Esquire, and Northerly by a lane dividing the said farm, whereof the said hereby described lot Number Three is part and parcel, from the land and premises formerly of John Hopper, the said lot Number Three hereby described being two hundred feet in width from lot Number Two to lot Number Four of the said farm, and containing two acres and forty one hundredth parts of an acre, be the same more or less, with the appurtenances.

And also that certain other lot or parcel of land and premises situated, lying and being at Bloomingdale in the Ninth Ward of the City of New York, being other part and parcel of the said farm whereof the said Andrew Hopper, deceased, was seised and which he occupied at the time of his death, and in the said, division made of the said farm under the direction of them, the said Commissioners, for the purposes of the said sale and on the said map of the said farm, with the divisions thereof, also made under their direction by Edward Doughty, City Surveyor, distinguished by lot Number Five, bounded and containing as follows, that is to say: Bounded Westerly by lot Number Four of the said farm, Easterly by a line to be drawn through the middle of and equi-distant from each side of the Avenue on the Map of the City of New York called Sixth Avenue, Southerly by premises now in the possession of Thomas Addis Emmet, Esquire, and Northerly by a lane dividing the said farm, whereof the said hereby described lot Number Five is part and parcel, from the land and premises formerly of John Hopper, the said lot Number Five hereby described being two hundred and fifty feet in width from lot Number Four to the middle of the Sixth Avenue to lot Number Six of the said farm, and containing

three acres and four hundredth parts of an acre of land, be the same more or less, with the appurtenances.

ELIZABETH HOPPER, BARZILLAI DUSENBERRY <i>and</i> MARY, <i>his</i> <i>wife</i> ; ABIJAH G. BENEDICT <i>and</i> CHARLOTTE, <i>his wife</i> ; CHARLES T. NEWCOMB, MARY D. NEWCOMB, ANDREW H. NEWCOMB, CATHARINE H. NEWCOMB, ZACHEUS T. NEW- COMB <i>and</i> SARAH NEWCOMB, <i>to</i> JOHN J. HOPPER.	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 4th May, 1825. Ack. 4th, 6th, 11th and 18th May, 1825. Rec. 1st Sept., 1826. 209 Conveyances, 41. Consideration, \$1.
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CONVEYS said lots 3 and 5.

This deed was not executed by Zacheus T. Newcomb or Sarah Newcomb.

JASPER HOPPER <i>and</i> CHAR- LOTTE, <i>his wife</i> , <i>to</i> JOHN J. HOPPER.	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 4th May, 1825. Ack. 4th May, 1825. Rec. 1st Sept., 1826. 209 Conveyances, 45. Consideration, \$1.
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CONVEYS said lots 3 and 5.

JOHN J. HOPPER <i>to</i> CHARLES T. NEWCOMB.	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 24th May, 1825. Ack. 24th May, 1825. Rec. 6th July, 1830. 264 Conveyances, 193. Consideration, \$482.50.
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CONVEYS all the equal undivided half of said lots 3 and 5.

DEED.

JOHN J. HOPPER to JASPER HOPPER.	}	Dated 13th Jan., 1826. Ack. 13th Jan., 1826. Rec. 1st Sept., 1826. 209 Conveyances, 50. Consideration, \$500.
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CONVEYS the undivided half of lots 4 and 6, describing them specifically. "And also all the right, title, interest, claim and demand whatsoever of the said party of the first part of, in, and to lots Nos. 3, 4, 5 and 6, part of the farm at Bloomingdale aforesaid purchased by the said party of the first part and Charles T. Newcomb."

TITLE TO LOTS 4 AND 6.

RICHARD RIKER, JOHN TARGEE <i>and</i> JOHN W. WYMAN, <i>Com-</i> <i>missioners of Partition,</i> to CHARLES T. NEWCOMB.	}	DEED. Dated 2d May, 1825. Ack. 19th May, 1825. Rec. 6th July, 1830. 264 Conveyances, 181. Consideration, \$690.
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CONVEYS all that certain lot or parcel of land and premises situated, lying and being at Bloomingdale in the Ninth Ward of the City of New York, being part and parcel of the farm whereof Andrew Hopper, deceased, was seised and which he occupied at the time of his death, and in the division made of the said farm under the direction of them, the said commissioners, for the purposes of the said sale, and on a map of the said farm with the divisions thereof also made under their direction by Edward Doughty, City Surveyor, distinguished by lot Number

Four, bounded and containing as follows, that is to say, bounded Westerly by lot Number Three of the said farm, Easterly by lot Number Five of the said farm, Southerly by premises now in the possession of Thomas Addis Emmet, Esquire, and Northerly by a lane dividing the said farm whereof the said hereby described lot Number Four is part and parcel from the land and premises formerly of John Hopper, the said lot Number Four hereby described being two hundred feet in width from lot Number Three to lot Number Five of the said farm, and containing two acres and thirty-eight hundredth parts of an acre of land, be the same more or less, with the appurtenances.

And also all that certain other lot or parcel of land and premises situated, lying and being at Bloomingdale in the Ninth Ward of the City of New York, being other part and parcel of the farm whereof the said Andrew Hopper, deceased, was seised and which he occupied at the time of his death, and in a division made of the said farm under the direction of them, the said commissioners, for the purposes of the said sale and on a map of the said farm with the divisions thereof also made under their direction by Edward Doughty, City Surveyor, distinguished by lot Number Six, bounded and containing as follows, that is to say: Bounded Westerly by a line to be drawn through the middle of the Avenue on the Map of the City of New York called Sixth Avenue and equi-distant from each side thereof, being the Easterly line or boundary of lot Number Five of the said farm, Easterly by premises called the Botanic Garden, Southerly by premises in the possession of Thomas Addis Emmet, Esquire, and Northerly by a lane dividing the said farm, whereof the said hereby described lot Number Six is part and parcel, from the land and premises formerly of John Hopper, the said lot Number Six hereby described lying on the Easterly side of the said Sixth Avenue, including the Easterly half part thereof and extending to the Botanic Garden aforesaid, and con-

taining one acre and sixty-five hundredth parts of an acre of land, be the same more or less, with the appurtenances.

ELIZABETH HOPPER, BARZILLAI DUSENBERRY <i>and</i> MARY, <i>his</i> <i>wife</i> , ABIJAH G. BENEDICT <i>and</i> CHARLOTTE, <i>his wife</i> ; MARY D. NEWCOMB, ANDREW H. NEWCOMB, CATHARINE H. NEWCOMB, ZACHEUS T. NEW- COMB <i>and</i> SARAH NEWCOMB, <p style="text-align: center;"><i>to</i></p> CHARLES T. NEWCOMB.	} DEED. — Dated 4th May, 1825. Ack. 4th, 6th, 11th, and 17th May, 1825. Rec. 6th July, 1830. 264 Conveyances, 186. Consideration, \$1.
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CONVEYS same premises.

This deed was not executed by Zacheus T. Newcomb and Sarah Newcomb.

JASPER HOPPER <i>and</i> CHAR- LOTTE, <i>his wife</i> , <p style="text-align: center;"><i>to</i></p> CHARLES T. NEWCOMB.	} DEED. — Dated 4th May, 1825. Ack. 4th May, 1825. Rec. 6th July, 1830. 264 Conveyances, 190. Consideration, \$1.
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CONVEYS said two lots 4 and 6.

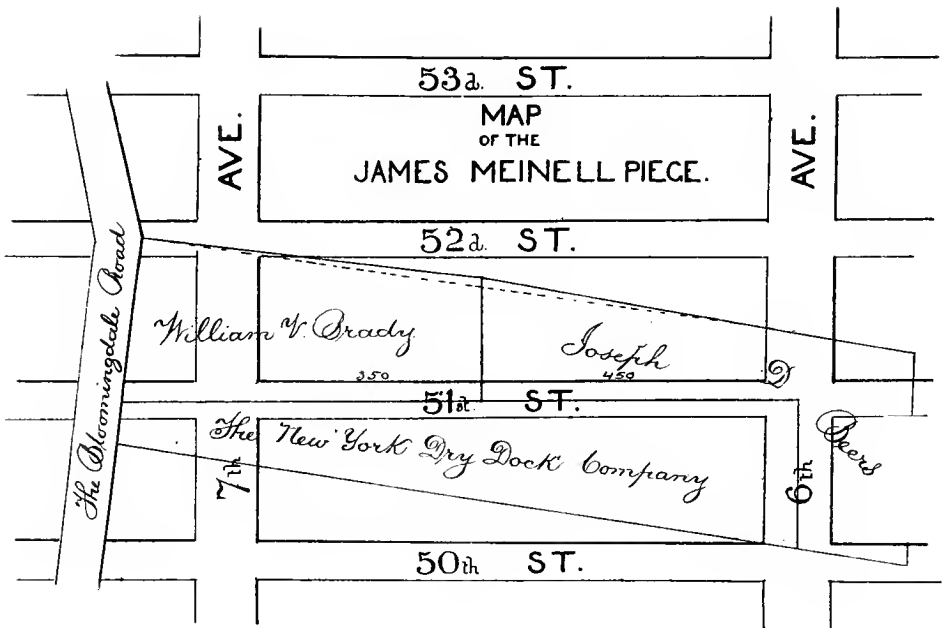
CHARLES T. NEWCOMB <p style="text-align: center;"><i>to</i></p> JOHN J. HOPPER.	} DEED. — Dated 23d May, 1825. Ack. 24th May, 1825. Rec. 1st Sept., 1826. 209 Conveyances, 48. Consideration, \$345.
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CONVEYS all the equal and undivided half part of said lots 4 and 6.

DEED.

JOHN J. HOPPER	}	Dated 13th Jan., 1826.
<i>to</i>		Ack. 13th Jan., 1826.
JASPER HOPPER.		Rec. 1st Sept., 1826.
		209 Conveyances, 50.
)	Consideration, \$500.

CONVEYS all the equal undivided half part of said lots 4 and 6.



53^d. ST.

AVE.

MAP
OF THE
JAMES MEINELL PIECE.

AVE.

52^d. ST.

William W. Brady

350

Joseph

450

51st. ST.

The New York Dry Dock Company

7th

6th

Peers

50th ST.

The Bloomingdale Road

THE JAMES MEINELL PIECE.

This comprises lots 4 and 5 on the East side of the Bloomingdale Road, on map ante page 199. Lot 4 was set apart to Jemima Horn, as shown ante page 203.

MATTHEW HOPPER, JOHN HOPPER, ANDREW HOPPER, YEL-
LIS HOPPER, ANN HOPPER,
Mother and Guardian of her
three children, ANN HOPPER,
JOHN HOPPER and NICHOLAS
HOPPER; LAWRENCE ALL-
WYE, and MARY, *his wife,*
to
JOHN HORNE.

DEED.

Dated 15th Feb., 1782.
Proved 16th Feb., 1782.
Rec. 27th March, 1789.
45 Conveyances, 333.
Consideration, 5s.

CONVEYS, with other property, lot number Four on the East side of the Bloomingdale Road, which is described as containing in length on each side twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains and forty-five links, as by a draft or map thereof, made by Evert Bancker, Junior, may fully appear, relation thereto being had.

The above deed was made to John Horn, instead of Jemima Horn. It was decided in the suit of Robinson *vs.* The New York Dry Dock Company and others, a partition suit affecting part of said lot 4, and hereinafter set forth in this title, that the above deed was, with others, merely intended to affect a partition of the estate of John Hopper, and though made to John

Horn, enured to the benefit of his wife, Jemima Horn, and that she became seised of said lot 4, as if conveyed to her.

Jemima Horn died on 28th February, 1814, intestate, leaving her surviving her husband John Horn, who died on 29th July, 1815, and the following children; Matthew Horn, Jacob Horn, John Horn, James Horn, Mary, wife of James Stryker; Hannah, wife of John F. Jackson; Margaret, wife of Christopher Mildeberger, and Jemima, wife of Matthew Dikeman, her only heirs-at-law.

Lots 5 on both sides of Bloomingdale Road, as shown ante page 203, was set apart to Mary Allwine, John Hopper, Nicholas Hopper, and Ann. Hopper, the children of Wessel Hopper. The partition deed to them does not appear to be recorded.

DEED.

LAWRENCE ALLWINE <i>and</i> MARY, <i>his wife,</i> <i>to</i> ISAAC VARIAN.	}	Dated 30th July, 1791. Ack. 30th July, 1791. Rec. 19th Sept., 1834. 319 Conveyances, 106. Consideration, £80.
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CONVEYS the one full and equal undivided fourth part of said lots Number Five on both sides of said Bloomingdale Road.

DEED.

ISAAC VARIAN <i>and</i> ALETTA, <i>his</i> <i>wife,</i> <i>to</i> JOHN HOPPER.	}	Dated 17th May, 1792. Ack. 22d —, 1792. Rec. 28th Feb., 1833. 291 Conveyances, 662. Consideration, £120.
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CONVEYS the one full and equal undivided fourth part of said lots Five.

the Bloomingdale Road for his $\frac{3}{4}$ interest, and John Horn took lot 5 on East side of the Bloomingdale Road for his $\frac{1}{4}$ interest.

DEED.

JOHN HOPPER <i>to</i> JOHN HORN.	}	Dated 25th Nov., 1794, Not recorded, but see Deed Recorded in Secretary of State's Office, at Albany. 26 Deeds, 317. Consideration, £5.
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RECITES that John Hopper was entitled to $\frac{3}{4}$ and John Horn $\frac{1}{4}$ of lots 5 on the East and West sides of the Bloomingdale Road, and that a partition had been agreed upon, so that John Hopper shall give his $\frac{3}{4}$ interest in lot 5 on East side of the road in exchange for John Horn's $\frac{1}{4}$ interest in lot 5 on West side of said road.

CONVEYS all interest in lot 5 on East side of said road.

<i>Last Will and Testament</i> <i>of</i> JOHN HORN.	}	Dated 20th Feb., 1815. Proved 1st Aug., 1815. 52 Wills, 403.
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After directing payment of his debts, and a legacy of \$250 to the testator provides as follows: "Item, I do give and bequeath unto my daughter Jemima, and unto her husband Matthew Dikeman, during the term of the natural lives of them and the survivor of them, the rents, issues, profits and income of one full equal undivided eighth part of all the rest, residue and remainder of my estate, both real and personal, and upon the decease of both of them, my said daughter Jemima and her said husband Matthew Dikeman, I do give, devise and bequeath the

said one full equal undivided eighth part of my estate, both real and personal, unto the lawful issue of my said daughter Jemima, their heirs, executors, administrators and assigns forever, equally to be divided among them, share and share alike. Item, I do give, devise and bequeath all the rest, residue and remainder of my estate, both real and personal, unto my children, Jacob Horn, John Horn, Junior; Matthew Horn, James Horn, Mary Striker (wife of James Striker), Hannah Jackson (wife of John F. Jackson), and Margaret Mildeberger (wife of Christopher Mildeberger), and to their several and respective heirs, executors, administrators and assigns forever, equally to be divided among them, share and share alike."

JACOB HORN *and* SOPHIA, *his wife*; JOHN HORN, JAMES STRYKER *and* MARY, *his wife*; JOHN F. JACKSON *and* HANNAH, *his wife*; MATHEW DIKEMAN *and* JEMIMA, *his wife*; CHRISTOPHER MILDEBERGER *and* MARGARET, *his wife*; JAMES HORN *and* MARY, *his wife*; MATHEW HORN *and* MARGARET, *his wife*,

to

JOHN TONNELLE.

MORTGAGE.

To Secure \$2,200.
Dated 14th Nov., 1816.
Ack. 15th Nov., 1816.
Reg. 21st Nov., 1816.
36 Mortgages, 433.

COVERS all that certain lot, piece or parcel of ground, situate lying and being in the Ninth Ward of the City of New York, beginning at the Westerly corner of John Hopper's land on the Easterly side of the Bloomingdale Road, thence running along the Easterly side of the said road South forty-two degrees West three hundred and thirty-two feet to the middle of a lane sixteen

and a half feet wide adjoining the land of Andrew Hopper thence along the middle of said lane South forty-nine degrees East six hundred and thirty-five feet; thence South forty-six degrees thirty minutes East six hundred and twenty four feet to the Elgin Botanic Garden; thence along the same and Frederick Binehure's land North thirty-three degrees fifteen minutes East two hundred and seventy-two feet nine inches to the land of John Hopper; thence along the same North forty-nine degrees West seven hundred and nineteen feet; thence North forty-nine degrees West five hundred and ten feet to the place of beginning. Containing nine acres, two roods and five perches of land (be the same more or less.)

John Horn, the second, died pending the following suit, leaving a will as follows.

Last Will and Testament
of
 JOHN HORN, *the Second.*

} Dated 28th July, 1821.
 } Proved 18th Aug., 1821.
 } 56 Wills, 528.

“Item: I give and devise unto my said wife Susannah and to her heirs and assigns forever, all my real estate, subject to the mortgage thereon, consisting of”—(the will describes two pieces of real estate, neither of which affects the tract in question).

IN CHANCERY.

Before the Chancellor.

JOHN TONNELLE

vs.

JACOB HORN and SOPHIA, *his wife*; SUSAN HORN, JAMES STRYKER and MARY, *his wife*; MATHEW DIKEMAN and JEMIMA, *his wife*; JOHN F. JACKSON and HANNAH, *his wife*; CHRISTOPHER MILDBERGER and MARGARET, *his wife*; JAMES HORN and MARY, *his wife*; and MATHEW HORN and MARGARET, *his wife*.

1820—Aug. 14 Bill filed to foreclose 36 mortgages, 433.

1821—April 2. Order *pro confesso vs.* James Stryker and Mary, his wife, John F. Jackson and Hannah, his wife, Christopher Mildeberger and Margaret, his wife, on consent of Charles G. Havens, their solicitor.

May 17. Order *pro confesso vs.* Jacob Horn and Sophia, his wife, John Horn, James Horn, and Mary, his wife, Mathew Horn and Margaret, his wife, on consent of Thomas Wills, Junior, their solicitor.

Dec. 31. Order *pro confesso vs.* Jemima Dikeman on proofs of publication and of no appearance.

Dec. 31. Order *pro confesso vs.* Mathew Dikeman on default of appearance.

- 1821—Dec. 31. Order of reference to compute, etc.
 1822—Jan. 11. Master's report of amount due.
 Feb. 18. Order making Susan Horn a defendant, in
 place of John Horn, Junior, deceased,
 without prejudice to proceedings already
 had. She had married John Horn, Jun-
 ior, pending the above suit.
 Mar. 25. Decree of foreclosure and sale.
 July 16. Master's report of sale filed.
 Sept. 9. Decree enrolled at Albany.

DEED.

JOHN M. McDONALD, <i>Master in</i> <i>Chancery,</i> <i>to</i> JAMES MEINELL.	}	Dated 15th May, 1822. Ack. 3d July, 1822. Rec. 27th Nov., 1822. 163 Conveyances, 68. Consideration, \$1,100.
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CONVEYS all said mortgaged premises, stating that "the one sixteenth part of the said premises or thereabout, being subject nevertheless to an estate in remainder, to commence after the death of the said Jemima, the wife of the above mentioned Matthew Dikeman."

DEED.

JAMES MEINELL <i>and</i> MAGDA- DALEN, <i>his wife,</i> <i>to</i> WILLIAM H. JESUP.	}	Dated 1st June, 1835. Ack. 10th June, 1835. Rec. 21st July, 1835. 331 Conveyances, 571. Cons., \$55,387.80.
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CONVEYS all the equal undivided seven-eighths of the same premises.

DEED.

WILLIAM H. JESUP <i>and</i> MARY H., <i>his wife</i> , <i>to</i> HENRY DUDLEY.	}	Dated 23d Aug., 1836. Ack. 26th Aug., 1836. Rec. 10th Sept., 1836. 366 Conveyances, 29. Consideration, \$80,000.
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CONVEYS all the equal undivided seven-eighths of the same premises.

Henry Dudley made three mortgages, each on a different part of said premises, to secure the purchase money in above deed. We will consider each separately.

MORTGAGE.

HENRY DUDLEY <i>to</i> WILLIAM H. JESUP.	}	To secure \$20,000. Dated 23d Aug., 1836. Ack. 25th Aug., 1836. Rec. 10th Sept., 1836. 206 Mortgages, 86.
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COVERS all the equal undivided seven-eighths of all that certain lot, piece or parcel of land, or those certain lots, pieces or parcels of land situate in the Twelfth Ward of the City of New York, and when taken together described and bounded as follows: Beginning at the Westerly corner of land now or late of John Hopper on the Easterly side of the Bloomingdale Road; thence running along the Easterly side of the said road South forty-two degrees West to the centre of Fifty-first Street; thence Easterly along the centre line of Fifty-first Street to a point distant three hundred and fifty feet Easterly from the Easterly side of the Seventh Avenue; thence Northerly in a line parallel with the Seventh Avenue (and along land described in a mortgage made between the parties hereto of even date herewith) to the Northerly line of land conveyed by the deed

hereinafter mentioned, that is to say, to land now or late of John Hopper; from thence Northwesterly along said land now or late of John Hopper to the place of beginning.

William H. Jesup assigned the above mortgage to Isaac R. St. John by assignment dated 25th August, 1836, and recorded in Liber 204 Mortgages, page 479.

Isaac R. St. John assigned the same back to William H. Jesup by assignment dated 5th June, 1838, and recorded in Liber 239 Mortgages, page 611.

William H. Jesup assigned the same to Edward M. Morgan by assignment dated 14th June, 1836, and recorded in Liber 239 Mortgages, page 612.

Edward M. Morgan assigned the same to Henry T. Morgan by assignment dated 1st September, 1838, and recorded in Liber 227 Mortgages, page 502.

Henry T. Morgan assigned the same to Samuel and Henry A. Taylor by assignment dated 4th September, 1838, and recorded in Liber 227 Mortgages, page 501.

Samuel and Henry A. Taylor assigned the same to Henry T. Morgan by assignment dated 1st August, 1839, and recorded in Liber 237, Mortgages page 45.

Henry T. Morgan assigned the same to Ebenezer Jesup to secure indebtedness by assignment dated 14th August, 1839, and recorded in Liber 236, Mortgages page 111.

HENRY DUDLEY <i>and</i> NICHOLAS W. STUYVESANT <i>to</i> PETER STUYVESANT <i>and</i> GEORGE G. ROOT.	}	ASSIGNMENT.
		—
		Dated 18th July, 1837.
		Proved 19th July, 1837.
		Rec. 19th July, 1837.
		377 Conveyances, 293.

CONVEYS all and singular the lands, tenements and real estate of them the said parties of the first part, or of either of

them in the United States of America whatsoever and wheresoever situate and being, or in or to which they or either of them have or hath any estate, right, title or interest.

In trust to sell the same and pay all creditors of Dudley and Stuyvesant with certain preferences therein specified and to pay surplus to parties of first part.

Henry Dudley died in August, 1837, intestate, leaving his widow, Helen Cornelia, afterwards wife of Francis Olmstead, and an infant son, Henry Dudley.

IN CHANCERY.

Before Vice-Chancellor.

EBENEZER JESUP

vs.

FRANCIS OLMSTEAD *and* HELEN
C., *his wife*; HENRY DUDLEY
(*an infant who appears by*
WILLIAM S. MCCOUN, *his*
Guardian ad litem) GEORGE
G. ROOT, PETER STUYVESANT,
EDWARD M. MORGAN, WIL-
LIAM H. JESUP, HENRY T.
MORGAN, WILLIAM WADE,
NOAH BULKLEY, WILLIAM C.
H. WADDELL *and* FREDERICK
WILDMAN.

1843—Nov. 17. Bill filed to foreclose 206 mortgages 86.

1844—Feb. 27. Order appointing William S. McCoun guardian *ad litem* of Henry Dudley on petition of complainant.

DEED.

HENRY W. HICKS <i>to</i> WILLIAM V. BRADY.	}	Dated 5th March, 1846. Ack. 6th March, 1846. Rec. 7th March, 1846. 474 Conveyances, 150. Consideration, \$3,000.
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CONVEYS all the equal undivided seven eighth parts of same premises.

The Mayor, Aldermen and Commonalty executed to Henry W. Hicks and John H. Hicks, Executors of Samuel Hicks, three assessment leases, recorded in 452 Conveyances, pages 138, 140 and 142, which were assigned to William V. Brady, by assignments recorded in 474 Conveyances, pages 148 and 149.

MORTGAGE.

HENRY DUDLEY <i>to</i> WILLIAM H. JESUP.	}	To secure \$20,000, Dated 23d Aug., 1836. Ack. 25th Aug., 1836. Rec. 10th Sept., 1836. 206 Mortgages, 88.
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COVERS all the equal undivided seven eighths of all that certain lot, piece or parcel of land, or those certain lots, pieces or parcels of land, situate in the Twelfth Ward of the City of New York, and when taken together described and bounded as follows: Beginning at a point in the centre line of Fifty-first Street, distant four hundred and fifty feet Westerly from the West side of the Sixth Avenue, thence running Northerly in a line parallel with the Sixth Avenue to the Northerly line of land conveyed by the deed hereinafter mentioned, that is to say, to land now or late of John Hopper; thence Southeast-erly along said land now or late of John Hopper to land described in the deed hereinafter mentioned, as aforesaid, now or

late of Frederick Binchure ; thence along land of the said Binchure and the now or late Elgin Botanic Garden, South thirty-three degrees fifteen minutes West two hundred and seventy-two feet nine inches to the middle of a lane sixteen and one-half feet wide adjoining to land now or late of Andrew Hopper ; thence along the middle of said lane North forty-six degrees thirty minutes West to the centre of the Sixth Avenue ; thence Northerly along the centre of the Sixth Avenue to the intersection thereof with the centre line of Fifty-first Street ; thence Westerly along the centre of Fifty-first Street to the place of beginning.

William H. Jesup assigned the above mortgage to Isaac R. St. John, by assignment dated 25th August, 1836, and recorded in Liber 209 Mortgages, page 31.

Isaac R. St. John assigned the same to William H. Jesup by assignment dated 5th June, 1838, and recorded in Liber 221 Mortgages, page 663.

William H. Jesup assigned the same to Edward M. Morgan by assignment dated 14th June, 1838, and recorded in Liber 221 Mortgages, page 632.

Edward M. Morgan assigned the same to George Beach, as security, by assignment dated 14th June, 1838, and recorded in Liber 221 Mortgages, 631.

George Beach assigned the same to Edward M. Morgan by assignment dated 21st November, 1838, and recorded in Liber 236 Mortgages, page 152.

Edward M. Morgan assigned the same to Henry T. Morgan by assignment dated 31st December, 1838, and recorded in Liber 236 Mortgages, page 152.

Henry T. Morgan assigned the same to Ansel St. John, by assignment dated 4th September, 1839, and recorded in Liber 236 Mortgages, page 153.

Henry T. Morgan again assigned the same to Jeremiah H. Taylor and John F. Mackie, as security, by assignment dated

9th September, 1839, and recorded in Liber 234 Mortgages, page 308.

Ansel St. John agreed with Taylor and Mackie to hold the mortgage assigned to him as security, first for his own benefit, and then for the purposes mentioned in preceding assignment to them, by agreement dated 13th September, 1839, and recorded in Liber 234 Mortgages, page 309.

Henry T. Morgan assigned the same, as security, to Jonathan Little, by assignment dated 10th September, 1839, and recorded in Liber 234 Mortgages, 403.

Ansel St. John assigned the same to Joseph D. Beers by assignment dated 6th February, 1840, and recorded in Liber 240 Mortgages, page 321.

Henry Dudley made an insolvent assignment to Peter Stuyvesant and George G. Root, which is recorded in Liber 377 Conveyances, page 293, and is hereinbefore set forth, ante page 230. Henry Dudley died intestate in August, 1837, leaving him surviving Helen Cornelia, his widow, who afterwards intermarried with Francis Olmstead, and one child, an infant, named Henry Dudley, his only heir-at-law.

IN CHANCERY,

Before the Vice-Chancellor.

<p style="text-align: center;">JOSEPH D. BEERS</p> <p style="text-align: center;"><i>vs.</i></p> <p style="text-align: center;">GEORGE G. ROOT <i>and</i> PETER STUYVESANT, <i>Assignees of</i> HENRY DUDLEY.</p>	}
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1840—Nov. 25. Bill filed to foreclose, 206 Mortgages, 88.

1841—Feb. 10. Order, *pro confesso*, *vs.* defendants, on consent of R. W. Townsend, their solicitor.

- 1841—Feb. 10. Order of reference to compute.
 March 9. Referee reports \$25,400 due.
 March 9. Decree of sale entered.
 Nov. 4. Decree enrolled.

DEED.

PHILO T. RUGGLES, <i>Master-in-Chancery</i> , <i>to</i> JOSEPH D. BEERS.	}	Dated 4th Nov., 1841. Ack. 20th March, 1844. Rec. 21st March, 1844. 445 Conveyances, 421. Consideration, \$3,133.
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CONVEYS all that equal undivided seven eighths of said mortgaged premises.

DEED.

HELEN C. OLMSTED, <i>widow</i> , <i>to</i> JOSEPH D. BEERS.	}	Dated 22d Aug., 1850. Proved 2d Sept., 1850. Rec. 14th Sept., 1850. 555 Conveyances, 113. Consideration, \$50.
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RELEASES all interest in all the equal undivided seven eighths of same premises.

MORTGAGE.

HENRY DUDLEY <i>to</i> WILLIAM H. JESUP.	}	To secure \$20,000. Dated 23d Aug., 1836. Ack. 25th Aug., 1836. Rec. 10th Sept., 1836. 206 Mortgages, 90.
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COVERS all the equal undivided seven eighths of all that certain lot, piece or parcel of land, or those certain lots, pieces or parcels of land, situate in the Twelfth Ward of the City of New

York, and when taken together, bounded and described as follows: Beginning on the Easterly side of the Bloomingdale Road, at the intersection thereof with the centre line of Fifty-first Street; thence running along the Easterly side of the said road South forty-two degrees West to the middle of a lane sixteen and one half feet wide, adjoining the land now or late of Andrew Hopper; thence along the middle of the said lane South forty-nine degrees East six hundred and thirty-five feet; thence South forty-six degrees and thirty minutes East to the centre of the Sixth avenue; thence Northerly along the centre of the Sixth Avenue to the centre of the said Fifty-first Street; thence Westerly along the centre line of Fifty-first Street to the place of beginning.

William H. Jesup assigned the above mortgage to Isaac R. St. John by assignment dated 25th August, 1836, and recorded in Liber 209 Mortgages, page 221.

Isaac R. St. John assigned the same to David C. Judson by assignment dated 16th June, 1837, and recorded in Liber 218 Mortgages, page 51.

David C. Judson assigned the same to Russell and William Stebbins, Receivers of the New York Dry Dock Company, by assignment dated 3d February, 1838, and recorded in Liber 228 Mortgages, page 342.

Russel Stebbins and William Stebbins, Receivers, &c., assigned the same to The New York Dry Dock Co., by assignment dated 13th December, 1838, and recorded in Liber 230 Mortgages, page 3.

Henry Dudley made an insolvent assignment to Peter Stuyvesant and George G. Root, which is recorded in Liber 377 Conveyances, page 293, and is hereinbefore set forth, ante page 230. Henry Dudley died intestate in August, 1837, leaving him surviving Helen Cornelia, his widow, and an infant son, Henry Dudley, his only heir-at-law.

IN CHANCERY.

Before Vice-Chancellor.

THE NEW YORK DRY DOCK
COMPANY

vs.

HELEN CORNELIA DUDLEY,
HENRY DUDLEY, PETER
STUYVESANT *and* GEORGE
ROOT.

1840—May 30. Bill filed to foreclose, 206 Mortgages, 90.

Nov. 17. Order *pro confesso vs.* Helen Cornelia Dudley
and George G. Root, on default of ap-
pearance.

Nov. 26. Order appointing William S. McCoun, Guar-
dian, *ad litem*, of Henry Dudley, on peti-
tion of complainant.

Dec. 28. Answer of said infant filed.

1841—Feb. 3. Order *pro confesso vs.* Peter Stuyvesant, a
resident of New Jersey, on proof of pub-
lication and of no appearance.

Feb. 5. Order of reference to compute.

1842—Dec. 27. Master reports \$26,900 due.

Dec. 27. Decree of foreclosure and sale entered.

1843—Feb. 25. Decree enrolled.

WILLIAM W. CAMPBELL, *Mas-*
ter in Chancery.

to

THE NEW YORK DRY DOCK
COMPANY.

DEED.

Dated 27th Feb., 1843.

Ack. 14th March, 1843.

Rec. 16th March, 1843.

433 Conveyances, 524.

Consideration, \$2,500.

CONVEYS all the equal undivided seven eighths of said
mortgaged premises.

It has been claimed that Jemima Dikeman, under the will of her father, John Horn, took an estate tail by reason of the rule in Shelly's case. This would be converted into a fee simple by the statute. It was however decided in suit of Robinson *vs.* The New York Dry Dock Company, hereinafter set forth page 241 that she took merely a life estate with remainder in her issue. If the theory that she took a fee simple was correct, James Meinell, the purchaser at the foreclosure sale of the mortgage made by her and the other devisees of John Horn, would have acquired a perfect title to the whole of the tract, and the clause in the deed to him, specifying that the premises were subject to an estate in remainder to one-sixteenth would be merely descriptive of a supposed defect in title and would not constitute a reservation or exception. However as to lot four Meinell's title was perfect, and the supposed defect would exist only as to one-eighth of lot five. Meinell conveyed seven-eighths only of the tract vested in him, so that he remained seised of one-eighth of lot four, and an estate for life of Jemima Dikeman, if not the fee, in one eighth of lot five.

DEED.

JAMES MEINELL <i>and</i> MAGDA- LEN E., <i>his wife</i> , <i>to</i> HAMILTON W. ROBINSON.	}	Dated 25th April, 1845. Ack. 25th April, 1845. Rec. 12th July, 1845. 464 Conveyances, 191. Consideration, \$50.
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CONVEYS all the undivided one-eighth of the premises conveyed to said James Meinell by the Mastery in Chancery (ante page 228).

DEED.

HAMILTON W. ROBINSON <i>and</i> EMMA, <i>his wife</i> , <i>to</i> WILLIAM V. BRADY.	}	Dated 12th Oct., 1846. Ack. 12th Oct., 1846. Rec. 16th Oct., 1846. 480 Conveyances, 533. Consideration, \$300.
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CONVEYS all the undivided one-eighth part of all those two several parcels of land situate, lying and being in the Twelfth Ward of the City of New York, the first of said parcels being bounded North by Fifty-second Street, South by Fifty-first Street, East by the Seventh Avenue and West by the Bloomingdale Road. The second of said parcels being bounded North partly by Fifty-second Street and partly by land now or late of Ana Stryker, South by Fifty-first Street, East by land belonging to Joseph D. Beers and others and West by the Seventh Avenue, being three hundred and fifty feet on the South side and bounded on the East side by a line parallel with the Seventh Avenue.

DEED.

HAMILTON W. ROBINSON <i>and</i> EMMA, <i>his wife</i> , <i>to</i> EBENEZER JESUP, JUNIOR.	}	Dated 1st Aug., 1847. Ack. 1st Dec., 1847. Rec. 7th July, 1848. 501 Conveyances, 607. Consideration, \$1.
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CONVEYS the one undivided eighth part of all that certain piece or parcel of land situate, lying and being in the Twelfth Ward of the City of New York, a particular description of the metes and bounds of which is contained in a mortgage of the other undivided seven-eighths thereof executed by Henry Dudley to William H. Jesup, dated August 23d, 1836, and recorded in the office of the Register of the City and County of New York in Liber 206 of Mortgages, page 88.

DEED.

EBENEZER JESUP, JUNIOR, <i>and</i> JULIA F., <i>his wife</i> , <i>to</i> JOSEPH D. BEERS.	}	Dated 7th July, 1848. Ack. 7th and 10th July, 1848. Rec. 12th July, 1848. 505 Conveyances, 607. Consideration, \$1,100.
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CONVEYS all the one undivided eighth part of the same premises by the same description.

Hamilton W. Robinson having thus released to William V. Brady and Joseph D. Beers the part of the tract vested in each respectively, brought the following suit for a partition of the residue of the tract, which had been conveyed to the New York Dry Dock Company.

SUPREME COURT.—*In Equity.*

HAMILTON W. ROBINSON <i>and</i> EMMA, <i>his wife</i> , <i>vs.</i>	}
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THE NEW YORK DRY DOCK COMPANY, GARRET VAN DO- REN <i>and</i> JEMIMA, <i>his wife</i> , JEMIMA DIKEMAN, FREDER- ICK W. JENKINS, SARAH DIKEMAN, HENRY DIKEMAN, MATTHEW DIKEMAN, AMELIA ANN DIKEMAN <i>and</i> CAROLINE DIKEMAN, <i>the said</i> GARRET <i>and</i> SARAH <i>being</i> <i>Executor and</i> <i>Executrix, &c., of</i> MATTHEW DIKEMAN, <i>deceased; and said</i> HENRY, MATTHEW, AMELIA ANN <i>and</i> CAROLINE <i>being in-</i> <i>fants, by</i> A. B. MILLARD, <i>their</i> <i>Guardian ad litem.</i>	}
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1846—Oct. 27. Bill filed for partition of the premises described in deed to The New York Dry Dock

- Company, recorded in 433 Conveyances, 524.
- 1847—Feb. 17. Answer of The New York Dry Dock Company filed.
- 1848—May 20. Amended bill filed.
- June 20. Order appointing A. B. Millard guardian *ad litem* of Caroline Dikeman, an infant under 14, on petition of her mother.
- June 20. Order appointing him guardian of Henry Dikeman, Matthew Dikeman and Amelia Ann Dikeman, infants over 14 on their own petition.
- Aug. 18. Answer of Henry, Matthey, Amelia Ann and Caroline Dikeman filed.
- Aug. 18. Answer of Sarah Dikeman filed.
- Sept. 14. Order *pro confesso vs.* Garret Van Doren and Jemima, his wife, and Jemima Dikeman on default of appearance.
- Sept. 14. Order *pro confesso vs.* Frederick W. Jenkins on default of answer.
- Dec. 18. Order of reference to Benjamin W. Bonney on title, etc.
- 1849—Nov. 15. Referee's report given. He finds that the deed of lot four, though made to John Horn, inured to the benefit of Jemima Horn, in whom the fee vested. That under the will of John Horn, Junior, Jemima Dikeman took a life estate only, and her issue took the remainder in fee. That the clause in the Master's deed to James Meinnell (163 Conveyances, 68) specifying that the property was subject to an estate in remainder in one-sixteenth, did not create an exception or reservation, but was

merely descriptive of a supposed defect in the title of one-eighth of the Northerly half of the premises conveyed thereby.

1849—Dec. 1. Order directing that the hearing on the referee's report be had at the General Term of the Superior Court of the City of New York.

Dec. 13. Decree of the General Term of that Court filed in the Clerk's office of the Superior Court. Directs that so much of the premises as are included in lot 4, be partitioned between Robinson and the New York Dry Dock Company, and appoints Benjamin W. Bonney, William V. Brady and Stephen Merrihew commissioners of partition. The decree further directs that so much of the premises as are included in lot 5 be sold under the direction of Benjamin W. Bonney, Referee.

1851—May 19. Enrolled decree filed in Superior Court.

<p style="text-align: center;">BENJAMIN W. BONNEY, <i>Referee,</i></p> <p style="text-align: center;"><i>to</i></p> <p style="text-align: center;">THE NEW YORK DRY DOCK COMPANY <i>and</i> HAMILTON W. ROBINSON.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 20%; margin: 0 auto;"/> <p>Dated 29th May, 1851. Ack. 29th May, 1851. Rec. 30th May, 1851. 579 Conveyances, 95. Consideration, \$500.</p>
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CONVEYS all that piece or parcel of land situate in the Nineteenth (late Twelfth) Ward of the City of New York, being part of lot Number Five, on the East side of the Bloomingdale Road

on the partition map of the estate of John Hopper, deceased, and bounded Northerly by Fifty-first Street, Easterly by the Sixth Avenue, and Southwesterly by the Southerly line of said lot Number Five.

Habendum, seven-eighths to The New York Dry Dock Company, and one-eighth to Hamilton W. Robinson.

<p style="text-align: center;">THE NEW YORK DRY DOCK COMPANY <i>to and with</i> HAMILTON W. ROBINSON <i>and</i> EMMA, <i>his wife.</i></p>	}	<p style="text-align: center;">PARTITION DEED.</p> <hr style="width: 10%; margin: 0 auto;"/> <p>Dated 31st May, 1851. Ack. 31st May, 1851. Proved 13th June, 1851. Rec. 14th June, 1851. 572 Conveyances, 607. Consideration, \$1.</p>
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RECITES that The New York Dry Dock Company is seised of seven-eighths, and Hamilton W. Robinson of one-eighth, of all that part of certain premises described in a mortgage dated November fourteenth, 1816, and executed by Jacob Horn and others to John Tonnele and registered in the office of the Register of the City and County of New York in Liber 36 of Mortgages, page 443, which is situated South of the centre line of Fifty-first Street and West of the centre line of the Sixth Avenue. And that it was agreed that a partition thereof should be made so that the said New York Dry Dock Company should have all of said premises lying East of the centre line of the Seventh Avenue, and Hamilton W. Robinson have all lying West of said centre line of the Seventh Avenue.

Each releases and conveys to the other the part allotted to him or it.

According to the decision In Robinson *vs.* The New York Dry Dock Company above set forth, there was at time of com-

mencement of said suit a remainder in fee in one-eighth of lot five still outstanding, in the issue of Jemima Dikeman.

Mathew Dikeman, husband of Jemima, died on September 20th, 1834, leaving his widow and three children.

1. Mathew Dikeman, Junior.
2. Jemima, wife of Garret Van Doren.
3. Ann Amelia Elder, who, on 10th October, 1839, inter-married with Frederick W. Jenkins.

Mathew Dikeman, Junior, died on 26th September, 1836. He left him surviving Sarah Dikeman, his widow, and Henry Dikeman, Mathew Dikeman, Amelia Ann Dikeman and Carolina Dikeman, his only children and heirs-at-law.

<p style="text-align: center;"><i>Last Will and Testament</i> of MATHEW DIKEMAN, Junior.</p>	}	<p>Dated 22d July, 1836. Proved 10th Nov., 1836. 76 Wills, 75.</p>
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“I authorize my executrix and executor hereinafter named, and the survivor of them, whenever in their judgment it shall be necessary or expedient, to sell and dispose of all or any part or parts of the real estate of which I shall die seised or possessed, and to make, execute, seal and deliver good and valid conveyances in fee simple to the purchasers, and the proceeds thence arising, except what may be necessary for the immediate wants of my family and charges and expenses of my estate, to invest on bond and mortgage for the benefit of my estate and the income to apply to the maintenance, education and support of my wife and children.” Testator gives his wife Sarah one-third of the income, and directs the residue of the income to be applied to the use of his children until they respectively attain the age of twenty-one years. “Fourth, when my youngest

child shall attain the age of twenty-one years, I direct a division of two-thirds of my estate among such of my children as shall then be living, and the lawful issue of any which shall be dead, leaving issue, such issue taking the part or share of his, her or their parent. The remaining third to be in like manner divided upon the decease of my wife." Appoints his wife Sarah executrix and his brother-in-law, Dr. Garret Van Doren, his executor.

Letters testamentary were granted to both on 23d January, 1837. See Liber 3 Letters Testamentary, page 292.

SARAH DIKEMAN, <i>Executrix, and</i> GARRET VAN DOREN, <i>Execu-</i> <i>tor of</i> MATHEW DIKEMAN, <i>the Younger,</i> <i>to</i> WILLIAM V. BRADY.)	DEED. ——— Dated 1st Nov., 1852. Proved 12th Nov., 1852. Rec. 15th Nov., 1852. 622 Conveyances, 59. Consideration, \$1,000.
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CONVEYS all the one equal undivided one third of one eighth of and in said lot number 5, and all interest, if any, in said lot number 4.

Jemima, wife of Garret Van Doren, died intestate in 1851, leaving her surviving her husband and five children, viz. :

1. John A. Van Doren,
2. Matthew D. Van Doren,
3. William T. Van Doren,
4. Charles A. Van Doren,
5. Maria Louisa, wife of Silas DeWitt.

GARRET VAN DOREN, JOHN A.
 VAN DOREN *and* SARAH, *his*
wife; MATTHEW D. VAN
 DOREN *and* MARY I., *his wife*;
 WILLIAM THEODORE VAN
 DOREN *and* JANE A., *his wife*;
 CHARLES A. VAN DOREN *and*
 SILAS DEWITT *and* MARIA
 LOUISA, *his wife*,
 to
 WILLIAM V. BRADY.

DEED.

Dated 1st Nov., 1852.
 Ack. 12th, 13th & 27th
 Nov., 1852.
 Rec. 1st Dec., 1852.
 609 Conveyances, 294.
 Consideration, \$1,000.

CONVEYS an equal undivided one third of one eighth of said lot Number Five on East side of Bloomingdale Road.

FREDERICK W. JENKINS *and*
 AMELIA ANN DIKEMAN, *his*
wife
 to
 CYRUS CURTISS, NATHAN CHAM-
 BERLIN *and* EDWARD P.
 COWLES.

DEED.

Dated 4th April, 1842.
 Ack. 11th April, 1842.
 Rec. 18th April, 1842.
 424 Conveyances, 371.
 Consideration, \$1.

CONVEYS, with other property, also all and singular the right, title and interest of the said parties of the first part—and particularly of the said Amelia Ann—of, in and to all pieces parcels, tracts or lots of land situate, lying and being in the City of New York, wheresoever the same may be, of which the said John Horn died seised.

In trust that the said parties of the first part, during their joint lives, may enjoy the rents and profits of said premises, and to reconvey to the said Amelia Ann in fee, in case she survives her husband, and in case the said Frederick W. shall survive the said Amelia Ann, and she leave no lawful

issue her surviving, then on her death to convey one undivided half thereof to her mother, Jemima Dikeman, in fee, or if she be dead, to her heirs, and to convey the remaining undivided half part thereof to Frederick W. Jenkins, in fee.

Amelia A. D. Jenkins died, without issue, on 4th May, 1842:

CYRUS CURTISS, NATHAN CHAM- BERLIN <i>and</i> EDWARD P. COWLES, <i>to</i> FREDERICK W. JENKINS.)	DEED. —)	Dated 10th June, 1842. Ack. 29th June, 1842. Rec. 27th July, 1842. 429 Conveyances, 149. Consideration, \$1.
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RECITES the previous deed, and the death of Amelia Ann D. Jenkins, without leaving lawful issue her surviving.

CONVEYS one equal undivided moiety or half part of premises conveyed by previous deed.

CYRUS CURTISS, NATHAN CHAM- BERLIN <i>and</i> EDWARD P. COWLES, <i>to</i> JEMIMA DIKEMAN.)	DEED. —)	Dated 10th June, 1842. Ack. 14th June, 1842. Rec. 28th July, 1842. 428 Conveyances, 245. Consideration \$1.
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CONVEYS one equal undivided moiety or half part of same premises.

FREDERICK W. JENKINS <i>to</i> WILLIAM V. BRADY.)	DEED. —)	Dated 1st Nov., 1852. Proved 16th Nov., 1852. Rec. 17th Nov., 1852. 617 Conveyances, 210. Consideration, \$500.
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CONVEYS all the one equal one undivided one sixth of one eighth of and in that certain piece of land situated in the Nine-

teenth Ward of the City of New York, known upon a map of the farm of John Hopper made by Evert Bancker, in or about the year one thousand seven hundred and eighty-two, as lots numbers (4) four and (5) five, on the East side of Bloomingdale Road, and together bounded Westerly by said road, Northerly by lot number 6 (six) on said map, Easterly by the Commons or Elgin Botanic Garden, and Southerly by lot number 3 (three) on said lot lying East of said road.

JEMIMA DIKEMAN, <i>widow of</i> MATHEW DIKEMAN, <i>the Elder,</i> <i>and daughter of JOHN HORN,</i> <i>to</i> WILLIAM V. BRADY.)	DEED. ——— Dated 1st Nov., 1852. Proved 12th Nov., 1852. Rec. 15th Nov., 1852. 622 Conveyances, 58. Consideration, \$500.
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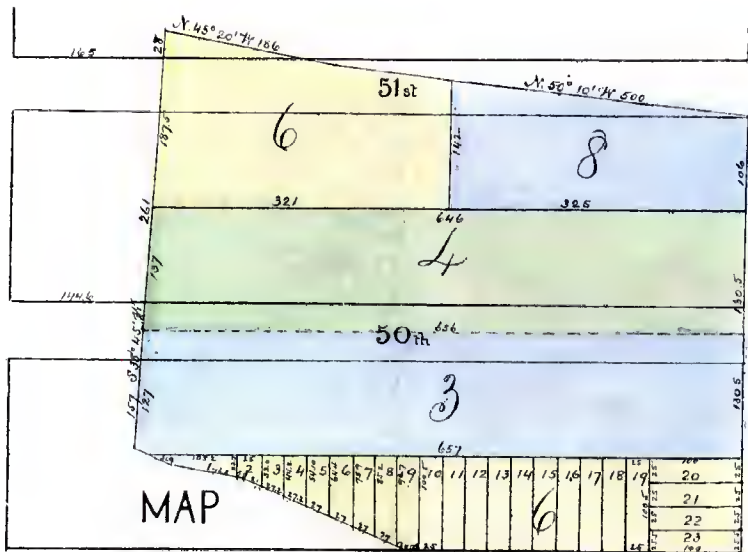
CONVEYS all the right, title and interest of the party of the first part of and in the said two lots 4 & 5.

By these deeds William V. Brady acquired a perfect title to the part of the tract vested in him, and also the interest of the issue of Jemima Dikeman in the part of the tract conveyed to Joseph D. Beers (445 Conveyances, 421, set forth ante page 236). He acquired no interest, however, in the part vested in The New York Dry Dock Company, as all the said issue of Jemima Dikeman were made parties to the partition suit of Robinson vs. The New York Dry Dock Company, set forth ante page 241.

WILLIAM V. BRADY and COR- NELIA, <i>his wife,</i> <i>to</i> JOSEPH D. BEERS.)	DEED. ——— Dated 29th Nov., 1852. Ack. 1st Dec., 1852. Rec. 4th Dec., 1852. 618 Conveyances, 482. Consideration, \$10.
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CONVEYS all the right, title and interest of the parties of the first part in and to a tract or parcel of land situated in the Nine-

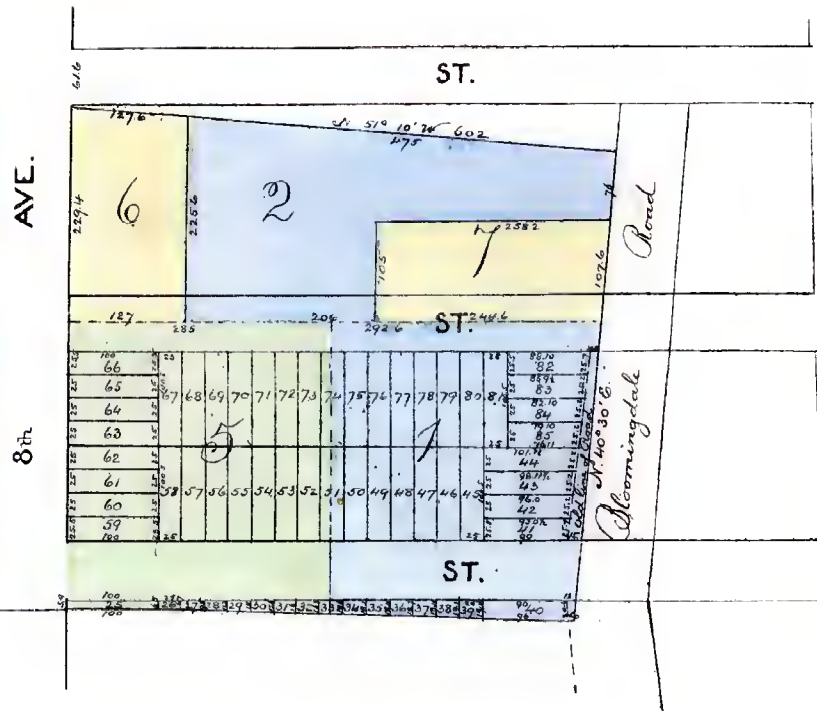
teenth Ward of the City of New York, consisting of the Easterly part of two lots laid down on a map of the Farm of John Hopper made by Evert Bancker, in or about the year 1782, and known on said map as lots 4 (four) and 5 (five), on the East of Bloomingdale Road, that partition of said lots which is intended to be hereby released being bounded Westerly by a line running parallel with Seventh Avenue at the distance of three hundred and fifty feet Eastward therefrom, Northerly by lot number 6 (six) on said map, Easterly by land formerly known as the Commons or Elgin Botanic Garden, and Southerly by lot number 3 (three) on said map.



MAP OF THE 49th

JOHN HORN TRACT.

Copied from Maps 7 and 167 New York Register's Office



8th AVE.

8th

ST.

ST.

ST.

Bloomfield Road

N. 40° 30' E.

THE JOHN HORN PIECE.

This is lot one on West side of the Bloomingdale Road, which, as shown ante page 203, was set apart to Jemima Horn.

MATTHEW HOPPER, JOHN HOPPER, ANDREW HOPPER, YEL-
LIS HOPPER, ANN HOPPER,
Mother and Guardian to her
three Children, ANN HOPPER,
JOHN HOPPER and NICHOLAS
HOPPER; LAWRENCE ALWYE
and MARY, *his wife,*
to
JOHN HORNE.

DEED.

Dated 15th Feb., 1782.
Proved 16th Feb., 1782.
Rec. 27th March, 1789.
45 Conveyances, 333.
Considerat'n, 5 shillings.

CONVEYS all those two certain lots belonging to said farm, and known by the name of Lot number One, on the West side of said Bloomingdale Road and by lott number four on the East side of said Bloomingdale Road; lott number one on the West side of said road contains in breadth in front and rear seven chains and fifty links and in length on each side twenty chains and fifty links; Lott number four on the East side of said road contains in length on each side twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains and forty-five links, as by draught or map thereof made by Evert Bancker, Junior, may fully appear, relation thereunto being had.

The above deed of partition was made to John Horne, instead of to Jemima Horne. It would probably have inured to her. She died on 28th February, 1814, intestate, leaving her surviving, as her heirs-at-law, the children mentioned in the will of John Horne. As all her children and also all her husband's devisees were parties to the following partition suit, the question as to whether, under the above deed, the property vested in her or in her husband becomes unimportant.

Last Will and Testament
of
JOHN HORN.

} Dated 20th Feb., 1815.
} Proved 1st Aug., 1815.
} 52 Wills, 403.

After directing payment of his debts, and a legacy of \$250, the testator provides as follows: "Item, I do give and bequeath unto my daughter Jemima, and unto her husband, Matthew Dikeman, during the term of the natural lives of them and the survivor of them, the rents, issues, profits and income of one full, equal undivided eighth part of all the rest, residue and remainder of my estate, both real and personal, and upon the decease of both of them, my said daughter Jemima and her said husband, Matthew Dikeman, I do give, devise and bequeath the said one full, equal undivided eighth part of my estate, both real and personal, unto the lawful issue of my said daughter Jemima, their heirs, executors, administrators and assigns, forever, equally to be divided among them, share and share alike. Item, I do give, devise, and bequeath all the rest, residue and remainder of my estate, both real and personal unto my children, Jacob Horn, John Horn, Junior, Matthew Horn, James Horn, Mary Striker (wife of James Striker), Hannah Jackson (wife of John F. Jackson), and Margaret Mildeberger (wife of Christopher Mildeberger), and to their several and respective heirs, execu-

tors, administrators and assigns forever, equally to be divided among them, share and share alike."

DEED.

MATHEW DIKEMAN <i>to</i> GARRIT VAN DORAN.	}	Dated 30th Sept., 1815. Ack. 2d Oct., 1815. Rec. 12th Dec., 1815. 111 Conveyances, 525. Consideration, \$100.
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CONVEYS " all my individual right, title and life interest of, in and to the said equal undivided eighth part of the bequest of the said John Horn."

Jemima Dikeman had three children living at the time of the following suit, viz. : Matthew Dikeman, Junior, Jemima, wife of Dr. Garrit Van Doren, and Amelia Ann Dikeman.

NEW YORK MAYOR'S COURT.

JACOB HORN, <i>vs.</i> JOHN HORN, Jun., MATHEW HORN, JAMES HORN, JOHN F. JACKSON <i>and</i> HANNAH, <i>his wife</i> ; CHRISTOPHER MILDBERGER <i>and</i> MARGARET, <i>his wife</i> ; JAMES STRIKER <i>and</i> MARY, <i>his wife</i> ; MATTHEW DIKEMAN, Senior, <i>and</i> JEMIMA, <i>his wife</i> ; GARRIT VAN DOREN <i>and</i> JEMIMA, <i>his wife</i> ; MATHEW DIKEMAN, Junior, <i>and</i> AMELIA DIKEMAN.	}
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1816—Jan. 26. Petition for partition dated.

- 1816—Feb. 19. All defendants admit due service of copy of petition and notice of its presentation.
- Jan. 27. Garret Van Doren appointed guardian *ad litem* for Matthew Dikeman, Junior, and Amelia Dikeman, infants.
- Feb. 19. Answer of said infants by their guardian filed.
- Feb. 19. Answer of all the other defendants filed.
- Feb. 20. Judgment of partition entered. Gabriel Furman, Samuel Stilwell and Jacob Harsen appointed commissioners.
- Dec. 16. Report of Commissioners filed. They set apart lot one on map, ante page 251, to Jacob Horn; lot 2, to John Horn, Junior; lot 3 to Jemima Dikeman, lot 4 to James Horn, lot 5 to Hannah Jackson, the three lots numbered 6 to Mathew Horn, lot 7 to Mary Striker, and lot 8 to Margaret Mildeberger.
- 1817—Jan. 7. Final judgment entered.

Deeds ratifying this partition were recorded as follows: the deed to Margaret Mildeberger in 120 Conveyances, 129; that to John Horn, Junior, in 118 Conveyances, 621; that to Hannah Jackson in 118 Conveyances, 106; that to Matthew Horn 123 Conveyances, 213; that to Jacob Horn in 127 Conveyances, 31; that to Mary Striker in 128 Conveyances, 4; that to James Horn in 145 Conveyances, 353; that to Jemima Dikeman in 235 Conveyances, 152.

We will continue the title to lots 1 and 5 and the Southerly one of lots 6.

DEED.

JOHN F. JACKSON <i>and</i> HANNAH, <i>his wife,</i> <i>to</i> GEORGE MARTIN.	}	Dated 1st Dec., 1818. Ack. 4th Dec., 1818. Rec. 8th Dec., 1818. 132 Conveyances, 85. Consideration, \$1,800.
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CONVEYS all that certain lot, piece or parcel of land whereof the said John Horn was seised in fee simple at the time of his decease, situate in the Ninth Ward of the City of New York, bounded and containing as follows, to wit: Beginning at the Southeasterly side of the Eighth Avenue, in the centre of Fiftieth Street, thence running Southeasterly along the centre of the said street two hundred and eighty-five feet, thence Southwesterly, parallel with the Eighth Avenue, three hundred and eight feet four inches, to the land of Philip Webber; thence Northwesterly along the same two hundred and eighty-five feet, to the Eighth Avenue; thence Northeasterly along the Eighth Avenue two hundred and ninety-four feet ten inches, to the place of beginning.

DEED.

JACOB HORN <i>and</i> MARY SOPHIA, <i>his wife,</i> <i>to</i> GEORGE MARTIN.	}	Dated 16th Feb., 1818. Ack. 16th Feb., 1818. Rec. 19th Feb., 1818. 125 Conveyances, 319. Consideration, \$1,400.
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CONVEYS all that certain house and lot, piece or parcel of land, formerly part of the estate of John Horn, deceased, situate in the Ninth Ward of the said city, and which, upon a partition of said estate, fell to the share of the said Jacob Horn, with other real property, beginning at the Northwest corner of said lot, which upon the said partition was number one, and runs thence South fifty degrees East seventy-one links, thence South thirty-three degrees thirty minutes West thirty-two

links, thence South fifty-six degrees and thirty minutes East three chains and sixty-four links to the Old Bloomingdale Road, thence South forty degrees ten minutes West along said road four chains and thirty-nine links, then North fifty-six degrees and fifty minutes West three chains and eighty-five links, and then North thirty-three degrees East four chains and sixty-four links to the place of beginning; bounded Northerly by land of James Stryker, Easterly by said road, Southerly by land of Phillip Webber, and Westerly by land of John F. Jackson, containing one acre and four-fifths of an acre of land.

DEED.

MATTHEW HORN, <i>and</i> GARET, <i>his wife</i> ; <i>to</i> GEORGE MARTIN.	}	Dated 23d April, 1819. Ack. 27th April, 1819. Rec. 28th April, 1819. 135 Conveyances, 267. Consideration, \$558.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being in the Ninth Ward of the said City of New York, designated on a certain map marked number two, made by Gabriel Furman, Samuel Stilwell and Jacob Harsen, Commissioners appointed to make partition of the estate of John Horn, deceased, on file in the office of the Register of the City and County of New York, as Division number Six, Beginning on the Northwesterly side of the Eighth Avenue, at an equal distance between Forty-ninth and Fiftieth Streets, running thence Northwesterly on a line equi-distant from said Streets six-hundred and fifty seven feet, to a point or corner formed by the lands of Philip Webber and John Hopper; running thence South forty-three degrees thirty minutes East one hundred and fifty feet; thence South thirty-two degrees fifteen minutes East one hundred and seventy-four feet, thence South forty degrees East two hundred feet, thence South forty-four degrees East eighty feet, thence South fifty-five degrees East to the line of the

Eighth Avenue, thence Northeasterly along the line of the Avenue one hundred and seventy feet to the place of beginning. Containing one acre, two roods and eight perches of land.

George Martin died in 1831, intestate, leaving him surviving his widow, Hannah, afterwards wife of James Riker, and two children, viz.: Mary Isabella, who in 1841 intermarried with George Darke, and Jonathan C. Martin, his only heirs-at-law.

Mary Isabella Darke made five Mortgages on her interest in said premises to Isaac Dyckman, all of which have since been satisfied of record.

DEED.

GEORGE DARKE <i>to</i> HANNAH RIKER.	}	Dated 23d Dec., 1843. Ack. 28th Dec., 1843. Rec. 10th Dec., 1844. 456 Conveyances, 37. Consideration, \$750.
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CONVEYS all the estate, right, title, lien and interest of the said party of the first part in and to the property vested in George Martin, as above shown.

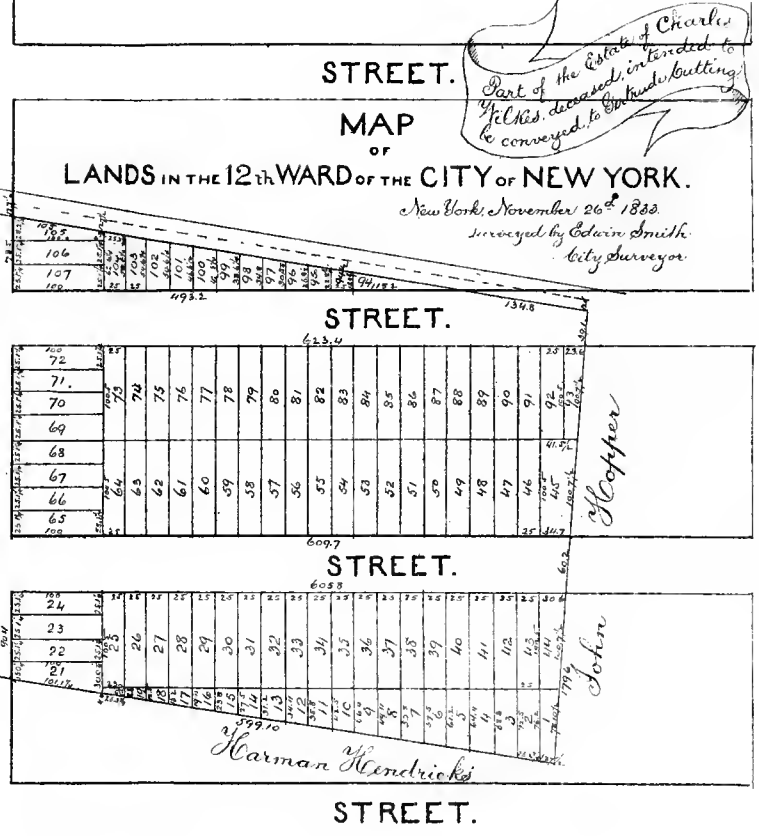
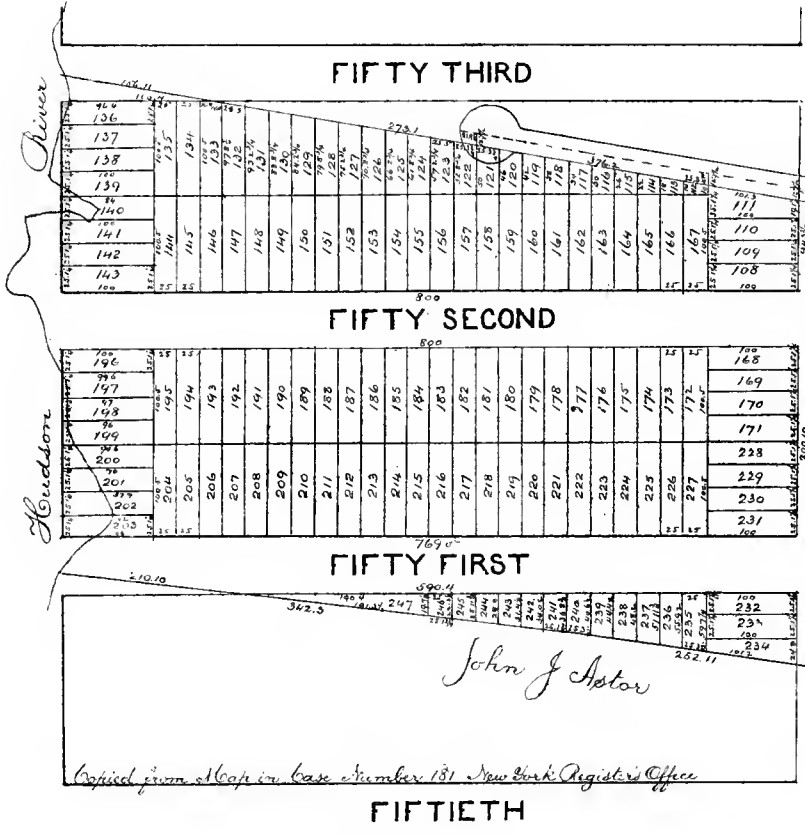
IN CHANCERY.

Before Vice Chancellor.

JAMES RIKER <i>and</i> HANNAH, <i>his</i> <i>wife,</i> <i>vs.</i> GEORGE DARKE <i>and</i> MARY ISA- BELLA, <i>his wife</i> ; JONATHAN C. MARTIN, <i>an infant, by</i> LIV- INGSTON LIVINGSTON, <i>his</i> <i>Guardian, and</i> ISAAC DYCK- MAN.	}
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1845—Sept. 5. Bill for partition filed.

- 1845—Nov. 15. Order appointing Livingston Livingston guardian *ad litem* of Jonathan C. Martin, an infant over 14, on infant's petition.
Nov. 26. Order, *pro confesso*, vs. Isaac Dyckman, in default of answer.
- 1846—Sept. 22. Answer of George Darke and wife, filed.
- 1847—Feb. 4. Order of reference on title, &c.
July 3. Master's report on title, &c., filed.
July 3. Judgment for partition entered. Thomas Addis Emmet, John H. Lee and George B. Smith were appointed Commissioners of partition.
- 1848—Oct. 20. Commissioners report that partition cannot be had without great prejudice, &c.
- 1849—Jan. 31. Decree of sale entered.
Jan. 31. Decree enrolled.
April 16. Report of sale filed.
April 16. Order confirming the same.



Part of the Estate of Charles McLeod, deceased, intended to be conveyed to the Hudson River

Copied from atlas in base number 181 New York Register's Office

TENTH AVENUE.

THE GERTRUDE CUTTING PIECE.

This consists of lot three on the West side of the Bloomingdale Road, which, as shown ante page 203, was set apart to Andrew Hopper.

MATTHEW HOPPER, JOHN HOPPER, YELLIS HOPPER, JOHN HORN *and* JEMIMA, *his wife*;
ANN HOPPER, *Mother and Guardian of* ANN HOPPER,
JOHN HOPPER *and* NICHOLAS HOPPER, *Minors*; *and* LAWRENCE ALLWYE *and* MARY, *his wife*,

to

ANDREW HOPPER.

DEED.

Dated 15th Feb., 1782.
Proved 20th Dec., 1784.
Rec. 20th Dec., 1784.
42 Conveyances, 176.
Consideration, 5s.

CONVEYS all those two certain lots belonging to said farm and known by the name of lot Number Three on the West side of Bloomingdale road, and by lot Number One on the East side of said Bloomingdale road. Lot Number Three on the West side

of said road contains in breadth, front and rear seven chains and fifty links, and in length on each side twenty chains and fifty links. Lot Number One on the East side of said road contains in length on each side twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains and forty-five links, as by a draft or map thereof made by Evert Banker, Junior, may more fully appear, relation thereunto being had.

DEED.

ANDREW HOPPER <i>and</i> CATH- ARINE, <i>his wife</i> , <i>to</i> LEWIS SIMOND.	}	Dated 11th Sept, 1793. Rec. in Secretary of State's Office, at Al- bany. Deeds, $\frac{M R}{D}$ 181.
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CONVEYS said lot three.

DEED.

LEWIS SIMOND <i>and</i> MARY, <i>his</i> <i>wife</i> , <i>to</i> CHARLES WILKES.	}	Dated 10th June, 1826. Proved 24th Dec., 1827. Rec. 28th Dec., 1827. 228 Conveyances, 338. Consideration, \$8,000.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> CHARLES WILKES.	}	Dated 29th June, 1833. Prov. 18th Oct., 1833. 71 Wills, 24.
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After making certain provisions for his wife in lieu of dower, and bequeathing certain legacies, the testator provides as fol-

lows : “ Item, I give, devise and bequeath one-sixth part of all the rest and residue of my real and personal estate (the same to be divided into six equal parts) to my executrix and executors hereinafter named, their heirs and assigns forever, in trust to sell and dispose of the same either at private sale or at public auction at such time or times as they may think proper, and to receive the rents, profits and dividends arising and to accrue from the same until sold, and to pay over the proceeds of the same when sold to my daughter, Charlotte Jeffrey, her heirs, executors and administrators, and if she should die before me, then to her child, her heirs, executors and administrators. I give, devise and bequeath one other sixth part of all the said rest and residue of my estate, whether real or personal, to my friend, Charles R. Codman, Esquire, of Boston, and to my nephew, Henry Wilkes, their heirs, executors, administrators and assigns forever. In trust to sell and dispose of the same either at private sale or at public auction at such time or times as they may think proper, or the survivor of them may think proper, and to receive the dividends, interest, rents and profits of the same until sold and disposed of, and to invest the principal of the same in good government security or on bond and mortgage or in real estate as they may think most judicious, and to pay over the interest, rents, dividends or yearly profits arising and to accrue from the same to my beloved daughter, Fanny Colden, half-yearly during her natural life on her own order or receipt, and not to be in any way subject to the debts or controul of her husband, and after her decease to pay over the principal to such person or persons to whom she may devise the same, and in default of her not making any disposition of the same by will, then to pay over the same to her heirs and assigns forever. Item, I give, devise and bequeath one other sixth part of all the said rest and residue of my real and personal estate to the said Charles R. Codman and Henry Wilkes, their heirs, executors, administrators and assigns forever. In

trust to sell and dispose of the same either at private sale or at public auction at such time or times as they or the survivor of them may deem proper, and to receive the interest, dividends, rents and profits of the same until sold, and to invest the principal of the same in good government security or on bond and mortgage or in real estate as they may think most judicious, and to pay over the interest, dividends, rents or yearly profits arising and to accrue from the same to my beloved daughter, Ann Wilkes, during her natural life on her own order or receipt and not to be in any way subject to the debts or controul of any person she may hereafter marry, and after her decease to pay over the whole of the principal to such person or persons to whom she may devise the same, and in default of her not making any disposition of the same by will, then to pay over the same to her heirs and assigns forever. Item, I give, devise and bequeath the three remaining sixth parts of all the rest and residue of my estate, whether real or personal, to my sons Horatio, George and Hamilton, their heirs, executors, administrators and assigns forever, the same to be divided equally amongst them, share and share alike, first deducting however out of each of my children's sixth part all advances made to each of them by me. I hereby give full power and authority to the trustees of my three daughters estate or the survivors and survivor of them to sign, seal, execute and deliver all instruments necessary to carry into effect the aforesaid trusts. Lastly, I hereby nominate, constitute and appoint my wife Janet executrix, and my sons Horatio, George and Hamilton, executors of this my last will and testament."

Letters testamentary were granted to the executrix and the three executors named in said will on 18th November, 1833. See Liber 2, Letters Testamentary, page 137.

DEED.

JANET WILKES, <i>Widow</i> , <i>to</i> GERTRUDE CUTTING, <i>Widow of</i> WILLIAM CUTTING.	}	Dated 18th Dec., 1833. Ack. 19th Dec., 1833. Rec. 20th Dec., 1833. 306 Conveyances, 529. Consideration, \$1.
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RELEASES all right of dower in same premises, and all right to one-half of the lane leading to and adjoining said premises.

DEED.

JANET WILKES, HORATIO WILKES, GEORGE WILKES <i>and</i> HAMILTON WILKES, <i>Ex-</i> <i>ecutrix and Executors of</i> CHARLES WILKES <i>and Trus-</i> <i>tees of</i> CHARLOTTE JEFFREY, <i>to</i> GERTRUDE CUTTING.	}	Dated 18th Dec., 1833. Ack. 19th Dec., 1833. Rec. 20th Dec., 1833. 306 Conveyances, 530. Cons. \$6,666.66.
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CONVEYS one sixth part of the same premises and all right to one-half of said lane.

DEED.

HORATIO WILKES, GEORGE WILKES, HAMILTON WILKES <i>and</i> LOUISA M., <i>his wife</i> , <i>to</i> GERTRUDE CUTTING.	}	Dated 18th Dec., 1833. Ack. 19th Dec., 1833. Rec. 20th Dec., 1833. 306 Conveyances, 533. Consideration, \$20,000.
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CONVEYS all the one-half of the same premises and all right to one-half of said lane.

CHARLES R. CODMAN <i>and</i> HENRY WILKES, <i>Trustees for</i> FANNY COLDEN <i>and for</i> ANN WILKES, <i>to</i> GERTRUDE CUTTING.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 18th Dec., 1833. Proved 19th Dec., 1833. Rec. 20th Dec., 1833. 306 Conveyances, 535. Cons. \$13,333-33.
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CONVEYS two-sixth parts of same premises and all right to one-half of said lane.

GERTRUDE CUTTING <i>to</i> JAMES R. WHITING.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 1st Feb., 1851. Proved 18th April, 1851. Rec. 19th April, 1851. 573 Conveyances, 126. Consideration, \$118,000.
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CONVEYS same premises and all right to one-half of said lane, excepting lots 23, 24 and 65 on map 181.

JAMES R. WHITING <i>to</i> GERTRUDE CUTTING.	MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To secure \$83,000. Dated 1st Feb., 1851. Ack. 18th April, 1851. Rec. 19th April, 1851. 375 Mortgages, 517.
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CONVEYS same premises.

GERTRUDE CUTTING <i>to</i> JAMES R. WHITING.	RELEASE. <hr style="width: 20%; margin: 0 auto;"/> Dated 19th April, 1851. Proved 8th May, 1851. Rec. 8th May, 1851. 572 Conveyances, 441. Consideration, \$1.
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RELEASES lots numbered 119 to 127, and 152 to 160 on map in case 181, from lien of above mortgage.

DEED.

JAMES R. WHITING <i>and</i> CATH- ARINE, <i>his wife</i> , <i>to</i> GERTRUDE CUTTING.	}	Dated 19th April, 1851. Ack. 8th May, 1851. Rec. 8th May, 1851. 572 Conveyances, 443. Consideration, \$14,000.
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CONVEYS said 18 lots mentioned in preceding release.

N. Y. COMMON PLEAS.

GERTRUDE CUTTING, <i>vs.</i> CHARLES B. JANES <i>and</i> JAMES R. WHITING.	}
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- 1851—Sept. 2. Complaint to foreclose above mortgage verified.
- Sept. 13. Answer of James R. Whiting and wife verified.
- Sept. 22. Answer of Charles B. Janes verified. Sets up that he claims no interest in the premises, but had simply negotiated for their purchase.
- Sept. 25. Judgment of foreclosure and sale entered. Excepts from part to be sold lots 23, 24, 65, 119 to 127 and 152 to 160.
- 1855—July 13. Report of sale filed. Reports sale of the lots to various purchasers.

TWELFTH

AVE.

MAP
OF THE
PORTION OF THE
STRIKER AND MOTT PIECE
LYING
WEST OF EIGHTH AVENUE.

*Copied from Map in case number 660 New York Register's Office, entitled as
"Partition of the real estate of John Hooper, deceased, situate &c
as surveyed by Richard Amerman, City Surveyor, showing the same as
subdivided by the Commissioners in Partition." Dated New York Dec 31st 1864*

878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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ELEVENTH

AVE.

655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670
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671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851
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860	861	862
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417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600
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FORTYNINTH

FIFTIETH

FIFTYFIRST

FIFTYSECOND

FIFTYTHIRD

FIFTYFOURTH

FIFTYFIFTH

TENTH

AVE.

647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700
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629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700
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623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700
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417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600
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ST.

NINTH

AVE.

370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600
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386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511
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Land

989	864
988	865
987	866
986	867
985	868
984	869
983	870
982	871
981	872
980	873
979	874
978	875
977	876
976	877
975	878
974	879
973	880

942	872
941	873
940	874
939	875
938	876
937	877
936	878
935	879
934	880
933	881
932	882
931	883
930	884
929	885
928	886
927	887
926	888
925	889
924	890

Now

891	878
890	879
889	880
888	881
887	882
886	883
885	884
884	885
883	886
882	887
881	888
880	889
879	890
878	891
877	892
876	893
875	894
874	895
873	896
872	897
871	898
870	899
869	900

MAP OF THE PORTION OF THE WALKER AND MOTT PIECE LYING BETWEEN EIGHTH AVENUE.

Number 660 New York Registers Office, entitled to the Estate of John Hooper, deceased, situate in the City of New York, showing the same as shown in Partition Dated New York Dec 31st 1864

ELEVENTH AVE.

FIFTY FIFTH

formerly

862	864
861	865
860	866
859	867
858	868
857	869
856	870
855	871
854	872
853	873
852	874
851	875
850	876
849	877
848	878
847	879
846	880

FIFTY FOURTH

859	868
858	869
857	870
856	871
855	872
854	873
853	874
852	875
851	876
850	877
849	878
848	879
847	880

FIFTY THIRD

late

881	878
880	879
879	880
878	881
877	882
876	883
875	884
874	885
873	886
872	887
871	888
870	889
869	890
868	891
867	892
866	893
865	894
864	895
863	896
862	897
861	898
860	899
859	900

FIFTY SECOND

Hooper's

881	878
880	879
879	880
878	881
877	882
876	883
875	884
874	885
873	886
872	887
871	888
870	889
869	890
868	891
867	892
866	893
865	894
864	895
863	896
862	897
861	898
860	899
859	900

FIFTY FIRST

cutting

862	864
861	865
860	866
859	867
858	868
857	869
856	870
855	871
854	872
853	873
852	874
851	875
850	876
849	877
848	878
847	879
846	880

FIFTIETH

Estate of Hendricks

847	879
846	880
845	881
844	882
843	883
842	884
841	885
840	886
839	887
838	888
837	889
836	890
835	891
834	892
833	893
832	894
831	895
830	896
829	897
828	898
827	899
826	900

FORTY NINTH

TENTH AVE.

FIFTY FIFTH

623	684
624	685
625	686
626	687
627	688
628	689
629	690
630	691
631	692
632	693
633	694
634	695
635	696
636	697
637	698
638	699
639	700
640	701
641	702
642	703
643	704
644	705
645	706
646	707
647	708
648	709
649	710
650	711
651	712
652	713
653	714
654	715
655	716
656	717
657	718
658	719
659	720
660	721
661	722
662	723
663	724
664	725
665	726
666	727
667	728
668	729
669	730
670	731
671	732
672	733
673	734
674	735
675	736
676	737
677	738
678	739
679	740
680	741
681	742
682	743
683	744
684	745
685	746
686	747
687	748
688	749
689	750
690	751
691	752
692	753
693	754
694	755
695	756
696	757
697	758
698	759
699	760
700	761

FIFTY FOURTH

623	684
624	685
625	686
626	687
627	688
628	689
629	690
630	691
631	692
632	693
633	694
634	695
635	696
636	697
637	698
638	699
639	700
640	701
641	702
642	703
643	704
644	705
645	706
646	707
647	708
648	709
649	710
650	711
651	712
652	713
653	714
654	715
655	716
656	717
657	718
658	719
659	720
660	721
661	722
662	723
663	724
664	725
665	726
666	727
667	728
668	729
669	730
670	731
671	732
672	733
673	734
674	735
675	736
676	737
677	738
678	739
679	740
680	741
681	742
682	743
683	744
684	745
685	746
686	747
687	748
688	749
689	750
690	751
691	752
692	753
693	754
694	755
695	756
696	757
697	758
698	759
699	760
700	761

FIFTY THIRD

631	692
632	693
633	694
634	695
635	696
636	697
637	698
638	699
639	700
640	701
641	702
642	703
643	704
644	705
645	706
646	707
647	708
648	709
649	710
650	711
651	712
652	713
653	714
654	715
655	716
656	717
657	718
658	719
659	720
660	721
661	722
662	723
663	724
664	725
665	726
666	727
667	728
668	729
669	730
670	731
671	732
672	733
673	734
674	735
675	736
676	737
677	738
678	739
679	740
680	741
681	742
682	743
683	744
684	745
685	746
686	747
687	748
688	749
689	750
690	751
691	752
692	753
693	754
694	755
695	756
696	757
697	758
698	759
699	760
700	761

FIFTY SECOND

Lane

639	692
640	693
641	694
642	695
643	696
644	697
645	698
646	699
647	700
648	701
649	702
650	703
651	704
652	705
653	706
654	707
655	708
656	709
657	710
658	711
659	712
660	713
661	714
662	715
663	716
664	717
665	718
666	719
667	720
668	721
669	722
670	723
671	724
672	725
673	726
674	727
675	728
676	729
677	730
678	731
679	732
680	733
681	734
682	735
683	736
684	737
685	738
686	739
687	740
688	741
689	742
690	743
691	744
692	745
693	746
694	747
695	748
696	749
697	750
698	751
699	752
700	753

FIFTY FIRST

647	708
648	709
649	710
650	711
651	712
652	713
653	714
654	715
655	716
656	717
657	718
658	719
659	720
660	721
661	722
662	723
663	724
664	725
665	726
666	727
667	728
668	729
669	730
670	731
671	732
672	733
673	734
674	735
675	736
676	737
677	738
678	739
679	740
680	741
681	742
682	743
683	744
684	745
685	746
686	747
687	748
688	749
689	750
690	751
691	752
692	753
693	754
694	755
695	756
696	757
697	758
698	759
699	760
700	761

FIFTIETH

640	701
641	702
642	703
643	704
644	705
645	706

AVE.

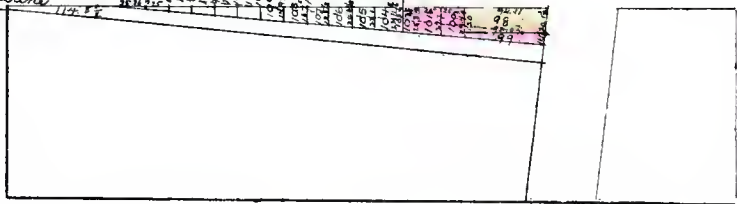
FIFTY THIRD



FIFTY SECOND



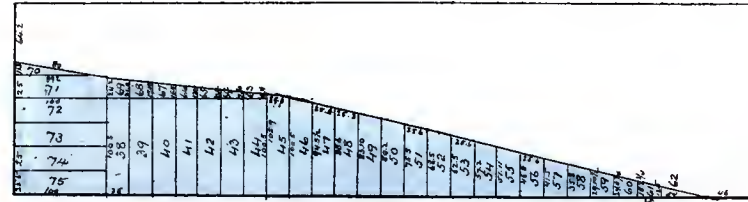
FIFTY FIRST



EIGHTH

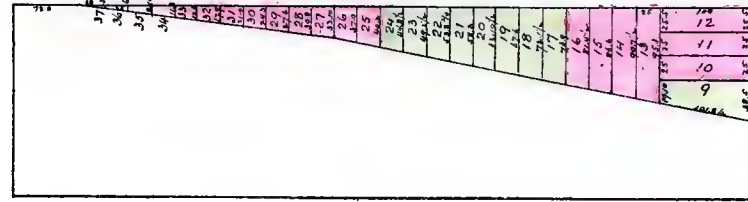
Copied from Map No. 660 New York Register's Office

ST.



AVE.

ST.



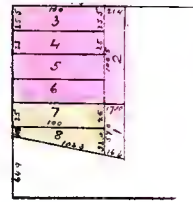
ST.

SEVENTH

MAP
OF THE
PORTION OF THE
STRIKER AND MOTT PIECE
LYING
EAST OF EIGHTH AVENUE.

AVE.

SIXTH



THE STRIKER AND MOTT PIECES.

These comprise lots 2, 4, 5 and 6 on West side of the Bloom-
ingdale Road, and lot 6 on the East side thereof. These were
all ultimately vested in John Hopper, the Second, as follows :
They will be considered in the order above given.

LOT 2 ON WEST SIDE OF ROAD.

This lot, as shown ante page 203, was set apart to Matthew
Hopper, but the partition deed to him from devisees of John
Hopper, the first, does not appear to be recorded.

DEED.

MATTHEW HOPPER <i>and</i> ALLY,	}	Dated 17th Feb., 1782.
<i>his wife,</i>		Ack. 17th Feb., 1782.
<i>to</i>		Rec. 28th Feb., 1833.
JOHN HOPPER.		291 Conveyances, 664.
		Consideration, £550.

CONVEYS all that certain lott of ground situate, lying and
being in the outward of the City of New York, being part of
the land formerly belonging to John Hopper, of said outward,

deceased, and is known and distinguished in a map or chart thereof made by Evert Bancker, Junior, City Surveyor, by the name of Lott No. Two, bounded Northerly by a road lately laid out from Bloomingdale Road to the North River, through the land of said John Hopper, deceased, Easterly to lott number one, Southerly to Webbers Land and Westerly to lot number three, containing in breadth to said road lately laid out and in the rear twenty chains and fifty links, and in breadth at each end seven chains and fifty links.

Saving, excepting and reserving unto the heirs of the said John Hopper, of the outward, deceased, and to their and each of their heirs out of this present demise, all that certain burying ground now in fence consisting of forty-eight feet square, parcell of the said lott of ground and commonly called the family burying ground, with free ingress, egress and regress into, out of and from the same to bury the dead, etc., forever.

This cemetery was situate on Southwest corner of Ninth avenue and Fiftieth street.

LOT 4 ON WEST SIDE OF ROAD.

This, as shown ante page 203, was set apart to Yellis Hopper.

MATTHEW HOPPER, JOHN HOPPER, ANDREW HOPPER, JOHN HORNE and JEMIMA, *his wife*; ANN HOPPER, *Mother and Guardian of* ANN HOPPER, JOHN HOPPER and NICHOLAS HOPPER, *Minors*; LAWRENCE ALLWYE and MARY, *his wife*,
to
YELLIS HOPPER.

DEED.

Dated 15th Feb., 1782.
Proved 16th Feb., 1782.
Recorded 16th March, 1782, in Secretary of State's office at Albany.
21 Deeds, 151.

CONVEYS all those two certain lots belonging to said farm and known by the name of lot number four on the West side of said

Bloomington Road, and by lot number two on the East side of said Bloomington Road. Lot number four on the West side of said road contains in breadth, in front and rear, seven chains and fifty links and in length on each side twenty chains.

DEED.

YELLES HOPPER <i>and</i> ELIZA- BETH, <i>his wife</i> , <i>to</i> JOHN HOPPER.	}	Dated 4th April, 1787. Ack. 5th April, 1787. Rec. 28th April, 1831. 275 Conveyances, 12. Consideration, £300.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being at Bloomington in the outward of the City of New York and known and distinguished in a certain map or chart thereof made, among other lots, by Evert Banker by lot number four, bounded Northerly on land of Jacob Harsen, Easterly on land of Anna Hopper, Southerly on a lane leading from the Bloomington Road to the North River, and Westerly on the said North River. Containing fifteen acres of land and being in breadth in front and rear seven chains and fifty links, and in length on each side twenty chains.

LOT No. 5 ON WEST SIDE OF ROAD.

This as shown ante page 203, was set apart to the four children of Wessell Hopper, viz.: Mary Allwine, John Hopper, Nicholas Hopper and Ann Hopper. The partition deed to them does not appear to be recorded.

LAWRENCE ALLWINE <i>and</i> MARY, <i>his wife</i> ; (MARY <i>being one of</i> <i>the Daughters of</i> WESSELL HOPPER), <i>to</i> ISAAC VARIAN.) DEED. ——— Dated 30th July, 1791. Ack. 30th July, 1791. Rec. 19th Sept., 1834. 319 Conveyances, 106. Consideration, £80.
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CONVEYS the one full and equal undivided fourth part of all those two certain lots of land (being part of the farm belonging to the said John Hopper at the time of his decease), and known and distinguished in a certain map or chart made of the said farm by Evert Bancker, Jun., by Lot Number Five in the West side of Bloomingdale Road, and Lot Number Five on the East side of the said Bloomingdale Road, and situate, lying and being in the Outward of the City of New York; the said Lot Number Five on the West side of the said road containing in breadth in front and rear seven chains and fifty links, and in length on each side twenty chains and fifty links.

ISAAC VARIAN <i>and</i> ALETTA, <i>his</i> <i>wife</i> , <i>to</i> JOHN HOPPER.) DEED. ——— Dated 17th May, 1792. Ack. 22d —, 1792. Rec. 28th Feb., 1833. 291 Conveyances, 662. Consideration, £120.
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CONVEYS all the one full and equal undivided fourth part of said two lots.

DEED.

JOHN HORN <i>to</i> JOHN HOPPER.	}	Dated 25th Nov., 1794, Proved 29th Nov., 1794. Recorded in Secretary of State's Office, at Albany. 26 Deeds, 317.
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CONVEYS all interest in lot 5 on West side of said road.

LOTS NUMBER 6 ON BOTH SIDES ROAD.

This, as shown ante page 203, was set apart to John Hopper.

MATTHEW HOPPER, ANDREW HOPPER, YELLIS HOPPER, JOHN HORNE <i>and</i> JEMIMA, <i>his wife</i> ; ANN HOPPER, <i>Mother</i> <i>and Guardian of</i> ANN HOPPER, JOHN HOPPER, <i>and</i> NICHOLAS HOPPER, <i>minors</i> ; LAWRENCE ALLWYE <i>and</i> MARY, <i>his wife</i> , <i>to</i> JOHN HOPPER.	}	DEED. Dated 15th Feb., 1782. Proved 16th Feb., 1782. Rec. 5th March, 1833. 294 Conveyances, 175. Considerat'n, 5 shillings.
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CONVEYS all those two certain lots belonging to said farm, and known by the name of Lott Number six, on the West side of said Bloomingdale Road, and by lott number Six on the East side of said Bloomingdale Road. Lott number Six on the West side of said road contains in breadth in front and rear seven

chains and fifty links, and in length on each side twenty chains and fifty links. Lott number Six on the East side of said road contains in length on each side twenty chains, in breadth in front two chains and fifty-five links, and in the rear two chains and and forty-five links, as by a draft or chart thereof made by Evert Bancker, Junior, may more fully appear, reference thereunto being had.

John Hopper, the younger, in his lifetime, conveyed to each of his three grandchildren, a lot of land on the Westerly part of lot Six, each lot being 100 feet wide and extending the whole width of said lot Six. The following are the deeds thereof:

JOHN HOPPER <i>and</i> SARAH, <i>his</i> <i>wife,</i> <i>to</i> WINIFRED MOTT.	} DEED. ——— Dated 1st Dec., 1806. Not recorded, but re- cited in following Deeds.
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CONVEYS the premises described in the following deed known as lot A.

GARRET H. STRIKER <i>and</i> ELIZA, B., <i>his wife,</i> <i>and</i> ANNA STRIKER <i>to</i> WINIFRED MOTT, <i>widow,</i>	} DEED. ——— Dated 28th July, 1840. Ack. 15th Dec., 1846. Rec. 16th Dec., 1846. 485 Conveyances, 103. Consideration, \$1.
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RECITES that John Hopper had conveyed to Winifred Mott the premises thereafter described, but that said deed had been lost.

CONVEYS all the estate, right, title, interest, dower and right of dower of the said parties of the first part, of, in, to and out of all the said piece or parcel of land situate, lying and being in the

Twelfth Ward of the City of New York, Bounded as follows: Commencing at a point in the Northerly line of a certain lane called and known as Hopper's Lane, distant (along the said lane) six hundred and thirty-seven feet from the Westerly line of the Eighth Avenue, and running thence North thirty-nine degrees East five hundred and fifteen feet, to land formerly belonging to Jacob Harsen; thence Easterly along said land one hundred feet, to land belonging to Ann Striker; thence South thirty-nine degrees West along the land of the said Ann Striker to Hopper's Lane aforesaid, and thence along Hopper's Lane North forty-seven degrees West one hundred feet to the place of beginning. Containing one acre and thirty and three-quarter perches.

DEED.

JOHN HOPPER <i>and</i> SARAH, <i>his</i> <i>wife,</i> <i>to</i> ANN STRIKER.	}	Dated 1st Dec., 1806. Ack. 8th Aug., 1820. Rec. 21st Jan., 1825. 186 Conveyances, 42. Consideration, \$1.
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CONVEYS all that lot, piece or parcel of land situate, lying and being in Bloomingdale, in the Ninth Ward of the City of New York aforesaid, on the Northerly side of a lane called Hopper's Lane, leading from the Bloomingdale Road to the North or Hudson River, the same being the Northwesterly part of a large lot, Number Six in the division of the estate of the late John Hopper, deceased, which said lot, piece or parcel of land intended to be hereby granted, is known and distinguished in the map or plan hereunto annexed by the letter B, Beginning on the Northerly side of the said lane, at the Southerly corner of a lot known by the letter A, intended to be conveyed by the said John Hopper and Sarah, his wife, to Wyntie Mott, wife of Jordan Mott and granddaughter of the said John Hopper, and running thence along the said lot A North thirty-seven degrees

East seven chains and twenty-nine links, or four hundred and eighty-one feet, to Cozine's land; thence along the same South fifty-one degrees East one chain and fifty-one and one half links, or one hundred feet, to a lot known by the letter C, intended to be conveyed by the said John Hopper and Sarah, his wife, unto Garrit Striker, grandson of the said John Hopper; thence along the same South thirty-seven degrees West seven chains and twenty-nine links, or four hundred and eighty-one feet, to Hopper's Lane aforesaid, and thence along the same North fifty-one degrees West one chain and fifty-one and one half links, or one hundred feet, to the place of beginning. Containing one acre and one-tenth of an acre of land.

DEED.

JOHN HOPPER <i>and</i> SARAH, <i>his</i> <i>wife,</i> <i>to</i> GARRIT H. STRIKER.	}	Dated 1st Dec., 1806. Ack. 8th Aug., 1820. Rec. 10th Nov., 1825. 193 Conveyances, 516. Consideration, \$1.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being in Bloomingdale, in the Ninth Ward of the City of New York aforesaid, on the Northerly side of a lane called Hopper's Lane, leading from the Bloomingdale Road to the North or Hudson River, the same being the Northwesterly part of a large lot, number Six in the division of the estate of the late John Hopper, deceased, which said lot, piece or parcel of land intended to be hereby granted is known and distinguished in the map or plan hereunto annexed by the letter C, beginning on the Northerly side of the said lane at the Southernly corner of a lot known by the letter B, intended to be conveyed by the said John Hopper and Sarah, his wife, to Ann Striker, granddaughter of the said John Hopper, and running thence along the said lot B North thirty-seven degrees East seven chains and twenty-nine links, or four hundred and eighty-

one feet, to Cozine's land; thence along the same South fifty-one degrees East one chain and fifty-one and one-half links, or one hundred feet, to the other land of the said John Hopper; thence along the same South thirty-seven degrees West seven chains and twenty-nine links, or four hundred and eighty-one feet, to Hopper's Lane aforesaid, and thence along the same North fifty-one degrees West one chain and fifty-one and one-half links, or one hundred feet, to the place of beginning. Containing one acre and one-tenth of an acre of land.

As the said three lots are so small, we will not consider their title further. John Hopper, the younger, died on 2d August, 1819, seized of the residue of said tract, excepting said three small lots.

<p style="text-align: center;"><i>Last Will and Testament of JOHN HOPPER (the Younger).</i></p>	}	<p>Dated 30th Sept, 1815. Proved 30th Sept., 1819. 55 Wills, 449.</p>
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“I give, devise and bequeath unto my three grandchildren, namely, Garret Hopper Striker, Ann Striker and Wyntie Mott, wife of Jordan Mott, and their heirs forever, All my real estate wheresoever and howsoever situate in the City and County of Jersey, New York, and in the County of Bergen, in the State of New except the three lots which I lately deeded to them of the farm on which I now reside, the said real estate so devised to my said grandchildren to be disposed of as follows by my executors hereinafter named, and the survivor of them, or the executors or administrators of such survivor, that is to say: The said real estate shall not at any time hereafter be sold or alienated, but my said executors and the survivor of them, or the executors or administrators of such survivor, shall, from time to time, lease or rent the same on such terms and for such rent as they may

deem most advantageous to my said heirs, and the rents, issues and profits of the same shall be annually paid by my said executors and the survivor of them, or the executors or administrators of such survivor, to my said heirs in equal proportions, and if either of my said heirs or their children lawfully begotten shall chuse to occupy any part of my said real estate, he, she or they shall have a preference to any other applicant on paying a reasonable rent for the same. * * * * And in case any of my said heirs and devisees shall die without lawful issue, then and in such case, my will is that the share of the one so dying shall be and enure to the sole use, benefit, and behoof and behoof of my said grandchildren and the survivor of them and the heirs of such survivor forever.”

Appoints James Striker, Jordan Mott and James Bertine, his executors.

Letters testamentary were granted to all three executors. (See same Liber, page 452.)

The testator left him surviving Sarah Hopper, his widow (who died on 24th December, 1823), and the three following grandchildren, who were children of his daughter Mary Striker, who died about 1780.

1. Ann Striker, born January 23d, 1781, and died April 12th, 1860, unmarried, and without issue.

2. Wyntie or Winifred Mott, wife of Jordan Mott, born 27th May, 1782, and died 16th March, 1862, leaving issue.

3. Garrit Hopper Striker, born March 29th, 1784. He intermarried with Eliza Bella in June, 1819, and died on 15th April, 1868, leaving issue.

Jordan Mott, supposing he had¹ an estate by the curtesy, made the following conveyance thereof:

DEED.

JORDAN MOTT <i>to</i> JACOB C. MOTT.	}	Dated 23d Oct., 1819. Ack. 25th Oct., 1819. Rec. 25th Oct., 1819. 140 Conveyances, 117. Consideration, \$1,500.
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CONVEYS all the right, title, interest, estate, property possession claim and demand, both at law and in equity, and as well in possession, as in expectancy, of the said party of the first part, of, in and to the whole tract of land in question.

N. Y. MAYOR'S COURT.

ANN STRIKER <i>vs.</i> GARRIT H. STRIKER, JACOB C. MOTT, JORDAN MOTT <i>and</i> WINNIFRED, <i>his wife</i> ,	}
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- 1820—Nov. 28. Petition for partition filed.
 Nov. 28. Order that the defendants appear and answer.
 Nov. 28. Answer of all defendants filed admitting all the facts stated in the complaint.
 Nov. 28. Judgment of partition entered. Finds that Ann Striker and Garret H. Striker are each seised in fee of one undivided third of said tract, and that Winnifred Mott is seised of the remaining third thereof in fee simple after the death of Jordan Mott.
 John H. Striker, Roswell Graves and Edward Doughty were appointed Commissioners.
- 1821— March 31. Report of Commissioners filed.
- 1823—Feb. 15. Final judgment of partition filed.

AVE.

AVE.

AVE.

AVE.

AVE.

AVE.

MAP OF LAND BELONGING TO THE ESTATE OF JOHN HOPPER DEC'D AS DIVIDED AMONG THE HEIRS

55th.

ST.

54th

ST.

53d

ST.

52a

ST.

51st

ST.

50th

ST.

49th

ST.

Winifred

Garrit

Mott

H. Striker

Mott

Striker

Winifred

Striker

Striker

Garrit

H. Striker

Striker

Louis Simond

Striker

Winifred

H. Striker

Ann

Striker

Winifred

Ann

Garrit

Winifred

Mott

Ann

12th

11th

10th

9th

8th

7th

Harman Hendricks

Philip Webber

Copied from Map filed in the office

of the Clerk of the Court of Common Pleas

Land of Jacob Hopper

Land of Jacob Hopper

8 Acres 3 Rods and 16 Perches

4 acres 0 Rods 15 Perches

4 acres 3 Rods 1 Perch

3 acres 0 Rods 31 Perches

3 acres 0 Rods 10 Perches

5 acres 3 Rods 9 1/2 Perches

1 acre 3 Rods 35 Perches

2 acres 2 Rods 1 Perch

1 acre 1 Perch

2 acres 0 Rods 27 Perches

3 acres 0 Rods 110 Perches

4 acres 1 Rod 36 Perches

36 Perches

2 acres 2 Rods 1 Perch

2 acres 2 Rods 1 Perch

S. 51° E. 260.5

S. 47° 35' E. 796.0

S. 82° 40' E. 582.40

S. 72° 28' E. 646.0

S. 20° 30' E. 503

S. 82° 40' E. 582.40

S. 52° 25' E. 200

S. 52° 25' E. 200

S. 48° E. 700

S. 48° E. 700

S. 72° 28' E. 646.0

S. 72° 28' E. 646.0

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PREMISES SET APART TO ANN STRIKER.

The Commissioners in the above suit set apart to Ann Striker " All that certain lot, piece or parcel of land and premises with the appurtenances, situate at the corner of the Tenth Avenue and a certain road or lane designated on said map or chart as Ann Striker, bounded as follows, to wit: Beginning at a point at the corner of said road or lane and said Avenue, running thence South along the said Avenue thirty-four degrees West four hundred and eighty-two feet to land belonging to Harman Hendricks; thence along the said land of Harman Hendricks North fifty degrees West ninety-three feet six inches; thence North fifty-three degrees West twenty-five feet eight inches; thence North forty-nine degrees thirty-five minutes West eighty-seven feet nine inches; thence North thirty-seven degrees ten minutes East two hundred feet; thence North thirty-eight degrees thirty minutes East sixty-one feet; thence North twenty-eight degrees thirty minutes East twenty feet; thence North forty degrees thirty-five minutes East sixty-five feet; thence North thirty-five degrees thirty-five minutes East fifty-five feet; thence North thirty-seven degrees fifty minutes East eighty-four feet seven inches to the said road or lane; thence along the said road or lane South forty-six degrees fifteen minutes East one hundred and seventy-four feet to the place of beginning. Containing two acres and twenty-seven perches.

And also all that other certain lot, piece or parcel of land and premises, with the appurtenances, also designated on the said map or chart, beginning at a point on the said road or lane, adjoining property belonging to Christopher Mildeberger, running thence South forty-one degrees fifty minutes West four hundred and forty-five feet eight inches to land of Philip Webber; thence North along the land of the said Philip Webber forty-three degrees twenty minutes West one hundred

and thirty-four feet; thence North forty-four degrees five minutes West one hundred and twenty-three feet; thence North fifty-one degrees fifty-five minutes West one hundred and twenty-seven feet; thence North forty-eight degrees thirty minutes West fifty-three feet to property assigned and set apart by us, the said Commissioners, to Garrit H. Striker; thence along the land so assigned and set apart to the said Garrit H. Striker North thirty-four degrees East four hundred and forty-eight feet to the road or lane aforesaid; thence along the said road or lane South forty-seven degrees twenty minutes East four hundred and seventy-five feet nine inches to the place of beginning. Containing four acres, one rood and thirty-six perches.

And also all that other certain lot, piece or parcel of land and premises with the appurtenances, also designated on the said map or chart, beginning at a point on said road or lane adjoining land belonging to Winifred Mott, running thence along the said road North forty-seven degrees twenty minutes West four hundred and seventy-five feet nine inches to property set apart and assigned as aforesaid to the said Garrit H. Striker; thence along the land so assigned to the said Garrit H. Striker as aforesaid North thirty-four degrees East five hundred and thirty-two feet to land belonging to Jacob Harsen; thence along the land of the said Jacob Harsen South fifty-three degrees five minutes East fifty-two feet six inches; thence South thirty-eight degrees East fifty-two feet; thence South forty-one degrees East one hundred and ninety-six feet; thence South forty-one degrees East thirty-three feet; thence South fifty-two degrees twenty-five minutes East one hundred and seventy-eight feet to land of the said Winnifred Mott; thence along the same South thirty-nine degrees West five hundred and fifteen feet to the place of beginning. Containing five acres, three roods and nine perches and one-half perches.

And also all that certain other piece or parcel of land and premises with the appurtenances, also designated on the said

map or chart, beginning at a point on the Bloomingdale Road and the road or lane hereinbefore mentioned, running thence along the said road or lane North fifty-two degrees West one hundred and seventy-five feet to property set apart and assigned by us, the said Commissioners, to Jacob C. Mott, Jordon Mott and Winnefred, his wife; thence along the said land so set apart and assigned as aforesaid North thirty-four degrees East one hundred and forty-eight feet; thence North fifty-six degrees West sixty feet; thence North thirty-four degrees East one hundred and forty-eight feet to property set apart, allotted and assigned by the said Commissioners to Garrit H. Striker; thence along the same South fifty-six degrees East thirty feet; thence North thirty-four degrees East two hundred and twenty-nine feet to land of Jacob Harsen; thence along the land of the said Jacob Harsen, South forty seven degrees thirty minutes East seventy-eight feet; thence South fifty-one degrees thirty minutes East one hundred and sixteen feet three inches to the Bloomingdale Road; thence along the Bloomingdale Road South twenty degrees thirty minutes West two hundred and twelve feet; thence South forty-one degrees West three hundred and sixteen feet six inches to the place of beginning. Containing two acres, two roods and one perch.

And also all that certain other piece or parcel of land and premises with the appurtenances, also designated on said map or chart, beginning at point on the Bloomingdale Road and land belonging to Cornelius Harsen; thence South forty-five degrees forty minutes East fifty feet; thence South forty-seven degrees forty minutes East one hundred and seventy-eight feet; thence South forty-eight degrees East eighteen feet six inches; thence South forty-eight degrees East eighty feet; thence South fifty degrees thirty minutes East thirty-two feet; thence South forty-nine degrees East thirty-two feet; thence South forty-nine degrees fifty minutes East one hundred and thirty-five feet; thence South forty-three degrees ten minutes East eighty-six

feet; thence South forty-six degrees thirty minutes East sixty-one feet; thence South forty degrees thirty-five minutes East forty-four feet; thence South forty-four degrees twenty-five minutes East one hundred and sixteen feet; thence South forty-three degrees and fifty minutes East one hundred and twenty-three feet; thence South forty-four degrees forty-five minutes East two hundred and eight feet; thence South forty-four degrees forty-five minutes East seventy-six feet; thence South forty-seven degrees fifty-five minutes East thirty-one feet nine inches; thence South thirty-seven degrees fifty-five minutes East seventeen feet four inches to land of the Botanic Garden; thence along the same South forty degrees thirty minutes West thirty-eight feet; thence South thirty-four degrees West thirty-nine feet nine inches; thence South thirty-six degrees thirty-five minutes West fifty feet; thence South thirty-five degrees West forty-one feet to land belonging to the heirs of the late John Horn, deceased; thence along the land belonging to the heirs of the said John Horn, deceased, North forty-three degrees West one hundred and eighteen feet nine inches; thence North forty-three degrees West seventy-five feet; thence North forty-six degrees West two hundred and eighty-five feet; thence North forty-six degrees ten minutes West fifty-six feet; thence North forty-seven degrees fifteen minutes West seventy-seven feet six inches; thence North fifty degrees West thirty-three feet; thence North forty-seven degrees ten minutes West forty-two feet; thence North fifty degrees thirty minutes West forty-two feet; thence North fifty degrees thirty minutes West seventy-nine feet; thence North forty-eight degrees fifteen minutes West fifty-seven feet; thence North forty-eight degrees West one hundred and thirty-four feet; thence North sixty degrees thirty minutes West twenty-eight feet; thence North thirty-seven degrees and thirty minutes West thirty feet four inches; thence North forty-nine degrees West six feet four inches; thence North forty-nine degrees West twenty-five feet;

thence North forty degrees twenty minutes West sixteen feet; thence North forty-eight degrees fifteen minutes West forty-nine feet six inches; thence North forty-nine degrees thirty minutes West one hundred and five feet six inches to the Bloomingdale Road; thence along the said Bloomingdale Road North twenty degrees East two hundred and one feet to the place of beginning. Containing five acres and ten and a half perches.

PREMISES SET APART TO GARRIT H. STRIKER.

They set apart to Garrit H. Striker all that certain piece or parcel of land and premises with the appurtenances, designated on the said map or chart as Garrit H. Striker, beginning at a point on the Hudson or North River at the corner of land belonging to Lewis Simond and running thence along the said River North fifty degrees thirty minutes East fifty-one feet six inches; thence North twenty-two degrees fifty minutes East eighty-one feet; thence North sixty-eight degrees East thirty feet; thence South two degrees East thirty-seven feet four inches; thence South seventy-one degrees thirty minutes West sixty feet; thence North two degrees forty-five minutes West eighty-three feet to a road or lane as laid out on said map or chart for the benefit of all the premises hereby intended to be divided for the purpose of a passageway to the said Hudson or North River; thence South along the said road or lane forty-seven degrees thirty-five minutes East seven hundred and ninety-six feet; thence as said road or lane is laid out on said map, South thirty-four degrees West two hundred and twenty-eight feet; thence North forty-seven degrees fifty-five minutes West four hundred and eight feet five inches; thence South forty-two degrees five minutes West twenty-five feet three inches; thence

North forty-five degrees thirty minutes West four hundred and twenty-eight feet to the place of beginning. Containing four acres and fifteen perches.

And also all that certain other piece or parcel of land and premises with the appurtenances, also designated on said map or chart, beginning at a point at the corner of the Tenth Avenue and the road or lane above mentioned, running thence along the said road or lane North forty-six degrees fifteen minutes West one hundred and seventy-four feet; thence North forty-five degrees ten minutes West one hundred and eighty-nine feet; thence North forty-six degrees forty-five minutes West one hundred and thirty-one feet; thence North forty-eight degrees ten minutes West one hundred and seventy-eight feet; thence North forty-seven degrees fifty-five minutes West fifty-seven feet; thence North forty-seven degrees fifty-five minutes West one hundred and seventeen feet four inches to the road or lane as laid out on said map or chart, running through the centre of the Eleventh Avenue; thence along the said road or lane North thirty-four degrees East two hundred and forty-two feet to a certain other lot, piece or parcel of land designated on said map as allotted and assigned by the said Commissioners to Winnifred Mott; thence along the same South forty-seven degrees thirty-five minutes East eight hundred and forty-six feet to the Tenth Avenue; thence along the said Avenue South thirty-four degrees West two hundred and fifty-nine feet to the place of beginning. Containing four acres, three roods and one perch.

And also all that certain other piece or parcel of land and premises, with the appurtenances, also designated on the said map or chart as Garrit H. Striker, beginning at a point at the corner of the said road or lane, and a certain other lot, piece or parcel of land designated on said map as allotted and assigned by the said Commissioners to Winnifred Mott, running thence along the land or lots so assigned as aforesaid, North thirty-four degrees East five hundred and ten feet to land belonging to

Jacob Harsen ; thence along the land of the said Jacob Harsen South forty-six degrees fifty-five minutes East forty-two feet three inches ; thence South fifty-two degrees east one hundred and twenty-six feet ; thence South, fifty-three degrees five minutes East one hundred and thirty-four feet six inches to land designated on said map or chart as allotted and assigned by the said Commissioners to Ann Striker ; thence along the same South thirty-four degrees West five hundred and thirty-two feet to the said road or lane ; thence along the said road or lane North forty-seven degrees twenty minutes West forty-nine feet nine inches ; thence North forty-six degrees fifteen minutes West two hundred and fifty-three feet six inches to the place of beginning. Containing three acres and ten perches.

And also all that certain other lot, piece or parcel of land and premises, with the appurtenances, also designated on said map as Garrit H. Striker, beginning at a point on said road or lane and a certain other lot, piece or parcel of land designated on said map as allotted and assigned by the said Commissioners to Winnifred Mott, running thence along the said road or lane South forty-six degrees fifteen minutes East two hundred and fifty-three feet six inches ; thence South forty-seven degrees twenty minutes East forty-nine feet nine inches to land designated on said map as allotted and assigned by the said Commissioners to Ann Striker ; thence along the same South thirty four degrees West four hundred and forty-eight feet to land of Philip Webber ; thence along the same North forty-eight degrees thirty minutes West eighty-three feet ; thence North fifty degrees twenty-five minutes West one hundred and eighty-four feet six inches ; thence North forty-nine degrees thirty minutes West thirty-six feet to land designated on said map as allotted and assigned by the said Commissioners to Winnefred Mott ; thence along the same North thirty-four degrees East four-hundred and sixty-two feet to the place of beginning. Containing three acres and eleven perches.

And also all that certain other lot, piece or parcel of land and premises, with the appurtenances, also designated on said map or chart as Garrit H. Striker, beginning at a point at the corner of the Eighth Avenue and a certain other lot or piece of land allotted and assigned by the said Commissioners to Winnefred Mott, running thence North fifty-six degrees West three hundred and twelve feet to ground belonging to the said Garrit H. Striker, thence along the same North thirty-nine degrees East two hundred and ninety-six feet to land belonging to Jacob Harsen; thence along the same South fifty-four degrees thirty-minutes East one hundred and thirty-eight feet; thence South forty-nine degrees thirty-five minutes East one hundred and fifty-one feet to the Eighth Avenue; thence along the said avenue South thirty-four degrees West two hundred and seventy-six feet to the place of beginning. Containing one acre, three roods and thirty-five perches.

And also all that certain other lot, piece or parcel of land and premises, with the appurtenances, also designated on said map or chart as Garrit H. Striker, beginning at a point also at the corner of the Eighth Avenue and a certain other lot allotted and assigned by the said Commissioners to Winnefred Mott, running thence along said avenue North thirty-four degrees East two hundred and eighty six feet four inches to land of Jacob Harsen; thence along the land of the said Jacob Harsen, South forty seven degrees ten minutes East two hundred and five feet; thence South fifty-six degrees thirty minutes East forty-two feet; thence South thirty-nine degrees thirty minutes East seventy-one feet; thence South forty eight degrees thirty minutes East thirty-four feet; thence South forty-seven degrees thirty minutes East fifty-four feet to land allotted and assigned by the said Commissioners to Ann Striker; thence running along the same South thirty-four degrees West two hundred and twenty-nine feet; thence North fifty-six degrees West four hundred

feet to the Eighth Avenue or place of beginning. Containing two acres, two rods and one perch.

PREMISES SET APART TO WINNIFRED MOTT.

The Commissioners in said suit set apart to Winnifred Mott all that certain piece or parcel of land and premises, with the appurtenances, designated in said map or chart as Winnifred Mott, beginning at a point on the Hudson or North River, at a point at the corner of a certain road or lane and the said river, running thence North fifty-four degrees East eighty-seven feet; thence North eighty-nine degrees thirty minutes East one hundred and ninety feet; thence North forty-two degrees ten minutes East sixty feet, to land belonging to Jacob Harsen; thence along the land of the said Jacob Harsen South forty-one degrees East two hundred and sixty feet five inches; thence South forty-seven degrees forty-five minutes East four hundred feet; thence South fifty-two degrees East four hundred and eighty feet; thence South forty-eight degrees East fifty-two feet two inches; thence South forty-three degrees East fifty-three feet ten inches; thence South forty-eight degrees fifty-five minutes East forty one feet two inches; thence South fifty-three degrees East one hundred and fifty-six feet; thence South thirty-three degrees twenty-five minutes East fifty-four feet; thence South forty-five degrees thirty minutes East sixty-one feet; thence South fifty-three degrees East ninety-seven feet; thence South fifty seven degrees twenty-five minutes East one hundred and twenty-nine feet; thence South forty-three degrees five minutes East one hundred and twenty-two feet to the Tenth Avenue; thence along the said avenue South thirty-four degrees West two hundred and fifty-nine feet, to a certain other piece or

parcel of land designated on said map as allotted and assigned by the said commissioners' to Garrit H. Striker; thence along the said land so allotted and assigned by the said commissioners to the said Garrit H. Striker, North forty-seven degrees thirty-five minutes West eight hundred and forty-six feet, to a certain road, or lane; thence North thirty-four degrees East twelve feet eight inches; thence North forty-seven degrees thirty-five minutes West eight hundred feet, to the place of beginning. Containing eight acres, three roods and sixteen perches.

And also all that certain other piece or parcel of land and premises, with the appurtenances, also designated on said map or chart as Winnefred Mott, beginning at a point at the corner of said road or lane and the Tenth Avenue, running thence along the said avenue North thirty-four degrees East five hundred and eight feet to land of Jacob Harsen; thence along the land of Jacob Harsen South forty-two degrees forty minutes East forty feet; thence South fifty degrees twenty-five minutes East fifty-three feet three inches; thence South forty-seven degrees forty-five minutes East one hundred and ninety-eight feet; thence South forty-six degrees fifty-five minutes East twelve feet nine inches, to a lot designated on said map as allotted and assigned by said commissioners to Garrit H. Striker; thence along the said land so allotted and assigned to the said Garrit H. Striker, South thirty-four degrees West five hundred and ten feet, to the said road or lane; thence along the same North forty-six degrees fifteen minutes West three hundred and three feet three inches to the place of beginning. Containing three acres and thirty-one perches.

And also all that certain other piece or parcel of land and premises, with the appurtenances, also designated on the said map or chart as Winnefred Mott, beginning at a point at the corner of the said road or lane and the said Tenth Avenue, running thence along the said road or lane South forty-six degrees fifteen minutes East three hundred and three feet three in-

ches, to land designated on said map as allotted and assigned to Garrit H. Striker ; thence along the same South thirty-four degrees West four hundred and sixty-two feet, to land belonging to Philip Webber ; thence along the same North forty-nine degrees thirty minutes West three hundred and three feet, to the Tenth Avenue ; thence along said avenue North thirty-four degrees East four hundred and sixty-seven feet, to the place of beginning. Containing three acres and thirty-five perches.

Also all that certain other lot piece or parcel of land and premises, with the appurtenances, also designated on said map or chart as Winnefred Mott, beginning at a point at the corner of the Eighth Avenue and a certain other piece or parcel of land allotted and assigned by the said commissioners to the said Garrit H. Striker, running thence along said avenue South thirty-four degrees West two-hundred and eighty-five feet six inches, to the said road or Lane ; thence along said road North forty-nine degrees fifteen minutes West three hundred and thirty-seven feet, to land of the said Garrit H. Striker ; thence along land of the said Garrit H. Striker North thirty-nine degrees East two hundred and forty-nine feet, to land allotted and assigned by us the said commissioners to the said Garrit H. Striker ; thence along the same South fifty-six degrees East three hundred and twelve feet to the place of beginning. Containing one acre, three roods and thirty-five perches.

And also all that certain other lot, piece or parcel of land and premises, with the appurtenances, also designated on said map or chart as Winnefred Mott, beginning at a point at the corner of the Eighth Avenue and a certain other piece or parcel of land allotted and assigned by the said commissioners to the said Garrit H. Striker, running thence along said lot so assigned and allotted to the said Garrit H. Striker South fifty-six degrees East three hundred and seventy feet, to land allotted and assigned by said commissioners to Ann Striker ; thence along the same South thirty four degrees West one hundred and forty-eight feet ; thence

South fifty-six degrees East sixty feet ; thence South thirty-four degrees West one hundred and forty-eight feet, to the aforesaid road or lane ; thence along the said road or lane North fifty-two degrees West one hundred and twelve feet six inches ; thence North fifty-one degrees West three hundred and nineteen feet three inches to the Eighth Avenue aforesaid ; thence along the said avenue North thirty-four degrees East two hundred and sixty-seven feet eight inches to the place of beginning. Containing two acres, two roods and one perch.

The following conveyances are therefore executed to confirm the above partition :

GARRIT H. STRIKER <i>and</i> ELIZA, <i>his wife</i> ; JACOB C. MOTT, JORDAN MOTT <i>and</i> WINI- FRED, <i>his wife</i> , <i>to</i> ANN STRIKER.)	DEED. — Dated 18th April, 1821. Ack. 18th April, 1821. Rec. 6th June, 1823. 167 Conveyances, 110. Consideration, \$1.
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RECITES will of John Hopper and the above partition suit, and to confirm the same releases all, the premises set apart to the said Ann Striker by the commissioners in said suit.

ANN STRIKER, JACOB C. MOTT, JORDAN MOTT <i>and</i> WINI- FRED, <i>his wife</i> , <i>to</i> GARRIT H. STRIKER.)	DEED. — Dated 18th April, 1821. Ack. 18th April, 1821. Rec. 26th May, 1823. 168 Conveyances, 21. Consideration, \$1.
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RECITES will of John Hopper and the said partition suit, and to confirm the same releases all the premises set apart to the said Garrit H. Striker by the commissioners therein.

<hr/>		DEED.
GARRIT H. STRIKER <i>and</i> ELIZA, <i>his wife, and</i> ANN STRIKER <i>to</i>	}	Dated 18th April, 1821.
JACOB C. MOTT, JORDAN MOTT <i>and</i> WINIFRED, <i>his wife,</i>		Ack. 18th April, 1821.
<hr/>		Rec. 28th Jan., 1823.
		163 Conveyances, 436.
		Consideration, 1\$.

RECITES will of John Hopper and the said partition suit, and to confirm the same releases all the premises set apart to Winifred Mott by the commissioners therein.

<hr/>		RELEASE.
SARAH HOPPER, <i>widow of</i> JOHN HOPPER, <i>to</i>	}	Dated 18th May, 1820.
ANN STRIKER, JORDAN MOTT <i>and</i> WINIFRED, <i>his wife, and</i>		Ack. 18th May, 1820.
GARRET H. STRIKER.		Rec. 26th May, 1823.
<hr/>		168 Conveyances, 30.
		Consideration, \$1.

RELEASES all dower and right of dower in the farm of John Hopper.

<hr/>		DEED.
JACOB C. MOTT <i>to</i>	}	Dated 19th Jan., 1828
JAMES S. MOTT <i>and</i> SAMUEL C. MOTT.		Ack. 19th Jan., 1828.
<hr/>		Rec. 21st Jan., 1828.
		228 Conveyances, 527.
		Consideration, \$1,500.

CONVEYS all his estate, right, title and interest in and to the said premises set apart as the share of Winifred Mott.

DEED.

JAMES S. MOTT <i>and</i> SAMUEL C. MOTT, <i>to</i> JORDAN MOTT, JUN.	}	Dated 11th Aug., 1835. Proved 13th Aug., 1835. Rec. 13th Aug., 1835. 339 Conveyances, 418. Consideration, \$1.
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CONVEYS all the interest conveyed to parties of the first part by the previous deed. In trust for the use, benefit and behoof of Winifred Mott, and to join in any conveyances to such persons as she may in writing, duly acknowledged, direct, and if her husband survive, then to his use as far as respects property unconveyed, and if she survive, then to release and convey to her.

The preceding partition was made and releases given under the supposition that by the will of John Hopper, each of his grandchildren became seised of one-third of the tract in fee simple. This construction of the will was supposed to be correct till 1827, when a suit was commenced by Garrit H. Striker and wife against Jordan Mott and Wyntie, his wife, and others, for a partition of Nos. 162 and 164 Chatham Street, in this city, which was part of the real estate devised by their grandfather's will. In this suit the Motts pleaded in their answer that the legal estate in the premises was in the executors, and denied that complainant was seised of an undivided third in fee. The case was heard on 30th October, 1830, by Ogden Edwards, Vice-Chancellor, who decided that the bill must be dismissed, as far as a partition was sought. The Chancellor, on appeal, approved the judgment of the Vice-Chancellor. His opinion is reported in the case of *Striker vs. Mott*, 2 Paige, 387. He held that the executors under the will, "took, by implication of law, an estate in trust during the lives of the three grandchildren. And that the complainants and Mrs. Mott are each entitled to a

contingent or conditional fee in one-third of the remainder of the estate, provided they have issue living at their deaths, with cross-remainders if either dies without issue."

On February 14th, 1840, a judgment for \$2,837.12 was recovered against Garrit H. Striker, in the Superior Court by the U. S. Loan Commissioners, and various other judgments were thereafter docketed against him. The Sheriff, by virtue of writs of *feri facias* issued thereunder, proceeded to sell that portion of the tract in question adjoining Hudson River, which, in the previous partition suit, had been set apart to Garrit H. Striker. Seabury Brewster, a subsequent judgment creditor, paid to the Sheriff the amount bid, with interest, and became entitled to and received the following conveyance :

DEED.

MONMOUTH B. HART, <i>Sheriff</i> , &c., to SEABURY BREWSTER.	}	Dated 21st Feb., 1844. Ack. 21st Feb., 1844. Rec. 19th March, 1845. 455 Conveyances, 610. Consideration, \$1,305.
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CONVEYS all interest which Garrit H. Striker had on 14th February, 1840, or at any time afterwards of, in and to the portion of the tract in question, consisting of the four and a half acres fronting on the Hudson River, which was set apart to Garrit H. Striker in the suit in Court of Common Pleas.

Brewster thereupon brought a suit of ejectment against Garrit H. Striker in the Court of Common Pleas for the possession of this piece of property. The action was tried before Judge Charles P. Daly who non-suited the plaintiff. This was affirmed by the General Term, see opinion reported 1 E. D. Smith 321. The case thereupon went to the Court of Appeals. The opinion

of the Court is reported in *Brewster vs. Striker*, 2 Comstock 19. They held that the Executors took by implication the legal estate during the lives of the grandchildren, and therefore that such grandchildren had no *present* legal estate which could pass by a sale under a judgment and execution against them.

A further occasion for the construction of Will of John Hopper arose on the death of Ann Striker, who died on 12th April, 1860, without issue, leaving her surviving her brother, Garrit H. Striker, and her sister, Winnifred Mott. Supposing that she was entitled to the fee of the share set apart to her she devised the same by her will as follows :

Last Will and Testament
of
ANN STRIKER.

} Dated 16th Feb., 1853.
} Proved 8th June, 1860.
} Before Surrogate of
} Westchester County.

She directs her executors to sell so much of her real estate on Tenth Avenue, not specifically devised by her will, as will be sufficient to raise the sum of one thousand dollars, which sum she devises to the New York Seaman's Friend Society and the Society for Ameliorating the Condition of the Jews.

She devises a lot of land one hundred feet square on North-west corner of Ninth Avenue and Fiftieth Street to her executors, in trust, to receive the rents under existing leases, and at their expiration to convey to the Reformed Protestant Dutch Church of the City of New York, in trust, to erect within two years a church edifice thereon, reserving however a plot twenty-five feet square to be selected by her executors for a family vault.

She devises to Jemima Swords, wife of Edward J. Swords, a piece of land on Southwest corner of Ninth Avenue and Fifty-first Street, fifty feet five inches by one hundred feet.

She devises to Anna Maria Swords, daughter of Edward J. Swords, a piece of land on Northwest corner of Ninth Avenue and Fifty-first Street, one hundred feet by one hundred feet five inches.

She devises to Mary Helen Swords, daughter of Edward J. Swords, a piece of land on Southeast corner of Ninth Avenue and Fifty-first Street, fifty feet five inches by one hundred feet.

She devises to Edward Jenner Swords, son of Edward J. Swords, a piece of land situate at the Northeast corner of Ninth Avenue and Fifty-first Street, fifty feet five inches by one hundred feet.

She devises to Charlotte Augusta Swords, daughter of Edward J. Swords, a piece of land on Northeast corner of Ninth Avenue and Fiftieth Street, fifty feet five inches by one hundred feet.

She devises all the residue of her estate to her executors, in trust, to apply rents and profits to use of her sister, Jemima Swords, during her life, and after her death to divide the same among her children. She appoints Edward J. Swords and George W. Stevens her executors.

By codicil she devises to James Thomas Cornell, son of her sister, Maria Cornell, a piece of land on Northwest corner of Ninth Avenue and Fifty-second Street, fifty feet five inches by one hundred feet.

Garrit H. Striker claiming to be seised, upon the death of Ann Striker, of one half of the remainder in fee, in her one-third, brought the following partition suit. Before taking up this suit, it will be necessary to consider the following changes in the trusteeship created by will of John Hopper.

Letters testamentary had been issued to the three executors named in the will of John Hopper on 30th day of November, 1819. See Liber 55, Wills 452.

James Striker, one of said executors, died in February, 1831. Jordan Mott, another of said executors, died on 8th January,

1840, while James Bertine, the surviving executor, died on 17th December, 1842.

The said James Bertine, by his will, recorded in Liber 86 Wills, page 146, appointed James T. Bertine and Resolvert Stephens his executors, who by instrument dated 19th June, 1848, refused and declined to act as trustees under the will of John Hopper, which instrument is filed with the following order.

By an order of the Supreme Court, entered at Special Term on 19th June, 1848, in the City of New York, Edward Sandford was appointed trustee under will of John Hopper, in place of said executors then deceased. The said Edward Sandford died on 27th September, 1854.

By an order of the Supreme Court, entered at Special Term, on 4th April, 1859, in the City of New York, James B. Wilson was appointed trustee under the will of John Hopper, in place of Edward Sanford then deceased.

N. Y. SUPREME COURT.

<p style="text-align: center;">GARRIT H. STRIKER, <i>Plaintiff,</i> <i>vs.</i> WINIFRED MOTT, JAMES T. BERTINE, RESOLVERT STEPHENS, JAMES B. WILSON <i>and</i> ELIZA BELLA STRIKER.</p>	}
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1860—May 26. Complaint filed asking for a partition, and claiming that by death of Ann Striker without issue, Garrit H. Striker and Winifred Mott became each seised in fee of an undivided sixth of said farm.

- 1860—June 3. Answer of Winifred Mott. She admits invalidity of previous partition.
- June 26. Answer of Eliza Bella Striker, wife of Garrit H. Striker.
- June 25. Answer of Resolvert Stephens and James T. Bertine.
- Oct. 17. Answer of James B. Wilson claiming to be still seised of the whole tract as trustee.
- 1861—June 12. Decision of Judge Sutherland holding that on death of Ann Striker, the one-third of the farm held by the trustees for her life, vested in Garrit H. Striker and Winifred Mott in fee simple, and that the partition in Court of Common Pleas and releases were void and of no effect except to adjust the division of the rents and profits during the trust estates.
- June 12. Judgment of partition entered. Theodore Martine, Benjamin W. Bonney and James Maurice were appointed commissioners of partition.
- July 5. Judgment of Special Term affirmed by General Term.
- 1862—March 3. Judgment of General Term affirmed by Court of Appeals.
- 1863—July 1. Judgment of Court of Appeals made a judgment of Supreme Court on remittitur.

During the pendency of the above suit, the two following cross-actions were begun. These three actions were heard at the same time, as they involved the same questions.

N. Y. SUPREME COURT.

JAMES B. WILSON, *Trustee of
of the Estate of JOHN HOPPER,
agst.*

GARRIT H. STRIKER, WINIFRED
MOTT, EDWARD J. SWORDS,
*Executor of the last Will and
Testament of ANN STRIKER,
JEMIMA SWORDS, wife of ED-
WARD J. SWORDS, ANNA MA-
RIA SWORDS, MARY HELEN
SWORDS, EDWARD JENNER
SWORDS and CHARLOTTE AU-
GUSTA SWORDS.*

1860—June 29. Complaint verified. Sets up that by a proper construction of Hopper's will, his executors took a trust term in all the shares until the death of the last surviving grandchild, and asks that he as trustee be declared vested with the legal estate to whole farm, and that the defendants be adjudged to have no present estate therein.

1861—May 4. Answer of Garrit H. Striker, claiming title as in his suit set forth.

June 3. Answer of Winifred Mott.

June 3. Answer of other defendants.

N. Y. SUPREME COURT.

EDWARD J. SWORDS, *in his own right and as Executor of the last Will, &c., of ANN STRIKER, deceased*; JEMIMA SWORDS, JAMES H. MAPLES and MARY HELEN, *his wife*; JOSEPH CORNELL and MARIA S., *his wife*; ANNA MARIA SWORDS and EDWARD JENNER SWORDS, *an infant*, and CHARLOTTE AUGUSTA SWORDS, *an infant*, the said two infants by EDWARD J. SWORDS, *their guardian*,

Plaintiffs,

vs.

GARRIT H. STRIKER and ELIZA B., *his wife*; WINIFRED MOTT, GEORGE W. STEVENS, JAMES T. BERTINE, RESOLVERT STEPHENS and JAMES B. WILSON,

Defendants.

1861—May 22. Edward J. Swords appointed guardian to prosecute this action for Edward Jenner Swords and Charlotte Augusta Swords, infants, on their petition.

May 23. Complaint dated. Sets up will of Ann Striker, that she had held possession as owner under will of John Hopper and partition in Mayor's Court, and that she died seised of the premises set apart to her in said suit, and asks for judgment adjudging plaintiffs'

titles, as her devisees, valid, and enjoining the above suits, &c.

1861—May 31. Answer of Garrit H. Striker and wife dated.

Winifred Mott answers.

Geo. W. Stevens answers.

James T. Bertine answers.

Resolvert Stephens answers.

James B. Wilson answers.

The decision in the Court of Appeals is reported in *Striker vs. Mott*, 28 New York, 82.

The Court held that the early partition in the Court of Common Pleas was invalid. That the grandchildren had no vested estate in the premises, and no estate which they could then convey by deed the remainder to them being contingent, and that nothing passed by the deed to Ann Striker, and consequently her devisees took nothing under her will.

That successive estate in each third part of the farm were limited as follows: First, to the trustees for the life of the grandchild for whose benefit the third was devised; remainder to the issue of that grandchild in fee, if he or she should leave issue, but if he or she should die without issue living at his or her death, then remainder to the grandchildren and the survivors of them.

On the strength of this decision it was determined to begin a new suit for a partition of the *whole tract*. Before considering this suit it will be necessary to note the conveyances and mortgages made by Winifred Mott and Garret H. Striker and their children, and the events hereinafter mentioned.

GARRIT H. STRIKER, JUNIOR,
 JAMES ALEXANDER STRIKER,
 GEORGE HENRY STRIKER *and*
 AMBROSE KINGSLAND STRIKER,
of 1st part,

to and from

SAMUEL C. MOTT, GARRIT S.
 MOTT, JORDAN MOTT, JACOB
 H. MOTT *and* M. HOPPER
 MOTT, *of 2d part.*

DEED.

Dated 24th June, 1850.

Ack. 24th June, 1850.

Rec. 17th July, 1850.

548 Conveyances, 477.

Consideration, \$500.

RECITES will of John Hopper, the partition in the Court of Common Pleas, and that his grandchildren had held and enjoyed in severalty, as upon a valid partition, the several pieces thereby set apart to each. It then recites the decision of the Court of Appeals holding the same invalid, that the parties of the first part are the only children and presumptive heirs of Garrit H. Striker, and the parties of the second part are the only children and presumptive heirs of Winifred Mott; that Ann Striker has no issue, never having married; that it is desirable that "the division of the said lands into separate occupations in severalty," as made by said partition suit, should be "valid, firm and effectual upon all the parties thereto who have acquired or may acquire any right, title or interest at law or in equity in the said lands by descent or devise from the said John Hopper or his descendants." And that it had been agreed that the separate occupations in severalty so had shall stand and be a firm and effectual partition forever between them, so that upon the death of Garrit H. Striker the portions of the land occupied in severalty by him shall vest in possession in his issue, the same as if the said piece had been then set apart to them on a new and valid partition then had. And that upon the death of Winifred Mott, the portions of the land occupied in severalty by

her shall vest in her issue the same as if the said pieces had also been then set apart to them on a new and valid partition then made of the farm.

The parties of the first part convey, with warranty, to parties of the second part the several portions of the farm set apart to Winifred Mott in the partition in the Court of Common Pleas.

The parties of the second part convey, with warranty, to parties of the first part the several portions of the farm set apart to Garrit H. Striker in said partition suit.

In setting out the various conveyances, etc., those made by Winifred Mott and her sons will be first taken up.

On 27th January, 1843, Jacob H. Mott and Jordan Mott were adjudged bankrupts on their own petition, and the decree certified to W. C. H. Waddell, general assignee in bankruptcy. He sold all the interests of the said bankrupts in the farm in question to Isaac C. Delaplaine in February, 1860. See 805 Conveyances, 390 and 392. As Delaplaine was not a party to the following partition suit, it is not necessary to consider now the title vested in Assignee in Bankruptcy, but the same is set out in full after the partition suit.

WINIFRED MOTT, <i>wife of</i> JOR- DAN MOTT, <i>to</i> JORDAN MOTT (<i>son of</i> WINIFRED MOTT.)	}	DEED. — Dated 24th Sept., 1850. Not recorded, but re- cited in the following deed. Consideration, \$2,150.
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CONVEYS all and singular the real estate of which John Hopper, late of the City of New York, who was the grandfather of the party hereto of the first part died seised or possessed or entitled unto, whether situate in the City and County of New York, or in the County of Bergen and State of New Jersey or elsewhere; and all the right, title, interest, claim and demand

in and to the same and every part and parcel thereof with the appurtenances which the said party hereto of the first part now has, or which she hereafter can or could or may or might acquire, or become in anywise entitled unto by descent or demise from the said John Hopper, deceased, or by descent or demise from any of his descendants, or in any contingency in the last will and testament of the said John Hopper, deceased, referred to or contemplated or otherwise, except by, under or from or through the said party to these presents of the second part.

DEED.

<p style="text-align: center;">JORDAN MOTT <i>to</i> GARRIT S. MOTT.</p>	}	<p>Dated 5th June, 1855. Ack. 5th June, 1855. Rec. 30th June, 1858. 757 Conveyances, 511. Consideration, \$5,000.</p>
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CONVEYS all the property described in previous deed.

Certain Sheriff sales against Jordan and Jacob H. Mott will also be found set forth after the suit. The following is a list of conveyances and mortgages made by Winifred Mott and sons of specific lots. The numbers of the lots are given according to Map 660, though other maps may be referred to in the deed.

Lots 103 and 107 to George Park, in 447 Conveyances 103, which lots were afterwards vested in Robert B. Minturn.

Lots 156 to 167 and 177 to 196 to Garrit H. Striker, Junior, in 654 Conveyances 486.

Lots 213 to 220 and 264 to 280 to Orsanus Bushnell, in 610 Conveyances 563, and in 791 Conveyances 224.

Lots 317 to 320 to Ann M. Metcalf, in 717 Conveyances, 459.
Lot 431 to Edward Sandford in 649 Conveyances, 142.

Lot 432 to Anne Legoux, *et al.*, in 279 Mortgages, 105, and to Edward Sandford, in 649 Conveyances, 142.

Lots 433 to 435 to Fleming Duncan, in 220 Mortgages, 424, and to Edward Sandford, in 649 Conveyances, 142.

Lots 436 to 438 to Edward Sandford, in 649 Conveyances, 142.

Lot 471 to Edward Sandford, in 649 Conveyances, 142.

Lot 472 to Louisa Chamberlain, in 224 Mortgages, 68, and to Edward Sandford, in 649 Conveyances, 142.

Lot 473 to Benjamin Gurnie, in 215 Mortgages, 552, and to Edward Sandford, in 649 Conveyances, 142.

Lot 474 to Anthony A. Melly *et al.*, in 221 Mortgages, 439 and to Edward Sandford, in 649 Conveyances, 142.

Lots 475 and 476 to Birah Palmer, in 388 Conveyances, 287, and to Edward Sandford, in 649 Conveyances, 142.

Lot 477 to William Burgoyne, in 416 Conveyances, 502, and to Edward Sandford, in 649 Conveyances, 142.

Lot 478 to Stanton Beebe, in 223 Mortgages, 133, and to Edward Sandford, in 649 Conveyances, 142.

Lot 480 to Eliza P. Sandford, in 663 Conveyances, 577.

Lots 481 and 482 to Solomon Gilbert, in 509 Conveyances, 398, and to Edward Sandford, in 611 Conveyances, 448.

Lots 483 to 486 and 519 to 526 to Eliza P. Sandford, in 663 Conveyances, 577.

Lots 532 to 534 to William C. Burdick, in 693 Conveyances, 389.

Lots 567 to 569 to same, in 680 Conveyances, 139.

Lots 631 to 635 to Benjamin J. C. Miles, in 756 Conveyances, 479, which lots were afterwards vested in Amos M. Sackett.

Lots 636 to 638 to Maria Waring, in 590 Conveyances, 540 and 542, which lots were afterwards vested in Eleazer Ayres.

Lots 637 and 638 to William E. Waring, in 500 Conveyances, 50.

Lot 647 to John Rogers, in 522 Conveyances, 199, and to Edward Sandford, in 649 Conveyances, 142.

Lot 648 to Augustus Perrot, in 380 Conveyances, 183, and to Edward Sandford, in 649 Conveyances, 142.

Lot 649 to John W. Blauvelt, in 380 Conveyances, 195, and to Edward Sanford, in 649 Conveyances, 142.

Lot 650 to Benjamin W. Clapp, in 379 Conveyances, 434, and to Edward Sandford, in 649 Conveyances, 142.

Lots 651 to 654 to John C. Downing and Moses G. Baldwin, in 381 Conveyances, 143, and to Edward Sandford, in 649 Conveyances, 142.

Edward Sandford, to whom certain of the lots above mentioned were conveyed, died leaving him surviving Thomas S. Sandford, Mary M. Pegram, wife of Orlando A. Pegram, Janet L. Koch, wife of Edward C. Koch, Sarah C. Sandford, Lewis H. Sandford and Edward Sandford, his only heirs-at-law. He left a will devising said lots to his said children.

Winifred Mott died on 16th March, 1862, leaving her surviving four sons, viz. : James Striker Mott, Garrit Striker Mott, Jordan Mott and Matavus Hopper Mott. She had had three other children besides the four who survived her, viz. : John H. Mott, who died on 20th March, 1821, intestate and without issue. Samuel Coles Mott, who died on 8th May, 1855, intestate and without issue. Jacob H. Mott, who died on 14th May, 1861, leaving Julia M. Mott, his widow, but no child.

Last Will and Testament
of
WINIFRED MOTT.

} Dated 9th Nov., 1846.
} Proved 27th May, 1862.
} 152 Wills, 454.

The testatrix, aftermaking a bequest of the income of \$5,000 in trust for her son James S. Mott, provides as follows: "Second, I give all the residue of my estate, real and personal of every

kind and description, unto my five sons Samuel C. Mott, Jordan Mott, Jacob H. Mott, Garrit S. Mott and M. Hopper Mott and to their heirs, executors and administrators in fee simple."

By codicil dated 14th February, 1860, she provides as follows : " First, I hereby revoke the devise and bequest in my said will to Samuel C. Mott, Jordan Mott, Jacob H. Mott, Garrit S. Mott and M. Hopper Mott, and in lieu thereof I direct that all the residue of my estate, real and personal, after the fulfillment of the trust in my said will created for the benefit of my son James S. Mott, be divided into four equal parts, of which I give three parts to my son Garrit S. Mott, and one part to Ruth Ann Mott, wife of M. Hopper Mott."

On 1st January, 1856, James Striker Mott was adjudged a lunatic, and on 11th February, 1856, James B. Wilson was appointed his committee.

On 1st June, 1863, an agreement was entered into providing that James S. Mott should assign to Garrit S. Mott his legacy of the income of five thousand dollars, and that James S. Mott should have in lieu thereof one-fourth of the one-third of Hopper farm set off to Winifred Mott, excepting the lots conveyed by Winifred Mott. This agreement was confirmed by order of the Supreme Court on 22d July, 1863.

We will now go back and set out the various conveyances, etc., by Garrit H. Striker and sons.

Garrit H. Striker, on 19th December, 1837, made two mortgages to the United States Loan Commissioners affecting the two pieces on either side of the lane, between Ninth and Tenth Avenues, set apart to him in previous suit in the Court of Common Pleas. These mortgages were foreclosed and the premises bought in by the People of the State of New York, who con-

veyed the same to Garrit H. Striker, Junior. Under the decisions given in this title, Garrit H. Striker had no interest in the portion covered by this mortgage which would pass thereby.

DEED.

GARRIT H. STRIKER <i>to</i> WILLIAM MILES, <i>Receiver</i> .	}	Dated 1st Dec., 1842. Proved 1st Dec., 1842. Rec. 1st Dec., 1842. 432 Conveyances, 131. Consideration, \$1.
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RECITES that William Miles, on 22d November, 1842, was appointed receiver of the property of Garrit H. Striker by the Court of Chancery in a certain cause wherein Charles T. Cromwell was complainant and Garrit H. Striker was defendant.

CONVEYS all and singular the right, title, estate, interest, claim and demand, in law or equity, of the said party of the first part, of, in or to all the estate, real and personal, which he, the said party of the first part, may be entitled to, or has any right to, as devisee, legatee or heir-at-law of John Hopper, deceased, or of any other person; and also all his right, title, estate and interest in and to all and singular the lands mentioned and described in a deed from Ann Striker and others to him the said party of the first part, and all his right, title, estate and interest in and to the rents, possession, issues and profits accrued or to accrue of or from the said estate, lands or premises, or any part thereof, and also all and all other real estate of the party of the first part.

DEED.

WILLIAM MILES, <i>Receiver</i> , <i>to</i> CHARLES T. CROMWELL.	}	Dated 8th May, 1843. Ack. 9th May, 1843. Rec. 20th May, 1843. 437 Conveyances, 191. Consideration, \$11.
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CONVEYS all the estate, right, title or interest, in law or equity, in expectancy, reversion or remainder, of the said Garrit H.

Striker, which he had on the 17th day of December, 1842, or since, of, in or to four acres and fifteen perches of land, with the appurtenances, situated in the Twelfth Ward of the City of New York, beginning at a point on the Hudson River, at the corner of land now or late of Lewis Simond, thence Northerly by the Hudson River as it runs, three hundred and forty-two feet ten inches, more or less, to a lane or road leading to the Hudson River; thence Easterly along the said road or lane seven hundred and ninety-six feet; thence Southerly, as said lane runs, two hundred and twenty-eight feet; thence Westerly four hundred and eighty-five feet five inches; thence Southerly twenty-five feet three inches; thence Westerly four hundred and twenty-eight feet.

GARRIT H. STRIKER, Junior,
 JAMES ALEXANDER STRIKER
 GEORGE HENRY STRIKER *and*
 AMBROSE K. STRIKER,
to
 WINIFRED MOTT, *widow*; SAM-
 UEL C. MOTT, GARRIT S.
 MOTT, JORDAN MOTT, JACOB
 H. MOTT *and* M. HOPPER
 MOTT.

DEED.

Dated 24th June, 1850.
 Ack. 24th June, 1850.
 Rec. 23d Sept., 1861.
 844 Conveyances, 206.
 Consideration, \$500.

RECITES that Ann Striker has no issue, never having married, and that it is supposed that in case she survive Garrit H. Striker and Winifred Mott, her share will be taken by heirs of John Hopper by descent.

CONVEYS, with warranty, one equal undivided half part of all that certain one equal undivided third part of the lands, tenements and real estate of the said John Hopper, deceased, at the time of his death, wheresoever and howsoever situated, which, in and by the said last will and testament, was in terms devised to the said Ann Striker and her heirs forever, and was intended

to be thereby devised to, or for the benefit of her, the said Ann Striker, and her lawful issue. And also the one equal undivided half part of all and singular the lands and premises specifically described as follows (describing by metes and bounds the portions set apart to Ann Striker in previous suit in Common Pleas.)

The above deed was adjudged null and void by decree of Supreme Court entered in New York County, on 6th February, 1873 in suit of James Alexander Striker and Ambrose Kingsland *vs.* Jordan Mott, Ruth Ann Mott and others. It was found by the referee in said action that an exactly similar deed was executed by the Motts to the Strikers, bearing even date therewith, which deed was lost, never having been recorded; and that, as the contingency, to provide against which said mutual deeds, were given, never arose, and as there was no other consideration for said deeds, they were inoperative and of no effect.

The following is a list of conveyances made by Garrit H. Striker and Sons, of specific lots in the tract in question. The numbers of the lots are those given in Map 660.

Lots 156 to 167 and 177 to 196, or some of them, in 298 Conveyances, 517; 661 Conveyances, 668; 676 Conveyances, 649 and 650; 708 Conveyances, 764, and 761 Conveyances, 393.

Lot 213, to Frederick Steinle, in 837 Conveyances, 508.

Lots 213 to 220, and 265 to 278, to Richard R. Ward, in 329 Conveyances, 271; and to Orsanus Bushnell, in 509 Conveyances, 635, and in 610 Conveyances, 561.

Lots 431 to 438, to Edward Sandford, in 649 Conveyances, 142.

Lots 439 and 440, to same, in 648 Conveyances, 194.

Lots 441 to 444, and part of 440, to Lewis H. Sandford, in 808 Conveyances, 271.

Lots 445 to 450, to Edward Sandford, in 648 Conveyances, 194.

Lots 459 to 470, to same, in 806 Conveyances, 408.

Lots 471 to 478 and 647 to 654, to same, in 649 Conveyances, 142.

Lots 671 to 678, 760 to 829, 846 to 854, to the Globe Fire Insurance Company, in 233 Mortgages, 184, and to Edward Sandford, in 348 Mortgages, 611, and in 457 Mortgages, 366.

The following suit is open to criticism on the ground of a defect of parties: The children of Garrit H. Striker, who had a vested remainder in their father's one-third, and also the assignee in bankruptcy and Isaac C. Delaplaine, to whom he had conveyed the interest of Jordan Mott and Jacob H. Mott in farm in question were not made defendants. As far as the children of Garrit H. Striker are concerned, we would probably find a ratification by them of the following partition in the subsequent suit of Striker *vs.* Striker, in 1870., hereinafter set forth, by which the lots set apart in the next suit as the original one-third of Garrit H. Striker were partitioned among his children. With reference to Jordan Mott, it was determined in Smith *vs.* Scholtz, 68 New York, 41, that he had at the time of his bankruptcy a vested remainder in his mother's one-third, which passed to his assignee in bankruptcy. This suit of Smith *vs.* Scholtz was an action brought by James M. Smith, in whom the assignee's title was then vested, to recover some of the specific lots set apart to Jordan Mott in the following partition suit. Besides there are on record various releases from Smith and his grantees of certain of the lots set apart to Jordan Mott. These acts might justly be considered as a manifestation on the part of the holders of the title in bankruptcy of their election to accept the lots set apart to Jordan Mott in said suit. With reference to Jacob H. Mott, there is a dictum of Judge Rapallo, in Smith *vs.* Scholtz, 68 New York, 61, that his interest was divested by his death before his mother. Of course, if this dictum is not followed, a re-adjustment will be necessary, as no lots were set apart in the following suit as the share of Jacob H. Mott.

N. Y. SUPREME COURT

GARRIT H. STRIKER, *Plaintiff,*

vs.

JAMES STRIKER MOTT, *with*
 JAMES B. WILSON, *as Com-*
mittee in Lunacy of said JAMES
 STRIKER MOTT; AMELIA
 MOTT, *wife of said* JAMES
 STRIKER MOTT; GARRIT
 STRIKER MOTT, JORDAN
 MOTT, MATAVUS HOPPER
 MOTT *and* RUTH ANN, *his*
wife; JAMES B. WILSON,
 JAMES T. BERTINE, RESOL-
 VERT STEPHENS, ELEAZER
 AYRES, ROBERT B. MINTURN,
 WILLIAM C. BURDICK, MARY
 C. BURDICK, *wife of* WILLIAM
 C. BURDICK; ALBERT W. MET-
 CALF *and* ANN M. METCALF,
his wife; AMOS M. SACKETT,
 JAMES S. SANDFORD *and*
 ELIZA P. SANDFORD *his wife*;
 THOMAS S. SANDFORD, OR-
 LANDO A. PEGRAM *and* MARY
 M. PEGRAM, *his wife*; ED-
 WARD C. KOCH *and* JANET
 L. KOCH, *his wife*; SARAH
 C. SANDFORD, LEWIS H.
 SANDFORD *and* EDWARD
 SANDFORD,

Defendants.

1863—Nov. 5. Complaint and *lis pendens* filed, asking for
 partition of the whole Hopper farm.

1864—Feb. 10. Petition of Garrit H. Striker, setting forth the death of Matavus Hopper Mott since the commencement of this action, viz., on 9 January, 1864, intestate, leaving him surviving his widow, Ruth Ann Mott, and two children, viz., Hopper Striker Mott and Alexander Hosack Mott, his only heirs at law, and asking that the action be continued against them.

Feb. 25. Order entered accordingly.

Feb. 25. Order appointing William M. Martine guardian *ad litem*, of Hopper Striker Mott and Alexander Hosack Mott, on petition of Ruth Ann Mott, their mother.

Feb. 15. Order appointing Henry Day guardian *ad litem*, of Lewis H. Sandford and Edward Sandford, on petition of Thomas S. Sandford, their brother. James Striker Mott, with James B. Wilson, as committee in lunacy of said James Striker Mott, Amelia Mott, and James B. Wilson as trustee, appear by Spier & Nash.

Garrit Striker Mott, Jordan Mott, Matavus Hopper Mott and Ruth Ann Mott appear by Dudley Field.

Eleazer Ayres appears by William R. Stafford, Robert B. Minturn appears by George D. F. Lord, William C. Burdick and wife appear by Alfred Roe, Albert W. Metcalf and wife appear by Benedict & Boardman, Amos M. Sackett appears by Platt, Gerard & Buckley; James S. Sandford and wife by Augustus A. Dubois, Thomas S. Sandford and wife by Robert

Gosman ; Orlando A. Pegram and wife, Edward C. Koch and wife, appear by D. D. Lord, their attorney ; Lewis H. Sandford and Edward Sandford by Henry Day, their guardian *ad litem*, and Hopper Striker Mott and Alexander Hosack Mott by William M. Martine, their guardian ; James T. Bertine by Benjamin T. Billings, and Resolvert Stephens by Charles W. Sandford.

March 31. Findings by LeRoy Morgan, Judge.

March 31. Judgment of Partition entered. Benjamin W. Bonney, James Maurice and Theodore Martine appointed Commissioners of partition.

1865—Jan. 10. Report of Commissioners filed.

Jan. 10. Final judgment entered.

The commissioners of partition in the above suit made the division as far as possible in accordance with that made in the Common Pleas, in 1823, ante page 278. They set apart to the children of Winifred Mott the share thereby previously set apart to her. They set apart to James B. Wilson, trustee for Garrit H. Striker, the portion previously set apart to the latter in said suit, with this exception, that seventy-four lots thereof, numbered 156 to 167, 177 to 196, 213 to 220, 265 to 278, 439, 440, 445 to 450, 459 to 470 were taken from said trustee's share, and lots 38 to 75 were substituted in their place. This was done on account of certain conveyances that had been made by Garrit H. Striker of said seventy-four lots. After thus substituting the 38 lots for the said 74 lots, they set apart the residue (which, but for this change, was the portion previously set apart to Ann Striker), one-half thereof to Garrit H. Striker, three-eighths thereof to Garrit Striker Mott, and one-eighth to Ruth Ann

Mott. The following statement shows in detail the number of the lots set apart to each.

Sets apart to Garrit H. Striker lots 7, 8, 76 to 78, 98, 90 to 97, 134 to 142, 156 to 167, 177 to 196, 352 to 356, 362 to 369, 248 to 251, 294 to 297, 378 to 385, 213 to 220, 265 to 278, 418 to 423, 439, 440, 445 to 450, 459 to 470, 402 to 409, 499 to 506, 389 to 393, 395, 596 to 602, 663 to 670, 830 to 837.

Sets apart to James B. Wilson, as said trustee, lots 38 to 75, 221 to 229, 279, 280, 264, 424 to 430, 441 to 444, 487 to 498, 507 to 518, 535 to 546, 555 to 566, 583 to 594, 603 to 614, 671, to 678, 782 to 829, 847 to 851, 760 to 781, 852 to 854, 854 A, 877 to 901, 872 to 876, 902 to 949, 1020 to 1027.

Sets apart to Thomas S. Sandford, et al., lots 431 to 438, 471 to 478, 647 to 654, 481, 482. To Eleazer Ayres lots 636 to 638. To Mary C. Burdick lots 532 to 534, 567 to 569. To Eliza P. Sandford lots 480, 483 to 486, 519 to 526. To Robert B. Minturn, in common with the Motts, lots 103 to 115. To Ann M. Metcalf, in common with the Motts, lots 317 to 320. To Amos M. Sackett, in common with the Motts, lots 631 to 634.

Sets apart to James Striker Mott lots 116 to 129, 145 to 148, 201 to 204, 527 to 531, 570 to 574, 580 to 582, 615 to 617, 712 to 715, 756 to 759, 855 to 859

Sets apart to Jordan Mott, lots 149 to 155, 197 to 200, 679 to 686, 716 to 755, 687 to 693, 868 to 871, 950 to 973, 1019.

Sets apart to Garrit Striker Mott, lots 1 to 6, 10 to 16, 25 to 37, 79 to 82, 99 to 102, part of lot 98, 130 to 133, 143, 144, 86 to 89, 172, 168, 169, 175, 176, 205 to 208, 325 to 329, 298 to 301, 349 to 351, 370 to 373, 357 to 361, 386, 243 to 246, 410 to 417, 451 to 458, 394 to 401, 547 to 550, 479, 838 to 840, 864 to 867, 974 to 1018.

Sets apart to Ruth Ann Mott, lots 9, 17, to 24, 83 to 85, 170 to 174, 374 to 377, 247, 387, 388, 551 to 554, 655 to 662, 841 to 846.

Sets apart to Hopper Striker Mott lots 209 to 212, 321 to 324, 639 to 646.

Sets apart to Alexander Hosack Mott lots 316, 330 to 334, 575 to 579, 618 to 630, 694 to 711, 860 to 863.

For equality of partition directs \$381.53 to be paid by Garrit H. Striker, \$262.50 by Jordan Mott, \$57.01 by Garrit Striker Mott, and subjects their shares to the payment thereof.

While the above suit was pending, the interest of Matavus Hopper Mott, in the farm in question was sold by the Sheriff as follows :

On 31 January, 1856, a judgment was recovered against M. Hopper Mott, in the Supreme Court of the State of New York, by the United States Trust Company of New York, Receiver, for \$3,481.40. An order was entered on 4 December, 1863, granting leave to issue an execution thereunder. M. Hopper Mott died on 9 January 1864. James Lynch, Sheriff, by virtue of said execution, on 6th February, 1864, sold to Theodore Martine all said Mott's interest in the farm in question for \$1,200. The certificate of sale was assigned to Ruth Ann Mott, by assignment dated 22 April, 1865, and filed in the County Clerk's office on 25 May, 1865. As to the validity of a sale under execution after judgment debtor's death, see Flanagan *vs.* Tinin, 37 Howard, 130, and Wood *vs.* Morehouse, 45 New York, 368.

DEED.

JAMES LYNCH, *Sheriff*,
to
 RUTH ANN MOTT,

} Dated 7th May, 1865.
 } Ack. 25th May, 1865.
 } Rec. 16th June, 1865.
 } 932 Conveyances, 444.
 } Consideration, \$1,200.

CONVEYS all the right, title and interest which the said defendant, M. Hopper Mott, had on the 31st day of January, 1856, or at any time afterward, in the farm in question.

This Sheriff's sale having taken place after the filing of the *lispendens* in the above suit, the purchaser would be bound by the partition therein decreed.

INTERESTS OF JACOB AND JORDAN MOTT.

On 27th January, 1843, Jacob H. Mott was declared a bankrupt on his own petition, and the decree certified to W. C. H. Waddell, general assignee in bankruptcy.

WILLIAM COVENTRY H. WAD- DELL, <i>General Assignee in</i> <i>Bankruptcy,</i> <i>to</i> ISAAC C. DELAPLAINE.)	DEED. ——— Dated 29th Feb., 1860. Ack. 1st March, 1860. Rec. 6th March, 1860. 805 Conveyances, 390. Consideration, \$400.
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CONVEYS all interest in Hopper farm which passed to the said assignee.

On 27th January, 1843, Jordan Mott was declared a bankrupt on his own petition, and the decree certified to Wm. C. H. Waddell, general assignee in bankruptcy.

WILLIAM COVENTRY H. WAD- DELL, <i>General Assignee in</i> <i>Bankruptcy,</i> <i>to</i> ISAAC C. DELAPLAINE.)	DEED. ——— Dated 29th Feb., 1860. Ack. 1st March, 1860. Rec. 6th March, 1860. 805 Conveyances, 392. Consideration, \$400.
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CONVEYS all interest in the Hopper farm which passed to the said assignee.

The above sales were set aside as irregular, inequitable and void, and it was ordered that assignee proceed to dispose of assets in his hands. See order of Circuit Court of United States

for the Southern District of New York, dated 17th June, 1864, and recorded in Liber, 900 Conveyances, 539. See *lispensens*, April 10, 1860.

WILLIAM COVENTRY H. WAD- DELL, <i>General Assignee in</i> <i>Bankruptcy,</i> <i>to</i> JAMES M. SMITH,)	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 12th Sept., 1868. Ack. 6th Oct., 1868. Rec. 22d Jan., 1869. 1090 Conveyances, 129. Consideration, \$625.
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CONVEYS all interest of Jacob H. Mott, bankrupt, in farm of John Hopper which became vested in said assignee.

WILLIAM COVENTRY H. WAD- DELL, <i>General Assignee in</i> <i>Bankruptcy,</i> <i>to</i> JAMES M. SMITH.)	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 12th Sept., 1868. Ack. 6th Oct., 1868. Rec. 22d Jan., 1869. 1090 Conveyances, 132. Consideration, \$725.
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CONVEYS all interest of Jordan Mott, bankrupt, in farm of John Hopper which became vested in said assignee.

JAMES M. SMITH <i>and</i> EMILINE S., <i>his wife,</i> <i>to</i> DAVID TALLMADGE.)	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 23d June, 1871. Ack. 28th June, 1871. Rec. 6th Feb., 1872. 1196 Conveyances, 472. Consideration, \$1,800.
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CONVEYS all interest of both Jacob H. Mott and Jordan Mott in farm of John Hopper as conveyed by two preceding deeds.

It was held by the Court of Appeals in *Smith vs. Scholtz*, reported in 68 New York, 41, that the said Jordan had a vested remainder in the farm in question, and that his interest was of

such a nature as to pass to his assignee in bankruptcy. The interest of Jacob H. Mott was not involved in the case.

DEED.

DAVID TALLMADGE <i>to</i> VEEDER G. THOMAS.	}	Dated 15th Feb., 1872. Ack. 17th Feb., 1872. Rec. 16th March, 1872. 1195 Conveyances, 645. Consideration, \$2,000.
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CONVEYS all the interest, etc., of Jordan Mott and Jacob H. Mott in any real estate described or referred to in will of John Hopper (specifically describing the tract in question.)

DEED.

VEEDER G. THOMAS (<i>unmarried</i>) <i>to</i> WILLIAM HENRY ADAMS.	}	Dated 24th June, 1873. Ack. 24th June, 1873. Rec. 24th June, 1873. 1265 Conveyances, 32. Consideration, \$3,600.
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CONVEYS all interest, etc., of Jordan Mott in any real estate described or referred to in will of John Hopper (specifically describing the tract in question), except certain lots heretofore released.

DEED,

VEEDER G. THOMAS (<i>widower</i>) <i>to</i> THE UNION NATIONAL BANK IN THE CITY OF NEW YORK.	}	Dated 1st April, 1872. Ack. 1st April, 1872. Rec. 1st April, 1872. 1207 Conveyances, 293. Consideration, \$250.
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CONVEYS all interest, etc., of party of first part in the share,

part or portion which Jacob H. Mott had or claimed in the tract in question.

The above Conveyance was taken by the Union Bank to protect any interests they may have derived under the following instruments:

JACOB H. MOTT <i>and</i> JULIA M., <i>his wife,</i> <i>to</i> THE UNION BANK IN THE CITY OF NEW YORK.	}	MORTGAGE. <hr style="width: 10%; margin: 0 auto;"/> To secure \$55,469.26. Dated 16th Feb., 1859. Ack. 16th Feb., 1859. Rec. 17th Feb., 1859. 582 Mortgages, 124.
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COVERS all the undivided estate, right, title and interest which the said parties of the first part now have, or which they shall hereafter have, of, in and to the tract in question, specifically describing it.

JACOB H. MOTT <i>and</i> JULIA, <i>his</i> <i>wife,</i> <i>to</i> ELLEN W. SOULE.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 29th May, 1858. Ack. 8th June, 1858. Rec. 4th Dec., 1858. 762 Conveyances, 583. Cons. \$5,449.75.
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CONVEYS all their undivided right, title and interest in tract in question.

The above deed was re-recorded in Liber 952 Conveyances, 225, on 18 December, 1865.

AGREEMENT.

ELLEN W. SOULE <i>with</i> THE UNION BANK IN THE CITY OF NEW YORK,	}	Dated 16th Feb., 1859. Ack. 16th Feb., 1859. Rec. 17th Feb., 1859. 776 Conveyances, 76. 582 Mortgages, 122. Consideration, \$10.
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AGREES that the above Mortgage shall be a lien on said real estate prior to the interest conveyed to her by previous deed.

DEED.

ELLEN W. SOULE <i>and</i> GEORGE W. SOULE <i>to</i> AMOS M. SACKETT.	}	Dated 11th Feb., 1865. Ack. 14th Feb., 1865. Rec. 27th March, 1865. 930 Conveyances, 353. Consideration \$50,000.
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CONVEYS tract in question, adding : it being intended by these presents to convey all the right, title, interest and estate which were vested in said Ellen W. Soule, under or by virtue of the preceding deed, and generally all her interest in said premises.

Amos M. Sackett agreed to sell to George W. Soule, for \$50,000, all interest which he had acquired by the previous deed. See agreement recorded in 933 Conveyances, 385.

On 3d February, 1860, George W. Soule recovered a judgment against Jacob H. Mott, in Supreme Court, and his interest in the tract was sold to J. A. H. Sackett by virtue of an execution issued thereunder. There are two certificates of sale filed in County Clerk's office, one of portion on East side of Bloomingdale Road and the other of property on the West side thereof.

Jacob H. Mott died on 14 May, 1861, before his mother. By his will, recorded in Liber 137 Wills, 254, he devised all his estate, real and personal, to his wife Julia, who afterwards married Ephraim Hunt.

N. Y. SUPREME COURT.

THE UNION BANK IN THE CITY OF NEW YORK, <i>vs.</i> JULIA M. HUNT, EPHRAIM HUNT, <i>and others.</i>	}
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1866—Nov. 19. Judgment of foreclosure and sale entered.

DOUGLAS CAMPBELL, <i>Referee,</i> <i>to</i> THE UNION NATIONAL BANK IN THE CITY OF NEW YORK.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 20th Oct., 1871. Ack. 20th Oct., 1871. Rec. 20th Oct., 1871 1180 Conveyances, 651. Consideration, \$2,000.
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CONVEYS all the undivided estate, right, title and interest which Jacob H. Mott and Julia M. Hunt, then Julia M. Mott, or Ellen W. Soule had on the 16th day of February, 1859, the day of the date of the mortgage mentioned in said judgment, or which they should thereafter have, of, in and to all the tract in question, excepting certain lots.

The case of the Union National Bank *vs.* Jacob Kupper, reported in 63 New York, 617, involved the question of the validity of the title vested in the Bank by the preceding deeds. The lot in question in that action was in the third part assigned to Ann Striker, and under the partition last mentioned, set off to

Garrit S. Mott as devisee of Winifred Mott. The court held that as to that part of the farm, Jacob H. Mott had no interest, contingent or vested, when he executed the mortgage, as, upon the death of Ann Striker, the latter's brother and sister took an estate in fee simple in her third. But the Court refused to pass upon the question as to whether Jacob H. Mott, who died before his mother Winifred Mott, had such an interest in the portion of the farm set apart to her as would pass any title to the Bank under said referee's deed. The case of *Smith vs. Scholtz*, reported in 68 New York, 41, holds, at page 61, that the estate in the children of Winifred Mott, was a vested remainder, and at the same time there is a dictum to the effect that such remainder would be divested as to any of her issue who may have died before her.

Pending the above conveyances of the title derived from the assignee in bankruptcy, the following Sheriff's sales and conveyances had been made of interest of Jordan Mott.

On 3d March, 1856, a judgment for \$403.94 was recovered against Jacob H. Mott and Jordan Mott by William Snediker in the Superior Court. An execution was issued thereunder on 6th November, 1863, by virtue whereof the Sheriff sold to Theodore Martine all the interest of Jordan Mott at the time of judgment in the whole tract in question for \$750.

DEED.

JAMES LYNCH, <i>Sheriff, &c.</i> , <i>to</i> WILLIAM A. SCHOMP.	}	Dated 30th March, 1865. Ack. 10th May, 1865. Rec. 29th May, 1865. 928 Conveyances, 473. Consideration, \$11,431.
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RECITES above judgment and sale by execution that the premises so sold were redeemed from the sale by other judg-

ment creditors as follows: First by William A. Schomp, then by Thomas G. Shearman, then by John B. Stratton, then again by Thomas G. Shearman, then by Lazarus Minster, then again by William A. Schomp, then by William Patrick, receiver, etc., and finally again by William A. Schomp, as assignee of a judgment against Jordan and Jacob H. Mott, recovered in Supreme Court by William C. Arthur, *et al.*, on 24th November, 1860.

CONVEYS all the right, title and interest which Jordan Mott had on 3d March, 1856, or at any time afterwards of, in and to the whole tract in question.

Certificates of the various redemptions recited in preceding deed will be found recorded in Liber 928 Conveyances, pages 436 to 473, and were filed in the County Clerk's office on 16 June, 1865. The certificate of sale was also filed there on 31 December, 1863.

DEED.

WILLIAM A. SCHOMP <i>to</i> JORDAN MOTT.	}	Dated 12th Jan., 1870. Ack. 12th Jan., 1870. Rec. 27th Jan., 1870. 1140 Conveyances, 54. Consideration, \$1.
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RELEASES all interest in said tract.

On 12 March, 1864, two certificates of sale were filed in the County Clerk's office, one certifying to sale to Theodore Martine of all interest of Jordan Mott, on 6 October, 1855, in the portion of the tract in question lying East of the Bloomingdale Road; and the other certifying to sale to Amos M. Sackett of all interest of Jordan Mott, on 6 October, 1855, in portion of tract in question lying West of the Bloomingdale Road. Both sales were made under a judgment recovered against Jordan and Jacob H. Mott by August Sackett, in Supreme Court, on 6th October, 1855. Amos M. Sackett assigned the certificate of sale to Elisha B. Sackett, by assignment dated 20 Feb-

ruary, 1865, and recorded in 935 Conveyances, 366. He assigned the same to Thomas G. Shearman, by assignment dated 25 March, 1865, and recorded in 935 Conveyances, 366. He assigned the same to Jordan Mott by assignment dated 29th May, 1865, and recorded in 935 Conveyances, 367.

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PORTION SET APART TO WILSON, TRUSTEE.

Garrit H. Striker died on 15 April, 1868, leaving him surviving two children, James Alexander Striker and Ambrose Kingsland Striker, and two grandchildren, Ellsworth L. Striker and Joseph M. L. Striker, children of George Henry Striker, a deceased son. These were his only descendants living at his death, and his only heirs-at-law.

The interest of the said George Henry Striker in the tract in question had been sold by virtue of an execution issued under a judgment against him and conveyed to Julia Ann H. Sackett, by deeds recorded in Liber 946 Conveyances, pages 41 and 45. The certificates of sale were filed in County Clerk's office on 19 March, 1864. She conveyed the interest thus conveyed to her to Ellen W. Soule, by deed dated 17 September, 1866, and recorded Liber 996 Conveyances, page 61. She in turn conveyed to Peter D. Sturges, by deed dated 18 October, 1866, and recorded in Liber 987 Conveyances, page 321.

N. Y. SUPREME COURT.

JAMES ALEXANDER STRIKER,
and AMBROSE KINGSLAND
STRIKER

agst.

ELSWORTH L. STRIKER, JOSEPH
M. L. STRIKER and LETITIA
M. STRIKER.

1868—Sept. 9. Summons dated.

- 1868—Nov. 5. Complaint filed for a partition of the lots set apart to James B. Wilson, Trustee in the preceding suit, which lots, it is stated, were the only real estate in this State which was owned in common by parties hereto.
- Sept. 14. Elsworth L. Striker and Joseph M. L. Striker served with summons.
- Sept. 28. Nathaniel Jarvis, Jun., appointed guardian *ad litem* for Elsworth L. Striker, an infant under 14, on petition of said Jarvis, who was also general guardian. Bond in penalty of \$500.
- Sept. 28. Nathaniel Jarvis, Jun., appointed guardian *ad litem* for Joseph M. L. Striker, an infant under 14, on like petition, and like bond directed.
- Nov. 5. Said infants answer.
- 1869—Feb. 2. Letitia M. Striker answers, admitting allegations stated in complaint.
- Feb. 3. Findings of fact and law signed by Judge Sutherland. Finds, besides the facts hereinbefore stated, that Garrit H. Striker, for counsel fees, had conveyed lots 441 to 444 to Lewis H. Sandford, lots 487 to 498 to Charles O'Connor, lots 507 and 511 to Marshall S. Bidwell, and that these conveyances were made for the benefit of the parties hereto.
- Feb. 23. Interlocutory judgment for partition. James Maurice, John R. Brady and James T. Moulton appointed Commissioners of partition.
- 1870—March 19. Report of Commissioners filed.

1870—March 19. Final judgment entered; directs that 8-12 of the expenses of the suit be paid by plaintiffs, and that Elsworth L. Striker and Joseph M. L. Striker each pay 2-12 thereof, and that such amounts shall be a lien on their respective lots.

The Commissioners allotted to plaintiffs, as joint tenants, the eighteen lots above specified as conveyed for counsel fees, so that said plaintiffs could release and convey the same to said grantees, and then allotted to James Alexander Striker and Ambrose Kingsland Striker, to be held by them in common, lots designated on map filed in Case 660, New York Register's office, as lots number 38 to 75, 221 to 229, 279, 280, 264, 424 to 430, 508 to 510, 512 to 518, 541 to 546, 555 to 560, 583 to 594, 603 to 614, 877 to 901, 872 to 876, 902 to 949, 1020 to 1027. They set apart to Elsworth L. Striker lots on said map numbered 535 to 537, 564 to 566, 675 to 678, 763 to 765, 772 to 777, 781 to 784, 827 to 829, 788 to 793, 818 to 823, 800 to 802, 809 to 811, 852 to 854, 854 A.

They set apart to Joseph M. L. Striker lots on said map numbered 538 to 540, 561 to 563, 671 to 674, 760 to 762, 766 to 771, 778 to 780, 785 to 787, 824 to 826, 794 to 799, 812 to 817, 803 to 808, 847 to 851.

They direct that for equality of partition the plaintiffs shall pay \$4,361.03 as follows: \$2,921.21 thereof to Elsworth L. Striker, and \$1,439.82 thereof to Joseph M. L. Striker.

THE COSINE FARM.

The farm in question is included in the following patents :

SIR RICHARD NICOLLS, <i>Governor, &c.,</i> <i>to</i> THOMAS HALL, JAN VIGNE, EGBERT WOUTERS <i>and</i> JA- COB LEANDERS.	}	PATENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 3d Sept., 1667. Rec. in Sec'y of State's Office, at Albany, 2 Patents, 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

The above patent appears to have been revoked and the following one given in its place.

SIR RICHARD NICOLLS, <i>Governor etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOMAS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.
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“Whereas there is a certain tract or parcel of land upon this Island Manhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

It would appear from the following deed that Isaac Bedlow, died seised of an undivided fifth of said patented premises.

THOMAS HOWARDEN <i>and</i> CATH- ARINE, <i>his wife (one of the</i> <i>daughters of Isaac Bedlow),</i> JOSEPH SMITH <i>and</i> MARY, <i>his</i> <i>wife (another of said daughters)</i> <i>and</i> CLAES BURGHER, <i>who</i> <i>married SARAH, now deceased,</i> <i>another of said daughters,</i> <i>to</i> JACOBUS VAN CORTLANDT.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 15th July, 1698. Ack. 29th Oct., 1698. Proved 21st Nov., 1701. Rec. 21st Nov., 1701. 23 Conveyances, 342.
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CONVEYS all that one full equal fifth parte of all that certaine tract or parcell of land, with the hereditaments and appurten

ances thereunto belonging, situate upon the Island Manhattans, in the City and county of New York, lying and being to the Northward of the Great Creeke or Kill, stretching in length from the said Creeke along Hudsons River, eight hundred rodts and extending from the said river in breadth into the woods, two hundred and fifty rods.

DEED.

ISAAC BEDLOW, <i>Grandson and heir-at-law to</i> ISAAC BEDLOW, <i>to</i> JACOBUS VAN CORTLANDT.	}	Dated 2d April, 1728. Ack. 6th April, 1728. Rec. 1st March, 1758. 34 Conveyances, 467. Consideration, 5s.
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CONVEYS all interest in said fifth part of said patented premises.

This patent appears to have been divided among the patentees and their assigns, so that Jacobus Van Cortlandt became seised in severalty of the tract in question. In a description in a deed of property adjoining on the North, recorded in 31 Conveyances, 271, he is described as the owner of this tract. The following is the next deed of record affecting the same :

DEED.

CORNELIUS COUSINE, Senior, <i>and</i> DEBORAH, <i>his wife,</i> <i>to</i> CORNELIUS COUSINE, Junior, <i>and</i> BALM JOHNSON COUSINE.	}	Dated 23d April, 1759. Proved 9th Dec., 1761. Rec. 10th Dec., 1761. 36 Conveyances, 46. Consideration, £1,000.
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CONVEYS all that certain tract of land, situate, lying and being on Manhattans Island, bounded on the South by the land of John Hopper, and on the North by the land of James Delancey, Esq., our present Lieutenant-Governor of the Colony of New

York, and on the West by the North or Hudsons River, and on the East along or adjoining on the commons, by estimation, sixty rods, be it more or less, and in length two hundred and fifty rod, more or less, English measure.

The above deed was set aside by decree in suit of Jacob Har- sen *et al.*, v. Catharine Cosine *et al.*, which was entered at Albany on 16th October, 1807. See post page 337.

Cornelius Cosine, the elder, died on 4 January, 1765.

<p style="text-align: center;"><i>Last Will and Testament</i> of CORNELIUS COSINE.</p>	}	<p>Dated 14th Dec., 1762. Proved 8th April, 1765. 25 Wills, 45.</p>
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“I also give and bequeath to my said son Garrett and his lawful heirs forever, one fifth part of my farm at Blooming Dale, which said fifth part joins on Han’s Hopper, thence running down, joins on the North River. * * * I also give and bequeath to my said son Cornelius and to his lawful heirs forever, one fifth part of my farm at Blooming Dale, which said fifth part joins on Delancey; thence running down, joining on the North River. Item, I give and bequeath to my son Balm Johnson Cosine and his lawful heirs forever, one fifth part of my farm at Blooming Dale, which said fifth part on the South- west joins on his brother Garrett, and running down joins on the North River. Item, I give and bequeath unto my daughter Margaret (intermarried with Nicholas Fletcher), and to her heirs forever, one fifth part of my farm at Blooming Dale, joining on the main road thence running down to the North River, which said fifth part joins to her brother Balm Johnson. Memd. That part of the said farm over the road which joins to the

Commons is excepted. Item, I give and bequeath unto my daughter Sarah (intermarried with William Swanser), and to her heirs forever, one fifth part of my farm at Blooming Dale, which said fifth part joins upon the Main road, and running down joins on the North River, which said fifth part joins to the land of her sister Margaret. Md. That part of the said farm over the road which joins to the Commons is excepted. Item, I give and bequeath unto my three sons (viz.), Garrett, Cornelius and Balm Johnson, and to their heirs forever, all that part of my farm at Blooming Dale, which joins on the road and Commons, which said part is excepted as above from my daughters Margaret and Sarah, and which said land is to be equally divided between my three sons aforesaid. Item, all the rest, residue and remaining part of my estate in New York, whatsoever and wheresoever (after the above legacies are paid and satisfied), I will and desire shall go to and among my five children and to their lawful heirs. * * * Item, I further will and declare that if any of my children die without lawful issue, what I have hereby bequeathed to them shall be equally divided among my children then living * * * Provided, nevertheless, it is my will, that if any of my children above-named think their fifth part of the land that I have bequeathed to them at Blooming Dale be too small for a farm, I further will and direct that my said children shall have full power to sell, convey and assign to each other, their respective fifth part or parts of said land, and the money which said fifth part or parts of land sells for, is to be layd out by my executors in a purchase of a free estate in houses or lands for them and their heirs forever, anything in this my last will and testament to the contrary notwithstanding.

Cornelius Cosine the first, at his death, left him surviving his widow, Deborah, who died prior to April, 1775, and the following children, his only heirs at law :

1. Garret Cozine.
2. Cornelius Cozine, the second.
3. Balm Johnson Cosine.
4. Margaret, wife of Nicholas Fletcher.
5. Sarah, wife of William Swansen.

Margaret, wife of Nicholas Fletcher, died prior to the year 1774, intestate, and leaving her surviving her husband and one child, Lettice, or Letitia, who married Peter Hegeman, on 2d May, 1781.

Sarah, wife of William Swansen, died prior to the year 1801, intestate, and leaving her surviving one child, Sarah, who married John Stake.

SHARE OF GARRET COSINE.

Garret Cosine died in 1772.

Last Will and Testament
of
GARRET COSINE.

}

Dated 16th Feb., 1759.
Proved 22d Oct., 1773.
28 Wills, 519, also in 32
Wills, 148.

“First, after all my just debts be paid and discharged, I give and bequeath to my loving wife, Jane Cozine, all my real and personal estate, as long as she remains a widow. But if she maryes, only the one third as long as she lives. Secondly, I bequeath to my son Cornelus Cozine, all my apparel and five pound more than the third part of my estate. Thirdly, I bequeath to my daughter Cathern the one third, and to my

daughter Hannah one hundred pound more than the third of my estate to be paid by Cornelus Cozine and Cathren Cozine."

The widow of Garret Cozine died shortly after her husband without having again married. Cornelius Cozine, the third, died in or about the year 1779, intestate, unmarried, and without issue.

Hannah Cosine died about 1788, intestate, unmarried and without issue.

Thus Garret Cozine's whole interest in farm in question became vested in "Cathern" Cozine. She intermarried with Jacob Harsen, on 20th January, 1773.

DEED.

JACOB HARSEN <i>and</i> CATHARINE, <i>his wife,</i> <i>to</i> GABRIEL FURMAN.	}	Dated 28th May, 1790. Ack. 29th May, 1790. Rec. 24th Aug., 1790. 46 Conveyances, 239. Consideration, 5s.
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RECITES will of Cornelius Cozine and Garret Cozine, and that Catherine Harsen is the only surviving child of the said Garret Cozine.

CONVEYS, with much other property, also all that one undivided part of all that House, Farm and lands, situate, lying and being in Bloomingdale, in the County and State of New York aforesaid, late in the possession of Garret, Cornelius and Balaam Johnson Cozine, but now of Catherine, the widow of the said Balaam Johnson Cozine, Jacob Harsen, John Stake and Peter Hegerman.

The omission of the word "freely" in the certificate of Mrs. Harsen's acknowledgment, was long afterwards made the ground of an attack on the title by the heirs of Mrs. Harsen.

It was held by the Chancellor that the certificate was a sufficient compliance with the statute. See *Merriam vs. Harsen*; 2 Barb., Ch., Rep. 232. This decision was afterwards affirmed by the Court of Appeals, but the case is not reported.

GABRIEL FURMAN <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JACOB HARSEN.	}	<hr style="width: 50px; margin: 0 auto;"/> Dated 29th May, 1790. Ack. 29th May, 1790. Rec. 26th Aug., 1790. 46 Conveyances, 246. Consideration, 10s.
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Contains same recitals and conveys same premises.

SHARE OF CORNELIUS COSINE, THE SECOND.

He died on 7th April, 1774, without issue, never having married. By the terms of his father's will it was provided that if any of testator's children die without lawful issue, that what was thereby bequeathed to them should be equally divided among testator's children then living. Notwithstanding this devise over, Cornelius Cosine, the second, attempted to dispose of his share in his father's estate by the following will. In the suit of *Harsen vs. Cosine*, hereinafter set forth, page 337, this will was held inoperative, and the devise over in his father's will sustained.

<i>Last Will and Testament</i> <i>of</i> CORNELIUS COSINE, <i>the Second.</i>	}	Dated 18th March, 1774. Proved 4th April, 1775. 29 Wills, 474.
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Item, I give and bequeath unto my loving mother Deborah Cosine, all the mean profits of my real estate, during her natural

life. Item, I give and bequeath unto my brother Balm Johnson Cosine, all my wearing apparel, together with the rest of my personal estate. Item, I give, bequeath and devise unto my said brother Balm Johnson Cosine's seven children (to wit, Sarah, John, Hannah, Deborah, Nicholas, Cornelius and Catharine), and to their heirs and assigns forever, all the remainder rest and residue of my estate both real and personal either in possession, or reversion, to be equally divided between them, share and share alike, by even and equal portions as tenants in common, and not as joynt tenants. Nevertheless, it is my further will, and I do order and direct, that if it shall so happen that any or either of them should die under the age of twenty-one years, and without lawful issue, then I give his, her, or their respective dividend and share aforesaid of my estate equally to the survivor or survivors of them, their heirs and assigns by even and equal portions as tenants in common, and not as joynt tenants.

SHARE OF BALM JOHNSON COSINE.

He died on 17th January, 1783.

<p><i>Last Will and Testament</i> <i>of</i> BALM JOHNSON COSINE.</p>
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}	Dated 30th Dec., 1782.
	Proved 20th Jan., 1783.
	35 Wills, 179.

Item, I do give and bequeath unto my loving wife Cornelia all the mean profits of my estate, both real and personal, during her widowhood, in full barr and discharge of her right, title of dower of, in, or to my estate, or any part or parcel thereof.

Item, I do give bequeath and devise, after the intermarriage or decease of my said wife Cornelia, unto my loving son John, all my right and title belonging unto me of all that certain tract of land whereon my barn stands on the opposite side of my dwellinghouse, and land lying and being in the outward of the City of New York, Bloomingdale Road, the land fronting said road, and the rear, the North River, to hold the same unto my said son John, his heirs or assigns forever, on condition hereafter mentioned. Item, I do give, bequeath and devise unto my loving son Cornelius, all my right and title belonging to me of all that certain tract of land whereon my dwellinghouse now stands, lying and being in the outward of the City of New York, Bloomingdale Road, the land fronting the road and the rear the commons, to hold the same unto my said son Cornelius, his heirs or assigns forever, on condition hereafter mentioned. Item, I do give, bequeath and devise unto my eight loving children (to wit), John, Cornelius, Sarah, Hannah, Deborah, Catharine, Rachel and Jane, all the remainder, rest and residue of my estate, real and personal, in the City of New York or elsewhere, in possession, remainder or reversion, to be equally divided share and share alike, as joint tenants and not tenants in common. Item, it is my will and order, and do direct, that if it so should happen that any or either of my said children should die under full age or marriage without lawful issue, then I give him, her or their respective dividend or share aforesaid of my said estate equally to be divided to the survivor or survivors of all my children, their heirs or assigns, by even and equal portions as joint tenants, and not tenants in common. Item, I further order, will and direct, that my son John, and Cornelius above mentioned, that each of them must pay the sum of three hundred pounds, New York money, apiece, for the land above given to them, which money shall be divided amongst my six children (to wit), Sarah, Hannah, Deborah, Catharina, Rachel and Jane, to them or their heirs or assigns.

Cornelius Cozine (the fourth), mentioned in above will died within a few years after his father, intestate, unmarried and without issue.

Hannah Cosine died prior to year 1801, intestate, unmarried, and without issue.

Sarah Cosine afterwards intermarried with John Hopper.

Deborah Cosine, afterwards intermarried with James Bertine.

Jane Cosine afterwards intermarried with Isaac Ackerman.

In 1801 a bill in chancery was filed by Jacob Harsen and Catharine, his wife, only daughter and heiress of Garret Cosine, in, deceased; Peter Hageman and Lettice, his wife, only daughter and heiress at-law of Margaret Fletcher, formerly Margaret Cosine, deceased; Sarah Stake (late the wife of John Stake, now deceased), only daughter and heiress-at-law of Sarah Swanson, formerly Sarah Cozine, deceased, and Nicholas Fletcher Hageman, Sinthia Hageman, Margaret Hageman, Jane Frances Hageman, Lettice Hageman, Martha Hageman, children of the above-named Peter Hageman, by the said Peter Hageman, their next friend, *against* Catharine Cosine, widow; John Hopper and Sarah, his wife; John Cosine, James Bertine and Deborah, his wife; Catharine Cosine, the younger; Rachel Cosine and Jane Cosine (which said Catharine Cosine, widow; Sarah Hopper, John Cosine, Deborah Bertine, Catharine Cosine, the younger; Rachel Cosine and Jane Cosine are the widow and children of Balm Johnson Cozine) to obtain a construction of the will of Cornelius Cosine, the first, and to set aside the deed from him conveying the tract in question to his sons Cornelius and Balm Johnson Cozine, recorded in Liber 36 Conveyances, 46, and hereinbefore set forth ante page 329.

The bill in this suit set forth that this deed was obtained without consideration, and that afterwards the grantees having been lodged in jail for debt, entered into a written agreement

with their father to surrender said deed if he would procure their release, by discharging said debt. That their father thereupon paid said debt, and the deed was delivered up to him to be cancelled. That upon their father's death Balm Johnson got possession of said deed. The bill also claimed that the devise by Cornelius the second, of his interest in said farm was invalid, as by his death without issue, according to the terms of his father's will, his interest in said farm passed to his surviving brothers and sisters.

On 16 October, 1807, a decree was entered in said suit, which is on file at Albany. This is recorded at length in Volume 8, Chancery Minutes, page 103. This decree establishes the will of Cornelius Cosine, the elder, and adjudged that the farm in question, on his death, became vested in his five children in fee, but under the limitation over, in case of any dying without issue, in which event it was further adjudged therein that such share vested in the "others of them and their legal representatives, each of the said surviving children or their representatives to have an equal portion thereof," and that Jacob Harsen, Lettice Hageman, and Sarah Stake are each seised of one fourth of the land devised to Cornelius Cosine the second, by his father's will, and that the children of Balm Johnson Cosine were seised of the remaining fourth part thereof. The decree then directs a partition of said farm.

The defendants gave notice of appeal, but the suit was compromised, and the parties agreed upon a division of the farm, by which division the portion of the farm lying west of the Bloomingdale Road, was divided into four lots. Lot number one, which was the Southerly lot, was set apart to Cornelius Harsen, lot number two, which adjoined Lot one on the North, was set apart to John Cosine; lot number three, which adjoined lot two on the North, was set apart to Lettice Hageman; and lot number four, the Northerly lot, was set apart to Sarah Stake. The portion east of the Bloomingdale Road was divided into

two lots. The Southerly lot, containing ten acres, was set apart to Jacob Harsen ; and the northerly lot, containing thirty acres, was set apart to the children of Balm Johnson Cosine. All the parties who could take any interest in the farm of Cornelius Cosine joined in a release to each of said parties of the lot thus set apart to him or her. The releases will be hereinafter given, in considering the title to each lot.

In Liber 82 Conveyances, 229, is recorded a release, executed by all the parties to the above-mentioned suit, of all claims for rents and profits of any portion of said farm. It recites that said suit had been commenced but had been compromised, and that the parties had agreed upon a division of the farm.

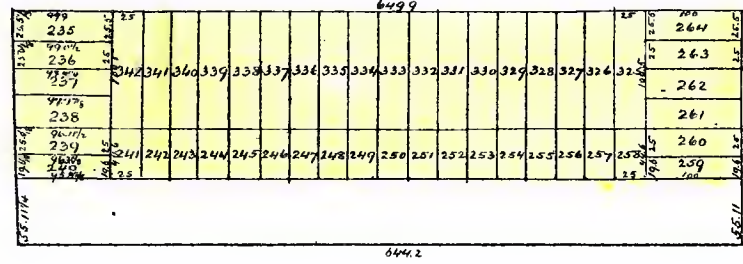
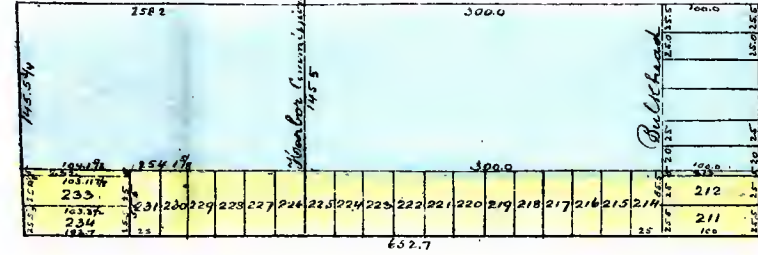
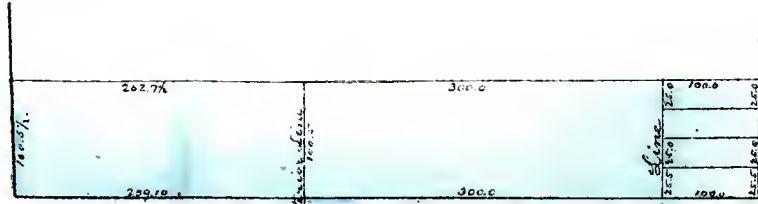
We will first trace title to the portion of the farm lying on West side of Bloomingdale Road, taking up the lots in numerical order.

Permanent Extension

AVE.

13th

OLD

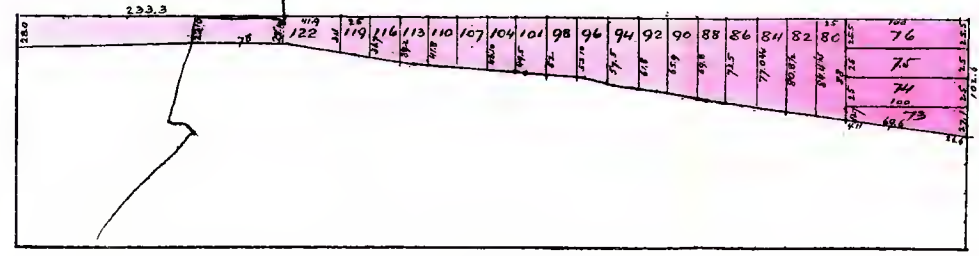
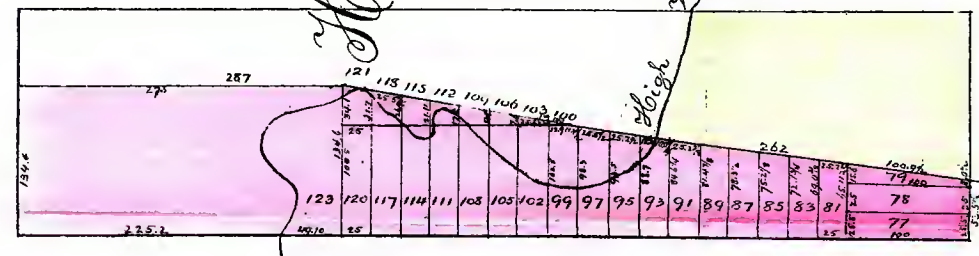
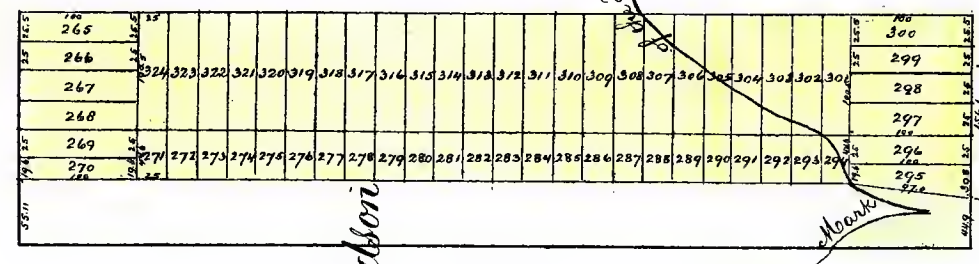
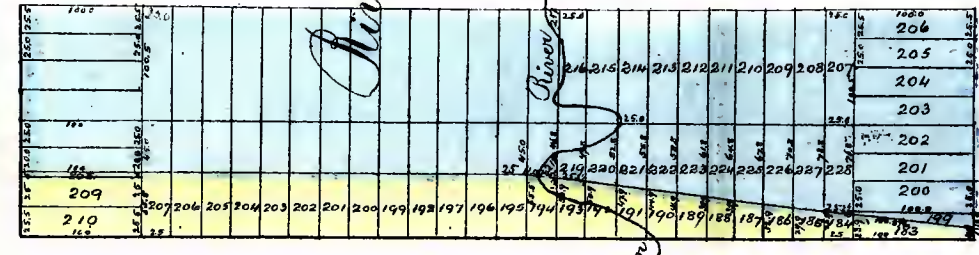
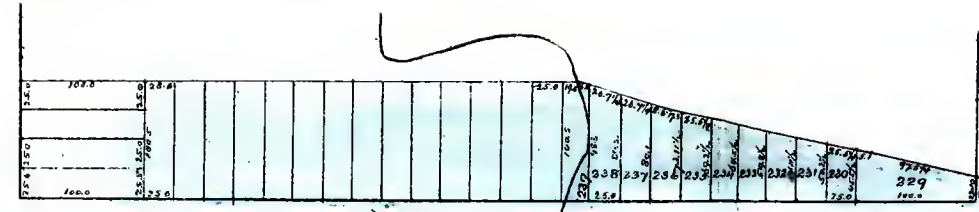


MAP
OF
THE COSINE FARM
LYING
WEST OF 10th AVENUE.

The strip colored Red represents lot 1 set apart to J. H. Harsen
 " " " Green " " 2 " " John Cosine
 " " " Yellow " " 3 " " Letitia Keegman
 " " " Blue " " 4 " " Sarah Stalk

AVE.

12th



58th ST.

57th ST.

56th ST.

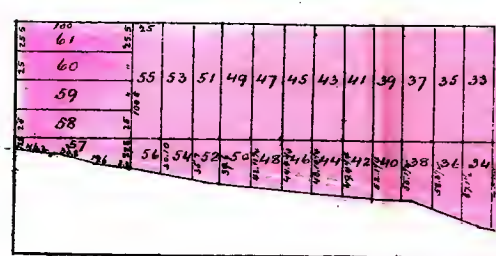
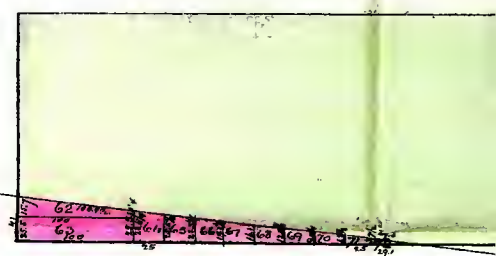
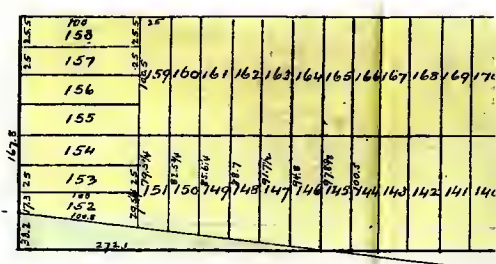
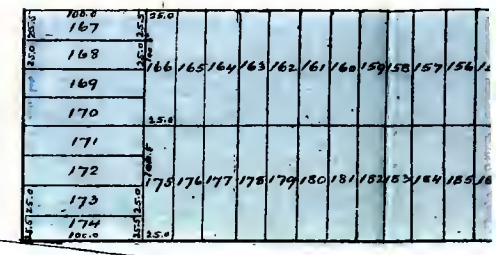
55th ST.

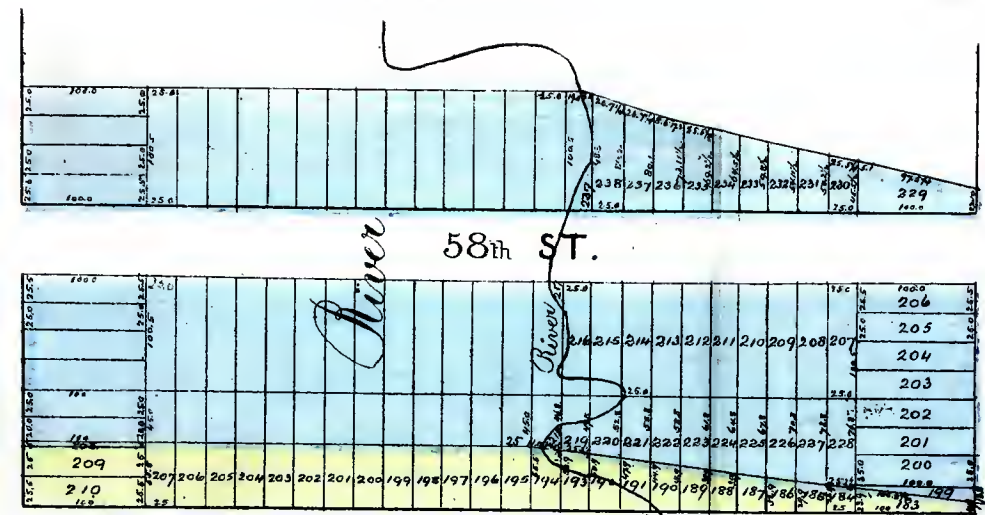
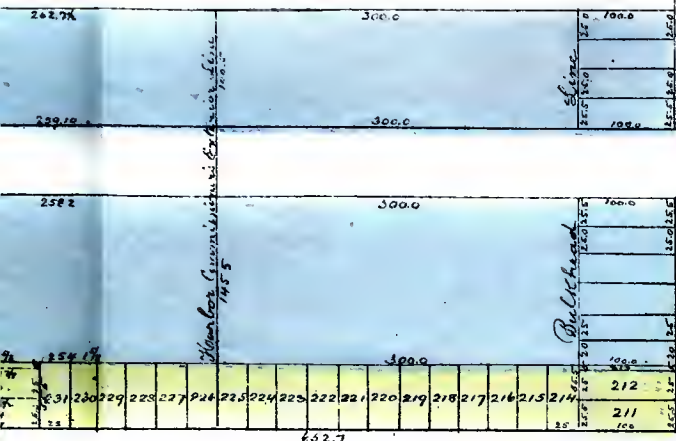
54th ST.

AVE.

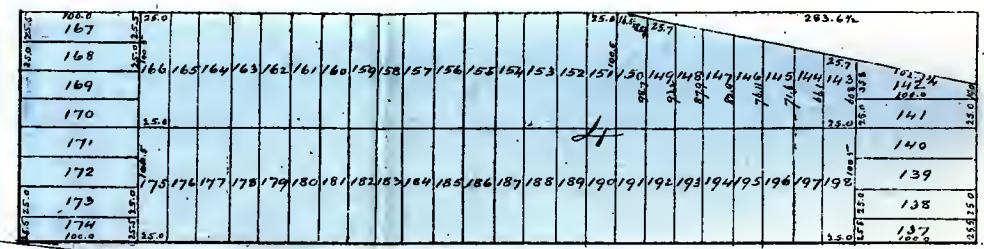
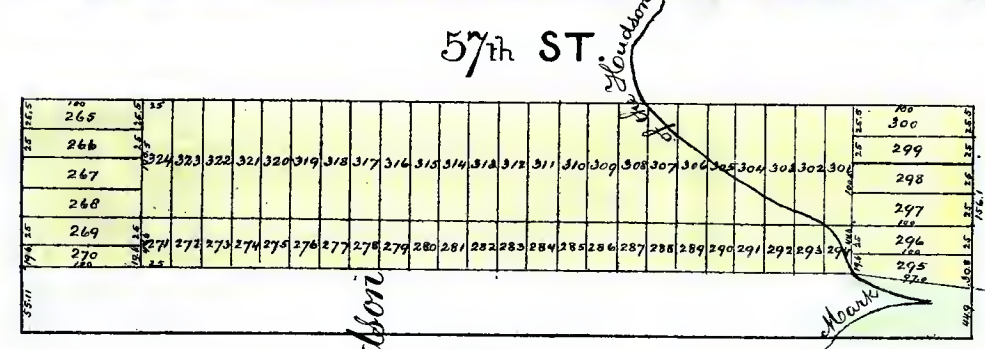
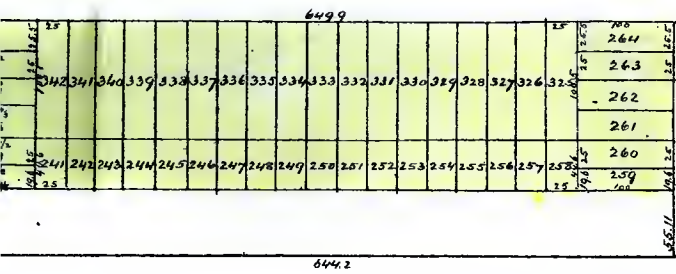
11th

Copied from maps 197 & 671 N. Y.
attached to suit of Harsen v. Rhoads





Copied from Maps 197 & 671 N.Y. Register's office and Maps attached to suit of *Hansen vs. Rhoades* in N.Y. Common Pleas.

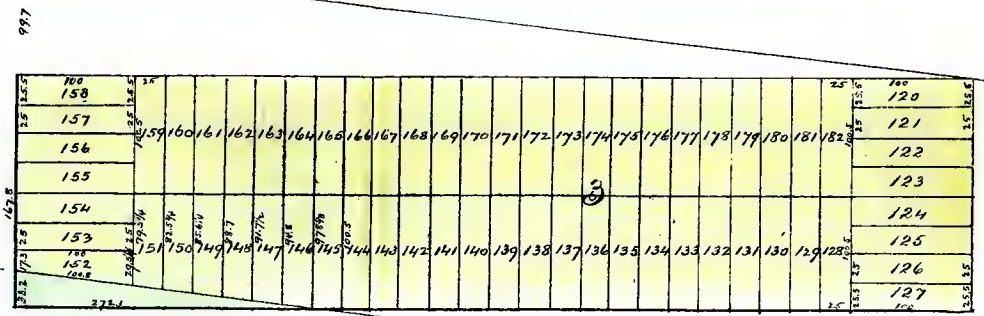
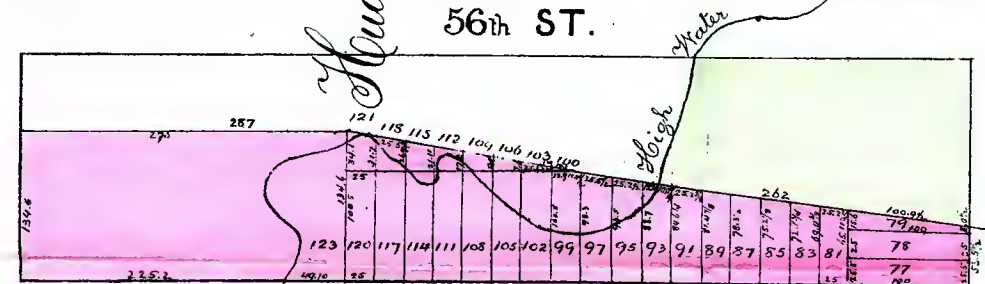


AVE.

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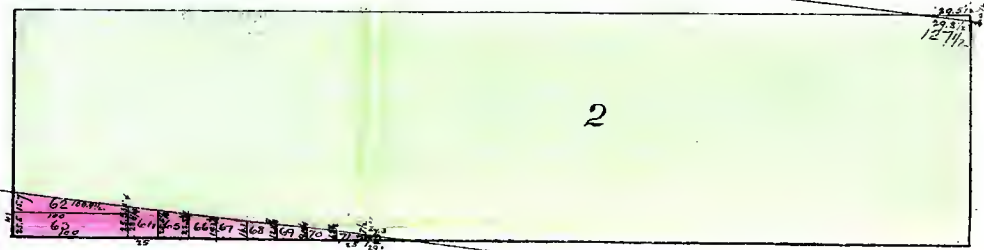
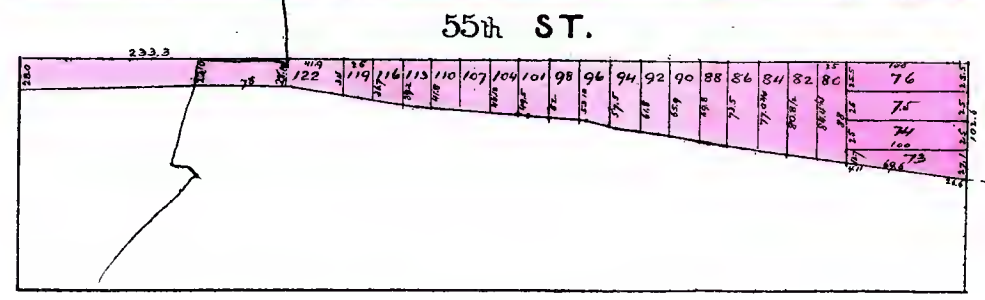
MAP
OF
THE COSINE FARM
LYING
WEST OF 10th AVENUE.



12th

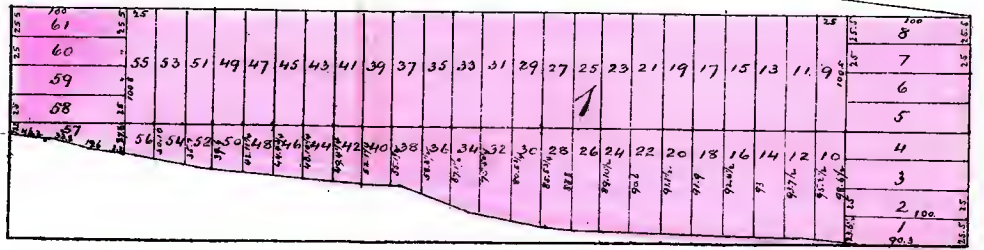
11th

10th



The strip colored Red represents lot 1 set apart by *Jacob Hansen*
 " " Green " " 2 " " *John Cosine*
 " " Yellow " " 3 " " *Letha Hegeman*
 " " Blue " " 4 " " *Sarah Stahl*

54th ST.



THE COSINE FARM
BETWEEN
TENTH AVENUE AND THE BLOOMINGDALE ROAD.

The Strip colored Red
" " " Green
" " " Yellow
" " " Blue

135	134	133	132	131	130	129	128	127	126	125	124	123	122	121	120	119	118	117	116	115	114	113	112	111	110	109	108	107
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57th

ST.

119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	102	101	100	99	98	97	96	95	94	93	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	76	75	74	73	72	71	70	69	68	67	66	65
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56th

ST.

31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65
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AVE.

AVE.

AVE.

65	64	63	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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55th

ST.

10th

9th

8th

2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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2

9	8	7	6	5	4	3	2	1
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54th

ST.

86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1

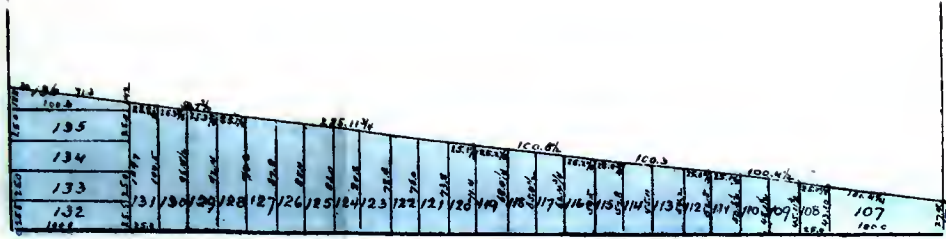
18	17	16	15	14	13	12	11	10
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53a

ST.

Copied from Maps Numbers 197, 554, 629 & 671 N.Y. Register's Office

and from Maps attached to suit of Hoverson in Rhodeles in New York known as New

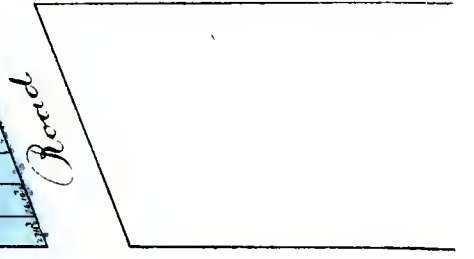
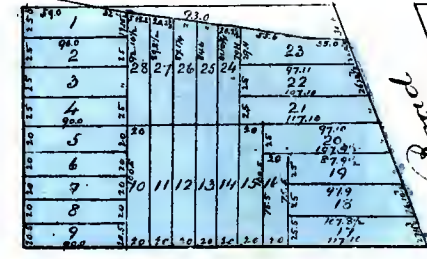
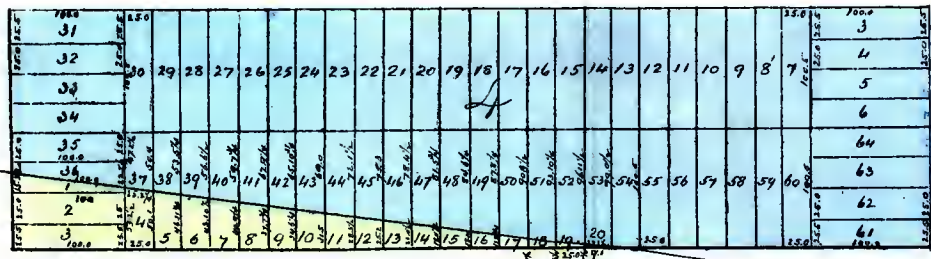
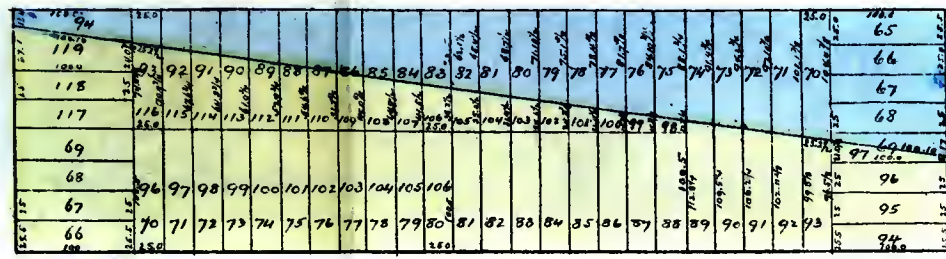


THE COSINE FARM
BETWEEN
TENTH AVENUE AND THE BLOOMINGDALE ROAD.

The strip colored Red represents lot 1 set apart to Jacob Harsen
 " " " Green " " 2 " " John Cosine
 " " " Yellow " " 3 " " Lotitia Hegeman
 " " " Blue " " 4 " " Sarah Stark

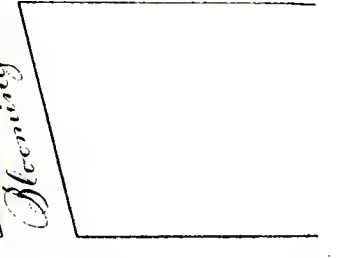
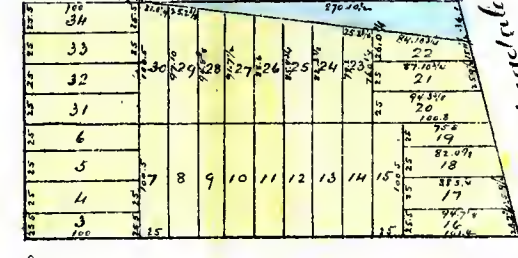
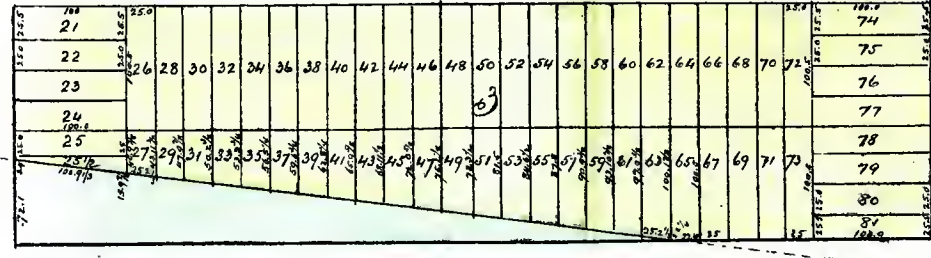
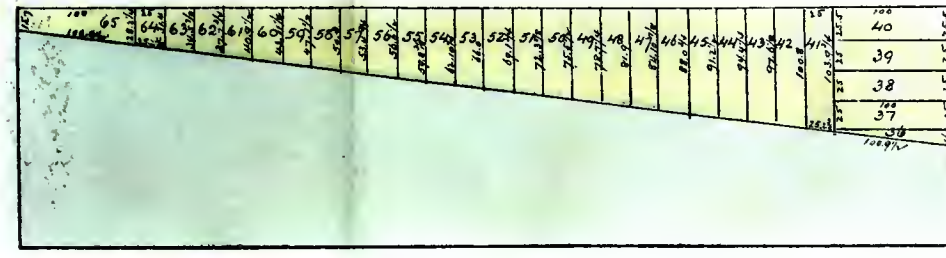
57th

ST.



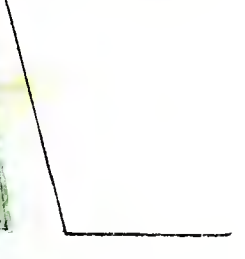
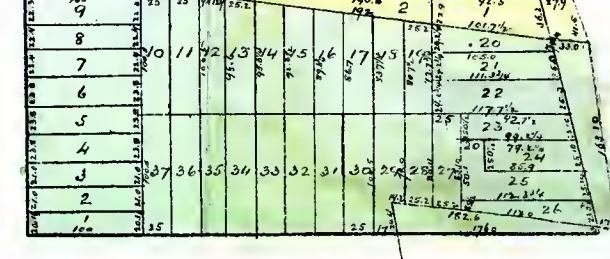
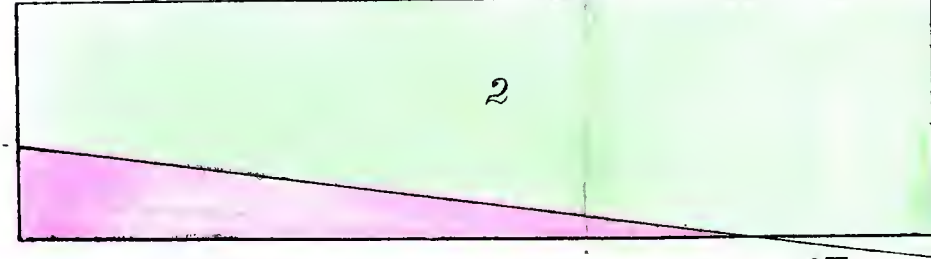
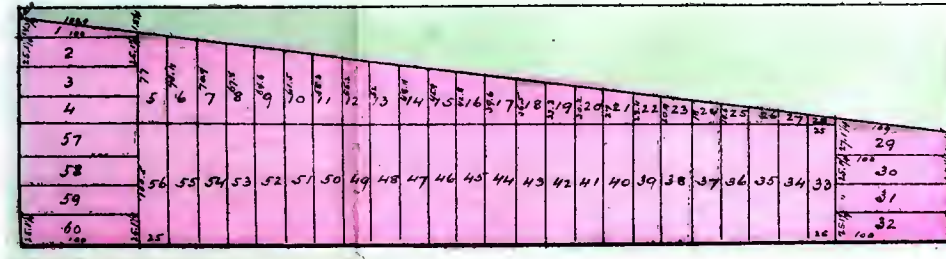
56th

ST.



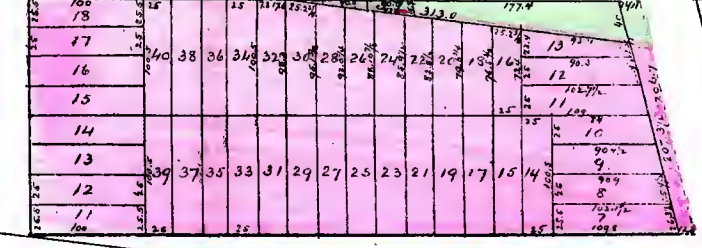
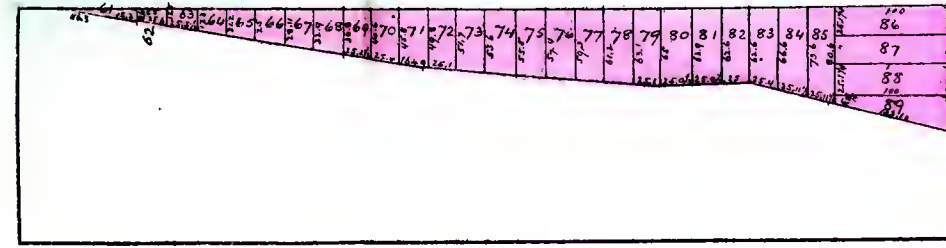
55th

ST.



54th

ST.



53a

ST.

Copied from Map Numbers 197, 554, 629 & 671, N. Y. Register's Office

and from Maps attached to suit of Harsen vs Rhoades in New York Common Pleas

THE COSINE FARM.

WEST OF THE BLOOMINGDALE ROAD.

LOT NUMBER ONE ON WEST SIDE OF BLOOMING-
DALE ROAD.

This, as just shown, was set apart to Jacob Harsen.

JOHN COSINE, PETER HAGE-
MAN *and* LETTICE, *his wife* ;
SARAH STAKE, CATHARINE
COSINE, JOHN HOPPER, *and*
SARAH, *his wife* ; JAMES BER-
TINE *and* DEBORAH, *his wife* ;
CATHARINE COSINE, *the*
Younger ; RACHEL COSINE
and JANE ACKERMAN,
to
JACOB HARSEN.

DEED.

Dated 9th Feb., 1809.
Ack. 9th Feb., 1809.
Rec. 6th March, 1809.
82 Conveyances, 232.
Consideration, \$1.

CONVEYS all the right, title and interest of the parties of the first part, of, in and to all and singular those two certain lots, pieces or parcels of land situate, lying and being in

the Ninth Ward of the City of New York aforesaid, being parcel of the farm formerly the property of Cornelius Cosine, the elder, late of the said city, deceased, and being respectively bounded as follows, that is to say: one of the said two lots, pieces, or parcels of land begins at a point on the West side of Bloomingdale Road where the said road is intersected by the line running along the North side of the farm or land of John Hopper, and runs from thence North twenty-four degrees and five minutes East along the West side of the said road two hundred and fifty-two feet nine inches; from thence North forty-eight degrees and forty minutes West three thousand six hundred and eight feet (be the same more or less) to the North or Hudsons River; from thence down and along the the said river (be the distance more or less) to the said farm or land of the said John Hopper, and from thence along the line of the said farm or land of the said John Hopper as the fence now stands, or as the true line may run, to the Bloomingdale road aforesaid at the place of beginning. Containing twenty acres, one rood and nineteen perches, be the same more or less.

Jacob Harsen died on 25 July, 1835.

Last Will and Testament
of
 JACOB HARSEN.

} Dated 26th March, 1835.
 } Proved 15th Sept., 1835.
 } 74 Wills, 215.

Item, I give, devise and bequeath unto my grandchildren Jacob Harsen, Cornelia Rachel Harsen, Magdalen Ritter Harsen, Catharine Harsen and Maria Elizabeth Harsen, respectively, each one equal undivided fifth part of all that certain lot, piece, or parcel of land situate at Bloomingdale, in the Twelfth Ward of the City of New York, and lying between the Bloomingdale road and the Eighth Avenue and the lands of the heirs of John Hopper, deceased, and the lands of the heirs of

John Cosine, deceased; and also that lot, piece or parcel of land, situate at Bloomingdale aforesaid, between the Eighth and the middle of the Ninth Avenues and the lands of the heirs John Hopper, deceased, and the lands of the heirs of John Cosine, deceased; also all that lot, piece or parcel of land, situate at Bloomingdale aforesaid, lying between the middle of the Tenth Avenue and the Hudson River and the lands of the heirs of John Hopper, deceased, and the lands of the heirs of the said John Cosine, deceased, to have and to hold the same unto them my said grandchildren, respectively, and their respective heirs and assigns forever. I also give, devise and bequeath one other full, equal, undivided seventh part of the aforesaid lots, pieces or parcels of land to my Executors, hereinafter mentioned, To have and to hold the same to them my said executors, and the survivors or survivor of them, for and during the natural life of my grandson John Peter Ritter Harsen, upon the trusts by me hereinafter mentioned and expressed of and concerning the same. And I do give, devise and bequeath the remaining one equal undivided seventh part of the aforesaid lots, pieces, or parcels of land unto my executors hereinafter named, To have and to hold the same to them, my said executors, and the survivors and survivor of them, for and during the joint natural lives of my granddaughter Joanna Ritter Harsen, wife of Abraham A. Prall and of her said husband, upon the trusts by me hereafter mentioned and expressed of and concerning the same. But I order and direct, and the aforesaid devise in this item of my will is made upon the express condition, that no sale or partition shall be made of the aforesaid lands, or any part thereof, until all my said grandchildren or the survivors of them shall have attained the age of twenty-one years. Item, in case of the decease of any of my said grandchildren before my decease, leaving lawful issue him, her or them surviving, I give, devise and bequeath the share or portion of the aforesaid lands so devised to such deceased grandchild, or to my said executors in

trust for him or her as before mentioned, unto the lawful issue of such deceased grandchild, To have and to hold the same unto such lawful issue, his, her or their heirs and assigns forever. And in default of leaving issue him, her or them surviving, I give, devise and bequeath the said share or portion of said lands so devised to such deceased grandchild, or to my Executors in trust for him or her as before mentioned, unto and amongst my surviving grandchildren, children of my said son Cornelius, To have and to hold the same unto them my said surviving grandchildren, their heirs and assigns forever.

Item, whereas I have hereinbefore given, devised and bequeathed unto my Executors hereinafter named, and the survivors and survivor of them, sundry lands and premises, to have and to hold the same unto them my said Executors, and the survivors and survivor of them, for and during the natural life of my granddaughter Joanna Ritter Harsen, wife of Abraham A. Prall, and of her said husband, upon the trusts to be by me made and expressed of and concerning the same. Now, therefore, I do hereby declare such trusts and the aforesaid devises and bequests are made to my said executors, and the several estates hereinbefore given to them are to be held by them upon the trusts following, that is to say: that my said Executors and the survivors and survivor of them, during such joint lives, rent the same at and for such rents as can be had or gotten therefor, and collect and receive such rents and pay the same from time to time as the same shall be received to my said granddaughter upon her own separate receipt or order, free from the debts, control or disposition of her said husband. And upon the decease of the said Abraham A. Prall, leaving her my said granddaughter them surviving, I give, devise and bequeath all and singular the lands and premises so as aforesaid devised to my said Executors during such joint lives as aforesaid, unto my said granddaughter, To have and to hold the same unto her my said granddaughter, her heirs and assigns forever, and in case of the de-

cease of my said granddaughter, leaving her said husband her surviving, then, upon her decease I give, devise and bequeath the said lands and premises to and amongst the children of my said granddaughter who shall be living at the time of her decease, and the descendants of such of them as shall have then deceased, such descendants, however, to have and to take the share and portion only to which his, her or their parent or parents would have been entitled if living. And I give, devise and bequeath the same to the said children of my said granddaughter and the descendants of such of them as shall have deceased, their heirs and assigns forever, in the proportion aforesaid.

Item, whereas, I have hereinbefore given, devised and bequeathed unto my executors hereinafter named, sundry pieces of land and premises, and also the sum of two thousand dollars, To have and to hold the same unto them, my said Executors and the survivors and survivor of them, during the natural life of my grandson, John Peter Ritter Harsen, upon the trust to be by me afterwards mentioned and expressed concerning the same, Now, therefore, I do hereby declare such trusts, and the said gifts, devises and bequests are made to my said Executors, and the several estates and the aforesaid sum of money are to be held by them upon the trusts following, that is to say: that my said executors let and lease the lands and premises so devised to them, at and for such rents as can be had and gotten therefor, and that they place the said sum of two thousand dollars at interest in some safe and secure manner in their discretion, and that they collect and receive all such rents and interest, and pay the same to my said grandson John Peter Ritter Harsen, for and during the term of his natural life. Upon the decease of my said grandson, John Peter Ritter Harsen, I give, devise and bequeath all and singular the lands and premises and sum of money so devised to my said Executors, during the life of my said grandson, unto and amongst the children of my said grand-

son who shall be living at the time of his decease, and the descendants of such of them as shall have then deceased, such descendants, however, to stand in the place of, and take only the share or portion to which his, her or their parent or parents would have been entitled if living. To have and to hold the same to the children of my said grandson, and the descendants of such of them as shall have deceased, his, her or their heirs and assigns forever, in the proportions aforesaid, and in default of any such children of my said grandson or the descendants of any deceased child or children of my said grandson, I give, devise and bequeath all and singular the said lands and premises and sum of money unto and amongst my surviving grandchildren, the children of my said son Cornelius. To have and to hold the same unto them my said surviving grandchildren, their heirs and assigns forever.

And lastly, I do hereby nominate, constitute and appoint my friends John A. Mildeberger, of the City of New York, Broker; and James Cockroft, of the same City, Physician, and my aforesaid grandson, Jacob Harsen, to be the Executors and Trustees of and under this my last will and testament.

Catherine Harsen, the wife of the testator, died before him, on 8th May, 1835.

Joanna Ritter Prall, wife of Abraham A. Prall, died on 8th December, 1838, leaving her surviving the following children:

1. Magdalen Ritter Prall.
2. Hannah Maria Prall.
3. Catherine Harsen Prall.
4. Joanna Henrietta Harsen Prall.
5. Eliza Ann Prall.
6. Cornelia Augusta Prall and
7. Cornelius Harsen Prall.

Cornelius Harsen Prall, above named, died in May, 1842, under age, intestate, and without issue.

John Peter Ritter Harsen died June 10, 1842, intestate and without issue, never having married, leaving him surviving his brothers and sisters (children of testator's son Cornelius) namely:

1. Jacob Harsen, M.D.
2. Cornelia Rachel Harsen, who had married Lyman Rhoades on 15th December, 1835.
3. Catharine Harsen, who had married Elijah Purdy on 24th September, 1840.
4. Magdalen Ritter Harsen, who had married William M. Halsted, Junior, on 21st April, 1841.
5. Maria Elizabeth Harsen, who married Jacob Halstead, on 21st March, 1848.
6. Children of his deceased sister Joanna Ritter, wife of Abraham A. Prall. He died in September, 1857.

DEED.

ABRAHAM A. PRALL <i>to</i> JACOB HARSEN, M.D.	}	Dated 20th May, 1846. Ack. 20th May, 1846. Rec. 5th Oct., 1849. 527 Conveyances, 321. Consideration, \$1.
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CONVEYS all the right, title and interest of the said party of the first part in the estates real or personal of Jacob Harsen, late of the City of New York, deceased, and all things appertaining thereto. "In trust, however, to receive and collect the same, and apply the income thereof to the use and benefit of my children by my late wife Joanna R., formerly Joanna R. Harsen, in manner following, that is to say: to apply the income thereof to the use and benefit of my said children equally during their minority."

DEED.

LYMAN RHOADES <i>to</i> JOSEPH RHOADES.	}	Dated 10th July, 1837. Ack. 10th July, 1837. Rec. 12th July, 1837. 377 Conveyances, 262. Consideration, \$500.
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CONVEYS all his right, title and interest to all lands or real estate lying in the City of New York, which was given to my wife, Cornelia Rachel, by her grandfather Jacob Harsen, by his will, dated March twenty-sixth, in the year of our Lord, one thousand, eight hundred and thirty-five.

DEED.

JOSEPH RHOADES <i>and</i> REBECCA, <i>his wife,</i> <i>to</i> ELIJAH RHOADES.	}	Dated 5th Oct., 1865. Not recorded, but set forth in Report on title in following suit.
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CONVEYS all interest conveyed to Joseph by the previous deed. In trust to receive the rents and profits, and apply the same to the use of the children of Lyman Rhoades by his present wife Cornelia R., during his life, and on his death to convey to them.

By order of the Supreme Court, entered at a Special Term thereof on 30th June, 1849, Jacob Harsen was appointed trustee in place of Elijah Rhoades, resigned.

Lyman Rhoades, the husband of Cornelia R. Rhoades, died on 27th November, 1849, in the lifetime of his wife.

N. Y. COMMON PLEAS.

JACOB HARSEN, *individually and
as Trustee,*

vs.

LYMAN RHOADES *and* COR-
NELIA RACHEL, *his wife*;
ELIJAH PURDY *and* CATH-
ARINE, *his wife*; WILLIAM M.
HALSTED, Junior, *and* MAG-
DALEN RITTER, *his wife*; JA-
COB HALSTED *and* MARIA
ELIZABETH, *his wife*; MAG-
DALEN RITTER PRALL, HAN-
NAH MARIA PRALL, CATH-
ARINE HARSEN PRALL, JO-
ANNA HENRIETTA HARSEN
PRALL, ELIZA ANN PRALL,
CORNELIA AUGUSTIA PRALL,
and ABRAHAM A. PRALL.

1848—Nov. 29. Petition for partition verified.

Nov. 30. Abraham A. Prall appointed Guardian, *ad
litem*, of Hannah Maria Prall, Catharine H.
Prall, Johanna H. H. Prall, Eliza A. Prall,
and Cornelia A. Prall, and puts in answer.

Lyman Rhoades and wife, Elijah Purdy
and wife, William M. Halstead, Jr., and
wife, Jacob Halsted and wife, and Mag-
dalen R. Prall, answer by Thomas C. P.
Buckley, their attorney.

Abraham A. Prall answers by Horatio P.
Prall, his attorney.

Order of reference to clerk on title.

1849—Sept. 24. Report on title.

1849—Sept. 27. John J. Serrell, William Beach Lawrence and John L. Buckley appointed Commissioners to make partition.

Sept. 28. Commissioners report partition cannot be made.

Sept. 28. Decree of sale entered.

Nov. 28. Commissioners' report of sale filed.

Nov. 28. Report of sale confirmed.

1859—April 15. Order entered on consent, staying all further sales and discharging the Commissioners.

The Commissioners sold all those portions of the lot in question which lay East of Eighth Avenue, and West of Tenth Avenue. The portion between Eighth and Ninth Avenues was included in what was then known as Bloomingdale Square. By the laws of 1857, Chapter 73, the said square was closed, and the portions of the premises in question included therein were sold and conveyed by the owners in or about 1859. The land included in the square had never been taken and paid for by the city. Previous to the time of sale, Magdalen R. Halstead and Magdalen R. Prall had both died leaving wills as follows :

William M. Halsted died 21st October, 1849, and his widow Magdalen R. Halstead died 8th November, 1851, without issue.

Last Will and Testament
of
MAGDALEN R. HALSTED.

} Dated 15th May, 1851.
} Proved 30th Dec. 1851.
} 103 Wills, 120.

After giving certain legacies the testatrix provides as follows :
“ Sixthly, all the rest, residue and remainder of my estate both real and personal, of whatever kind or description, and which I may possess, have any interest in or be entitled to at the time of

my decease, whether the same shall have been or shall hereafter be derived from the estate of my late grandfather, Jacob Harsen, deceased, from the estate of my late father, Cornelius Harsen; deceased, from the estate of my late mother, Johanna H. Harsen, deceased, or from the estate of my late husband, William H. Halsted, Jr., deceased, or otherwise, I give, devise and bequeath as follows: To my brother, Jacob Harsen, the one-fifth part thereof, to have and to hold the same to him, his heirs and assigns forever. To my sister, Cornelia Rachel Rhoades, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. To my said sister, Catharine Purdy, the wife of Elijah Purdy, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. To my sister, Maria Elizabeth Halsted, the wife of Jacob Halsted, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. And to my nieces, Magdaline R. Prall, Hannah Maria Prall, Catharine Harsen Prall, Johanna Henrietta Harsen Prall, Eliza Ann Prall, and Cornelia Augusta Prall, being the children of my late sister, Joanna R. Prall, deceased; the remaining one-fifth part thereof, to be equally divided between them, my said nieces, share and share alike, to have and to hold the same to them respectively, and their respective heirs and assigns forever. For the purpose of providing for the final settlement of my estate and the distribution thereof among the devisees and legatees as above mentioned. I hereby fully authorize, empower and direct my executor hereinafter named to sell and dispose of either at private sale or public auction, all the real estate and all my interest in any real estate which may belong to me or in which I may have any interest in at the time of my decease, and a good and sufficient deed or deeds of conveyance to execute and deliver for the same to the purchaser or purchasers thereof. Finally I do hereby nominate, constitute and appoint my brother, Jacob Harsen, the executor of this my last will and testament."

Letters Testamentary were issued to Jacob Harsen on 30 December, 1851. See Liber 10, L. 7, 128.

Magdalen R. Prall died June 16th, 1854, unmarried and without issue.

<p style="text-align: center;"><i>Last Will and Testament of MAGDALENE RITTER PRALL.</i></p>	}	<p>Dated 30th May, 1854. Proved 27th Nov., 1854, 112 Wills, 118.</p>
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“First, I direct that all my just debts, if any, and funeral expenses be paid by my executors hereinafter named, as soon as conveniently may be after my decease. Secondly, all the rest, residue and remainder of my estate, both real and personal, I give, devise and bequeath unto my beloved sisters, Hannah Maria Prall, Catharine Harsen Prall, Joanna Henrietta Prall, Eliza Ann Prall, and Cornelia Augusta Prall, or to such of them as shall be living at the time of my decease, to be equally divided between them, share and share alike.”

TITLE TO BLOCK BETWEEN NINTH AND TENTH
AVENUES.

This block not being devised by the will of Jacob Harsen he died intestate as to the same, leaving him surviving, as his only heirs-at-law—

1. Cornelius Harsen, his son.
2. Anna Maria Merriam and Catharine Jackson, his grand children, children of his daughter Rachel Jackson, who had died in July, 1802.

The said Anna Maria Merriam had been the wife of John H. Merriam, but on July 9th, 1835, a decree had been rendered by the Vice-Chancellor on a bill filed by her dissolving said

marriage. On 11th March, 1836, a bill of partition was filed in the Court of Chancery by the said Catharine Jackson against, Cornelius Harsen and Anna M. Merriam, praying for a partition of the block in question. The said Catharine Jackson intermarried with John O'Fay, on 11th April, 1836, whereupon bill of revivor was filed in said action, on 5th December, 1836, making said Fay a party complainant. This action, under its amended title, is given post page 355.

Cornelius Harsen died on 26th October, 1838.

Last Will and Testament
of
CORNELIUS HARSEN.

} Dated 21st June, 1838.
} Proved 22d Nov., 1838.
} 79 Wills, 197.

Gives his wife Joanna all his personal estate and the rents and profits of his real estate during her life, subject to the charge that she shall pay all his debts. "Subject to the life estate to my said wife, I do hereby give and devise to my executors hereafter named, namely, my son Jacob Harsen, my son John Peter Ritter Harsen, and my friend John Leonard, of the City of New York, all and singular, my real estate whatsoever and where-soever situated, of which I may be seized at the time of my death in possession, reversion or remainder, as joint tenants and not as tenants in common, and the survivor or survivors of them, their and his heirs and assigns, in trust, nevertheless, and for the uses and purposes hereafter mentioned, and to pay the legacies hereafter given, that is to say : To have and to hold, and take possession of all my said real estate, and to receive the rents and profits thereof, from and immediately after the decease of my said wife Joanna, and within one year, or as near there-to as conveniently may be, after her decease, to sell and dispose of the same at public auction, in fee simple, in such parcels as they or the survivors or survivor of them may think proper, and

to execute and deliver good and sufficient deeds of conveyance for the same to the purchaser and purchasers thereof, and out of the proceeds of the sales of my said real estate, I hereby bequeath the following legacies, and I direct my Executors or the survivors or survivor of them, to pay the same. * * * After the above legacies are paid, I do hereby give and bequeath six undivided seven parts of the balance of the proceeds of all my said real estate to my said daughters, Maria Elizabeth Harsen, Magdalen Ritter Harsen, Catharine Harsen and Joanna Ritter, wife of Abraham A. Prall, and to my sons Jacob Harsen and John P. R. Harsen, their heirs; executors, administrators and assigns, to be divided amongst them equally, share and share alike, to whom I direct my Executors to pay the same; the remaining seventh part thereof I direct my Executors to invest in their own names on bond and mortgage, on improved real estate, in the City of New York, on further trust for them to receive the interest monies and profits thereof, and to apply the same to the use of my daughter Cornelia Rachel, the wife of Lyman Rhoades, free from the interference, debts or control of her present or any future husband, during her life, and after her death to divide the same among her children living at the time of her death, and to the children then living of any child or children then dead per stirpes, the children representing their parent. * * * I further will and declare that in case of any of my children should die before me, leaving lawful issue, then, that such issue shall stand in the place, and take the share of my estate herein given to his or her parent. * * * I hereby appoint my wife Joanna Henrietta Harsen, Executrix, and my sons Jacob Harsen and John Peter Ritter Harsen and my friend John Leonard, of the City of New York, Executors of this my last will and testament."

Letters Testamentary were issued to the Executors on 2 November, 1838. See Liber 4 Letters Testamentary, page 142.

Joanna Henrietta Harsen, widow of testator, died on 10th July, 1843.

John Peter Ritter Harsen died on 10th June, 1842.

IN CHANCERY,

Before Vice Chancellor.

JOHN O. FAY *and* CATHARINE,
his wife,

vs.

JOHN LEONARD *and* JACOB
HARSEN, *Surviving Executors*
and Trustees of the Last Will
and Testament of CORNELIUS
HARSEN, late of the City of
New York, deceased, and ANNA
MARIA MERRIAM.

- 1836—Dec. 5. Amended bill of Revivor filed.
1837—Feb. 10. Answer of Cornelius Harsen.
April 4. Answer of Anna Maria Merriam.
1845—May 12. Order that suit stand revived against John Leonard and Jacob Harsen, surviving trustees under the will of Cornelius Harsen.
1845—June 18. Order of reference.
1846—Jan. 7. Referee's report on title filed.
Jan. 7. Decree of sale entered.
March 10. Report of sale filed.
March 16. Decree enrolled.

LOT NUMBER TWO ON WEST SIDE OF BLOOMING-
DALE ROAD.

This, as shown ante page 338, was set apart to John Cosine.

JACOB HARSEN *and* CATHARINE,
his wife; PETER HEGEMAN
and LETTICE, *his wife*; SARAH
STAKE, CATHARINE COSINE,
widow of BALM JOHNSON CO-
SINE; JOHN HOPPER *and*
SARAH, *his wife*; JAMES BER-
TINE *and* DEBORAH *his wife*;
CATHARINE COSINE *the*
Younger; RACHEL COSINE
and JANE ACKERMAN,

to

JOHN COSINE.

DEED.

—
Dated 9th Feb., 1809.
Ack. 9th Feb., 1809.
Rec. 16th Jan., 1812.
96 Conveyances, 111.
Consideration, \$1.

CONVEYS all right, title and interest of, in and to all and singular that certain Lot, piece or parcel of land, situate, lying and being in the Ninth Ward of the City of New York aforesaid (being parcel of the farm formerly the property of Cornelius Cosine, the elder, late of the said city, deceased), and being bounded as follows, that is to say: Beginning on the West side of the Bloomingdale Road, at the distance of two hundred and fifty-two feet nine inches Northeasterly from the point at which the West side of the said road is intersected by the line running along the North side of the farm or land of John Hopper (and which station here designated as the place of beginning is also the Northeasterly corner of a lot of land this day released by the said John Cosine and others to Jacob Harsen above named), and running from thence North twenty-four degrees and five minutes East along the West side of the said

road two hundred and sixty-four feet nine inches to the Southernmost corner of a lot of land this day released by the said Jacob Harsen and Catharine, his wife, and others to Lettice Hageman, the wife of Peter Hageman above named; from thence North forty-eight degrees and forty minutes West along the said lot of the said Lettice Hageman, three thousand four hundred feet (be the same more or less) to the North on Hudsons River, from thence down and along the said river, be the distance more or less, to the said lot of land released as aforesaid to the said Jacob Harsen, and from thence South forty-eight degrees and forty minutes East along the said lot of the said Jacob Harsen, three thousand six hundred and eight feet (be the same more or less), to the Bloomingdale Road aforesaid, at the place of beginning; Containg twenty acres, one rood and nineteen perches, be the same more or less. Which said lot, piece or parcel of land is particularly laid down and designated on a map of the said farm formerly of the said Cornelius Cosine, the elder, deceased, made by Charles Loss, City Surveyor, and bearing date the twelfth day of January, 1809.

DEED.

JOHN COZINE
to
WILLIAM GALE.

} Dated 29th June, 1831.
} Ack. 5th Aug., 1831.
} Rec. 9th Aug., 1831.
} 276 Conveyances, 173.
} Consideration, \$1.

CONVEYS all that certain lot, piece or parcel of land, situate, lying and being in the Twelfth Ward of the City of New York, commencing at a point on the Westerly side of the Eighth Avenue, at the distance of twenty-one feet six inches South from the intersection of the Northerly line of Fifty-fourth Street and said Avenue and running thence direct on a straight line North forty-eight degrees forty minutes West to the high-water mark

of the Hudson River; thence along the high-water mark or line of said River North fifty-six degrees East one hundred and sixty-four feet, thence along the said high-water mark or line of said River South eighty-one degrees thirty minutes East one hundred and fifty-two feet, to the mouth of a small creek, run, or rivulet; thence along the high-water line or mark North seven degrees West forty-four feet to a point formed by the intersection of the Northerly line of said farm with the said high-water line or mark of the Hudson River; thence South forty-eight degrees forty minutes East direct on a straight line to the Westerly line of the Eighth Avenue; thence along the Westerly line of said avenue South thirty-three degrees thirty minutes West two hundred and fifty-four feet to the place of beginning. Containing, within the boundaries thus described, after excepting thereout the part taken or to be taken for the Tenth Avenue, sixteen acres, twenty-seven perches and six hundred and sixty three square feet, be the same more or less, as by a reference to a map made by Francis P. Vidal, City Surveyor, will more fully appear, being the same premises occupied by the said John Cosine.

Habendum, in trust to sell and pay indebtedness of party of first part. It recites the existence of two judgments in Supreme Court against grantor, amounting to \$1000, and also three mortgages on said premises recorded in Liber 22 Mortgages, 468, 27 Mortgages, 374 and 28 Mortgages 467, all of which have been since discharged of record.

DEED.

WILLIAM GALE, JOHN COSINE <i>and SARAH, his wife,</i> <i>to</i> JOHN JACOB ASTOR.	}	Dated 3d Sept., 1831. Ack. 7th Sept., 1831. Rec. 26th Sept., 1832. 277 Conveyances, 287. Consideration, \$8,901.
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CONVEYS all the undivided three sixth parts of the same premises.

DEED.

WILLIAM GALE, JOHN COZINE, <i>and SARAH, his wife,</i> <i>to</i> ERASTUS BARNES.	}	Dated 3d Sept., 1831. Ack. 7th Sept., 1831. Rec. 7th Oct., 1831. 276 Conveyances, 538. Consideration, \$2,967.
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CONVEYS all the undivided one sixth part of said premises.

DEED.

WILLIAM GALE, JOHN COZINE, <i>and SARAH, his wife,</i> <i>to</i> RICHARD R. LANSING.	}	Dated 3d Sept, 1831. Ack. 7th Sept., 1831. Rec. 7th Oct., 1831. 276 Conveyances, 541. Consideration, \$2,967.
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CONVEYS all the undivided one sixth part of same premises.

DEED.

WILLIAM GALE, JOHN COZINE, <i>and SARAH, his wife,</i> <i>to</i> ZEPHANIAH PLATT.	}	Dated 3d Sept., 1831. Ack. 7th Sept., 1831. Rec. 7th Oct., 1831. 276 Conveyances, 544. Consideration, \$2,967.
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CONVEYS all the undivided one sixth part of same premises.

MORTGAGE.

ZEPHANIAH PLATT, <i>and</i> COR- NELIA, <i>his wife,</i> <i>to</i> JOHN JACOB ASTOR.	}	To secure \$2,967. Dated 20th Sept., 1831. Ack. 19th Sept., 1831. Rec. 7th Oct., 1831. 147 Mortgages, 643.
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COVERS all the undivided one sixth part of same premises.

IN CHANCERY,
Before Vice-Chancellor.

JOHN JACOB ASTOR
vs.
 ZEPHANIAH PLATT *and* CORNELIA
his wife; THOMAS HIBBARD,
 NATHAN WEBB, ANDREW RAPPLEE,
 IRA PRESTON, SOLOMON ALLEN,
 MOSES ALLEN, THOMAS BURLOCK,
 MOSES ANSTICE, ROBERT CLINCH *and*
 RICHARD R. LANSING, *as*
Trustee of SUSAN K. PLATT,
formerly SUSAN K. AUCHMUTY.

1833—Oct. 8. Judgment of foreclosure and sale entered.

DEED.

FREDERICK DEPEYSTER, Junior, <i>Master in Chancery,</i> <i>to</i> RICHARD R. LANSING.	}	Dated 11th Nov., 1833. Ack. 11th Nov., 1833. Rec. 12th Nov., 1833. 307 Conveyances, 75. Consideration, \$3,550.
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CONVEYS all the undivided one sixth part of same premises.

DEED.

RICHARD R. LANSING <i>and</i> SUSAN, <i>his wife,</i> <i>to</i> JAMES LANGDON CURTIS.	}	Dated 1st June, 1835. Ack. 1st June, 1835. Rec. 2d June, 1835. 334 Mortgages, 314. Considerat'n, \$26,163.58
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CONVEYS all the undivided two sixth parts of same premises.

DEED.

JOHN JACOB ASTOR <i>to</i> JAMES LANGDON CURTIS.	}	Dated 1st June, 1835. Proved 1st June, 1835. Rec. 2d June, 1835. 334 Conveyances, 317. Considerat'n, \$39,245.37
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CONVEYS all the undivided three sixth parts of same premises.

DEED.

ERASTUS BARNES <i>and</i> ALATHEA, <i>his wife,</i> <i>to</i> THOMAS BURLOCK.	}	Dated 30th July, 1834. Ack. 30th July, 1834. Rec. 30th July, 1834. 315 Conveyances, 462. Consideration, \$6,000.
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CONVEYS all the undivided one sixth part of same premises.

DEED.

THOMAS BURLOCK <i>and</i> CAROLINE A., <i>his wife,</i> <i>to</i> JAMES LANGDON CURTIS.	}	Dated 1st June, 1835. Ack. 1st June, 1835. Rec. 2d June, 1835. 339 Conveyances, 24. Consid., \$13,081.74.
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CONVEYS all the undivided one sixth part of same premises.

MORTGAGE.

JAMES LANGDON CURTIS <i>and</i> CLARISSA E., <i>his wife,</i> <i>to</i> JOHN JACOB ASTOR.	}	To secure 2 bonds, one for \$20,000 and the other for \$33,358.57. Dated 1st June, 1835. Ack. 1st June, 1835. Rec. 2d June, 1835. 184 Mortgages, 330.
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COVERS all of said premises.

JAMES L. CURTIS <i>and</i> CLARISSA, E., <i>his wife</i> , <i>to</i> ROBERT BAYARD, <i>Trustee of the</i> <i>Estate of</i> JAMES MCEVERS.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 6th Feb., 1837. Ack. 22d Feb., 1837. Rec. 1st March, 1837. 366 Conveyances, 531. Consider'n, \$13,081.79.
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CONVEYS all the equal undivided one sixth part of the same premises.

Subject to the above mortgage.

JAMES LANGDON CURTIS <i>and</i> CLARISSA E., <i>his wife</i> , <i>to</i> PETER R. WYCKOFF,	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 6th June, 1835. Ack. 30th Dec., 1836. Rec. 4th Jan., 1837. 371 Conveyances, 15. Consider'n, \$36,666.65.
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CONVEYS all the equal undivided one third part of the same premises, subject to above mortgage.

PETER R. WYCKOFF <i>and</i> MARY, <i>his wife</i> , <i>to</i> ISAAC PACKARD.	}	MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To secure \$10,641.66. Dated 31st Dec., 1836. Ack. 3d Jan., 1837. Rec. 4th Jan., 1837. 210 Mortgages, 247.
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COVERS all the equal undivided one third part of same premises.

DEED.

PETER R. WYCKOFF <i>to</i> DANIEL W. GANTLEY <i>and</i> ROBERT C. WETMORE.	}	Dated 8th June, 1837. Proved 8th June, 1837. Rec. 8th June, 1837. 378 Conveyances, 347. Consideration, \$1.
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CONVEYS all and every his real and personal estate, chattels, real and leasehold property, etc. In trust to sell and pay creditors, with certain preferences therein mentioned.

DEED.

JAMES L. CURTIS <i>and</i> CLARISSA E., <i>his wife</i> , <i>to</i> WILLIAM H. LeROY.	}	Dated 6th Feb., 1837. Ack. 10th Feb., 1837. Rec. 2d March, 1837. 370 Conveyances, 513. Consider'n, \$13,081.79.
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CONVEYS all the equal undivided sixth part of the same premises, subject to above mortgage to Astor.

MORTGAGE.

JAMES L. CURTIS <i>and</i> CLARISSA E., <i>his wife</i> , <i>to</i> DAVID KIMBERLY.	}	To secure \$19,929.96. Dated 1st April, 1837. Ack. 3d April, 1837. Rec. 5th April, 1837. 213 Mortgages, 133.
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COVERS all the undivided two sixth parts.

DEED.

JAMES L. CURTIS <i>and</i> CLARISSA E., <i>his wife</i> , <i>to</i> WILLIAM L. D. ERVING.	}	Dated 15th May, 1837. Ack. 15th May, 1837. Rec. 16th May, 1837. 378 Conveyances, 155. Consideration, \$400.
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CONVEYS all the one equal undivided third part of a small portion of said premises.

IN CHANCERY,
Before Vice-Chancellor,

JOHN JACOB ASTOR

vs.

JAMES LANGDON CURTIS *and*
CLARISSA E., *his wife*; PETER
R. WYCKOFF *and* MARY *his*
wife; ROBERT BAYARD *and*
ELIZABETH, *his wife*; WIL-
LIAM H. LEROY *and* ELIZA-
BETH, *his wife*; WILLIAM L.
D. ERVING, DAVID KIMBER-
LEY, ISAAC PACKARD, DANIEL
W. GANTLEY, ROBERT C.
WETMORE, OBED GRIDLEY
JOHN B. CARROLL, JOSEPH S.
HAWKINS, DAVID LOGAN,
JEAN PIERRE MANNIER, HER-
MAN LE ROY (*in his own right,*
and as survivor of HERMAN
LE ROY *and* CATHARINE NEW-
BOLD); HENRY LE ROY, Ju-
nior; CHARLES MAURICE DE-
TALLEYRAND, PERIGORD,
PRINCE DE TALLEYRAND;
THERON SKEEL, STEPHEN
POTTER *and* LORENZO POW-
ERS.

- 1837—July 12. Bill filed to foreclose, 184. Mortgages, 330.
Order of reference to Master to compute.
- 1838—April 4. Master reports \$57,244.84 due.
April 4. Decree of foreclosure and sale entered.
May 10. Decree enrolled.
- 1839—April 13. Master reports sale of premises to John Jacob
Astor.

DEED.

DAVID CODWISE, <i>Master-in-Chancery,</i> <i>to</i> JOHN JACOB ASTOR.	}	Dated 18th May, 1838. Ack. 18th May, 1838. Rec. 24th May, 1838. 388 Conveyances, 266 Consideration, \$59,740.
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CONVEYS all said mortgaged premises.

DEED.

JOHN JACOB ASTOR <i>to</i> WILLIAM BACKHOUSE ASTOR.	}	Dated 22d Feby., 1842. Proved 24th Feb., 1842. Rec. 24th Feb., 1842. 423 Conveyances, 344. Consideration, \$1.
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CONVEYS all and singular the lands belonging to the said party of the first part contained within the following described boundaries, viz: Easterly by the Eighth Avenue, Westerly by the Hudson River, Southerly by Fifty-fourth Street and North-erly by Fifty-seventh Street.

WILLIAM BACKHOUSE ASTOR <i>and MARGARET, his wife,</i> <i>to</i> LAURA ASTOR, JAMES GALLA- TIN and JOHN JACOB ASTOR, Junior, <i>her Trustees, and the</i> <i>Issue and Heirs-at-law of said</i> LAURA ASTOR.	}	DEED. Dated 10th Sept., 1844. Proved 8th Nov., 1860. Ack. 12th Nov., 1860. Rec. 12th Nov., 1850. 818 Conveyances, 673. Consideration, \$1.
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CONVEYS same premises to Laura Astor for life, or until she or her husband shall, by deed, contract, judgment, execution,

attachment or other act, sell or encumber the same, except as hereinafter authorized. CONVEYS said premises on determination of such estate to James Gallatin and John Jacob Astor, the younger, as joint tenants in trust to receive rents and profits and apply the same to the use of said Laura Astor during her natural life.

CONVEYS said premises, from the death of the said Laura Astor, to her surviving issue and their heirs and assigns taking, per stirpes, and in default of such issue, and in case of any such issue not living to attain the age of twenty-one years, then the said lands or the share of such issue therein, or which such issue would have taken, are hereby granted unto the persons who would be the heirs-at-law of the said Laura by consanguinity, to be had and holden by them and their heirs forever. With power to her to give the said lands to and amongst her issue or heirs in such manner and proportions as she may appoint. Provided, also, that it shall be lawful for the said Laura, with the concurrence of her husband and the said James Gallatin or John Jacob Astor, the younger, or of the two latter, to lease said premises for a term not exceeding twenty-one years, and to sell or mortgage not more than one-third in value of the lands, on condition that the money thus derived shall be paid to the said James Gallatin and John Jacob Astor, Junior, to be applied to the improvement of the residue of said lands, and that the acquittances of such persons shall discharge the grantees or mortgagees from any responsibility as to the application of the money. The said Laura Astor is authorized to appoint any other person or persons as substitutes for the said James Gallatin or John Jacob Astor, Junior, and such substitute shall have the estate, interest, authority and office of him in whose place he may be appointed.

By instrument dated 9th December, 1870, and recorded in 1161 Conveyances, page 389, Daniel D. Lord was appointed trustee in place of James Gallatin, resigned; and by instrument

dated 3d May, 1876, and recorded in 1367 Conveyances, page 345, Franklin H. Delano was appointed trustee in place of John Jacob Astor, resigned.

TITLE OF PORTION BETWEEN EIGHTH AVENUE AND
BROADWAY.

This, as shown ante page 356, was vested in John Cosine.

Last Will and Testament
of
JOHN COSINE.

} Dated 16th Feb., 1830.
} Proved 20th Jan., 1832.
} 68 Wills, 237.

“ I give, devise and bequeath all the rest, residue and remainder of my estate, both real and personal, unto my wife Sarah, the real estate to her, her heirs and assigns forever.”

By codicil dated 1 January, 1831, testator provides as follows :
“ And I do hereby revoke that part of my said will which devises the fee of my real estate unto my wife Sarah, and hereby give to her the life estate thereof only, which is the only estate I intend she shall have therein, which said real estate, during her lifetime, I intend shall be subject to the charge of the maintenance of my children and the payment of the legacies in the the said will mentioned. And I do hereby ratify, republish and confirm my said will in everything except where the same is hereby revoked and altered.”

John Cozine left him surviving Sarah Cozine, his widow, and—

1. Jane A., who married James H. Dorland in April, 1845.
2. Catharine, who married Samuel Fleet, on 6 December, 1832.
3. Sarah, who married Peter A. Horn, in December, 1835.

Sarah Horn died intestate on 16 December, 1836, leaving her surviving her husband (who died on 4 December, 1849), and one child, Sarah Jane Horn.

Jane A. Dorland was divorced from her husband James H. Dorland, by judgment of Supreme Court, entered in New York County, on 29 November, 1852, in which it was provided that she should hold the real estate under her father's will, free from all claim from her husband.

SAMUEL FLEET, <i>of 1 part,</i> CATHARINE COSINE, <i>of 2 part.</i> SARAH COSINE, <i>of 3 part.</i>	}	AGREEMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 27th Nov., 1832. Proved 3d Dec., 1832. Rec. 3d Dec., 1832. 290 Conveyances, 178.
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RECITES an intended marriage between parties of first and second parts, and agrees that the said Catharine Cosine may receive rents and profits of, and hold the real estate inherited from her father, as her sole and separate property, with free power of disposal, free from claims by him. The said Sarah Cozine appointed trustee to protect the Estate, by the agreement.

By instrument dated 27 March, 1847, and recorded in Liber 652 Conveyances, 68, William H. Saunders was appointed Trustee in place of Sarah Cozine.

DEED.

SARAH COZINE . <i>to</i> CATHARINE FLEET.	}	Dated 28th Jan., 1853. Ack. 15th Dec., 1854. Rec. 30th May, 1855. 686 Conveyances, 343. Consideration, \$1.
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RECITES that Catharine Fleet is seized, as heiress of John Cozine, of an undivided third of his real estate, subject to the life estate of Sarah Cozine.

RELEASES all the undivided tenth part of the above-mentioned undivided third part of all the real estate of which the said John Cozine died seized.

By instrument recorded in 686 Conveyances, 333, it is agreed that said premises shall be held subject to the payment of \$15 per annum to said Sarah Cozine.

By agreement recorded in 588 Conveyances 14, the devisees of John Cozine agree to sell to Theodore Hyatt, a small gore on South side of Fifty-fourth Street, and by deed recorded in 584 Conveyances, 527, Sarah Cozine released to him all her interest therein.

The interest of Sarah Cozine in premises in question had been sold to Thomas Hyslop, under execution. See certificate of Sheriff's sale filed in County Clerk's Office on 18 August 1851. He released to her during the pendency of the following suit. Sarah Cozine stipulated before the referee in said suit to release her interest to each of her children on receiving satisfactory security for payment of an annuity of \$150 by each of them.

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N. Y. SUPREME COURT.

CATHARINE FLEET *and* WIL-
LIAM H. SAUNDERS, *her Trus-*
tee,

vs.

JANE A. DORLAND, SARAH CO-
ZINE, SARAH JANE HORNE,
THOMAS HYSLOP, GEORGE
W. PLATT, SAMUEL FLEET,
and THEODORE HYATT.

1853—April 21. Complaint for partition verified.

May 13. James F. Chamberlain appointed guardian,
ad litem, of Sarah Jane Horne, an infant
over 14, on her petition.

May 30. Said infant answers.

June 20. Jane A. Dorland and Sarah Cosine answer.

June 21. Thomas Hyslop and Theodore Hyatt answer.

July 14. George W. Platt answers.

July 18. Affidavit of service and default of Samuel
Fleet.

July 30. Order of reference to Stephen Cambreling on
title, expediency of sale, &c.

1855—April 25. Referee's report on title, &c., dated.

April 21. Judgment of partition entered.

May 25. Report of Commissioners of Partition filed.
Final decree entered.

The Commissioners set apart to Catharine Fleet lots 4 to 6,
13 to 16, 32 to 34, 25, 26, 39, on map annexed to report. To
Jane A. Dorland lots 7 to 9, 17 to 19, 27 to 31, 20 to 22, and
38 on said map. To Sarah Jane Horn, lots 1 to 3, 10 to 12, 35
to 37, 23 and 24 on said map.

LOT NUMBER THREE ON WEST SIDE OF BLOOMING-
DALE ROAD.

This, as shown ante page 338, was set apart to Lettice Hageman.

JACOB HARSEN *and* CATHARINE,
his wife; SARAH STAKE
CATHARINE COZINE, *widow of*
BALM JOHNSON COZINE;
JOHN HOPPER *and* SARAH,
his wife; JOHN COZINE,
JAMES BERTINE *and* DEB-
ORAH, *his wife*; CATHARINE
COZINE, *the younger*; RACHEL
COZINE *and* JANE ACKER-
MAN.

DEED.

Dated 9th Feb. 1809.
Ack. 9th Feb., 1809.
Rec. 24th March, 1810.
86 Conveyances, 321
Consideration, \$1.

to

LETTICE HAGEMAN.

CONVEYS all the right, title and interest of the parties of the first part of, in and to, all and singular that certain lot, piece or parcel of land, situate, lying and being in the Ninth Ward of the City of New York aforesaid, being parcel of the farm formerly the property of Cornelius Cozine, the elder, late of the said city, deceased, and being bounded as follows, that is to say: Beginning on the West side of the Bloomingdale road, at the distance of two hundred and eighty five feet Southerly from the point at which the West side of the said road is intersected by the line running along the South side of the farm or land belonging to the heirs or devisees of John Somerendyke, deceased, and which station here designated as the place of beginning is also the Southernmost corner of a lot of land this day released by the above-named Jacob Harsen and Catharine, his

wife, and others, to the above-named Sarah Stake, and running from thence South eleven degrees West along the West side of the said road one hundred and ninety-six feet; from thence South twenty-four degrees and five minutes West still along the West side of said road eighty-five feet six inches to the North-easterly corner of a lot of land this day released by the said Jacob Harsen and Catharine, his wife, and others, to the above-named John Cozine; from thence North forty-eight degrees and forty minutes West along the said lot of the said John Cozine three thousand four hundred feet (be the same more or less) to the North or Hudsons River; from thence up and along the said river (be the distance more or less) to the said lot of land released as aforesaid to the said Sarah Stake, and from thence South forty-eight degrees and twenty-minutes East along the said lot of the said Sarah Stake three thousand five hundred and thirty feet (be the same more or less) to the Bloomingdale Road aforesaid at the place of beginning. Containing twenty acres, one rood and nineteen perches, be the same more or less, which said lot, piece or parcel of land is particularly laid down and designated on a map of the said farm formerly of the said Cornelius Cozine, the elder, deceased, made by Charles Loss, City Surveyor, and bearing date the 12th day of January, 1809.

Lettice Hegeman, died on 26th August, 1851, having survived her husband, Peter A. Hegeman, many years.

Last Will and Testament
of
 LETTICE HEGEMAN.

} Dated 2d July, 1849.
 } Proved 15th Sept., 1851.
 } 102 Wills, 260.

“ I, Letetia Hegeman, of the City of New York, widow, do make this my last will and testament as follows: I hereby re-

voke all former wills and codicils by me at any time made, being desirous that my property should descend and be distributed among my descendants in the proportions prescribed by law in case of intestacy, and I further direct that all my lawful debts be paid equally."

She left her surviving the following children and grandchildren :

1. Peter A. Hegeman, married to Laura N., his wife.
 2. Cynthia Jackson, wife of Aaron B. Jackson.
 3. Margaret Horn, wife of Matthew Horn.
 4. Francis B. Hegeman, a bachelor.
 5. Letitia H. Palmer, wife of John W. Palmer.
6. { Letitia Jane, wife of William H. Moore (married 1830).
 John E. Ross, Junior, married to Sarah, his wife.
 William S. Ross, a bachelor.
 Sarah, wife of Frederick A. Ridabock (married 1842).
 Peter A. H. Ross, a bachelor.

Children of her deceased daughter Jane Frances, died in 1840, wife of John E. Ross (married 1810).

7. { James Hegeman, bachelor.
 Cynthia Jane Hegeman, spinster.
 Margaret Ann, wife of John D. Kimmel (married 1852).
 Gilbert Hegeman.

Children of her deceased daughter Martha, wife of John Hegeman.

Letitia H. Palmer died intestate on 14th August, 1852, since the commencement of the following suit, leaving her surviving,

1. Nicholas F. Palmer, married to Sarah H., his wife.
2. John W. Palmer, married to Elizabeth, his wife.
3. William H. Palmer, bachelor.
4. Maria Louisa, wife of Miles S. Charlock (married 1846).

Gilbert Hegeman also died since the commencement of said action, intestate and unmarried, leaving him surviving John Hegeman, his father, and his brother James and his sisters Cynthia Jane and Margaret Ann, before mentioned.

Aaron B. Jackson died after commencement of following suit.

N. Y. SUPREME COURT.

PETER A. HEGEMAN *and* LAURA
N., *his wife*,

vs.

CYNTHIA JACKSON, MARGARET
HORN, WILLIAM H. MOORE
and LETITIA J., *his wife*; JOHN
E. ROSS, Junior, *and* SARAH,
his wife; WILLIAM S. ROSS,
FREDERICK A. RIDABOCK
and SARAH, *his wife*, PETER
A. H. ROSS, JAMES HEGEMAN,
CYNTHIA JANE HEGEMAN,
JOHN D. KIMMEL *and* MAR-
GARET ANN, *his wife*; JOHN
HEGEMAN, FRANCIS B. HEG-
EMAN, NICHOLAS F. PALMER
and SARAH H., *his wife*;
JOHN W. PALMER *and* ELIZA-
BETH, *his wife*; WILLIAM H.
PALMER, MILES S. CHAR-
LOCK *and* MARIA LOUISA, *his*
wife.

1852—Feb. 7. Complaint filed.

Feb. 12. Letitia H. Palmer and Margaret Horn served
with summons.

- 1852—Feb. 14. Frances B. Hegeman, William H. Moore and wife, Frederick A. Ridabock, John E. Ross, Jr., and wife, William S. Ross and Peter A. H. Ross served with summons.
- Feb. 13. Aaron B. Jackson and wife, John Hegeman and James Hegeman served with summons.
- Feb. 16. Cynthia Jane Hegeman and Margaret Ann Hegeman served with summons.
- Feb. 17. James P. Hyatt appears for Margaret Horn and Letitia H. Palmer.
- Feb. 24. E. Person appears for John Hegeman.
- Mar. 4. S. W. & R. A. Gaines appear for Frederick A. Ridabock and wife.
- Mar. 11. West & Glover appear for John E. Ross, Jun., and wife, and Peter A. H. Ross.
- July 8. Amended complaint filed.
- Aug. 16. Answer of John Hegeman.
- Aug. 20. Order appointing Edward Person guardian *ad litem* of Margaret Ann Kimmel, an infant over 14, on her petition.
20. Order appointing Isaac O. Barker guardian *ad litem* of John D. Kimmel, an infant over 14, on his petition.
- Sept. 20. Supplemental complaint filed against heirs of Letitia H. Palmer.
- Sept. 22. James P. Hyatt appears for all said heirs and wives, except Elizabeth Palmer.
- Dec. 2. Affidavits filed of service of Elizabeth Palmer, by advertisement.
- Dec. 3. Answers of infants John D. Kimmel and Margaret Ann Kimmel filed.
- Dec. 4. R. H. Bowne substituted as attorney for Margaret Horn.
- Dec. 4. Order of reference to Thomas Addis Emmet,

- 1853—March 10. Referee's Report filed.
 March 16. Judgment of sale entered.
- 1854—March 1. Report of sale filed and confirmed.
 March 24. Order striking out name of Elizabeth Palmer,
 wife of John W. Palmer, from decree on
 proof of her death on 14 March, 1851.
- June 23. Further report of sale filed.
- 1859—March 26. Further report of sale filed.

At the time of the first sale the portion of the premises between Eighth and Ninth Avenues, being at that time part of Bloomingdale Square, was not sold. By act of 6 March, 1857, the square was closed. The title to the square had never been acquired by the city by purchase, and the land was sold under the above suit at the last sale.

LOT NUMBER FOUR ON WEST SIDE OF BLOOMING-
 DALE ROAD.

This, as shown ante page 338, was set apart to Sarah Stake.

JACOB HARSEN *and* CATHARINE,
his wife; PETER HEGEMAN
and LETTICE, *his wife*; CATH-
 ARINE COSINE, *widow of* BALM
 JOHNSON COSINE; JOHN
 HOPPER *and* SARAH, *his wife*;
 JOHN COSINE, JAMES BER-
 TINE *and* DEBORAH, *his wife*;
 CATHARINE COSINE, *the*
younger; RACHEL COSINE
and JANE ACKERMAN,
to
 SARAH STAKE.

DEED.

—
 Dated 9th Feb., 1809.
 Ack. 9th Feb., 1809.
 Rec. 6th March, 1809.
 82 Conveyances, 147.
 Consideration, \$1.

CONVEYS all right, title and interest of the parties of the first

part, of, in and to all and singular that certain lot, piece or parcel of land, situate, lying and being in the Ninth Ward of the City of New York aforesaid (being parcel of the farm formerly the property of Cornelius Cosine, the elder, late of the said city, deceased), and being bounded as follows, that is to say: Beginning at a point on the West side of the Bloomingdale Road where the said road is intersected by the line running along the South side of the farm or land of the heirs or devisees of John Somerindyke, deceased, and running from thence South eleven degrees West along the West side of the said road two hundred and eighty-five feet; from thence North forty-eight degrees and twenty minutes West three thousand five hundred and thirty feet (be the same more or less) to the North or Hudson's River; from thence, up and along the said river (be the distance more or less) to the said farm or land of the heirs or devisees of the said John Somerindyke, deceased, and from thence along the line of the said farm or land last mentioned, as the fence now stands, or as the true line may run, to the Bloomingdale Road aforesaid, at the place of beginning, Containing twenty acres, one rood and nineteen perches, be the same more or less. Which said lot, piece or parcel of land is particularly laid down and designated on a map of the land formerly of the said Cornelius Cosine, the elder, deceased, made by Charles Loss, City Surveyor, and bearing date the twelfth day of January, one thousand eight hundred and nine.

Last Will and Testament
of
 SARAH STAKE.

} Dated 9th April, 1840.
 } Proved 8th Aug., 1843.
 } 87 Wills, 468.

After giving certain legacies out of her personal estate, the testatrix provides as follows: "I give and bequeath all the rest and residue of my personal estate, including my plate and furni-

ture, and all my real estate, of what kind or nature soever, or wheresoever situate, unto Peter A. Hegeman and his sister, Frances B. Hegeman, and to their heirs and assigns forever, to be equally divided between them, share and share alike."

DEED.

PETER A. HEGEMAN and LAURA N., <i>his wife</i> , to FRANCES B. HEGEMAN,	}	Dated 31st Dec., 1842. Ack. 31st Dec., 1842. Rec. 3d Jan., 1843. 430 Conveyances, 416. Consideration, \$1.
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CONVEYS all and singular the right, title and interest of the said parties of the first part, of, in and to the real estate whereof Sarah Stake, of the said city, widow, died seised or possessed, or in which she had any right, title, interest or possibility.

DEED.

FRANCES B. HEGEMAN to PETER A. HEGEMAN.	}	Dated 1st Dec., 1844. Proved 20th Dec., 1844. Rec. 3d April, 1845. 456 Conveyances, 547. Consideration, \$1.
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CONVEYS all one undivided half part of all the real estate and chattels real whereof Sarah Stake died seised and possessed, or in which she had any interest or possibility of interest, at the time of her death, in as full and ample a manner as the same were conveyed by the previous deed.

Peter A. and Frances B. Hegeman conveyed to Frederick C. Havemeyer the gore of land on Northeast corner of Fifty-seventh Street and Ninth Avenue, by deed recorded in 638 Conveyances, 97, and to various other parties, the gore lots on South side of Fifty-sixth Street, by deeds recorded in 775 Conveyances, pages

*Last Will and Testament
of*
PETER A. HEGEMAN.

Dated 21st Nov., 1863.
Proved 11th Dec., 1863.
150 Wills, 145.

“First, I do direct the payment of all my just debts and funeral expenses, as soon as may be after my decease. Second, I do give, devise and bequeath all the real residue and remainder of my estate, real or personal, whereof I may die seised, or in which I may have any interest, unto my beloved wife Laura N. and to my children Georgiana, Letitia Fletcher, Frances Sophia and Peter Augustus, to be divided among them, in the same shares, interest and portions as they, my said wife and children would take under the laws of the State of New York, in case of my dying intestate.”

Peter A. Hegeman died in November, 1863, leaving him surviving, his widow, Laura N. Hegeman and—

1. Georgiana Hegeman, who married Thomas W. Shannon, on 21 Dec. 1864.
2. Letitia F. Hegeman.
3. Frances S. Hegeman.
4. Peter A. Hegeman.

N. Y. SUPREME COURT.

GEORGIANA SHANNON *and*
THOMAS W. SHANNON

vs.

FRANCES B. HEGEMAN, LETITIA
F. HEGEMAN, FRANCES S.
HEGEMAN, PETER A. HEGE-
MAN *and* LAURA N. HEGE-
MAN.

- 1863—Dec. 12. Complaint for partition filed. Plaintiff is here named Georgiana Hegeman, she not yet having married Thomas W. Shannon.
- 1864—Jan. 8. Order appointing Edward J. Wilson guardian *ad litem* of Letitia F. Hegeman, Frances S. Hegeman and Peter A. Hegeman, infants over 14, on their petition.
- Jan. 9. Said infants answer by their guardian.
- Jan. Frances B. Hegeman and Laura N. Hegeman answer.
- March 11. Order of reference to Beverly Robinson.
- 1865—Jan. 2. Order to continue action in names of Georgiana W. Shannon and Thomas W. Shannon as plaintiffs.
- April 8. Referee's report filed.
- April 8. Judgment of sale entered.
- 1866—March 15. Report of sale filed and confirmed.
- 1872—March 11. Referee's final report filed.

THE COSINE FARM, EAST OF THE BLOOMINGDALE ROAD.

This, as shown on map, ante page 327, was divided into two parts. The southerly portion was set apart to Jacob Harsen, and the northerly portion to the children of Balm Johnson Cosine. As shown ante page 330, the whole of the Cosine Farm east of the Bloomingdale road was devised by Cornelius Cosine, the elder, to his three sons, Garret, Cornelius and Balm Johnson Cosine. The share of Garret Cosine became vested in Jacob Harsen by the conveyances, &c., given in the early title of this farm. Cornelius Cosine, the second, died without issue whereby, according to the decision of Harsen *vs.* Cosine (set forth ante page 337), his interest became vested in his surviving brothers and sisters. The title to each of the two portions into which this part of the farm was divided will be taken up separately.

THE JACOB HARSEN PRICE.

As stated ante page 338, in giving the early title of the whole farm, the suit of Harsen *vs.* Cosine was compromised by an agreement dividing the farm in question among the various claimants. On this division, the piece now under consideration

was set apart to Jacob Harsen, and the following release was given to him, being executed by all who could by any possibility have any interest in the premises released :

JOHN COSINE, PETER HAGEMAN
and LETTICE, *his wife*; SARAH
 STAKE, CATHARINE COSINE,
widow of BALM JOHNSON
 COSINE; JOHN HOPPER *and*
 SARAH, *his wife*; JAMES BER-
 TINE *and* DEBORAH, *his wife*;
 CATHARINE COSINE, *the young-*
er, RACHEL COSINE *and* JANE
 ACKERMAN,
 to
 JACOB HARSEN.

DEED.

Dated 9th Feb., 1809.
 Ack. 9th Feb., 1809.
 Rec. 6th Mar., 1809.
 82 Conveyances, 232.
 Consideration, \$1.

CONVEYS, with other property, a lot, piece or parcel of land which begins at a point on the East side of the Bloomingdale road aforesaid, where the said road is intersected by the aforesaid line running along the North side of the farm or land of the said John Hopper, and runs from thence North twenty-four degrees and five minutes east along the East side of the said road two hundred and seventy-six feet; from thence South fifty-four degrees east twelve hundred and ninety-five feet (be the same more or less) to the Commons belonging to the Corporation of the City of New York; from thence South thirty-two degrees and twenty-five minutes West along the said commons four hundred and sixty-one feet (be the same more or less) to the said farm or land of the said John Hopper; and from thence along the line of the said farm or land of the said John Hopper as the fence road stands, or as the true line may run to the Bloomingdale Road aforesaid, at the place of beginning. Containing ten acres and thirty-six perches, be the same more or less.

DEED.

JACOB HARSEN <i>and</i> CATHARINE, <i>his wife,</i> <i>to</i> CORNELIUS HARSEN.	}	Dated 15th Feb., 1809. Proved and Ack. 20th April, 1809. Rec. 24th April, 1809. 82 Conveyances, 455. Consideration, \$100.
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CONVEYS the premises set apart to him in preceding deed by the following description: "All that certain piece or parcel of land situate at Bloomingdale, in the Ninth Ward of the City of New York, and known and distinguished on a certain map or draft made by Charles Loss, City Surveyor, dated the 12th day of January, 1809, of land belonging to Jacob Harsen, John Cosine and others, as being the part allotted to Jacob Harsen, on the Easterly side of the Bloomingdale Road, bounded West-erly, in front, by the said Bloomingdale road, two hundred and seventy-six feet, Southerly by ground belonging to Hopper, Easterly by the corporation land four hundred and sixty-one feet, and northerly by the part allotted to the said John Cosine, being the one-fourth part of the said land on the Easterly side of the said road, and containing ten acres and thirty-six perches of land.

DEED.

CORNELIUS HARSEN <i>and</i> JO- HANNA HENRIETTA, <i>his wife,</i> <i>to</i> HENRY FITZ <i>and</i> JACOB PETER- SON.	}	Dated 28th May, 1825. Ack. 28th May, 1825. Rec. 11th June, 1825. 193 Conveyances, 166. Consideration, \$3,000.
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CONVEYS all that certain piece or parcel of land situate, lying and being at Bloomingdale, in the Ninth Ward of the City of

New York aforesaid, on the Easterly side of and adjoining the Bloomingdale Road, and bounded Westerly in front by the said Bloomingdale Road, Southerly by ground formerly belonging to John Hopper, now to Ann Striker ; Easterly by the middle of the Sixth avenue, and Northerly by ground formerly owned by John Cosine, now by James Bertine, and which said piece or parcel of land hereby intended to be granted, and conveyed on a map thereof, made by Edward Doughty, City Surveyor, bearing date the twenty-seventh day of January, now last past, is laid down as being in breadth, on the Westerly side along said Bloomingdale Road, two hundred and seventy-four feet seven inches, and on the Easterly side, along the middle of the Sixth avenue aforesaid, four hundred and twenty-nine feet eight inches, and as containing nine acres and sixty-hundredth parts of an acre of land, be the same, however, more or less.

THE BALM JOHNSON COSINE PIECE.

Cornelius Cosine, the elder, by his will, set forth, ante page 331, devised all of his farm lying East of the Bloomingdale road to his three sons Garret, Cornelius and Balm Johnson Cosine. It would appear from the following deeds that Balm Johnson Cosine, at time of his death, owned in severalty the northerly thirty acres of the portion of the farm lying East of the said road, which thirty acres constituted three-fourths of such portion of said farm. He must have derived his title from instruments not on record. By his will, set forth ante page 335, in giving the early title of the whole farm, he devised said thirty acres to his son Cornelius, who died shortly after his father, intestate, unmarried, and without issue. The lands thus devised to him thereupon passed to his surviving brothers and sisters. The question as to how Balm Johnson Cosine became seised in severalty of the said thirty acres is now of no moment, as all who could by any possibility claim any interest therein as devisees or descendants of devisees, under the will of Cornelius Cosine, the elder, united in the following release to the children

of Balm Johnson Cosine. This release was given pursuant to the agreement, by which the suit of Harsen *vs.* Cosine (ante page 338), was compromised.

JACOB HARSEN *and* CATHARINE,
his wife; PETER HEGEMAN
and LETTICE, *his wife*; SARAH,
STAKE, *widow of* JOHN STAKE,
to

CATHARINE COSINE, S A R A H
HOPPER, JOHN COSINE, DEB-
ORAH BERTINE, CATHARINE
COSINE, *the younger*, RACHEL
COSINE *and* JANE ACKER-
MAN.

DEED.

Dated 9th Feb., 1809.

Ack. 9th Feb., 1809.

Rec. 20th June, 1835.

337 Conveyances, 210.

Consideration, \$1.

CONVEYS all right, title and interest of the parties of the first part, of, in and to all and singular that certain lot, piece or parcel of land situate, lying and being in the Ninth Ward of the City of New York aforesaid, being parcel of the farm formerly the property of Cornelius Cosine, the elder, late of the said city, deceased, and being bounded as follows, that is to say: Beginning at a point on the East side of the Bloomingdale Road where the said road is intersected by the line running along the South side of the farm or land belonging to the heirs or devisees of John Somerindyke, deceased, and running from thence South eight degrees and thirty minutes West along the East side of the said road five hundred feet, from thence South twenty-four degrees and five minutes West still along the East side of the said road three hundred and thirty feet to the Northernmost corner of a lot of land this day released by John Cosine above-named, and others, to the above-named Jacob Harsen; from thence South fifty-four degrees East twelve hundred and ninety-five feet (be the same more or less) to the Commons belonging to

the Corporation of the City of New York ; from thence along said Commons North thirty-two degrees and twenty-five minutes East one thousand and sixty-nine feet (be the same more or less) to the said farm or land belonging to the heirs or devisees of the said John Somerindyke, deceased, and from thence along the line of the said farm or land last mentioned, as the fence now stands, or as the true line may run, to the Bloomingdale Road aforesaid, at the place of beginning. Containing thirty acres, two roods and twenty-eight perches, be the same more or less, which said lot, piece or parcel of land is particularly laid down and designated on a map of the said farm formerly the the said Cornelius Cosine, the elder, deceased, made by Charles Loss, City Surveyor, and bearing date the 12th day of January, 1809.

JOHN COSINE
to
DEBORAH BERTINE.

DEED.

—
Dated 9th March, 1809.
Recited in the following deed.

CONVEYS the one equal and undivided fifth part of grantor's undivided sixth part of all and singular that piece or parcel of land, situated at Bloomingdale in the Ninth Ward of the City of New York, late the property of the said Balm Johnson Cosine, deceased, bounded as follows, that is to say : Westerly by the Bloomingdale Road, Northerly by land late of John Somerindyck, deceased ; Easterly by lands now or late of the Mayor, Aldermen and Commonalty of the City of New York, commonly called the Commons, and Southerly by land of Jacob Harsin, containing thirty acres of land, be the same more or less, subject to the dower of Catharine Cosine, widow of the said Balm Johnson Cosine, thereof.

The children of Balm Johnson Cosine thereupon partitioned amongst themselves the tract in question, dividing the same into six lots. Releases were executed to each one of the lot set apart to him or her, which deeds will be hereinafter set forth under the title of each lot.

By instrument, dated 26th September, 1814, and recorded in 318 Conveyances, 165, Catharine Cosine, the widow of Balm Johnson Cosine, agreed to accept from each of his children an annuity of \$50 in lieu of her dower in the portion of the tract set apart to him or her on the above mentioned partition, which it recites. This agreement provides that in case any default should occur in the payment of any installment of the annuity, that she may enter on the portion of land belonging to the party in arrears, and have her dower assigned therein.

LOT 1, SET APART TO JOHN COSINE.

JOHN HOPPER <i>and</i> SARAH, <i>his</i> <i>wife</i> ; JAMES BERTINE <i>and</i> DE- BORAH, <i>his wife</i> ; CATHARINE COZINE, <i>the younger</i> , JANE ACKERMAN <i>and</i> RACHEL CO- ZINE, <i>to</i> JOHN COZINE.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 26th Sept., 1814. Ack. 26th Sept., 1814. Rec. 14th June, 1831. 274 Conveyances, 427. Consideration, \$1.
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RECITES that John Cozine, by deed, dated 9th March, 1809, had conveyed to Deborah Bertine the one equal fifth part of his one equal sixth part of the thirty acres, the portion of the Cozine

farm belonging to Balm Johnson Cozine, by means whereof he was entitled to less than the others; and that the parties hereto were the then only children of Balm Johnson Cozine, and that they had all agreed to make partition.

CONVEYS all the estate, right, title and interest of the parties of the first part of, in, and to all that part of the above described premises, distinguished on a map made thereof by Uzall W. Freeman from a survey made the 18th August, 1814, as lot No. 1 (number one), excepting one acre on the northerly side thereof, set apart as and for the fifth part and share of the said John Cozine, heretofore sold and conveyed to the above named Deborah Bertine, as above recited, and which said residue of the said lot No. 1 (number one) is bounded and contains as follows, that is to say, beginning on the Easterly side of the Bloomingdale Road, at the Southwesterly corner of the said one acre of land so set apart as and for the fifth part of the original undivided share of the said John Cozine so sold and conveyed to the said Deborah Bertine, as aforesaid, and running thence along the said last mentioned land South fifty-seven degrees East one thousand three hundred and twelve feet, or thereabouts, to the said lands now or late of the Mayor, Aldermen and Commonalty of the City of New York, called the Commons; thence in a Southwesterly direction along the said last mentioned lands one hundred and fifty-six feet nine inches to the Southeasterly corner of the said above described piece or parcel of land; thence North fifty-five degrees and thirty minutes West one thousand two hundred and ninety-five feet to the Bloomingdale Road aforesaid; thence along the said road one hundred and eleven feet six inches to the place of beginning. Containing four acres of land, be the same more or less, with the appurtenances, subject, however, to the dower of the said Catharine Cozine thereof.

The title to the part of Lot One sold to Deborah Bertine will be considered under that of Lot Two.

MORTGAGE.

JOHN COZINE <i>and</i> SARAH, <i>his</i> <i>wife,</i> <i>to</i> JAMES BERTINE.	}	To secure \$500. Dated 6th Nov., 1817. Ack. 24th Dec., 1817. Reg. 9th Jan., 1818. 39 Mortgages, 571.
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COVERS all that certain lot of ground lying and being in the Ninth Ward of the City of New York, and is bounded in front West by Bloomingdale Road one hundred and sixteen feet, North by the lands of James Bertine one thousand three hundred and twelve feet, in the rear East by the lands of Thomas A. Emmet one hundred and fifty-two feet, and in the south by lands late the property of Jacob Harsen. Containing, in the whole, four acres, be the same more or less.

DEED.

JOHN COZINE <i>and</i> SARAH, <i>his</i> <i>wife,</i> <i>to</i> JAMES BERTINE.	}	Dated 5th Dec., 1819. Ack. 6th Dec., 1819. Rec. 16th Dec., 1819. 140 Conveyances, 460. Consideration, \$1,251.
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CONVEYS same premises, by the same description as preceding mortgage.

DEED.

JAMES BERTINE <i>and</i> DEBORAH, <i>his wife,</i> <i>to</i> JACOB PETERSON <i>and</i> HENRY FITZ.	}	Dated 28th May, 1825. Ack. 28th May, 1825. Rec. 11th June, 1825. 193 Conveyances, 169. Consideration, \$912.50.
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CONVEYS all that certain lot of ground lying and being in the Ninth Ward of the City of New York. Bounded in front

MAP
OF
PROPERTY IN THE NINTH WARD OF THE CITY OF NEW YORK.
BELONGING TO
HENRY FITZ AND JACOB PETERSEN

54th ST.

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
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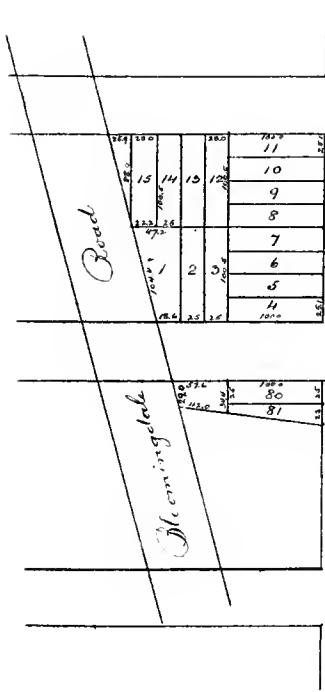
53a ST.

82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

New York, May 6th 1825
Surveyed by
Edward Doughty
City Surveyor.

52a ST.

copied from map in case number 39, New York Register's Office.



7th AVE.

6th AVE.

7th

6th

westerly by the Bloomingdale Road, North to the middle of Fifty-fourth street, East to the land of Thomas Addis Emmett, Southerly by land now or late of Jacob Harson, supposed to contain about one-quarter acres, be the same more or less.

As just shown, ante page 391, the Jacob Harsen Piece was also vested in said Fitz and Petersen, which, with the premises conveyed by the previous deed, comprise the land shown on the annexed map.

James Bertine died on 28th December, 1842, seized of the portion of lot number one, which lay North of Fifty-fourth street, excepting the part sold by John Cosine to Deborah Bertine. He left him surviving a widow, Lillis Bertine, one son, James F. Bertine, and three daughters, Sarah, widow of Henry Remsen; Eliza, wife of Gilbert Hatfield; and Hannah, wife of William H. Pinckney; and four grandchildren, Gershom B. Smith, Julia S. Smith, Eliza B. Smith, and Phoebe A. Smith.

Last Will and Testament
of
JAMES BERTINE.

} Dated 27th Sept., 1836.
} Proved 5th Jan., 1843.
} 86 Wills, 541.

After giving various legacies and making sundry specific devises of certain real estate therein described (not including the premises) to his wife and to his son, James T. Bertine; to his three granddaughters, children of his deceased daughter, Julia Ann Smith; to his daughter Hannah, wife of William H. Pinckney; to his daughter Sarah Remsen, wife of Henry Remsen; to his daughter Eliza Hatfield, wife of Gilbert Hatfield; to his five grandchildren, Gershom B. Smith, Julia Ann Smith, Eliza Smith, William Henry Smith and Phoebe A. Smith, and then provides as follows: "And also all the rest, residue and remainder of my estate, both real and personal, of every kind and

description and wheresoever situate or being, together with all the real estate hereinbefore given, devised and bequeathed to my wife Lillis during her natural life; I give, devise and bequeath unto all my said children and grandchildren hereinbefore mentioned, their heirs and assigns, for ever, equally to be divided between them, share and share alike, the grandchildren, however, only to take and be entitled to such a share or proportion of my said estate as his, her or their father or mother would have been entitled unto if living; and that after the death of my wife Lillis all that part of my said estate given to her during her natural life be also divided in like manner, and I give and bequeath the same accordingly. My will and intention is, and I further order and direct, that if any or either of my said children shall depart this life before me, or before coming to the estate hereby intended for him, her or them so dying, that then such share or proportion of my said estate hereby intended for him, her or them so dying shall not fall or sink into the residue of my estate, but the same, and every part thereof, shall go to the child or children of him, her or them so dying equally in like manner as if he, she or they had survived me; but in case of no lawful issue, then the same to be equally divided among all my surviving children, share and share alike."

Lillis Bertine, the wife of testator, James Bertine, released to Hannah Pinckney, Sarah Remsen, Eliza Hatfield, James T. Bertine, and the children of Julia Ann Smith, deceased, all her dower, right and all interest in the real estate devised to them by James Bertine. There were five separate releases given, each in consideration of an annuity of \$240, each dated 1st February, 1843, and recorded on 21st April, 1843, in Liber 435 Conveyances, pages 254, 255, 257, 258 and 259 respectively.

For subsequent title, including the partition suit of Bertine *vs.* Pinckney, see abstract of title of lot number two hereinafter set forth.

LOT TWO, SET APART TO DEBORAH BERTINE.

JOHN COZINE <i>and</i> SARAH, <i>his</i> <i>wife</i> ; JOHN HOPPER <i>and</i> SARAH, <i>his wife</i> ; CATHARINE COZINE, <i>the younger, and</i> JANE ACKERMAN <i>and</i> RACHEL COZINE, <i>to</i> JAMES BERTINE <i>and</i> DEBORAH, <i>his wife.</i>	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 26th Sept., 1814. Ack. 26th Sept., 1814. Rec. 28th Feb., 1834. 308 Conveyances, 575. Consideration, \$1.
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RECITES that parties hereto are the children of Balm Johnson Cozine, and that John Cozine, by deed, dated 9th March, 1809, had conveyed to Deborah Bertine an undivided one-fifth of his undivided sixth interest in the thirty acres on the east side of the Bloomingdale Road, comprising the farm of Balm Johnson Cozine, and that parties have agreed to partition said farm.

CONVEYS to Deborah Bertine all the right, title and interest of the parties of the first part of, in and to all that certain part of the above described piece or parcel of land distinguished on a map made thereof by Uzall W. Freeman, from a survey made the 18th August, 1814, as lot No. 2 (number two), bounded and containing as follows, that is to say: Beginning on the Easterly side of the Bloomingdale Road, at the Southwesterly corner of another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 3 (number three), and running thence along the said last mentioned lot South fifty-eight degrees and thirty minutes, east one thousand three hundred and thirty-seven feet to lands now or late belonging to the Mayor, Aldermen and Commonalty of the City of New York, called the Commons; thence in a Southwesterly direction long the last mentioned land one hundred and eighty-five feet

to another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 1 (number one); thence north fifty-seven degrees, west one thousand three hundred and twelve feet to the Bloomingdale Road aforesaid; and thence along the said road one hundred and forty-five feet to the place of beginning. Containing five acres of land, be the same more or less.

And also all that certain other piece or parcel of land adjoining the said piece or parcel of land last above described, and being part of lot No. 1 (number one) aforesaid, bounded and containing as follows, that is to say: Beginning at the southwesterly corner of lot No. 2 (number two), above described, and running thence along the said lot South fifty-seven degrees, East one thousand three hundred and twelve feet to the land aforesaid, now or late of the Mayor, Aldermen and Commonalty of the City of New York; thence in a Southwesterly direction along the said land thirty-three feet three inches; thence North about fifty-seven degrees West to the Bloomingdale Road aforesaid; thence along the said road thirty-three feet six inches to the place of beginning, containing one acre of land, be the same more or less; the said last mentioned piece or parcel of land being the one-fifth part of the share of the said John Cosine, so sold and conveyed to the said Deborah Bertine as herein aforesaid, with the appurtenances, subject, however, to the dower of the said Catharine Cozine thereof.

Deborah Bertine died in March, 1835, seised of the premises described in preceding deed, intestate, leaving her surviving James Bertine, her husband, and the following children:

1. Eliza Hatfield, wife of Gilbert Hatfield.
2. Sarah Remsen, widow of Henry Remsen.
3. Hannah Pinckney, wife of William H. Pinckney.
4. James T. Bertine.
5. Ann Smith, wife of Gershom Smith.

The said Ann Smith died on 31 October, 1835, intestate, leaving her surviving Gershom Smith, her husband, who died on 18 November, 1840, and the following children :

1. Gershom B. Smith.
2. Julia S. Smith.
3. Eliza B. Smith.
4. Phœbe A. Smith.
5. William Henry Smith.

William Henry Smith died on 12 April, 1841, intestate, unmarried and without issue.

Hannah Pinckney died in January, 1844, intestate, leaving her surviving her husband, William H. Pinckney, and the following children :

1. James H. Pinckney.
2. George W. Pinckney.
3. William Pinckney.
4. Deborah Ann, wife of Charles Bailey.
5. Hester Ann, wife of Robert Glenn.
6. Bertine Pinckney.
7. Eliza Pinckney.
8. Julia M. Pinckney and
9. Charles Pinckney.

The following suit was thereupon commenced for a partition of said Lot Two and of so much of Lot One as lay North of Fifty-fourth Street. As shown, ante pages 398 to 401, a portion of Lot One, North of said street, was vested in James Bertine, the husband of the said Deborah Bertine, and by his will he devised the same to his children and grandchildren above mentioned.

IN CHANCERY,
Before Vice-Chancellor.

JAMES T. BERTINE, SARAH
 REMSEN, GILBERT HATFIELD
and ELIZA, his wife,

vs.

WILLIAM H. PINCKNEY, JAMES
 H. PINCKNEY *and* RACHEL
 ANN, *his wife*; GEORGE W.
 PINCKNEY *and* MARY, *his wife*;
 WILLIAM PINCKNEY, CHARLES
 BAILEY *and* DEBORAH ANN,
his wife; ROBERT GLENN *and*
 ESTHER ANN, *his wife*; ELIZA
 PINCKNEY, JULIA M. PINCK-
 NEY, BERTINE PINCKNEY,
 CHARLES PINCKNEY, GER-
 SHOM B. SMITH, JULIA S.
 SMITH, ELIZA B. SMITH,
 PHOEBE A. SMITH, RESOLVERT
 STEPHENS, *Executor of* JAMES
 BERTINE, *deceased*; ALFRED
 A. ANDERSON, NATHANIEL
 FERN *and* WILLIAM ILSLEY.

- 1844—May 24. Bill filed for partition of lot 2 and all lot 1
 North of 54th Street.
- Oct. 31. Order appointing Charles Edwards guardian
ad litem of Eliza Pinckney, Julia M. Pinck-
 ney, Charles Pinckney, Gershom B. Smith,
 Julia S. Smith, Eliza B. Smith, and
 Phœbe A. Smith, on petition of the
 complainants, after proof of service of
 subpoena and notice of motion for appoint-
 ment of such guardian.
- Dec. 23. Answer of infants filed.

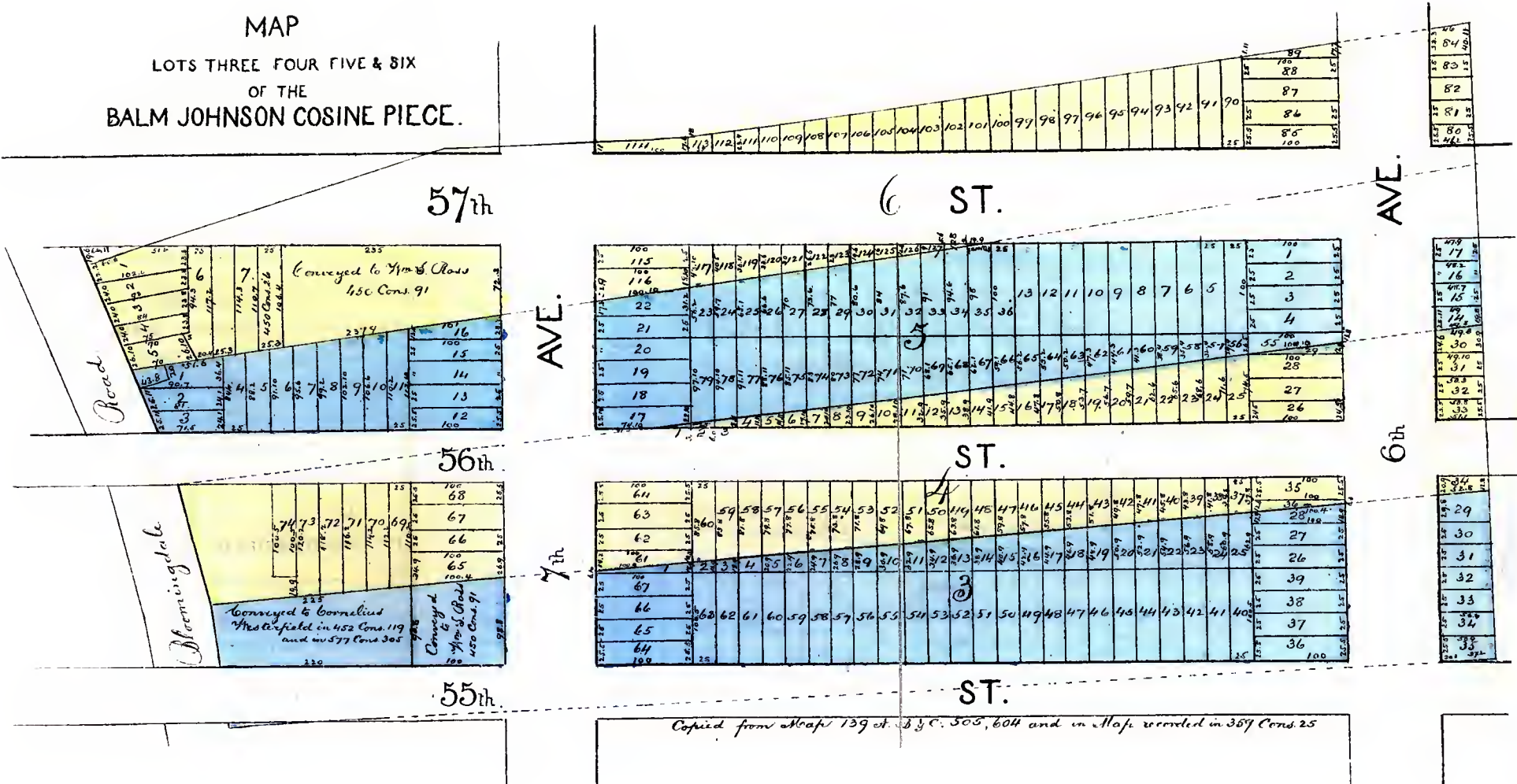
the parties of the first part, of, in and to all that certain part of the above described premises distinguished on a map made thereof by Uzall W. Freeman, from a survey made August 18th, 1814, as lot No. 3 (Number three), Bounded and containing as follows, that is to say: beginning on the Easterly side of the Bloomingdale Road, at the Southwestern corner of another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 4 (Number four), and running thence along the said last mentioned lot South sixty-one degrees and fifteen minutes East one thousand three hundred and ninety feet to land now or late belonging to the Mayor, Aldermen and Commonalty of the City of New York, commonly called the Commons; thence, in a Southwesterly direction along the said last mentioned land, one hundred and eighty-two feet, to another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 2 (Number two); thence North fifty-eight degrees and thirty minutes West one thousand three hundred and thirty-seven feet to the Bloomingdale Road aforesaid, thence along the said road as it turns, one hundred and forty-six feet to the place of beginning. Containing five acres of land, be the same more or less, with the appurtenances, subject, however, to the dower of the said Catharine Cozine thereof.

DEED.

SARAH HOPPER, <i>widow</i> , <i>to</i> CATHARINE COZINE <i>and</i> RA- CHEL COZINE.	}	Dated 2d July, 1823. Proved 22d Sept., 1823. Rec. 23d Sept., 1823. 169 Conveyances, 402. Consideration, \$1.
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¶ CONVEYS all that certain five acre lot, piece or parcel of land now in the actual occupation of the said party of the second part, situate, lying and being in the Ninth Ward of the City

MAP
 LOTS THREE FOUR FIVE & SIX
 OF THE
 BALM JOHNSON COSINE PIECE.



of New York, at Bloomingdale, and on the Easterly side of the Bloomingdale Road, bounded Westerly in front by the Bloomingdale Road, Northerly by Catharine Cozine's five acre lot, Southerly by James Bertine's five acre lot, and running Easterly across two avenues to the Easterly boundary line of the Cozine estate, containing five acres of land.

Habendum, as joint tenants, and not as tenants in common.

Catharine Cozine died on 4 April, 1835, whereby the title became vested in Rachel Cozine as surviving joint tenant.

Rachel Cozine conveyed the portion of lot three lying West of Seventh Avenue, in two different parcels, as shown on map of said lot, ante page 405. The residue of said lot she conveyed to Cornelius Westerfield in trust, as follows:

DEED.

<p style="text-align: center;">RACHEL COZINE <i>to</i> CORNELIUS WESTERFIELD.</p>	}	<p style="text-align: center;">—</p> <p>Dated 1st May, 1844. Ack. 14th May, 1844. Rec. 18th June, 1844. 422 Conveyances, 116. Consideration, \$1,000.</p>
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CONVEYS all that certain piece or parcel of land, situate on the Northeasterly side of Fifty-fifth street, between the Sixth and Seventh Avenues, in the Twelfth Ward of the City of New York. Beginning at the North corner of Fifty-fifth Street and the Sixth Avenue and running thence Northwesterly along Fifty-fifth Street eight hundred feet to the Seventh Avenue, then Northeasterly along the Seventh Avenue one hundred and seven feet three inches, then Southeasterly upon a line obliquing from the line of Fifty-fifth Street eight hundred and two feet six inches to the Sixth Avenue, and thence Southwesterly along the Sixth Avenue one hundred and seventy-one feet two inches to the place of beginning, be the said distances more or less.

And also all that certain other piece or parcel of land, situate

upon the Easterly corner of the Sixth Avenue and fifty-fifth Street, in the Twelfth Ward of said city. Beginning at said corner and running thence Southeasterly along Fifty-fifth Street twenty feet three inches, then Southeasterly upon a line slightly obliqueing from said street thirty-seven feet two inches, then Northeasterly and nearly parallel to the Sixth Avenue, one hundred and eighty-two feet two inches, then Northwesterly upon an oblique line fifty-two feet two inches to the Sixth Avenue, and then Southwesterly along the Sixth Avenue one hundred and eighty feet one inch to the place of beginning, be the said distances more or less, as the said parcels are laid down upon a map of the same and other lands of said Rachel Cozine, compiled by J. F. Bridges, City Surveyor, August 15, 1838.

Declaration of Trust
by
CORNELIUS WESTERFIELD.

} Dated 21th July, 1844.
} Ack. 12th July, 1844.
} Rec. 24th Oct., 1845.
} 468 Conveyances, 104.

RECITES the previous deed and another, and certifies as follows: "Now I do hereby declare and make known that said two several conveyances have been delivered and received by me, upon the special trust and confidence that I will manage the said property therein described to the best advantage, and, when necessary, will mortgage, lease or sell the same for the purpose of aiding, if necessary, in the support and maintenance of the said Rachel Cozine during her natural life; and also, if necessary, to meet certain liabilities heretofore entered into by her if she shall be unable to meet them from other sources; and the surplus arising therefrom, and the residue of said property, after paying and discharging all expenses, costs and charges which I may incur, sustain or be put to by reason thereof, I am to apply to the use and benefit of Catharine Jane Wait, William Edwin Westerfield, Rachel Westerfield and Emma Westerfield,

and the survivors and survivor of them, in such shares and proportions as I may deem to be most advisable.

<p style="text-align: center;">RACHEL COZINE <i>to</i> THE PURCHASERS FROM CORNELIUS WESTERFIELD.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: 0 auto;"/> <p>Dated 4th March, 1846. Ack. 19th March, 1846 Rec. 28th March, 1846. 478 Conveyances, 35.</p>
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RECITES the two conveyances by her to Cornelius Westerfield, dated 1st May, 1844, and recorded in Liber 452 Conveyances, pages 116 and 117 respectively, and the declaration of trust made by the said Westerfield, dated 12th July, 1844, and recorded in Liber 468 Conveyances, page 104, and that a sale of said premises had been made by him, and that he had executed conveyances to the purchasers, and that the purchasers had requested her to ratify and confirm such sales and conveyances.

CONVEYS all her right, title and estate in the premises conveyed to them respectively by the said Cornelius Westerfield, and every part thereof.

LOT 4, SET APART TO CATHARINE COZINE.

<p>JOHN COZINE <i>and</i> SARAH, <i>his wife</i> ; JOHN HOPPER <i>and</i> SARAH, <i>his wife</i> ; JAMES BERTINE <i>and</i> DEBORAH, <i>his wife</i> ; JANE ACKERMAN <i>and</i> RACHEL COZINE <i>to</i> CATHARINE COZINE.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: 0 auto;"/> <p>Dated 26th Sept., 1814. Ack. 26th Sept., 1814. Rec. 20th June, 1835. 337 Conveyances, 211. Consideration, \$1.</p>
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CONVEYS all right, title and interest, &c., of parties of the first part of, in, and to all that certain part of the above described

premises distinguished on a map made thereof by Uzall W. Freeman from a survey made August 18th, 1814, as Lot No. 4 (number four). Bounded and containing as follows, that is to say: Beginning on the Easterly side of the Bloomingdale Road, at the Southwesterly corner of another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 5 (number five), and running thence along the said last mentioned lot South sixty-two degrees, East one thousand and four hundred and fifty-four feet to land now or late belonging to the Mayor, Aldermen and Commonalty of the City of New York; thence in a Southwesterly direction along the said last mentioned land one hundred and seventy-six feet to another part of the above described piece or parcel of land distinguished on the said map thereof as lot No. 3 (number three); thence North sixty-one degrees fifteen minutes, West one thousand three hundred and ninety feet to the Bloomingdale Road aforesaid; thence along the said road one hundred and forty-two feet to the place of beginning. Containing five acres of land, be the same more or less, with the appurtenances, subject, however, to the dower of the said Catharine Cozine thereof.

Catharine Cozine died on 4th April, 1835.

Last Will and Testament
of
 CATHARINE COZINE.

} Dated 10th Feb., 1835.
 } Proved 17th June, 1835.
 } 73 Wills, 508.

I do give and bequeath unto my niece, Rachel Westerfield, the wife of Cornelius Westerfield, the use, rents, issues and profits of all my real estate of what kind or nature soever, for and during her natural life, as and for her sole and separate estate, subject, however, to the specific devises hereinafter made.

(These specific devises are of two lots on Sixth Avenue, each 25 x 100, to Cambridge Ritter and Charles Ritter, to be set off to them by her executors). I order and direct my executors to sell and, in due form of law, convey all my real estate of what kind or nature soever, except the said two lots and the house, garden and ground hereinafter mentioned, and that the proceeds thereof be equally divided between the children of my said niece, Rachel Westerfield, and pay to them as they severally become of age; that their several and respective shares, in the meantime, be safely invested, upon interest, by my executors. I do hereby give and bequeath unto my dear sister Rachel the house in which we now live, together with the garden and the ground as now enclosed, to her for and during her life, and after her death and the death of my said niece, then that shall also be sold as above directed, and the proceeds divided, paid and invested in the same manner as above directed * * * And I do hereby make and appoint Peter A. Hagerman and Cornelius Westerfield executors of this my last will and testament, and do hereby order them, give and grant unto them and the survivor, full power to make, execute and deliver all certificates, deeds and evidence of acts that may be requisite to carry this, my will, into full and complete effect.

Letters testamentary were issued to both executors on 18th July, 1835. See Liber 3. Letters testamentary, page 10.

Nearly all the premises were sold by the executors, pursuant to the power in the above will.

Jane Ackerman, by deed dated 30th April, 1836, and recorded on 13th May, 1836, in Liber 359 Conveyances, page 25, conveyed to John M. Bixby and Thomas Nesmith premises on the Southeast and Southwest corners of Sixth Avenue and Fifty-seventh street, being lots numbered from 1 to 17 on the map of lot five, ante page 405. She died, seized of the residue of said lot five, on 29th May, 1837, leaving a will as follows :

Last Will and Testament
of
 JANE ACKERMAN.

Dated 2d March, 1837.
 Proved 2d Aug., 1837.
 76 Wills, 407.

First. I give and bequeath unto my daughter, Rachel Westerfield, for and during her natural life, all and singular my lands and premises situate, lying and being in the Twelfth Ward of the said City, on the Bloomingdale Road, and running from the Bloomingdale Road to the Seventh Avenue ; and, immediately after her death, I give, devise and bequeath the same lands, with the appurtenances, to her children, share and share alike, to be equally divided between them when the youngest of her said children shall come to the age of twenty-one years, and not before. If either of her children should depart this life before my said daughter leaving issue, such issue shall take under this, my will, the share or portion his, her or their parent would have taken if living. Secondly, I give and bequeath unto my eldest grandchild, Catharine Jane Westerfield, the place on which I lately resided, situate, lying and being at Bloomingdale, and fronting to the Bloomingdale Road, in the said Twelfth Ward of the City of New York, with the appurtenances, to have and to hold the same to her and her heirs and assigns forever. All the rest residue and remainder of my estate, real and personal, I

give, devise and bequeath unto my said daughter Rachel, and to her heirs and assigns forever.

Rachel Westerfield conveyed to her two infant children, Emma Delia and Rachel Westerfield, the portion of lot five, between Sixth and Seventh Avenue, except the lots conveyed by Jane Ackerman in her lifetime.

DEED.

CORNELIUS WESTERFIELD <i>and</i> RACHEL, <i>his wife</i> , <i>to</i> EMMA DELIA WESTERFIELD.	}	Dated 7th July, 1842. Ack. 7th July, 1842. Rec. 8th July, 1842. 429 Conveyances, 49. Consideration, \$1.
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CONVEYS all the undivided two-third parts of all that certain piece or parcel of land situate, lying and being in the Twelfth Ward of the City of New York, bounded as follows: Commencing at the Easterly corner of the Seventh Avenue and Fifty-sixth Street, and running from thence Southeasterly along Fifty-sixth Street seventy-four feet ten inches; from thence Southeasterly seven hundred and thirty feet seven inches to a point eighty-six feet seven inches from the Northerly corner of Sixth Avenue and Fifty-sixth Street; thence Northeasterly along Sixth Avenue thirteen feet eight inches; thence Northwesterly, parallel with Fifty-seventh Street, three hundred and fifty feet; thence Northeasterly, parallel with Seventh Avenue, one hundred feet to Fifty-seventh Street; thence Northwesterly, along Fifty-seventh Street, thirty-five feet three inches to a point distant three hundred and eighty-five feet three inches from the Westerly corner of Sixth Avenue and Fifty-seventh Street; thence Northwesterly to a point distant one hundred and forty-three feet one inch from the Easterly corner of Seventh Avenue and Fifty-sixth street; thence along the Seventh Avenue to the place of beginning, be the same more or less.

DEED.

CORNELIUS WESTERFIELD <i>and</i> RACHEL, <i>his wife</i> , to RACHEL WESTERFIELD.	}	Dated 7th July, 1842. Ack. 7th July, 1842. Rec. 8th July, 1842. 429 Conveyances, 51. Consideration, \$1.
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CONVEYS all the undivided one-third part of same premises as the preceding deed.

IN CHANCERY.

<i>In the Matter</i> of The Petition of RACHEL and EMMA D. WESTERFIELD, for leave to sell real estate, &c.	}
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- 1845—Petition filed, asking that Peter A. H. Jackson may be appointed their guardian to sell.
- Dec. 15—Report of Master that Jackson is a fit person for guardian.
- 1846—Jan. 10—Order appointing Jackson such guardian, and of reference as to facts stated in petition.
- Jan. 17—Master's report filed and confirmed, and order entered authorizing Jackson to sell.
- Feb. 11—Sale made of the lots in question.
- Feb. 26—Report of sale filed and confirmed, and order entered directing conveyances to the purchasers.

TITLE TO PORTION WEST OF SEVENTH AVENUE.

Rachel Westerfield died on 11th September, 1842, leaving her surviving Cornelius Westerfield, her husband, and the five following children :

1. Catharine Jane Westerfield, who married John Waite on 26th April, 1843.
2. William E. Westerfield.
3. Rachel Westerfield.
4. Mary Westerfield, who died on 14th October, 1841, intestate, unmarried and without issue.
5. Emma Delia Westerfield, born after death of Jane Ackerman.

Catharine Jane Westerfield, by an ante nuptial settlement dated 26th April, 1843, conveyed all her lands and real estate to Cornelius Westerfield, in trust, to sell and apply income of proceeds to separate use of Catharine Jane Westerfield during the joint lives of herself and John Waite, and on his death, if she survives him, to pay principal to her. In case she dies first, then to pay principal to such persons as she may, by will, appoint; or if she leaves no will, then to pay principal to her issue, if any; but if none, to her husband. She also reserves the power to remove the trustee at any time, and to appoint his successor. This instrument does not appear to be recorded, but is recited in the complaint in the following suit.

By instrument, dated and acknowledged on 16th March, 1846, Joseph W. Savage was appointed by her trustee, in place of Cornelius Westerfield who was removed by her pursuant to above power, and Westerfield thereupon conveyed to Savage all said trust property. On 9th November, 1846, a petition was presented to the Court of Chancery by John Waite, Catharine Jane Waite and Joseph W. Savage, asking the removal of Savage and the appointment of John Waite trustee in his place. This petition was granted 4th December, 1846, and on the fol-

lowing day a deed was executed and acknowledged by said Savage conveying said trust property to John Waite. See deeds recorded in 747 Conveyances, pages 486, 490 and 494.

Catharine Jane Waite, at the time of the commencement of the following suit had issue living, to wit, George W. Waite, born on 29th January, 1847, and Anna Frances Waite, born on 10th February, 1850.

DEED.

WILLIAM E. WESTERFIELD <i>and</i> ELIZA JANE, <i>his wife</i> , to JOHN WAITE.	}	Dated 19th June, 1850. Ack. 19th June, 1850. Rec. 19th June, 1850. 546 Conveyances, 367. Consideration, \$1,200.
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CONVEYS all the right, title, interest and claim of the parties of the first part, derived under or by virtue of the last will and testament of Jane Ackerman, deceased, or otherwise derived of, in, and to all the undivided fourth part of the portion of lot Five West of Seventh Avenue.

N. Y. SUPREME COURT.

JOHN WAITE, <i>in his own right</i> , and as Trustee of CATHARINE JANE WAITE, <i>his wife</i> , vs. CORNELIUS WESTERFIELD, EMMA DELIA WESTERFIELD, RACHEL WESTERFIELD, WIL- LIAM E. WESTERFIELD <i>and</i> ELIZA JANE, <i>his wife</i> ; GEORGE W. WAITE <i>and</i> ANNA FRANCES WAITE.	}
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1850—Dec. 11. Complaint verified asking for partition of Lot 5 West of Seventh Avenue.

- 1851—March 5. Answer of Rachel Westerfield.
 March 22. Answer of Cornelius Westerfield.
 July 8. Order appointing Charles Henry Sandford guardian *ad litem* of Emma Delia Westerfield, an infant under 14 years, on petition of her father.
 July 10. Answer of said infant filed.
 Nov. 19. Order appointing Freeborn G. Luckey guardian *ad litem* of George W. Waite and Anna Frances Waite, on petition of Anson Willis, their next friend.
- 1855—Sept. 29. Order making William M. Day a party, he having married the defendant Rachel Westerfield.
 Sept. 29. William M. Day appears by Charles W. Sandford.
 Oct. 12. Judgment entered, declaring void so much of the will of Jane Ackerman as declares that the premises are to be divided among the children of Rachel Westerfield when youngest shall become of age, and that the title vested in Rachel Westerfield free from such limitations on the alienation, and also appointing commissioners of partition.
 Dec. 5. Commissioners report an actual partition inexpedient.
- 1856—March 8. Reference to Clerk on liens.
 Dec. 20. Judgment entered directing sale by Charles D. Mead, Referee.
- 1857—Nov. 9. Report of sale filed and confirmed.

LOT SIX, SET APART TO RACHEL COZINE.

JOHN COZINE <i>and</i> SARAH, <i>his</i> <i>wife</i> ; JOHN HOPPER <i>and</i> SARAH, <i>his wife</i> ; JAMES BER- TINE <i>and</i> DEBORAH, <i>his wife</i> ; CATHARINE COZINE <i>and</i> JANE ACKERMAN, <i>to</i> RACHEL COZINE.	DEED. ——— Dated ———, 1814. Ack. 26th Sept., 1814. Rec. 20th June, 1835. 337 Conveyances, 216. Consideration, \$1.
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CONVEYS all the right, title and interest of the parties of the first part of, in, and to all that certain part of the above described premises, distinguished on a map made thereof by Uzall W. Freeman, from a survey made August 18th, 1814, as lot No. 6 (number six), bounded and containing as follows, that is to say: Beginning on the Easterly side of the Bloomingdale Road, at the Southwesterly corner of the above mentioned land, late of John Somerindyck, deceased, and running thence along said last mentioned land South seventy-three degrees, East four hundred and seventeen feet; then South sixty two degrees, East five hundred and thirty-five feet; then South sixty-six degrees and thirty minutes East six hundred and thirteen feet to lands now or late of the Mayor, Aldermen and Commonalty of the City of New York, commonly called the Commons; thence in a Southwesterly direction along the said Commons one hundred and sixty-six feet to another part of the said first mentioned piece or parcel of land distinguished on the said map as lot No. 5 (number five); thence along said lot North sixty-three degrees and forty-five minutes West one thousand five hundred and twelve feet to the said Bloomingdale Road; thence along the said road one hundred and eighteen feet to the place of beginning. Containing five acres two roods and twenty-eight perches

of land, be the same more or less, with the appurtenances. Subject, however, to the dower of the said Catharine Cozine thereof.

Rachel Cozine conveyed the portion of lot six West of Seventh Avenue, in various parcels, the residue thereof being included in the following deed :

DEED.

<p style="text-align: center;">RACHEL COZINE <i>to</i> CORNELIUS WESTERFIELD.</p>	}	<p>Dated 1st May, 1844. Ack. 14th May, 1844. Rec. 18th June, 1844. 452 Conveyances, 117. Consideration, \$1,000.</p>
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CONVEYS all that certain triangular piece of land situate at the South corner of the Seventh Avenue and Fifty-seventh Street, in the Twelfth Ward of the City of New York. Beginning at the said corner, and running thence Southeasterly along the Southwesterly side of Fifty-seventh Street four hundred and fourteen feet nine inches to a point formed by the intersection of the South boundary of said land with the Southwest side of said street; then obliquely from said point along said boundary Northwesterly to said Seventh Avenue four hundred and eighteen feet nine inches, and then Northeasterly along the Easterly side of said avenue fifty-seven feet nine inches to the place of beginning, be the said distances more or less.

And also all that certain piece of land situate in the Ward aforesaid, on the Northeast side of Fifty-seventh Street. Beginning at the North corner of Fifty-seventh Street and the Sixth Avenue, and running thence Northwesterly along Fifty-seventh Street eight hundred feet to the Seventh Avenue; then Northeasterly along said Avenue eleven feet; then obliquely along an irregular Southeasterly line forming the old Northerly boundary of said land eight hundred and seven feet to the Sixth

Avenue, and thence Southwesterly along the Sixth Avenue one hundred and eighteen feet to the place of beginning, be the said distances more or less.

And also all that certain piece of land situate in the Ward aforesaid, on the East corner of Fifty seventh Street and the Sixth Avenue. Beginning at the said corner, and running thence Southeasterly along Fifty-seventh Street forty-two feet six inches; thence Northeasterly and nearly parallel to the Sixth Avenue one hundred and forty-one feet; then Northwesterly upon an oblique line forty-five feet nine inches to the Sixth Avenue, and then Southwesterly along the Sixth Avenue one hundred and thirty-three feet eight inches to the place of beginning, be the said distances more or less, as the said parcels are laid down on a map thereof compiled by J. F. Bridges, City Surveyor, August 15, 1838.

Declaration of Trust
by
CORNELIUS WESTERFIELD.

} Dated 12th July, 1844.
} Ack. 12th July, 1844.
} Rec. 24th Oct., 1845.
} 468 Conveyances, 104.

RECITES the previous deed and another, and certifies as follows: "Now, I do hereby declare and make known that said two several conveyances have been delivered and received by me upon the special trust and confidence that I will manage the said property therein described to the best advantage, and, when necessary, will mortgage, lease or sell the same for the purpose of aiding, if necessary, in the support and maintenance of the said Rachel Cozine during her natural life; and also, if necessary, to meet certain liabilities heretofore entered into by her if she shall be unable to meet them from other sources, and the surplus arising therefrom; and the residue of said property, after paying and discharging all expenses, costs and charges which I may incur, sustain or be put to by reason thereof, I am

to apply to the use and benefit of Catharine Jane Wait, Wm. Edwin Westerfield, Rachel Westerfield and Emma Westerfield, and the survivors and survivor of them, in such shares and proportions as I may deem to be most advisable.

<p style="text-align: center;">RACHEL COZINE <i>to</i> THE PURCHASERS FROM COR- NELIUS WESTERFIELD.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: 0 auto;"/> <p>Dated 4th March, 1846. Ack. 19th March, 1846. Rec. 28th March, 1846. 478 Conveyances, 35.</p>
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RECITES the two conveyances by her to Cornelius Westerfield, dated 1st May, 1844, and recorded in Liber 452 Conveyances, pages 116 and 117 respectively, and the declaration of trust made by the said Westerfield, dated 12th July, 1844, and recorded in Liber 468 Conveyances, page 104, and that a sale of said premises had been made by him, and that he had executed conveyances to the purchasers, and that the purchasers had requested her to ratify and confirm such sales and conveyances.

CONVEYS all her right, title and estate in the premises conveyed to them respectively by the said Cornelius Westerfield, and every part thereof.

Copied from Map on 86 Conveyances Page 298
6th

MAP OF THE JOHN SOMARINDYCK FARM.



THE SOMARINDYCK FARM.

The farm is included in the following patents :

SIR RICHARD NICOLLS, <i>Governor, &c.,</i> <i>to</i> THOMAS HALL, JAN VIGNE, EGBERT WOUTERS <i>and</i> JA- COB LEANDERS.	} PATENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 3d Sept., 1667. Rec. in Sec'y of State's Office, at Albany, 2 Patents, 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

The above patent appears to have been revoked and the following one given in its place.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOM- AS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERS.	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.
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“Whereas there is a certain tract or parcel of land upon this Island Mannhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

The premises included in the above patent appear to have been divided among the patentees.

DEED.

JOHANNES VAN BROUGH <i>and</i> CATHARINE, <i>his wife,</i> <i>to</i> TUNIS CORNELIUS STILLE.	Dated ——— 1696. Proved 15th May, 1714. Rec. 25th Nov., 1714. 28 Conveyances, 116. Consideration, \$75.
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CONVEYS all that a certain parcel of land situate, lying and being to the North of the Great Kill aforesaid to the South of the land of Adrian Van Schaick. Beginning at a certain marked beech tree which stands upon the first creek or fall, stretching from the said tree by the side of the North River almost Southwest. Containing in breadth sixty English rods, and in length backwards into the woods two hundred and fifty rods, more or less, as by a patent from Governor Nicolls, bearing date the third day of October, 1667, at large will appear.

It also appears, from recitals in the following mortgage, that “the said Tunis Cornelius Stille, by virtue of certain mesne conveyances from Thomas Hall, or his heirs or assigns, was seised of a certain lot of land lying and being on the West side of New York Island, fronting to Hudson River, commonly called the Great Kills, lying next the land of Jacobus Cortland on the South, and Cornelius Williamse on the North, and bounded on the Commons on the East side, and contains two hundred acres, or thereabouts, be the same more or less.

MORTGAGE.

THUNES CORNELISON STILLA <i>and ANNAKE, his wife,</i> <i>to</i> JOHN HARPENDINCK.	}	To secure £318. Dated 24th June, 1720. Proved 1st July, 1729. Rec. 1st July, 1729. 31 Conveyances, 271.
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RECITES the above deed of Van Brough to Stilla and his seisin of the piece conveyed by Thomas Hall, and covers both of said pieces of land.

The above mortgage was probably foreclosed and the premises purchased by Stephen Delancey.

<i>Last Will and Testament</i> <i>of</i> STEPHEN DELANCEY.	}	Dated 4th March, 1735. Proved 24th Nov., 1741. 14 Wills, 91.
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After certain provisions not affecting the farm in question, the testator made the following residuary devise: “Item. My will is, and I do hereby give, devise and bequeath all the residue of my estate, both real and personal, not otherwise in this my will disposed of; and after the decease of my wife, all my estate hereby given and devised to her during her life unto my afore-

said children, to wit: unto my sons James, Peter, Stephen, John and Oliver, and to my daughters Susannah and Anne, and to their heirs and assigns, forever, share and share alike.”

It appears from recitals in Letters Testamentary, Liber 14, Wills 95, that John Delancey died before his father.

<p style="text-align: center;"><i>Last Will and Testament</i> of STEPHEN DELANCEY, <i>the Second.</i></p>	}	<p>Dated 16th Sept., 1745. Proved 20th Sept., 1746. 16 Wills, 15.</p>
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After subjecting his estate to the payment of his debts, he provides as follows: “Item. I give, bequeath and devise all the rest or remainder of my whole estate, both real and personal, unto my brothers and sisters, to wit: James Delancey, Peter Delancey, Oliver Delancey, and Susannah Warren and Anne Watts, to have and to hold the said estate, both real and personal, to them, their heirs, executors, administrators and assigns, forever, share and share alike, as tenants in common, so that there be no benefit of survivorship between them or any of them.”

<p>PETER DELANCEY, OLIVER DELANCEY, PETER WARREN <i>and</i> SUSANNAH WARREN, <i>his wife</i>; JOHN WATTS <i>and</i> ANNE, <i>his wife</i>, <i>to</i> JAMES DELANCEY.</p>	}	<p>PARTITION DEED. Dated — 1747. Ack. 11th April, 1747. 14 Deeds, 258. At Albany.</p>
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RECITES partition of the estate of Stephen Delancey, and that the portion of James Delancey is as follows, to wit: “All that farm or tract of land situate, lying and being in the City and County of New York, called and known by the name of Little

North of the Great Kills, on New York Island, and to the South of lands late belonging to Adrian Van Schaick, beginning where a certain beach tree stood upon a certain neck or fall stretching from the said tree by the side of the North River almost Southwest, containing in breadth sixty-eight rods, and in length backwards into the woods two hundred and fifty rods, more or less. And also all that certain lot of land situate and being on the West side of New York Island, fronting Hudson's River on the West, lying next to the land late of Jacobus Van Cortlandt on the South, and the above lot, formerly of Cornelius Williamse, on the North, and bounded on the East by the Commons, containing two hundred acres, more or less, which said lands became forfeited to and vested in the People of the said State by the attainder of James De Lancey, Esq.

The said John Somarindyck died, intestate, on 11th October, 1790, leaving him surviving Sarah Somarindyck, his widow, who died July 2d, 1830, and the following children, his only heirs-at-law :

1. Hyder Somarindyck.
2. George W. Somarindyck,
3. Margaret, married to William A. Hardenbrook on 11 February, 1791.
4. Sarah, married to John H. Talman on 10 April, 1806.
5. Abigail Thorn, widow of Leonard Thorn, and afterwards wife of William T. Cock.

In 1809 the heirs of John Somarindyck proceeded to partition the farm in question among themselves. A copy of the map used in this partition is given ante page 423. The following are the deeds by which the same was carried into effect :

WILLIAM A. HARDENBROOK
and MARGARET, *his wife* ;
 JOHN H. TALMAN *and* SARAH,
his wife ; GEORGE W. SOMAR-
 INDYCK *and* HYDER SOMAR-
 INDYCK,

to

ABIGAIL THORN.

DEED.

Dated 8th March, 1809.
 Ack. 8th March, 1809.
 Rec. 17th Jan., 1810.
 85 Conveyances, 295.
 Consideration, \$1.

RECITES death of John Somarindyck seised of the farm in question, and that the parties hereto, his heirs-at law, had agreed upon a division thereof amongst themselves, in accordance with a map thereof made by William Bridges, sworn Surveyor, in November, 1808.

CONVEYS to Abigail Thorn, as her share, " All those said seventeen lots, pieces or parcels of land, part and parcel of the said farm or tract of land above described, and known and distinguished in the aforesaid map or chart by the said numbers Two, Three, Fourteen, Fifteen, Twenty-seven, Twenty-eight, Forty-three, Forty-four, Forty-eight, Forty-nine, and the letters c, b, m, l, u, w, and the figure 3 ; and, taken together, contain sixty-five acres, three roods eight perches, and eighty-five square feet, including streets, as by the copy of the aforesaid map or chart hereunto annexed may more fully appear.

WILLIAM A. HARDENBROOK
and MARGARET, *his wife* ;
 GEORGE W. SOMARINDYCK
and HYDER SOMARINDYCK
and ABIGAIL THORN,

to

SARAH TALMAN, *wife of* JOHN
 H. TALMAN.

DEED.

Dated 8th March, 1809.
 Ack. 8th March, 1809.
 Rec. 20th June, 1811.
 92 Conveyances, 445.
 Consideration, \$1.

CONTAINS same recitals and conveys all those eighteen lots,

pieces or parcels of land, part and parcel of the said farm or tract of land above described, and known and distinguished in the aforesaid map or chart by the said numbers Ten, Eleven, Sixteen, Seventeen, Twenty-five, Twenty-six, Thirty-four, Thirty-seven, Thirty-eight, Forty-five, and the letters j, k, p, q, t, z, and the figures 1 and 2 ; and, taken together, contain sixty-four acres one rood twenty perches and one hundred and thirty-one square feet, including streets, as by the copy of the aforesaid map or chart hereunto annexed may more fully appear.

<hr/> JOHN H. TALMAN <i>and</i> SARAH, <i>his wife</i> ; GEORGE W. SOMAR- INDYCK <i>and</i> HYDER SOMAR- INDYCK <i>and</i> ABIJAIL THORN, <i>to</i> MARGARET HARDENBROOK, <i>wife</i> <i>of</i> WILLIAM A. HARDEN- BROOK.	}	DEED. <hr style="width: 50px; margin: 0 auto;"/> Dated 8th March, 1809. Ack. 8th March, 1809. Rec. 28th Oct., 1811. 95 Conveyances, 531. Consider'n, \$1.
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CONTAINS same recitals and contains all those fifteen lots, pieces or parcels of land, part and parcel of the said farm or tract of land above described, and known and distinguished in the aforesaid map or chart by the numbers Four, Five, Twelve, Thirteen, Twenty-two, Twenty-nine, Thirty, Forty-one, Forty-two, Forty-seven, and the letters, e, d, n, x, and the figure 5 ; and, taken together, contains sixty-one acres, three roods, twelve perches and one hundred and sixty-nine square feet, including streets, as by the copy of the aforesaid map or chart hereunto annexed may more fully appear.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> ; JOHN H. TALMAN <i>and</i> SARAH, <i>his wife</i> ; ABIGAIL THORN <i>and</i> HYDER SOMARINDYCK, <i>to</i> GEORGE W. SOMARINDYCK.	DEED. ——— Dated 8th March, 1809. Ack. 8th March, 1809. Rec. 6th March, 1815. 108 Conveyances; 518. Consideration, \$1.
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CONTAINS same recitals, and conveys all those fifteen lots, pieces or parcels of land, part and parcel of the said farm or tract of land above described, and known and distinguished in the aforesaid map or chart by the said numbers One, Six, Seven, Twenty, Twenty-one, Thirty-two, Thirty-nine, Forty, Forty-six, and the letters a, f, g, y, and the figure 6; and, taken together, contain sixty-one acres, twenty-five perches, and one hundred and fifty-five square feet, including streets, as by the copy of the aforesaid map or chart hereunto annexed may more fully appear.

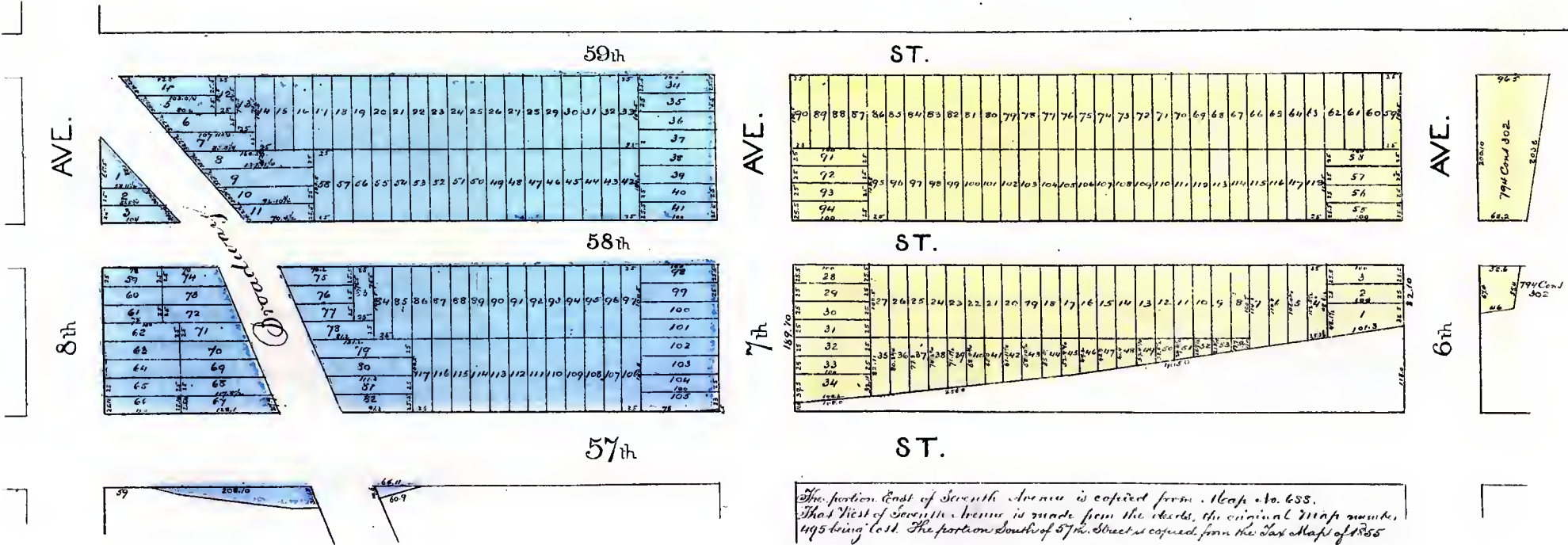
Lot number Thirty-one was omitted in the record of the above deed among the premises conveyed, and the deed was correctly recorded Liber 768 Conveyances, page 159, on 4th November, 1858.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> ; JOHN H. TALLMAN <i>and</i> SARAH, <i>his wife</i> ; GEORGE W. SOMAR- INDYCK <i>and</i> ABIGAIL THORN, <i>to</i> HYDER SOMARINDYCK.	DEED. ——— Dated 8th March, 1809. Ack. 8th March, 1809. Rec. 7th June, 1817. 122 Conveyances, 135. Consideration, \$1.
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CONTAINS same recitals, and conveys all those sixteen lots, pieces or parcels of land, part and parcel of the said farm or

tract of land above described, and known and distinguished in the aforesaid map or chart by the said numbers Eight, Nine, Eighteen, Nineteen, Thirty-three, Twenty-three, Twenty-four, Thirty-five, Thirty-six, Fifty, and the letters i, h, o, s, r and v; and, taken together, contain sixty-four acres, three roods, thirty seven perches and thirty-eight square feet, including streets, as by the copy of the aforesaid map or chart hereunto annexed may more fully appear.

THE SOMARINDYCK FARM
LYING
EAST OF THE EIGHTH AVENUE.



AVE.

8th

59th

58th

57th

ST.

ST.

ST.

AVE.

7th

AVE.

6th

The portion east of Seventh Avenue is copied from Map No. 655. That West of Seventh Avenue is made from the records, the original Map number, 4495 being lost. The portion south of 57th Street is copied from the last Map of 1855.

THE SOMARINDYCK FARM.

EAST OF THE EIGHTH AVENUE.

This portion of the farm has been absorbed by the Central Park, excepting the blocks South of Fifty-ninth Street. The title to these blocks will be considered in the following order; first, those East of Seventh Avenue, and then those between Seventh and Eighth Avenues.

THE BLOCKS EAST OF SEVENTH AVENUE.

These are designated on the partition map as block 45 and gores 1, 2 and 3. These were set apart to Sarah Talman by the partition deed given ante page 429. She conveyed in her life time the gores East of Sixth Avenue and died seised on 30th day of April, 1867, of the blocks between Sixth and Seventh Avenues. Her husband, John H. Talman, had died before her, on 18th August, 1864.

Last Will and Testament
of
SARAH TALMAN.

} Dated 8th July, 1854.
} Proved 22d May, 1867.
} 161 Wills, 354.

“ I give, devise and bequeath unto my said Executors, and to the survivors and survivor of them, two equal undivided eighth parts or shares of all the rest residue and remainder of my estate in trust, nevertheless, to and for the uses and purposes following, that is say :—To invest and keep the same invested upon bond and mortgage of real estate, or in the public funds of the United States, State or City of New York as they shall deem most advisable, and apply the interest or income arising therefrom to the use of my said daughter Caroline during her natural life, and after her decease to pay and divide the said principal sum equally to and among the children of the said Caroline living at the time of her decease, and the issue of such of her children as may have died before her leaving issue, such issue to take the share their parent would have taken if living, and upon the further trust, that if the said Caroline shall die without leaving issue her surviving, then to pay and divide the same to and among my surviving children and grand children above named, or such of them as shall then be living, and the issue of such of them as may have then died leaving issue, in the proportions following, that is to say :—Each of my said children or their issue to be paid double the amount paid to my said grand children or their issue.” Testatrix devises two other eighths parts of said residue of her estate to her Executors in trust for her daughter Sarah Augusta, to hold on the same trusts as to investment, application of income to her use during her life, division among her issue, and with like remainder in default of issue. She devises two other eighths thereof to her trustees in trust for her daughter Cornelia A., to hold on like trusts for her life, with like remainders. She devises one

eighth part thereof to her Executors in trust for her grandchild Catherine C., to hold on like trusts for her life with like remainders, except that the income, save such as shall be necessary for her support, shall be accumulated during her minority. The remaining eighth thereof she devises to her Executors in trust for her grand child Sarah, on like trusts as in case of her other grand child. "Tenth, in order to enable such investment, application and division of my estate to be made as herein above directed, I authorize and empower my said Executors and the survivors and survivor of them, at such time or times as they may deem most advantageous, to sell and dispose of all the real estate of which I may die seised (except the real estate hereinabove particularly mentioned which is not to be sold, other than as hereinabove provided) at public auction, and upon such sale being made, to execute and deliver to the purchasers thereof good and valid deeds of conveyance in fee simple absolute." She appoints her husband John H. Talman, and John P. Yelverton, and Joseph G. R. Blackwell her Executors.

By codicil dated 29th January, 1858, she appoints Cornelius John DeWitt her Executor, in place of Joseph G. Blackwell. By codicil dated 6th August, 1862, she appoints Edward DeWitt her Executor, in place of Cornelius John Dewitt.

Letters Testamentary were granted to Edward DeWitt on 23d May, 1867. In Liber 24, Letters Testamentary 261.

The Executor sold the premises in lots according to map filed in case number 688.

THE BLOCKS BETWEEN SEVENTH AND EIGHTH AVENUES.

These are designated on the partition map as blocks number 43 and 44, and gore number 3, and with blocks two and three

and others were set apart to Abigail Thorn, widow, by partition deed given ante page 429. She intermarried with William T. Cock in the Spring of 1809.

MORTGAGE.

WILLIAM T. COCK <i>and</i> ABI- GAIL, <i>his wife,</i> <i>to</i> JEAN VICTOR MARIE MOREAU.	}	To secure \$10,000. Dated 25th April, 1810. Ack. 30th April, 1810. Reg. 1st May, 1810. 23 Mortgages, 106.
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COVERS said blocks two, three, Forty-three and Forty-four. "The said lots number two and three, containg together thirteen acres, three roods, sixteen perches and one hundred and a half feet, and the said lots numbered forty-three and forty-four containing eleven acres, three roods, two perches and two hundred and forty-five feet.

The above named mortgagee died in year 1813.

<i>Last Will and Testament</i> <i>of</i> JEAN VICTOR MARIE MOREAU.	}	Dated 26th Oct., 1807. Proved 26th Jan., 1814. 51 Wills, 229.
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"I, the undersigned, Jean Victor Marie Moreau, being desirous of securing the estate that I shall leave at my decease to my wife, to my relations, and to those who have served me, declare that I dispose of the same, in manner following:—The incorrect manner in which my marriage contract was drawn up, having deprived my wife of the advantages of 'Community,' I declare that I restore them by giving to her the half of all my estate in full property if I die without children, and only the use and enjoyment thereof during her life if my children survive me. In the latter case there shall be first raised upon the whole of my estate a life annuity to be divided amongst my

brothers and sisters." There are provisions regulating the amount of this annuity according to the value of his estate. The will also provides for certain legacies to his domestics. "I declare that I appoint for my Executors Monsieur Feray, merchant at Paris, dwelling in the Rue de Choiseul, and Monsieur Saint Paul, a lawyer, dwelling also at Paris, Rue Notre-dame des Victoires, jointly or one of them in default of the other."

By codicil dated 19th June, 1813, he provides as follows:— "I, the within named Jean Victor Marie Moreau, having since the period of signing and publishing my last will and testament on the two annexed pages written, acquired certain real and personal estate within the United States of America, do therefore make, publish and deliver this my schedule to the said last will and testament, hereby ratifying and confirming such my said last will and testament in all and singular the items therein contained, and willing and directing that all such, my property so acquired in the United States or may be acquired therein, shall be held, shared and disposed of in the same manner and to the same usés and in the same proportions as the other of my said property is particularly given and disposed of in and by such my said last will and testament. And I do hereby especially make, authorize and appoint my friend John S. Roulet, of the City of New York, merchant, to be one of the Executors, jointly with the others named in said will."

DEED.

WILLIAM T. COCK, <i>to</i> JOHN A. HARDENBROOK.	}	Dated 3d Jan., 1814. Proved 7th Jan., 1814. Rec. 8th Jan., 1814. 104 Conveyances, 224. Consideration, \$1.
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CONVEYS all interest in the seventeen lots set apart to Abigail Thorn (now Cock) by the partition deed above mentioned.

JOHN A. HARDENBROOK <i>and</i> MARIA, <i>his wife</i> , <i>to</i> ABIGAIL COCK, <i>wife of</i> WIL- LIAM T. COCK.	}	DEED. ——— Dated 8th Jan., 1814. Ack. 7th June, 1814. Rec. 21st Nov., 1814. 108 Conveyances, 95. Consideration, \$1.
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CONVEYS all interest in same premises subject to the above mortgage and another on other of the seventeen lots.

IN CHANCERY.

JOHN S. ROULETT, MONSIEUR FERAY <i>and</i> MONSIEUR ST. PAUL, <i>Executors of</i> JEAN VIC- TOR MARIE MOREAU, <i>vs.</i> WILLIAM T. COCK <i>and</i> ABIGAIL <i>his wife, and</i> JOHN A. HAR- DENBROOK.	}
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- 1814—Nov. 18. Bill filed to foreclose. 23 Mortgages 106.
 1815—March 6. Order of reference on consent of solicitor for
 the defendants.
 March 8. Master reports \$11,300.58 due.
 March 8. Decree of foreclosure and sale.
 March 18. Report of sale confirmed.

NATHANIEL F. MOORE, <i>Master</i> <i>in Chancery</i> , <i>to</i> JOHN S. ROULETT.	}	DEED. ——— Dated 17th March, 1815. Ack. 17th March, 1815. Rec. 8th April, 1815. 109 Conveyances, 19. Consideration, \$11,600.
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CONVEYS said lots Two, Three, Forty-three and Forty-four.

See Liber 140 Conveyances, page 287, for release of dower from Sarah Somarindyck to John S. Roulet of said four lots.

John S. Roulet, by declaration of trust, dated 17th March, 1815, and recorded in Liber 125 Conveyances, page 345, on 21st February, 1818, declares that he purchased said premises and accepted the conveyance thereof for and on account of the estate of the said Jean Victor Marie Moreau, and holds the said premises to the uses and upon the trusts declared and contained in and by the last will and testament of Jean Victor Marie Moreau. And in case an opportunity should offer to sell and dispose of said premises advantageously to the said estate, then upon the further trust to make such sale thereof and to execute and deliver to the purchaser thereof a good and sufficient deed of conveyance of the same.

<p style="text-align: center;">JOHN S. ROULET <i>to</i> ALEXANDRINE LOUISE EUGENIE HULOT MOREAU, <i>widow of</i> JEAN VICTOR MARIE MOREAU.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: auto;"/> <p>Dated 1st July, 1817. Proved 3d Feb., 1818. Rec. 3d Feb., 1818. 125 Conveyances, 252. Consideration, \$1.</p>
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RECITES the above deed from the Master to John S. Roulet and his declaration of trust.

CONVEYS said lots Two, Three, Forty-three and Forty-four. Habendum, upon trust, to manage and improve, sell, dispose of and convey the same; and the monies thence arising to pay, appropriate and convey according to the directions, true intent and meaning of the last will and testament of the said Jean Victor Marie Moreau, deceased.

Alexandrine Louise Eugenie Hulot Moreau, by power of attorney dated 5th June, 1812, and recorded in Liber 103 Con-

whereof Jean Victor Marie Moreau or his wife died, seised within the United States of America, and that the said Eugenie Victoire Francoise Soloma Xaviere Isabella is, or may be, entitled to by devise inheritance or otherwise, and to execute good and sufficient deeds therefor.

EARNEST ALEXIS DUBOIS, VI- COMTE DE COURVAL <i>and</i> * EUGENIE VICTOIRE FRAN- COISE SOLAMA XAVIERE ISA- BELLA, <i>his wife, by</i> HENRY C. DE RHAM, <i>their Attorney,</i> <i>to</i> DAVID BAKER, JOHN MORSS <i>and</i> JAMES LOWERRE.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 21st June, 1828. Ack. 25th June, 1828. Rec. 25th June, 1828. 238 Conveyances, 271. Consideration, \$5,050.
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CONVEYS said Lots Forty-three and Forty-four. See Liber 551 Conveyances, page 315, for confirmatory deed from grantors in the preceding instrument, executed by them personally.

DAVID BAKER <i>and</i> SUSAN, <i>his</i> <i>wife,</i> <i>to</i> GEORGE S. WATKINS.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 4th Dec., 1829. Ack. 4th Dec., 1829. Rec. 21st Dec., 1829. 256 Conveyances, 504. Consideration, \$2,200.
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CONVEYS all the one equal undivided third part of said Lots Forty-three and Forty-four.

On 8th October, 1832, letters of administration on the estate of Charles Smyth were granted to Ann Smyth. See 31, Letters of Administration, page 29. She obtained from the Surrogate an order, dated 10th March, 1834, authorizing her to sell, &c., the real estate of Charles Smyth to pay his debts. She died before a sale was had under said order. Letters of administration on the estate of Charles Smyth, unadministered by her, were granted to Thomas Addis Emmett on 8th December, 1834. See Liber 33, Letters Administration, page 86. The premises were sold under said order to Seaman Lowerre, Thomas M. Hooker and Andrew Wight, but they refused to complete, and the Surrogate declined to enforce the contract of sale.

IN CHANCERY,

WILLIAM MCLEAN, Junior, and
ELIZABETH WATKINS, *Admin-
istrator and Administratrix,*
&c., of GEORGE S. WATKINS,

vs.

THOMAS ADDIS EMMETT,
STATES WILKINS, SEAMAN
LOWERRE, THOMAS W.
HOOKER, ANDREW WIGHT
and THE PEOPLE OF THE
STATE OF NEW YORK.

- 1837—Oct. 4. Bill filed to foreclose 146 Mortgages, 166.
1837—Dec. 21. Order *pro confesso vs.* Thomas W. Hooker,
on default of appearance.
1838—March 21. Order *pro confesso vs.* The People of the
State, on default of answer.

- 1838—April 4. Orders *pro confesso vs.* Andrew Wight and Seaman Lowerre, who had appeared, on default of answer.
- April 6. Answer of Thomas Addis Emmett filed.
- April 20. Order *pro confesso vs.* States Wilkins, on consent.
- April 21. Order of reference to compute, &c.
- May 1. Master reports \$2,990.16 due.
- May 1. Decree of foreclosure and sale.
- 1840—May 26. Decree enrolled.
- June 5. Master's report of sale filed and confirmed.

JOHN A. SIDELL, <i>Master in</i> <i>Chancery,</i> <i>to</i> JOHN MORSS and ABIGAIL LOWERRE.)	DEED. ——— Dated 26th May, 1840. Ack. 26th May, 1840. Rec. 27th May, 1840. 408 Conveyances, 90. Consideration, \$4,300.
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CONVEYS all and singular the one equal undivided third part of said Lots Forty-three and Forty-four.

Abigail Lowerre had become seized of the one-third of said lots vested in James Lowerre, by the following will, he having died on 26th May, 1839.

<i>Last Will and Testament</i> <i>of</i> JAMES LOWERRE.)	Dated 12th Oct., 1830. Proved 11th July, 1839. 80 Wills, 251.
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“Secondly. I give, devise and bequeath unto my beloved wife Abigail all my estate, both real and personal, of what nature or kind soever and wheresoever, which shall remain after the payment of my debts and funeral expenses as above directed. To have and to hold the same to her, her heirs and assigns, forever.”

JOHN MORSS <i>and</i> ISABELLA, <i>his</i> <i>wife,</i> <i>to and with</i> ABIGAIL LOWERRE.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 20th Dec., 1842. Ack. 11th Jan., 1843. Rec. 12th Jan., 1843. 430 Conveyances, 437. Consideration, \$1.
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RECITES the ownership in common of the two blocks in question by the parties hereto, and that they had agreed upon a partition, by which John Morss was to have the Westerly half of the block between Fifty-eighth and Fifty-ninth Streets, and the Easterly half of the blocks between Fifty-seventh and Fifty-eighth Streets, and Abigail Lowerre the Easterly half of the block between Fifty-eighth and Fifty-ninth Streets and the Westerly half of the block between Fifty-seventh and Fifty-eighth Streets. Each conveys to the other the portions of the blocks set apart to him or her.

John Morss died on 23d June, 1846.

<i>Last Will and Testament</i> <i>of</i> JOHN MORSS.	}	Dated 2d Nov., 1843. Proved 16th July, 1846. 92 Wills, 575.
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After certain devises of specific real estate, not including the premises, the testator provides as follows: "I therefore will and direct that all the rest, residue and remainder of my estate not hereinbefore disposed of shall be, and herehy is, charged with the payment of all my said debts and demands, including all such expenses of finishing said buildings, until the same shall be fully paid and satisfied; and I give, devise and bequeath all the said rest, residue and remainder of my estate, subject to the payment of my said debts as last mentioned unto my said children, Peter H. Morss, George W Morss, John Morss, Junior; William H. Morss, Mary J. Bennet, Susan Sturgess and Ann Eliza Morss, their heirs and assigns, to their own proper use and benefit, forever, in equal parts, share and share alike."

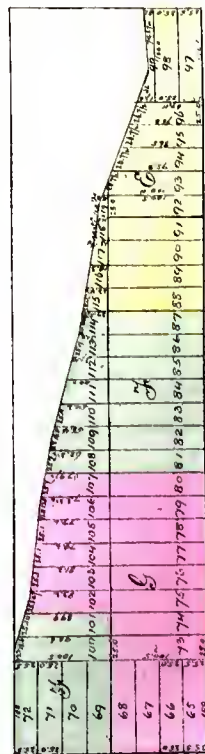
Mary J. Bennet named in the above will was the wife of Joseph S. Bennett, Susan Sturgess was the wife of Thomas T. Sturgess, Ann Eliza Morss married Augustus P. Woodruff after the death of her father and prior to 20th April, 1847.

George W. Morss died, intestate, on 2d April, 1851, leaving him surviving his brothers and sisters, namely, Peter H. Morss, John Morss, William H. Morss, Susan Sturgess, Mary J. Bennett and Ann Eliza, wife of Augustus P. Woodruff, his only heirs-at-law.

We have thus far considered the title to the blocks between Fifty-seventh and Fifty-ninth Streets, but there was a small gore on the South side of Fifty-seventh Street, marked number 3 on the partition map. This map shows a larger gore than actually existed, as the map represented Fifty-seventh Street as of the ordinary width, instead of one hundred feet wide. This gore is not specifically mentioned in the mortgage to Moreau, ante page 436, but blocks 43 and 44 are described as containing a sufficient number of acres to include this gore. Frequently in this farm, in the deeds conveying the blocks adjoining the gores, the gores are not specifically mentioned, but the adjoining blocks are described as containing sufficient acres to include the gores. At any rate, Morss and Lowerre claimed title to this gore, as is evident from deeds recorded in 430 Conveyances, pages 441 and 442. We will not trace title to this gore further than to state that they became ultimately vested in Benjamin A. Willis. He obtained releases from all the heirs and devisees of John Morss and William Lowerre, and also a deed from John W. Cock, the only surviving son and heir-at-law of Abigail Cock, who had died intestate in 1853. See certificate of inheritance, recorded in Liber 1280 Conveyances, page 695. The deed from John W. Cock to Willis is recorded in 1291 Conveyances, page 39, and the other releases were recorded about that time.

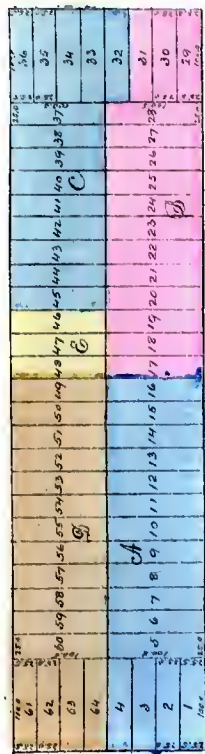
MAP OF THE SOMARINDYCK FARM BETWEEN 8th & 9th AVENUES.

69th ST.

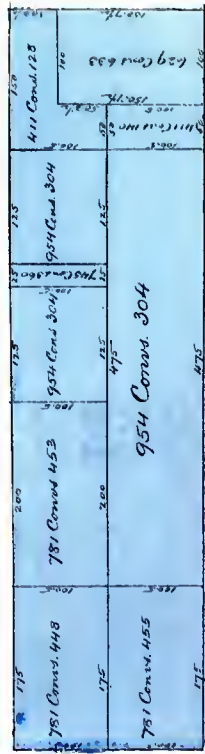


The blocks between 69th & 68th streets are copied from maps of 1853

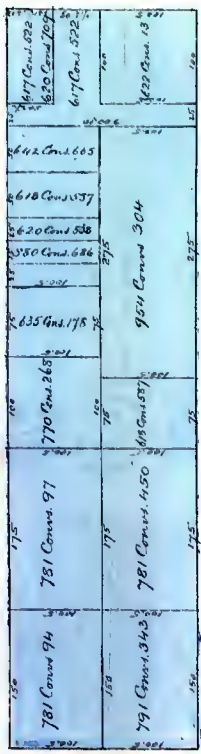
68th ST.



67th ST.



66th ST.



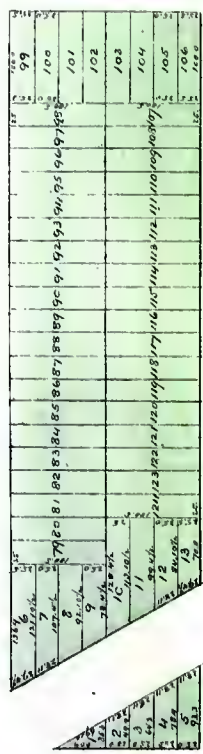
65th ST.



9th

The blocks between 64th & 65th streets are copied from a map of 1867 p. 121

64th ST.



63d ST.



62d ST.



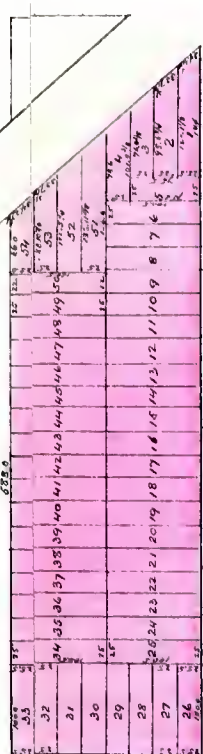
AVE.

AVE.

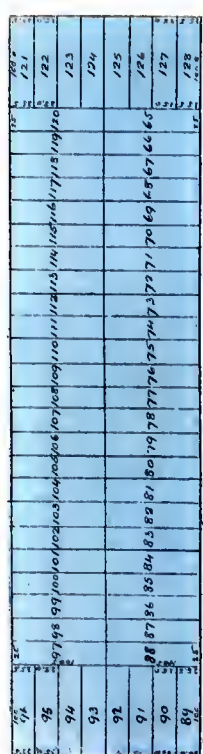
61st ST.



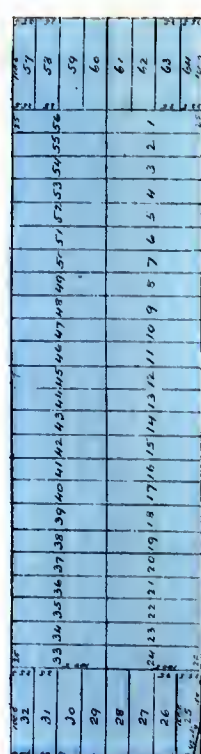
60th ST.



59th ST.



58th ST.



57th ST.

The blocks between 57th & 58th streets are copied from a map of 1874

THE SOMARINDYCK FARM, BETWEEN EIGHTH AND NINTH AVENUES.

The blocks will be taken up in order, beginning at the South and going North.

THE BLOCKS BETWEEN 57TH AND 59TH STREETS.

These are designated on the partition map as blocks Number 23 and 24, and were set apart to Hyder Somarindyck, by partition deed given ante page 431.

MORTGAGE.

HYDER SOMARINDYCK, <i>and</i> REBECCA M., <i>his wife,</i> <i>to</i> THE EAGLE FIRE COMPANY OF NEW YORK.	}	To secure \$2,000. Dated 14th April, 1812. Ack. 4th April, 1812. Reg. 16th April, 1812. 27 Mortgages, 412.
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CONVEYS with other property said blocks 23 and 24.

In same Liber, page 413, for release of dower from Sarah Somarindyck to Eagle Fire Company, of New York.

DEED.

HYDER SOMARINDYCK <i>and</i> REBECCA M., <i>his wife,</i> <i>to</i> JOHN A. HARDENBROOK.	}	Dated 1st Feb., 1817, Ack. 5th June, 1817. Rec. 7th June, 1817. 122 Conveyances, 132. Consideration, \$5,500.
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CONVEYS, with others, said blocks 23 and 24.

IN CHANCERY.

Before the Chancellor.

THE EAGLE FIRE COMPANY OF NEW YORK, <i>vs.</i> HYDER SOMERINDYKE, JOHN HARDENBROOK <i>and</i> JOHN H. TALMAN.	}
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- 1817—April 8. Bill filed to foreclose. 27 Mortgages, 412.
 May 29. Order *pro confesso vs.* all defendants in default of appearance and answer.
 May 29. Order of reference to compute.
 June 6. Master reports \$2,130.68 due.
 June 9. Judgment of foreclosure and sale.
 Aug. 26. Master's report of sale.
- 1820—April 10. Decree enrolled.

JAMES A. HAMILTON, <i>Master</i> <i>in Chancery,</i> <i>to</i> FREDERICK CHRISTIAN HAVE- MEYER.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 30th July, 1817. Ack. 2d August, 1817. Rec. 2d August, 1817. 122 Conveyances, 425. Consideration, \$2,100.
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CONVEYS said blocks twenty-three and twenty-four.

Frederick C. Havemeyer, the above named grantee, died on 20th September, 1841, intestate, leaving him surviving Catherine Havemeyer, his widow, and Frederick C. Havemeyer, Charlotte Eyer, then wife of William I. Eyer, Catherine E. Harriot, then wife of Warren Harriot, Susannah W. Senft, then wife of Henry Senft, Mary R. Havemeyer, who intermarried with John I. Northrop in February, 1850, Charles H. Havemeyer, Diederick M. Havemeyer, George L. Havemeyer and Edward A. Havemeyer, his only children and heirs at law.

Edward A. Havemeyer, one of said children, died on 2d April, 1853, intestate and without issue.

N. Y. SUPREME COURT.

FREDERICK C. HAVEMEYER, <i>vs.</i> CATHERINE HAVEMEYER, WIL- LIAM J. EYER <i>and</i> CHARLOTTE EYER, <i>his wife</i> ; WARREN HARRIOT <i>and</i> CATHERINE E. HARRIOT, <i>his wife</i> , HENRY SENFT <i>and</i> SUSANNAH W. SENFT, <i>his wife</i> ; JOHN I. NORTHROP <i>and</i> MARY R. NORTHROP, <i>his wife</i> ; CHARLES H. HAVEMEYER <i>and</i> MARY HAVEMEYER, <i>his wife</i> ; DIE- DERICK M. HAVEMEYER <i>and</i> MARY HAVEMEYER, <i>his wife</i> ; GEORGE L. HAVEMEYER <i>and</i> ELIZA HAVEMEYER, <i>his wife</i> , EDWARD A. HAVEMEYER <i>and</i> SOPHIA S. HAVEMEYER, <i>his</i> <i>wife.</i>	
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- 1852—Dec. 13. Summons dated.
 Dec. 13. All defendants admit due service thereof.
 Dec. 20. All defendants appear by James Larocque.
 Dec. 24. Complaint filed asking for a partition or sale.
 Dec. 30. Amended complaint filed.
- 1853—Jan'y 19. Order of reference to Adam D. Logan, on consent.
 March 12. Answer of all defendants filed.
 March 12. Referee's Report on title, &c., filed.
 March 12. Judgment of sale entered on consent.
 June 11. Order that action and judgment revive against the other defendants, Edward A. Havemeyer having died.
 June 11. Referee's Report of sale filed and confirmed.
 Oct. 1. Referee's Report of resale of certain lots.

THE BLOCKS BETWEEN 59TH AND 61ST STREETS.

These are designated on the partition map by the numbers 25 and 26, and are set apart to Sarah Talman by partition deed set forth ante page 429. She conveyed the same in lots according to map filed in case number 531.

THE BLOCKS BETWEEN 61ST AND 63D STREETS.

These are designated on the partition map by the numbers 27 and 28, and were set apart to Abigail Thorn, widow, by partition deed set forth ante page 429. She intermarried with William T. Cock in Spring of 1809.

DEED.

WILLIAM T. COCK, <i>to</i> JOHN A. HARDENBROOK.	}	Dated 3d Jan., 1814. Proved 7th Jan., 1814. Rec. 8th Jan., 1814. 104 Conveyances, 224- Consideration, \$1.
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CONVEYS all interest in the seventeen lots set apart to Abigail Cock (then Thorn) by the partition above mentioned.

DEED.

JOHN A. HARDENBROOK <i>and</i> MARIA, <i>his wife</i> , <i>to</i> ABIGAIL COCK, <i>wife of</i> WILLIAM T. COCK.	}	Dated 8th Jan., 1814. Ack. 7th June, 1814. Rec. 21st Nov., 1814. 108 Conveyances, 65. Consideration, \$1.
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CONVEYS all interest in some premises.

MORTGAGE.

WILLIAM T. COCK <i>and</i> ABIGAIL <i>his wife</i> , <i>to</i> JOHN BOGERT, <i>acting Executor</i> <i>of</i> JACOBUS BOGERT.	}	To secure \$5,000. Dated 8th Feb., 1814. Ack. 12th Feb., 1814. Reg. 12th Feb., 1814. 30 Mortgages 491.
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COVERS said lots Twenty-seven and Twenty-eight with others,

DEED.

WILLIAM T. COCK <i>and</i> ABIGAIL * <i>his wife</i> , <i>to</i> JAMES BOGERT.	}	Dated 27th June, 1818. Ack. 27th June, 1818. Rec. 29th June, 1818. 129 Conveyances, 154. Considerati'n, \$6,533.28.
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CONVEYS said lots Twenty-seven and Twenty-eight, with others.

DEED.

JAMES BOGERT <i>to</i> FRANCIS PRICE.	}	Dated 14th June, 1826. Ack. 10th July, 1826. Rec. 4th Jan., 1827. 213 Conveyances, 128. Consideration, \$6,500.
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CONVEYS said lots Twenty-seven and Twenty-eight, with others.

DEED.

JAMES BOGERT, <i>sole surviving</i> <i>Executor of</i> JACOBUS BOGERT, <i>to</i> FRANCIS PRICE.	}	Dated 27th Jan., 1835. Proved 31st Jan., 1835. Rec. 4th March, 1835. 325 Conveyances, 149. Consideration, \$1.
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RECITES the preceding deeds and mortgage, and that the said mortgage is an apparent lien on said lands, and releases and discharges from the lien thereof the said Lots Twenty-seven and Twenty-eight.

Francis Price sold these blocks off in lots according to map filed in Case number 61.

THE BLOCKS BETWEEN 63RD AND 65TH STREETS.

These were designated on the partition map as Blocks Number 29 and 30, and were set apart to Margaret Hardenbrook by partition deed set forth ante page 430.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife, and</i> SARAH SOMERINDYCK, to THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	} DEED. — Dated 2d Jan., 1816. Ack. 3d Jan., 1816. Rec. 5th Jan., 1816. 113 Conveyances, 117. Considerat'n, \$5,869.07.
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CONVEYS, with others, said Blocks 29 and 30.
 . These premises were sold off by the City in lots according to map recorded in Liber 607 Conveyances, 121.

THE BLOCKS BETWEEN 65TH AND 67TH STREETS.

These were designated in the partition map as Blocks Number 31 and 32, and were set apart to George W. Somarindyck by partition deed set forth ante page 431.

GEORGE W. SOMARINDYCK <i>and</i> CORNELIA, <i>his wife, and</i> SARAH SOMARINDYCK, to GIDEON KIMBERLY.	} MORTGAGE. — To secure \$10,000. Dated 3d March, 1815. Ack. 3d March, 1815. Rec. 6th March, 1815. 32 Mortgages, 421.
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COVERS Blocks Forty-six, Seven, Six, g, f, Twenty, Twenty-one, Thirty-two and Thirty-one.

DEED.

GEORGE W. SOMARINDYCK <i>and</i> CORNELIA, <i>his wife</i> , <i>to</i> TUNIS VAN KLEECK.	}	Dated 9th Oct., 1816. Ack. 10th Oct., 1816. Rec. 27th May, 1817. 119 Conveyances, 424. Consideration, \$5,000.
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CONVEYS the fifteen blocks set apart to George W. Somarindyck in the partition deed above referred to.

IN CHANCERY.

GIDEON KIMBERLY <i>vs.</i> GEORGE W. SOMARINDYCK <i>and</i> CORNELIA, <i>his wife</i> ; SARAH SOMARINDYCK, JOHN H. TAL- MAN, JOHN A. HARDENBROOK <i>and</i> TUNIS VAN KLEECK.	}
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- 1817—July 17. Bill filed to foreclose 32 mortgages, page 421.
 Sept. 13. Order *pro confesso vs.* all defendants, and
 reference to compute.
 Sept. 29. Master reports \$10,877 due.
 Sept. 29. Decree of foreclosure and sale.
 Nov. 10. Master's report of sale of premises to Gideon
 Kimberly filed and confirmed.
- 1820—June 30. Decree enrolled.

DEED.

EZRA L'HOMMEDIEU, <i>Master</i> <i>in Chancery</i> , <i>to</i> GIDEON KIMBERLY.	}	Dated 22d Oct., 1817. Ack. 25th Oct., 1817. Rec. 7th Jan., 1818. 124 Conveyances, 495. Consideration, \$9,500.
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CONVEYS the said nine blocks, covered by the preceding mortgage.

George Kimberly died at Brooklyn, on 3d December, 1819, intestate. He was a widower, and left neither children, father nor mother, but the following brothers and sisters, his only heirs-at-law :

1. David Kimberly, who died at Bethlehem, Conn., in 1842.
2. Wollaston Kimberly, who died in Ohio in 1852.
3. Isaac Kimberly, of England.
4. Polly, wife of Ephraim Platt, of Newtown, Conn. (died 1852).
5. Susan, wife of Joseph S. Merriam, of Watertown, Conn.
6. Charity, wife of Hugh Knox, of Sandusky Co., Ohio.
7. Orrilla Hurlbert, widow, of Springfield, Bedford Co., Pa.
8. Abba (Abiah), wife of Uri Scott.

Gideon Kimberly had another brother, Philo, who was in New York in 1798, but went to Canada about that time, and has not since been heard of.

DEED.

EPHRAIM PLATT <i>and</i> POLLY, <i>his</i> <i>wife,</i> <i>to</i> DAVID KIMBERLY, Junior.	}	Dated 22d Dec., 1820. Ack. 22d Dec., 1820. Rec. 28th Dec., 1820. 148 Conveyances, 197. Consider'n, \$3,000.
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CONVEYS all one equal undivided ninth part and our share and interest, be the same more or less, of and in said nine blocks.

DEED.

ORRILLA HURLBERT <i>to</i> DAVID KIMBERLY, Junior.	}	Dated 29th Jan., 1821. Ack. 29th Jan., 1821. Rec. 6th Feb., 1821. 148 Conveyances, 307. Consideration, \$2,500.
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CONVEYS all the estate, right, title, interest, claim and demand whatsoever, both at law and equity, of, in or to said nine blocks.

DEED.

HUGH KNOX <i>and</i> CHARITY, <i>his</i> <i>wife,</i> <i>to</i> DAVID KIMBERLY, Junior.	}	Dated 25th June, 1821. Proved 6th July, 1821. Rec. 3d August, 1821. 154 Conveyances, 156. Consideration, \$2,500.
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CONVEYS all their estate, right, title, interest, claim and demand whatsoever, both at law and equity, of, in or to said nine blocks.

DEED.

JOSEPH S. MERRIAM <i>and</i> SUSAN, <i>his wife,</i> <i>to</i> DAVID KIMBERLY, Junior.	}	Dated 18th Aug., 1821. Ack. 18th Aug., 1821. Rec. 27th Aug., 1821. 154 Conveyances, 217. Consideration, \$3,000.
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CONVEYS all their estate, right, title, interest, claim and demand whatsoever, both at law and equity, of, in or to said nine blocks.

NEW YORK SUPREME COURT.

URI SCOTT <i>and</i> ABIAH, <i>his wife,</i> <i>vs.</i> DAVID KIMBERLY, Junior, <i>and</i> <i>others unknown.</i>	}
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1821—July 14. Petition of Scott and wife, dated, asking for a partition, and claiming seisin of one-eighth.

1842—Dec. Term. Case tried before Ambrose Spencer, Judge, and a jury, on answer of David Kimberly, Junior, claiming that Scott and wife were seised of one-ninth only. Jury find that Scott and wife were seized of one-eighth, David Kimberly of four-eighths, and parties unknown of three-eighths.

1823—Jan. Term. Judgment of partition entered.

May Term. Commissioners report a sale necessary.

July 15. Commissioners report of sale.

Nov. 28. Judgment signed and roll filed at Albany.

JEREMIAH LOTT, WILLIAM W. THORNE <i>and</i> JOHN BRYAN, <i>Commissioners of Partition,</i> <i>to</i> DAVID KIMBERLY, Junior.)	DEED. — Dated 20th Aug., 1823. Ack. 20th Aug., 1823. Rec. 9th Sept., 1823. 170 Conveyances, 2. Consideration; \$6,290.
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CONVEYS Blocks Thirty-one, Thirty-two, Seven and g.

ISAAC KIMBERLY, <i>one of the</i> <i>brothers and heirs of</i> GIDEON KIMBERLY, <i>to</i> DAVID KIMBERLY, Junior.)	DEED. — Dated 17th Sept., 1825. Ack. 17th Sept., 1825. Rec. 17th Sept., 1825. 197 Conveyances, 269. Consideration, \$2,000.
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CONVEYS all and singular the real estate of which the said Gideon Kimberly died, as aforesaid, or the proceeds thereof.

GENERAL RELEASE.

WOLLASTON KIMBERLY, <i>one of the Brothers and heirs of GID- EON KIMBERLY,</i> <i>to</i> DAVID KIMBERLY, JUNIOR.	}	Dated 14th May, 1839. Proved 27th May 1853. Rec. 20th July, 1853. 648 Conveyances, 238. Consideration, \$1.
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RELEASES all claims, &c.

DEED.

DAVID KIMBERLY, <i>one of the Brothers and heirs of GIDEON KIMBERLY,</i> <i>to</i> DAVID KIMBERLY, JUNIOR.	}	Dated 28th Sept., 1829. Ack. 28th Sept., 1829. Rec. 31st Sept., 1859. 795 Conveyances, 470. Consideration, an an- nuity.
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CONVEYS all my right, title, share and interest in and to all and singular the real estate of which the said Gideon Kimberly died seised as aforesaid or the proceeds thereof.

THE BLOCKS BETWEEN 67TH AND 69TH STREETS.

These were designated on the partition map as Blocks Number 33 and gore O, and were set apart to Hyder Somarinkyck by partition deed set forth ante page 431.

MORTGAGE.

HYDER SOMARINDYKE <i>and</i> RE- BECCA M., <i>his wife</i> <i>to</i> THE EAGLE FIRE COMPANY OF NEW YORK.	}	To secure \$2,000. Dated 14th April, 1812. Ack. 14th April, 1812. Rec. 16th April, 1812. 27 Mortgages, 412.
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COVERS, with other property, also all that certain other lot, piece or parcel of land known and designated on the said map

by number Thirty-three—Bounded Northerly by land of Jacob Harsen, Easterly by lot number Thirty-four, Southerly by lot number Thirty-two, and Westerly by lots numbers Twelve and Fifteen. Containing nine acres and thirty perches.

See same Liber, page 413, for release of dower from Sarah Somarindyke to the Eagle Fire Company of New York.

DEED.

HYDER SOMARINDYCK and RE- BECCA M., <i>his wife</i> , to JOHN A. HARDENBROOK.	}	Dated 1st Feb., 1817. Ack. 5th June, 1817. Rec. 7th June, 1817. 122 Conveyances, 132. Consideration, \$5,500.
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CONVEYS said premises, with others.

IN CHANCERY.

Before the Chancellor.

THE EAGLE FIRE COMPANY OF NEW YORK, vs. HYDER SOMARINDYCK, JOHN A. HARDENBROOK and JOHN H. TALMAN.	}
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- 1817—April 8. Bill filed to foreclose. 27 Mortgages, 412.
- May 29. Order *pro confesso vs.* all defendants on default of appearance and answer.
- May 29. Order of reference to compute.
- June 6. Master reports \$2,130.18 due.
- June 9. Judgment of foreclosure and sale.
- Aug. 26. Master's report of sale.
- 1820—April 10. Decree enrolled.

JAMES A. HAMILTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> JOHN MULLANPHY.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 30th July, 1817. Ack. 31st July, 1817. Rec. 1st Aug., 1817. 122 Conveyances, 416. Consideration, \$920.
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CONVEYS said lot Thirty-three, by same description, as mortgage foreclosed.

The said John Mullanphy died at St. Louis on 29th August, 1833, leaving him surviving, Elizabeth Mullanphy, his widow, and Bryan Mullanphy, Octavia, wife of Dennis Delany; Eliza, wife of James Clemens, Junior; Jane Chambers, wife of Charles Chambers; Catherine Graham, wife of Richard Graham; Ann Biddle, the widow of Thomas Biddle, and Mary Mullanphy, who afterwards intermarried with William S. Harny, his only children and heirs at law. It is stated in the bill in the following suit that on the death of John Mullanphy his will and three codicils were produced, but were afterwards destroyed, mislaid or lost; that an attempt was thereafter made in the County Court of the County of St. Louis, Missouri, to establish the said will and two first codicils by the previously made draft or copy thereof. The said papers were rejected by the County Court. On appeal to the Supreme Court of Missouri, this decision was reversed and the papers admitted to probate as evidence of said will and two first codicils. The following is a memorandum from said alleged will.

<i>Last Will and Testament</i> <i>of</i> JOHN MULLANPHY.	}	Dated 27th Feb., 1830. Proved at St. Louis, Missouri.
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By the first seven clauses of his will testator bequeaths certain legacies and annuities, and devises certain real estate in St. Louis to John O. Fallon, Thomas Biddle and George Collier,

in trust, to secure an annuity, which three persons, he declares, are also the general trustees for the purposes of his will. By the eighth and ninth clauses he devises all the residue of his estate, real and personal, to the said trustees, in trust, to pay the said legacies and annuities, and to hold the residue on the thereafter mentioned trusts. By the tenth clause of his will he provides that one-fourth thereof "is to be held by said trustees for the use of my daughter, Jane Chambers, and her lawful issue. This fourth I consider the portion of two children (as I have had eight); but as I am sure it was and would have been the intention of my deceased daughter Ellen to give her portion to the said Jane and her family, I now carry her presumed intention into effect. This undivided fourth my said trustees are to manage, and receive the rents, issues and profits, and out of its income to pay one thousand dollars annually to the said Jane during her life for her sole and separate use; and the residue of the income derived from this fourth part is to be placed at interest, except a sufficient allowance out of it for the education of her children, and is thus to accumulate until the marriage of the daughters of said Jane respectively, and until her sons shall respectively arrive at the age of twenty-five years; and when the contingency of marriage happens to a daughter, or the arrival at the age of twenty-five years to a son, then the rateable proportion of such accumulation as aforesaid shall be paid over to such son or daughter; and the rateable proportion of the annual income of one-fourth of my estate in this article appropriated is to be paid annually to such child so marrying or arriving at the age aforesaid during his or her natural life, and, in case of his or her death, is to go in fee to the right heirs of such child forever. And in case any of said Jane's children die not leaving lawful issue, then such child's portion shall go to the surviving children of said Jane in the same manner and under the same regulations as has already been provided as to their own shares."

By the eleventh clause of his will testator provides that "another undivided fourth part of the general mass of my property conveyed to the trustees as aforesaid is to be held by them for the use of my son, Bryan Mullanphy, in the following manner: The trustees are directed to pay him the sum of one thousand dollars per annum out of the income thereof until he shall attain to the age of twenty-five years, to be paid in equal quarterly installments of two hundred and fifty dollars. The residue of the income derived from this fourth is to be placed at interest by the trustees, to accumulate until said Bryan shall be twenty-five years of age. At that period, if said trustees, or the survivors or survivor of them, shall be of opinion that the conduct of said Bryan is such as to warrant a reasonable belief that he will properly manage the property and make good use of it, then the trust as to him shall cease, and the trustees shall account to him for his fourth and its accumulations, and convey the same to him in fee." By the twelfth clause it is provided that out of said fourth devised for the benefit of his son Bryan, an annuity of \$1,000 be paid to testator's daughter Octavia, who was about to enter a convent, by said trustees, and by his son Bryan when he shall come to the ownership of the same.

By the thirteenth clause of his will testator provides that "the remaining half of the general mass of my property not yet disposed of is to be held for the use and benefit of my daughters, Catharine Graham, Ann Biddle, Mary Mullanphy and Eliza Mullanphy, share and share alike, the two former to receive from the trustees their respective incomes as they arise from their portions, to their sole and separate use during their lives respectively. And I empower the said Catharine and the said Ann, each of them, by their respective last wills and testaments in writing, duly executed, to dispose of their respective shares under this will, and to bequeath and devise each of them in fee her eighth part of my estate herein devised to her use as she pleases, absolutely; and my trustees are instructed to act ac-

cordingly, and to convey their respective portions in conformity with the directions of such wills. And my daughters Mary and Eliza are each to receive from the trustees, out of the incomes of their respective portions, annually, a reasonable sum for their support while unmarried, and the residue of the income of each share be placed at interest until their respective marriages; and whenever either of them shall marry, the trustees shall pay over to her any accumulations on her eighth that may accrue, and thereafter shall annually pay to her the whole amount of the income from her eighth part. If either of my daughters Mary and Eliza shall die before marriage, and without lawful issue, the portion of such daughter deceased shall from that time be held by such trustees for my other children as already provided, and is considered as disposed of in the provisions hereinbefore inserted. And in case they marry, they can respectively, by their last will, dispose of their portion in fee, and my trustees will act accordingly.

By the fourteenth clause of his will he bequeathes his wife an annuity of \$1,000 in lieu of dower.

By the eighteenth clause of his will he provides that "if either of my four daughters mentioned in the thirteenth article shall die leaving lawful issue, and without disposing of the portion in this will, provided for her as herein authorized, the same shall go to her children in fee simple; and if she leave no lawful issue, the same shall go in fee to her lawful heirs."

By codicil, dated 23d November, 1831, testator provides, amongst other things, as follows: "I likewise revoke and annul the eleventh section of said will, which contains certain bequests to Bryan Mullanphy, and also all the twelfth section, except so much thereof as relates to an annuity to my daughter Octavia, which is to be paid and secured on the lot as therein stated, and the property and portion given to my son Bryan, or his use in said eleventh section, is to be held by the trustees to the general uses of said will as if said eleventh section had never been written."

At the time of the commencement of the following partition suit Jane Chambers had ten children, Ellen Chambers, John Chambers, Owen Chambers, Margaret Chambers, Jane Chambers, Eliza Chambers, Ann Chambers, Mary Chambers, Thomas Chambers and Bartholomew Chambers, the last two of whom were born after the death of testator.

IN CHANCERY,

ELIZABETH MULLANPHY, BRYAN
MULLANPHY, DENNIS DE-
LANY *and* OCTAVIA, *his wife*,
and JAMES CLEMENS, Junior,
and ELIZA, *his wife*,

vs.

CHARLES CHAMBERS *and* JANE,
his wife, RICHARD GRAHAM
and CATHARINE, *his wife*;
ANN BIDDLE, WILLIAM S.
HARNEY *and* MARY, *his wife*;
JOHN O. FALLON, ELLEN
CHAMBERS, JOHN CHAMBERS,
OWEN CHAMBERS, MARGARET
CHAMBERS, JANE CHAMBERS,
Junior, ELIZA CHAMBERS,
ANN CHAMBERS, MARY
CHAMBERS, THOMAS CHAM-
BERS *and* BARTHOLOMEW
CHAMBERS.

1840—July 10. Bill for partition verified. Sets up that the will of John Mullanphy was not proved according to the laws of the State of New York, and that many of its trusts and provisions are not valid under the laws of this State.

1840—Aug. 25. Order for service of defendants, who were all residents of Missouri, by advertisement of order to answer for three months in the State paper and *The New York Commercial Advertiser*.

Dec. 30. Order *pro confesso vs.* all the defendants on proof of publication and of no appearance.

Dec. 31. Order of reference on title, &c.

1841—April 29. Master's report filed. He finds that each of the children of John Mullanphy are seised of one-seventh in fee, subject to the dower of his widow, who refused to accept the provisions of the will in lieu of dower.

April 29. Decree of sale of premises.

Elizabeth Mullanphy, widow of John Mullanphy, died on 15th April, 1843. Dennis Delany, the husband of Octavia Delany, died on 22d May, 1845. Ann Biddle died at St. Louis on 10th January, 1846, leaving a will as follows :

<p style="text-align: center;"><i>Last Will and Testament</i> of ANN BIDDLE.</p>	}	<p>Dated 2d Jan., 1845. Proved 14th Jan., 1846, in Probate Court at St. Louis. Rec. New York Surro- gate's Office. 188 Wills, 76.</p>
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After devising certain real estate to Louis G. Picot, in trust, she provides as follows : " I also give and devise unto the said trustee and his heirs, to the same* uses, all my lands, estate, right, title and interest, claim and demand, real and personal, in possession and expectancy, in, of, and to which I am seised, possessed and entitled in the State of New York, parcel of

which is my share and portion of the estate of my father, the said John Mullanphy, in the City of New York. To have and to hold all the foregoing described real and personal property, and all other things given and devised to said trustee and heirs, to the use of my sister, Mary Harney, to be enjoyed by her separate and apart from her husband during her natural life, and from and after her death to the use of all and every the child and children of my said sister, Mary Harney, then living, and the issue of all and every such child or children that may have died, and of the heirs and assigns of such child or children and their issue forever, said children to share equally as tenants in common, and the issue of any deceased child to take a child's portion; and in case my said sister, Mary Harney, should leave no issue at the time of her death, then to the use of my own right heirs forever."

Mary Harney, at the time of the death of said testatrix, had three children living, viz., Ann B. Harney, Eliza Harney and John Harney.

IN CHANCERY.

JAMES CLEMENS, Junior, *and*
ELIZA, *his wife,*

vs.

BRYAN MULLANPHY, OCTAVIA
DELANY, CHARLES CHAM-
BERS *and* JANE, *his wife* ;
RICHARD GRAHAM *and* CATH-
ARINE, *his wife* ; WILLIAM S.
HARNEY *and* MARY, *his wife* ;
LOUIS G. PICOT, ANN B.
HARNEY, ELIZA HARNEY *and*
JOHN HARNEY.

- 1847—June 11. Bill of revivor and supplement filed, setting up the decree in previous suit and the deaths of the parties thereto, and the will of Ann Biddle, and asking for partition, &c.
- Sept. 27. Ordered that an order that the defendants (all of whom resided at Missouri) appear and answer within forty days be published in the State paper and *The New York Commercial Advertiser* once a week for three weeks.
- 1848—Feb. 9. Order *pro confesso vs.* all defendants on proof of publication and of no appearance.
- May 19. Order appointing James Connor guardian *ad litem* of Ann B. Harney, Eliza Harney and John Harney non-resident infants on petition of complainants.
- 1850—March 8. Order *pro confesso vs.* Henry Boyce and Octavia, his wife (formerly Octavia Delany), residents of Louisiana, on proof of publication and of no appearance.
- May 4. Order of reference to Aaron Vanderpool on title, &c.
- 1851—April 1. Referee's report filed.
- April 1. Decree of partition entered.
- Nov. 29. Report of Commissioners filed.
- Nov. 29. Final decree in partition.

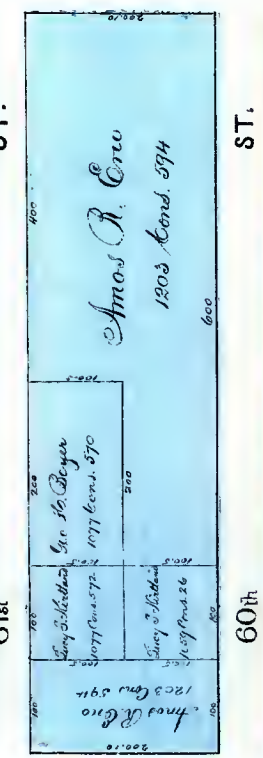
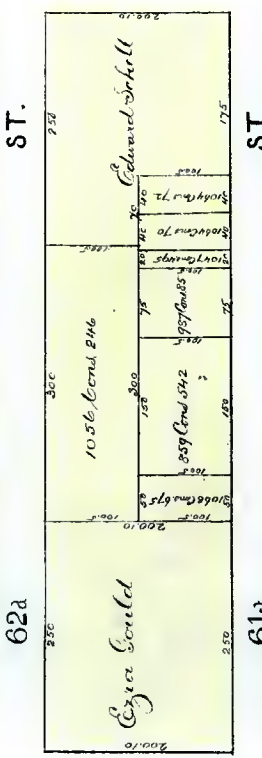
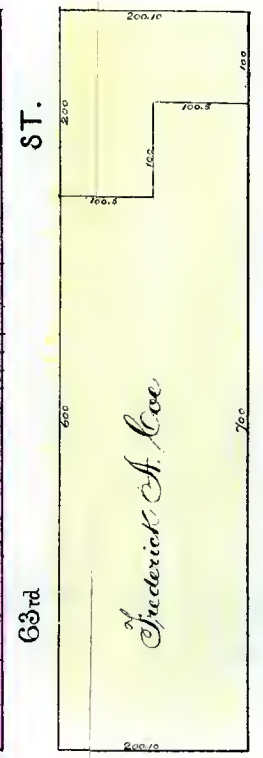
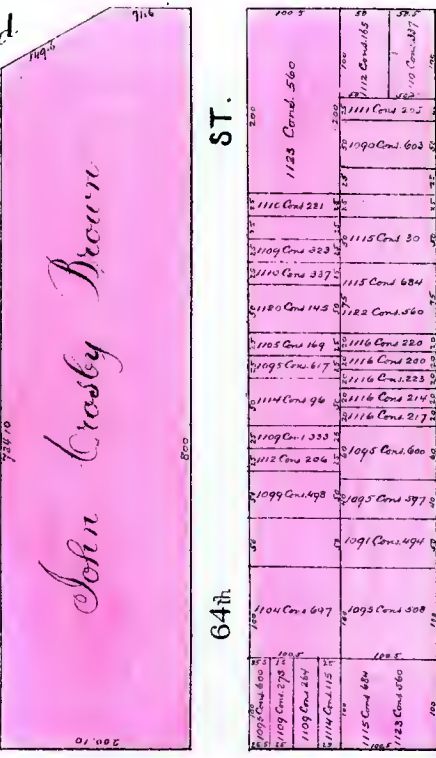
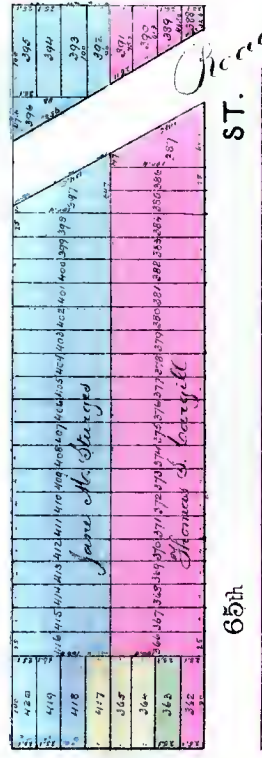
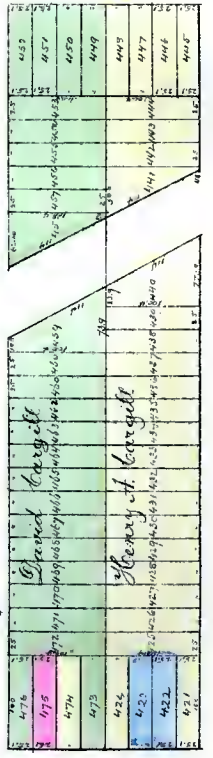
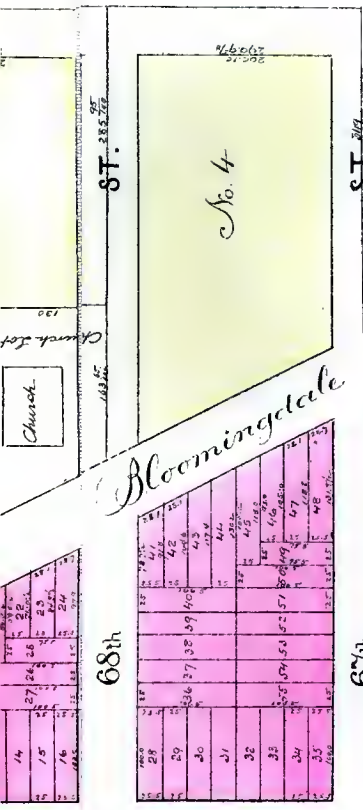
The Commissioners caused a map to be made of the premises, which is on file in Register's office in case number 523. They set apart to Octavia Boyce lots marked A and numbered 1 to 16 on said map; to Eliza Clemens lots marked B and numbered 17 to 31 on said map; to Mary Harney lots marked C and num-

bered 32 to 45 on said map ; to Jane Chambers lots marked D, and numbered 49 to 64 on said map ; to Louis G. Picot lots marked E, and numbered 46 to 48, 88 to 99, 115 to 119 ; to Bryan Mullanphy lots marked F, and numbered 69 to 72, 81 to 87, 100, 101, 108 to 114 ; to Catherine Graham lots marked G, and numbered 65 to 68, 73 to 80, 102 to 107 on said map.

The validity of the above partition was upheld in decision, rendered in *Clemens vs. Clemens*, and reported in 37 New York, 59.

THE SOMARINDYCK FARM

BETWEEN 9th & 10th AVE'S



9th

AVE.

10th

AVE.

are copied from Keaps 23486

The blocks between 65th & 66th Sts are copied from Keaps recorded in Liber 486 Cons. 302

THE SOMARINDYCK FARM.
BETWEEN NINTH AND TENTH AVENUES.

THE BLOCK BETWEEN 57TH AND 58TH STREETS.

This is designated on the partition map as gore number 5, and with Block 22 was set apart to Margaret Hardenbrook in partition deed set forth ante page 430.

<hr/>		MORTGAGE.
WILLIAM A. HARDENBROOK <i>and</i>	}	—
MARGARET, <i>his wife,</i>		To secure \$3,500.
<i>to</i>		Dated 28th Dec., 1809.
JOSEPH DEDERER, <i>acting Ex-</i>		Ack. 2d Jan., 1810.
<i>ecutor of AHASUERUS TURK.</i>	Reg. 2d Jan., 1810.	
<hr/>		21 Mortgages, 382.

COVERS said Block 22.

JOSEPH DEDERER, <i>acting Ex-ecutor of</i> AHASUERUS TURK, <i>to</i> THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	}	ASSIGNMENT. <hr style="width: 10%; margin: 0 auto;"/> Dated 3d Jan., 1816. Proved 13th Feb., 1816. Rec. 14th Mar., 1816. 34 Mortgages, 404. Considerat'n, \$4,223.84.
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ASSIGNS above mortgage and all interest in the mortgaged premises.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife,</i> <i>to</i> THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 2d Jan., 1816. Ack. 3d Jan., 1816. Rec. 5th Jan., 1816. 113 Conveyances, 117. Considerat'n, \$5,869.07.
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CONVEYS, with others, said Lot 22, and lot designated by the figure 5.

THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK <i>to</i> DAVID CARGILL.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 30th Mar., 1818. Proved 16th April, 1818. Rec. 16th April, 1818. 127 Conveyances, 289. Considerat'n, \$2,658.37.
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CONVEYS said two blocks designated by the number 22 and the figure 5.

<i>Last Will and Testament</i> <i>of</i> DAVID CARGILL.	}	Dated 21st May, 1840. Proved 3d Aug., 1840. 81 Wills, 363.
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Item. To my son, Thomas S. Cargill, I give, devise and bequeath (first describing Block 21); also all that certain piece,

parcel or plot of ground known on said map as number five (No. 5). Bounded on the North by the centre of Fifty-eighth Street, Easterly by the Ninth Avenue, Southerly by land now belonging to Sarah Stakes, and westerly by the Tenth Avenue * * * to him, my said son, Thomas S. Cargill, of each and every of said last mentioned and described premises, his heirs and assigns, in fee simple, forever, subject to an annuity of \$300 per annum, payable yearly during the joint lives of William Cargill and his wife Abigail to said William, and if his wife Abigail survive him, \$150 during her life, annually, as aforesaid. * * * Item: I authorize and empower my executors to sell from time to time, and at all times, any part of my real estate, and to give good and sufficient deeds of conveyance therefor to any and all purchasers thereof in fee simple. He appoints Thomas S. Cargill, Henry A. Ten Brook and William S. Hunt his executors.

Letters Testamentary were granted to all three on 3d August, 1840. See Liber 5, Letters Testamentary, page 83.

DEED.

THOMAS S. CARGILL and HARRIET M., <i>his wife</i> , to HENRY YOUNG.	}	Dated 28th Dec., 1842. Ack. 27th Dec., 1842. Reg. 29th Dec., 1842. 431 Conveyances, 381. Considerat'n, \$2,444.88.
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CONVEYS, with other property, also all that certain piece, parcel or plot of ground known on said map as Number Five (No. 5). Bounded on the North by the centre of Fifty-eighth Street, Easterly by the Ninth Avenue, Southerly by land now or lately belonging to Sarah Stakes, and Westerly by the Tenth Avenue.

Subject to a mortgage to Robert Lennox, since discharged.

THOMAS S. CARGILL, HENRY A. TEN BROECK <i>and</i> WILLIAM S. HUNT, <i>Executors of</i> DAVID CARGILL, <i>to</i> HENRY YOUNG.	} DEED. } } Dated 27th Dec., 1842. } Ack. 27th Dec., 1842. } Rec. 29th Dec., 1842. } 431 Conveyances, 379. } Consideration, \$10.
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RECITES the previous deed, discharges said premises from the operation of the power of sale given them by will of David Cargill, and to the extent of their power ratifies and confirms the preceding conveyances, and releases and quit claims the premises.

This deed is not executed by Henry A. Ten Broeck.

HENRY YOUNG <i>and</i> ANN M., <i>his wife,</i> <i>to</i> THOMAS S. CARGILL.	} DEED. } } Dated 12th July, 1845. } Ack. 12th July, 1845. } Rec. 24th July, 1845. } 466 Conveyances, 132. } Considerat'n, \$2,786.36.
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CONVEYS same premises.

THOMAS S. CARGILL <i>to</i> DAVID CARGILL.	} DEED. } } Dated 6th March, 1848. } Ack. 6th March, 1848. } Rec. 11th March, 1848. } 502 Conveyances, 345. } Consideration, \$6,000.
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CONVEYS all those forty-one lots, pieces or parcels of land situate, lying and being in the Twelfth Ward of the City of New York, which, taken together as one parcel, are known and dis-

tinguished on a certain map entitled : Map of property belonging to David Cargill, situate in the Twelfth Ward of the City of New York, surveyed February 24th, 1840, by Joseph F. Bridges, City Surveyor, as Block Number Five, and as Lots number one to forty-one, both inclusive, and which, taken together, are bounded as follows : Beginning at a point on the Westerly side of the Ninth Avenue, distant 27 feet and 4 inches Northerly from the Northwesterly corner of Ninth Avenue and Fifty-seventh Street ; running thence Northerly along the said Westerly line of Ninth Avenue 173 feet and 4 inches to the Southerly line of Fifty-eighth Street ; thence Westerly along the said Southerly line of Fifty-eighth Street 800 feet to the Easterly line of Tenth Avenue ; thence Southerly along the said Easterly line of Tenth Avenue 81 feet and 6 inches to land now or late of Sarah Stakes ; thence Southeasterly along the land of the said Sarah Stakes to the place of beginning.

DEED.

DAVID CARGILL <i>to</i> OLIVER J. NOYES.	}	Dated 19th June, 1848. Ack. 19th June, 1848. Rec. 16th Sept., 1848. 504 Conveyances. 365. Consideration, \$200.
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CONVEYS same premises.

DEED.

OLIVER J. NOYES <i>and</i> HANNAH, <i>his wife,</i> <i>to</i> ROBERT SCHELL.	}	Dated 7th Nov., 1850. Ack. 9th Nov., 1850. Rec. 16th Nov., 1850. 549 Conveyances, 528. Consideration, \$16,000.
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CONVEYS same premises.

THE BLOCK BETWEEN 59TH AND 60TH STREETS.

This block is designated on the partition map by the number 21 and was set apart, with lot 20 and others, to George W. Somarindyck, by partition deed, ante page 431.

The title to block 21 together with block 20 and others until vested in Gideon Kimberly is shown ante pages 453 and 454.

DEED.

GIDEON KIMBERLY <i>to</i> DAVID CARGILL.	}	Dated 11th May, 1819. Ack. 12th May, 1819. Rec. 12th May, 1819. 136 Conveyances, 144. Consideration, \$3,500.
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CONVEYS said blocks number Twenty and Twenty-one.

<i>Last Will and Testament of</i> DAVID CARGILL.	}	Dated 21st May, 1840. Proved 3d Aug., 1840. 81 Wills, 363.
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“ Item. To my son, Thomas S. Cargill, I give, devise and bequeath all that certain piece, parcel or plot of land situate, lying and being in the Twelfth Ward of the City of New York, bounded on the North by the centre of Sixtieth street, Easterly by the centre of the Ninth avenue, Southerly by the centre of Fifty-ninth street, and Westerly by the Tenth avenue, and known as block Number Twenty-one (21) of the said Somerindyck’s farm on the said map, to him my said son, Thomas S. Cargill, of each and every of said last mentioned and described premises, his heirs and assigns in fee simple forever, subject to an annuity of three hundred dollars per annum, payable yearly during the joint lives of William Cargill and his wife Abigail, to said William, and if his wife survive him, one hundred and fifty dollars during her life annually as aforesaid. * * *

Item: I authorize and empower my Executors to sell from

THOMAS S. CARGILL <i>and</i> WIL- LIAM S. HUNT, <i>surviving Ex-</i> <i>ecutors of</i> DAVID CARGILL, <i>to</i> EUGENE BOGART.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 1st May, 1846. Ack. 1st May, 1846. Rec. 26th May, 1846. 476 Conveyances, 268. Consideration, \$1.
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CONVEYS all that certain plot, piece or parcel of land situate, lying and being in the Twelfth Ward of the City of New York, Beginning at the Northeasterly corner of the Tenth avenue and Fifty-ninth street, thence running Easterly along the North-easterly line of Fifty-ninth street aforesaid Four hundred feet to a point equidistant between the Ninth and Tenth avenues, thence Northerly and parallel with the said avenues two hundred feet eight inches to the South side of Sixtieth street, thence Westerly along the South side of Sixtieth street aforesaid four hundred feet to the Easterly line of the said Tenth Avenue, and thence Southerly along the said Easterly line of the Tenth avenue Two hundred feet eight inches to the place of beginning.

THOMAS S. CARGILL <i>and</i> HAR- RIET M., <i>his wife</i> , <i>to</i> EUGENE BOGART.	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 21st April, 1846. Ack. 21st April, 1846. Rec. 26th May, 1846. 476 Conveyances, 269. Consideration, \$12,400.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> EUGENE BOGART.	Dated 22d Oct., 1853. Proved 2d Dec., 1853. 108 Wills, 360.
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Testator devises all residue of his estate (which includes the premises) to his Executors, in trust, to receive rents and profits

and apply the same to the use of his wife during her natural life, and on her death divide the same into as many equal parts as she shall have children, the issue of a deceased child representing its parent. One of such shares is to be paid to testator's son, Eugene, or to his issue if he do not survive his wife, and to his sisters in default of issue. The trustees are to pay the income of one of such shares to each of testator's daughters during her life, and on her death leaving issue, divide the same among such issue, and in default of issue among her brother and sisters surviving. "And I hereby authorize and direct my Executrix and Executors, as soon as they deem it prudent and discreet so to do, to sell all my real estate at public or private sale, and the proceeds to invest on bond and mortgage on real estate in the City of New York, or in the public stocks of the United States, or of the State of New York." He appoints his wife, Eliza Ann, and Edwin Hoyt and Edgar S. Van Winkle, his Executors.

Letters Testamentary were granted to all three on 17th and 20th December, 1853. See Liber 11 Letters Testamentary, pages 311 and 313.

The Easterly half of the block is now owned by "The Paulist Fathers," and a church edifice is being erected thereon by them. As the premises will thus probably be permanently withheld from the market, the title thereto is not set out in detail.

TITLE TO BLOCK BETWEEN 60TH AND 61ST STREETS.

This is designated on the partition map by the number 20, and was vested in David Cargill, as shown ante page 475.

Last Will and Testament
of
 . DAVID CARGILL.

} Dated 21st May, 1840.
 } Proved 3d Aug., 1840.
 } 81 Wills, 363.

“Item: I give, devise and bequeath unto Thomas S. Cargill, Henry A. Tenbrook and William S. Hunt, above named, all that certain piece, parcel or plot of ground situate, lying and being in the Twelfth Ward of said City, bounded as follows: On the North or Northerly by the centre of Sixty first street, Easterly by the centre of the Ninth avenue, Southerly by the centre of Sixtieth street, Westerly by the centre of the Tenth avenue, and known on said map of said Somerindyke’s Estate on file as aforesaid as number twenty (20), Together with the dwelling house, edifices and hereditaments thereon being or appertaining, to be held in trust by the said trustees to and for the especial uses and trusts as follows, to apply the neat proceeds of the rents, issues and profits arising and accruing from said last mentioned premises to the use and benefit of my daughter in law, Mary Payson Cargill, for and during the same trusts they, my said trustees, are to apply the neat proceeds of the rents, issues and profits of the house and lot Number One hundred and fifty-three (153) Crosby street, for and during my said daughter-in-law’s life. * * * The said last above described premises shall descend to and go to the children of my said son, Henry A. Cargill, according to the laws of the State of New York governing and disposing of real estate as if the said Henry A. Cargill had died seised of the same intestate.” * * *

“Item: I authorize and empower my Executors to sell from time to time and at all times any part of my real estate and to give good and sufficient deeds of conveyance therefor to any and all purchasers thereof in fee simple.” He appoints Thomas S.

Cargill, Henry A. Ten Brook and William S. Hunt his Executors.

Letters Testamentary were granted to all three Executors on 3d August, 1840. See Liber 5 Letters Testamentary, page 83.

THOMAS S. CARGILL <i>and</i> WILLIAM S. HUNT, <i>surviving Executors of</i> DAVID CARGILL, <i>to</i> ALGERNON S. JARVIS,	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 31st March, 1860. Ack. 31st March, 1860. Rec. 31st March, 1860. 807 Conveyances, 498. Consideration, \$135,000.
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CONVEYS said block Number Twenty.

HENRY A. CARGILL <i>and</i> MARY PAYSON, <i>his wife</i> , RICHMOND L. PHILLIPS <i>and</i> HENRIETTA AUGUSTA, <i>his wife</i> , <i>to</i> ALGERNON S. JARVIS.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 31st March, 1860. Ack. 31st March, 1860. Rec. 31st March, 1860. 807 Conveyances, 499. Consideration, \$1.
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CONVEYS same premises.

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TITLE TO BLOCK BETWEEN 61ST AND 62D STREET.

This block is designated on the partition map by the Number 19, and was set apart with blocks 18 and others, to Hyder Somarindyck by partition deed set forth ante page 431.

DEED.

HYDER SOMARINDYCK, <i>and</i> REBECCA M., <i>his wife,</i> to DAVID CARGILL. *	}	Dated 4th Nov. 1815. Ack. 7th Nov., 1815. Reg. 13th Nov., 1815. 113 Conveyances, 50. Consideration, \$4,118.
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CONVEYS all that certain tract, piece or parcel of land (whereof John Somarindyck, deceased, late father of the said Hyder Somarindyck, was seised in fee simple at the time of his decease) situate, lying and being in the Ninth Ward of the City of New York, bounded Northwesterly by the Tenth avenue, Southeasterly by the middle of the Ninth avenue, Southwesterly by the middle of Sixty-first street, and Northeasterly by Sixty-third street, containing Ten acres and seven perches.

Recorded immediately after the above deed at page 53, is a release of dower from Sarah Somarindyck.

Last Will and Testament of DAVID CARGILL.	}	Dated 21 May, 1840. Proved 3d Aug., 1840. 81 Wills, 363.
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“Item: I give and bequeath to my son David Cargill, Junior,
 * * * also all that certain piece, parcel or plot of ground situate in the Twelfth Ward of said City; Bounded Northerly by the centre of Sixty-second street, Easterly by the centre of the Ninth avenue, Southerly by the centre of Sixty-first street and Westerly by the centre of the Tenth avenue, being the piece or plot of said Somarindyck’s estate as Number nineteen (No. 19).
 * * * Item: I authorize and empower my Executors to sell from time to time and at all times any part of my real estate, and to give good and sufficient deeds of conveyance therefor to any

and all purchasers thereof in fee simple." * * * He appoints Thomas S. Cargill, Henry A. Ten Brook and William S. Hunt, his Executors.

Letters Testamentary were granted to all three Executors on 3d August, 1840. See Liber 5 Letters Testamentary, page 83.

*

DEED.

DAVID CARGILL <i>and</i> DEVELIA L., <i>his wife</i> , <i>to</i> CHAUNCEY BUSH.	}	Dated 28th April, 1846. Proved 2d May, 1846. Rec. 18th June, 1846. 475 Conveyances, 472. Consideration, \$6,000.
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CONVEYS all those twenty lots, pieces or parcels of land situate, lying and being in the City, County and State of New York, and in the Twelfth Ward of said City, which taken together are bounded, contain and are described as follows: Beginning at the Northeasterly corner of the Tenth avenue and Sixty-first street, running thence Northerly or nearly so along the Easterly side of the said Tenth avenue two hundred feet eight inches to the Southeasterly corner of said avenue and Sixty-second street; thence Easterly or nearly so along the Southerly side of Sixty-second street aforesaid two hundred and fifty feet; thence Southerly or nearly so on a line parallel with the said Tenth avenue two hundred and fifty feet distant therefrom, two hundred feet and eight inches to the Northerly side of Sixty-first street aforesaid; thence Westerly or nearly so along said Northerly side of Sixty-first street two hundred and fifty feet to the said Northeasterly corner of the Tenth avenue and Sixty-first street, the place of beginning.

The above deed was acknowledged on 29th September, 1846, and recorded in Liber 485 Conveyances, page 20, on 1st December, 1846.

DEED.

CHAUNCEY BUSH, <i>to</i> JOHN N. GENIN.	}	Dated 19th July, 1848. Ack. 19th July, 1848. Rec. 21st July, 1848. 504 Conveyances, 237. Consideration, \$1,800.
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CONVEYS same premises.

DEED.

JOHN N. GENIN <i>and</i> MARY JANE, <i>his wife,</i> <i>to</i> DANIEL D. NASH.	}	Dated 31st July 1848. Ack. 1st Aug., 1848. Rec. 3d Aug., 1848. 510 Conveyances, 79. Consideration, \$4,000.
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CONVEYS same premises.

MORTGAGE.

DANIEL D. NASH <i>and</i> CATHA- RINE, P., <i>his wife,</i> <i>to</i> JOHN MORTIMER, JUNIOR.	}	To secure \$8,000. Dated 15th Oct., 1860. Ack. 16th Oct., 1860. Rec. 17th Oct., 1860. 631 Mortgages, 451.
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DEED.

DANIEL D. NASH. <i>to</i> EZRA GOULD.	}	Dated 20th Nov., 1861. Ack. 23d Nov., 1861. Rec. 9th July, 1863. 877 Conveyances, 504. Consideration, \$20,000.
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CONVEYS same premises, subject to above mortgage.

N. Y. SUPREME COURT.

JOHN MORTIMER, JUNIOR,

Plaintiff,

vs.

DANIEL D. NASH *and* CATHARINE P., *his wife*; CHARLES W. ALCOTT, JOHN EMMONS, Junior, GEORGE S. STITT, ELI M. ROBBINS, THE MANUFACTURERS BANK OF BROOKLYN EDWIN CURTIS, JOSEPH BAKER, WILLIAM B. SCOTT, RICHARD C. W. MOORE, GEORGE E. ROYCE, GERSHOM N. HARD, EMERY E. CHILDS, *and* PETER B. ACKER.

1863—February 10. Complaint filed to foreclose. 631 Mortgages 451.

April 1. Daniel D. Nash appears by W. H. and S. P. Bell, and answers.

April 8. Catharine P. Nash appears by James D. Stevenson.

February 7. All the other defendants appear and waive service of all notices except that of sale and surplus.

June 22. Judgment of foreclosure and sale.

1864—December 17. Sheriff's report of sale filed, showing sale to various purchasers.

DEED.

DAVID CARGILL <i>to</i> HENRY A. CARGILL.	}	Dated 19th June, 1848. Ack. 19th June, 1848. Rec. 19th June, 1848. 508 Conveyances, 103. Consideration, \$275.
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CONVEYS all these certain forty-four (44) lots, pieces or parcels of land situate, lying and being in the Twelfth Ward of the City of New York, which said lots of land are known and distinguished on a certain map of property belonging to David Cargill, situated in the Twelfth Ward of the City of New York, surveyed February 24th, 1840, by Joseph F. Bridges, City Surveyor, as a portion or part of Block or parcel number Nineteen (19) and by the lot numbers Two hundred and forty-four (244) to Two hundred and eighty-seven (287) both inclusive; Bounded on the North by Sixty-second street, on the East by the Ninth Avenue, on South by Sixty-first street, and on the West by lots numbered on said map Two hundred and forty-three (243) and Two hundred and eighty-eight (288).

DEED.

HENRY A. CARGILL <i>and</i> MARY P., <i>his wife</i> ; DAVID CARGILL <i>and</i> DEVELIA L., <i>his wife</i> , <i>to</i> EDWARD SCHELL.	}	Dated 25th July, 1849. Ack. 30th Aug., 1849. Rec. 12th Sept., 1849. 526 Conveyances, 377. Consideration, \$14,080.
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CONVEYS same premises.

DEED.

THOMAS S. CARGILL <i>and</i> WIL- LIAM S. HUNT, <i>surviving Ex-</i> <i>ecutors of</i> DAVID CARGILL, <i>to</i> EDWARD SCHELL.	}	Dated 25th July, 1849. Ack. 31st Aug., 1849. Rec. 12th Sept., 1849. 526 Conveyances, 379. Consideration, \$10.
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CONVEYS same premises.

DEED.

EDWARD SCHELL <i>and</i> JANE L., <i>his wife,</i> <i>to</i> PETER VAN ZANDT LANE.	}	Dated 14th March, 1850. Ack. 15th March, 1850. Rec. 26th March, 1850. 540 Conveyances, 64. Consideration, \$7,040.
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CONVEYS all the one undivided half part of same premises, subject to mortgage recorded in 340 mortgages, 392, since discharged.

DEED.

PETER VAN ZANDT LANE, <i>to</i> EDWARD SCHELL.	}	Dated 26th March, 1859. Ack. 26th March, 1859. Rec. 26th March, 1859. 779 Conveyances, 244. Consideration, \$10.
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CONVEYS all the one undivided half part of same premises.

DEED.

EDWARD SCHELL <i>and</i> JANE L., <i>his wife,</i> <i>to</i> PETER VAN ZANDT LANE.	}	Dated 26th March, 1859. Ack. 1st April, 1859. Rec. 2d April, 1859. 778 Conveyances, 254. Consideration, \$10.
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CONVEYS all the one undivided half part of same premises, subject to the payment of one-half the mortgages thereon.

DEED.

PETER VAN ZANDT LANE, <i>to</i> EDWARD SCHELL.	}	Dated 8th July, 1862. Ack. 9th July, 1862. Rec. 6th Aug, 1862. 852 Conveyances, 646. Consideration, \$1.
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CONVEYS all the equal undivided half part of same premises.

TITLE TO BLOCK BETWEEN 62D AND 63D STREETS.

This was designated on the partition map as block Number 18, and as shown ante page 481, became vested in David Cargill.

Last Will and Testament
of
 DAVID CARGILL.

} Dated 21st May, 1840.
 } Proved 3d Aug., 1840.
 } 81 Wills, 363.

Item: I give, devise and bequeath unto Thomas S. Cargill, Henry A. Tenbrook and William S. Hunt, all of the City of New York; also all that certain piece or parcel or plot of land situate in the Twelfth Ward of the City of New York, bounded on the North by the centre of Sixty-third Street, on the East by the centre of the Ninth Avenue, on the South by the centre of Sixty-second Street, and on the West by the centre of the Tenth Avenue, and known on a map of the estate of the late John Somarindyke's Farm, as now on file in the office of the Register of the City and County of New York, as number Eighteen (18), as by a reference thereto will appear. To have and to hold to said Thomas S. Cargill, Henry A. Tenbrook and William S. Hunt, and to the survivors or survivor of them, for and to the special uses and trusts herein and hereby created of and concerning the same; that is to say, to have, hold, occupy and possess the last above described premises for and during the natural life of my daughter, Jane M. Sturges, and to apply and dispose of the neat proceeds of the rents, issues and profits thereof, for the use or benefit of my said daughter, in such manner and way as shall protect my said executors and be lawful for them to do, and not be liable for the debts, contracts or engagements of her present or any future

husband, or to be in any manner under his control. Item: I authorize and empower my executors to sell from time to time, and at all times, any part of my real estate, and to give good and sufficient deeds of conveyance therefor to any and all purchasers thereof in fee simple. * * All the rest, residue and remainder of my estate, both real and personal, whatsoever or wheresoever, I give, devise and bequeath unto my executors in trust, to divide and dispose of the same to and amongst my children and daughter-in-law as above named and as hereinbefore named, and to and for the same estates, uses, limitations, conditions and trusts as the same are devised to them severally and respectively. He appoints Thomas S. Cargill, Henry A. Ten Brook and William S. Hunt his executors.

Letters testamentary were granted to all three executors on 3d August, 1840. In Liber 5, Letters Testamentary, page 83.

On 28th January, 1842, a bill was filed in the Court of Chancery, by the children of Jane M. Sturges, against the executors of David Cargill, his heirs-at-law and the children of Henry A. Cargill, asking for a decree holding that the complainants were entitled to a remainder in fee in the block in question. The bill asserts that a provision for such remainder was, according to the direction of the testator, inserted in the draft of said will submitted to him, but was, by inadvertence in engrossing, omitted from the copy signed by him. On 25th March, 1844, a decree was entered in said action, holding that upon the death of Jane M. Sturges the remainder in fee in said property would vest in her children then living and in the descendants of such as were then deceased, the same as if she had died intestate seised of said block. Meanwhile the following deed had been made by Thomas S. Cargill of his interest as heir-at-law and residuary devisee.

ing sale of part of block in question. On 3d May, 1851, the referee's report in favor of such sale was confirmed. Jane M. Sturges, her husband and children thereupon sold to John Miller the two lots on corner of Sixty-second Street and Ninth Avenue, by deed recorded in 656 Conveyances, 152, and to Margaret Stephens the six remaining lots on the Ninth Avenue and the four adjoining lots on Sixty-third Street, by deed recorded in 665 Conveyances, 425. The residue of the block was disposed of as follows :

		LEASE.
WILLIAM S. HUNT <i>and</i> THOMAS S. CARGILL, <i>Executors of</i> DAVID CARGILL, <i>to</i> FREDERICK A. COE.	}	<hr style="width: 10%; margin: 0 auto;"/> Dated 2d Oct., 1854. Proved 2d Oct. 1854. Rec. 10th Oct., 1854. 673 Conveyances, 538 Yearly Rent, \$1,040.

LEASES all those certain fifty-two lots, pieces or parcels of land situate, lying and being in the City of New York, between the Ninth and Tenth Avenues and Sixty-second and Sixty-third Streets, in said City, which fifty-two lots, taken together, are bounded and described as follows: Beginning at a point on the Northerly side of Sixty-second Street, and distant one hundred feet Westerly from the Westerly side of the Ninth Avenue, and running thence Northerly and parallel with Ninth Avenue a distance of one hundred feet and five inches, or half the block in depth, and thence Westerly and parallel with Sixty-second Street and equi-distant between the same and Sixty-third Street a distance of one hundred feet; thence Northerly and parallel with Ninth Avenue a distance of one hundred feet and five inches, or half the block to the Southerly line of Sixty-third Street to a point in said Southerly line distant two hundred feet Westerly from the Westerly line of the Ninth Avenue; thence Westerly along said Southerly line of said Sixty-third Street six hundred feet to the Easterly side of Tenth Avenue; thence

Southerly along the Easterly line of Tenth Avenue two hundred feet four inches to the Northerly side of Sixty-second Street aforesaid; thence Easterly along the Northerly side of said Sixty-second Street seven hundred feet to the place or point of beginning, being a portion of land late of David Cargill, deceased. Habendum for fifty years from 2d October, 1854.

The rent is made payable to Jane M. Sturges, and it is provided that if she die before the expiration of the fifty years, the lease shall cease on her death.

RELEASE.

HENRY A. C. STURGES <i>and</i> JANE M., <i>his wife</i> , to FREDERICK A. COE.	}	Dated 10th Oct., 1854. Ack. 10th Oct., 1854. Rec. 10th Oct., 1854. 673 Conveyances, 541. Consideration, \$1.
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RELEASES him from payment of the rent and from the covenants in the above lease.

HENRY A. C. STURGES <i>and</i> JANE M., <i>his wife</i> ; WILLIAM B. STURGES <i>and</i> E. JOSEPHINE, <i>his wife</i> ; LYMAN A. SPENCER <i>and</i> ANN FRANCES, <i>his wife</i> ; DAVID C. STURGES, CAROLINE E. K. STURGES, <i>and</i> HENRY A. C. STURGES, Junior, <i>Children</i> <i>and heirs of said</i> HENRY A. C. <i>and</i> JANE M. STURGES, to FREDERICK A. COE.	}	DEED. Dated 1st Sept., 1854. Ack. 28th Sept. and 10th Oct., 1854. Rec. 10th Oct., 1854. 673 Conveyances, 541. Consideration, \$53,000.
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CONVEYS same premises.

Henry A. C. Sturges, Junior, was a minor at time of execution of above deed. See deed of ratification by him recorded in 1195 Conveyances, 104.

THE BLOCKS BETWEEN 63D AND 65TH STREETS.

These are designated on the partition map as Blocks number 16 and 17, and were set apart to Sarah Talman, on partition deed set forth ante page 429.

SARAH TALMAN <i>and</i> JOHN H. TALMAN, <i>to</i> JOHN STEWARD <i>and</i> D. JACK- SON STEWARD.	}	DEED. ——— Dated 18th Nov., 1859. Ack. 18th Nov., 1859. Rec. 19th Nov., 1859. 799 Conveyances, 51. Considerat'n, \$189,000.
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CONVEYS the two blocks in question.

JOHN STEWARD, D. JACKSON STEWARD <i>and</i> MARY ANNA, <i>his wife,</i> <i>to</i> CLARENCE S. BROWN.	}	DEED. ——— Dated 17th Feb., 1869. Ack. 17th Feb., 1869. Rec. 2d March, 1869. 1094 Conveyances, 159. Considerat'n, \$400,000.
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CONVEYS block between 63d and 64th streets.

The above block was sold off in lots by Clarence S. Brown.

JOHN STEWARD <i>and</i> D. JACKSON STEWARD <i>and</i> MARY ANNA, <i>his wife,</i> <i>to</i> JOHN CROSBY BROWN.	}	DEED. ——— Dated 17th Feb., 1869. Ack. 17th Feb., 1869. Rec. 10th May, 1869. 1114 Conveyances, 154. Considerat'n, \$500,000.
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CONVEYS blocks between 64th and 65th streets.

THE BLOCKS BETWEEN 65TH AND 67TH STREETS.

These are designated on the partition map as blocks number 14 and 15, and were set apart to Abigail Thorn, widow, in partition deed set forth ante page 429. She intermarried with William T. Cock, in spring of 1809.

DEED.

WILLIAM T. COCK, <i>to</i> JOHN A. HARDENBROOK.	}	Dated 3d Jan., 1814. Proved 7th Jan., 1814. Rec. 8th Jan., 1814. 104 Conveyances, 224. Consideration, \$1.
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CONVEYS all interest in and to the seventeen blocks, including the two in question, set apart to Abigail Thorn, as above mentioned.

DEED.

JOHN A. HARDENBROOK <i>and</i> MARIA, <i>his wife</i> , <i>to</i> ABIGAIL COCK, <i>wife of WILLIAM</i> T. COCK.	}	Dated 8th Jan., 1814. Ack. 7th June, 1814. Rec. 21st Nov., 1814. 108 Conveyances, 95. Consideration, \$1.
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CONVEYS all interest in same premises.

DEED.

WILLIAM T. COCK <i>and</i> ABIGAIL <i>his wife</i> , <i>to</i> JOHN G. GOTTSBERGER.	}	Dated 17th April, 1817. Ack. 17th April, 1817. Rec. 19th April, 1817. 120 Conveyances, 323. Consideration, \$5,000.
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CONVEYS said two blocks 14 and 15.

See release of dower from Sarah Somarindyck, recorded after the above deed, at page 325.

DEED.

JOHN GEORGE GOTTSBERGER <i>and ELLEN, his wife,</i> <i>to</i> MARY SULLIVAN.	}	Dated 18th July, 1823. Ack. 18th July, 1823. Rec. 26th July, 1823. 169 Conveyances, 30. Consideration, \$1.
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CONVEYS said two blocks 14 and 15.

DEED.

MARY SULLIVAN <i>to</i> DAVID CARGILL.	}	Dated 25th July, 1823. Ack. 25th July, 1823. Rec. 26th July, 1823. 168 Conveyances, 359. Consideration, \$2,500.
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CONVEYS said two blocks 14 and 15.

<i>Last Will and Testament</i> <i>of</i> DAVID CARGILL.	}	Dated 21st May, 1840. Proved 3d Aug., 1840. 81 Wills, 362.
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“ Item : I give, devise and bequeath unto Thomas S. Cargill, Henry A. Ten Brook and William S. Hunt, all those two certain pieces, parcels or plots of ground situate in the Twelfth Ward aforesaid, Bounded as follows : On the North by the centre of Sixty-seventh street Easterly by the centre of Ninth Avenue, Southerly by the centre of Sixty-fifth street, Westerly by the centre of Tenth avenue. and known on said map of said Somarindyck’s estate as numbers fourteen and fifteen (14 and 15 and comprising within the said boundaries Sixty-sixth street and the road passing through said premises Southerly and Northerly as the same is now used, known as the Bloomingdale Road. To have and to hold the same premises to and for the special trust and uses hereinafter expressed, that is to say, to have, hold,

DEED.

THOMAS S. CARGILL <i>and</i> HARRIET M., <i>his wife, of 1st part</i> ; HENRY A. CARGILL <i>and</i> MARY P., <i>his wife, of 2d part</i> ; DAVID CARGILL <i>and</i> DEVELIA, <i>his wife, of 3d part</i> ; HENRY A. C. STURGES <i>and</i> JANE M., <i>his wife, of 4th part</i> .	Dated 30th Aug., 1845. Ack. 1st and 17th Sept., 1845. Rec. 19th March, 1847. 486 Conveyances, 302. Rec. 23 March, 1847. 487 Conveyances, 394. Consideration, \$1.
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RECITES that Thomas S. Cargill, Henry A. Cargill, David Cargill and Jane M. Sturges are brothers and sister of Edward Cargill, deceased, and being seised in common of the two blocks in question, have agreed upon a partition thereof.

Conveys to Thomas S. Cargill lots colored red on annexed map and numbered 362, 366 to 391 and 475 ; to Henry A. Cargill lots colored yellow on said map and numbered 425 to 448, 474, 424, 421, 417, 365 and 364 ; to David Cargill lots colored brown on said map and numbered 449 to 473, 476 and 363 ; to Jane M. Sturges lots colored blue on said map and numbered 392 to 416, 418 to 420, 422 and 423.

THE BLOCKS BETWEEN 67TH AND 70TH STREETS.

These are designated on the partition map as blocks number 12 and 13 and lettered n, and were set apart to Margaret Hardenbrook by partition deed set forth ante page 430.

MORTGAGE.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> , <i>to</i> MISS ELEANOR ELLISON.	To secure \$2,900. Dated 1st June, 1810. Ack. 4th June, 1810. Reg. 4th June, 1810. 24 Mortgages, 338.
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COVERS said blocks designated by the number 12 and 13 and by gore N.

MORTGAGE.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> , <i>to</i> MISS MARY ELLISON.	}	To secure \$2,400. Dated 1st June, 1810. Ack. 4th June, 1810. Rec. 4th June, 1810. 24 Mortgages, 340.
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COVERS same premises.

IN CHANCERY.

ELEANOR ELLISON, <i>vs.</i> WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> , <i>and</i> THOMAS ELLISON, <i>Executor</i> <i>of MARY ELLISON.</i>	}
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1814—Sept. 15. Bill filed to foreclose. 24 Mortgages, 358.

Nov. 22. Joint and several answer of Hardenbrook and wife filed.

Dec. 9. Answer of Thomas Ellison, Executor, filed.

1815—Jan. 25. Judgment of foreclosure and sale.

1815—June 21. Master's report of sale filed and confirmed.

The Master divided the premises into four lots, as shown on map filed in case number two. The part West of the Bloomington Road was divided into two lots numbered on said map 1 and 2, and was sold to Jacob Harsen. The part East of said road was also divided into two lots numbered thereon 3 and 4. Lot 3, the Northerly one, was sold to Jacob Barker, and lot 4, the Southerly one, to John A. Hardenbrook.

DEED.

JAMES A. HAMILTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> JACOB BARKER.	}	Dated 1st June, 1815. Ack. 9th June, 1815. Rec. 26th Nov., 1816. 116 Conveyances, 590. Consideration, \$1,600.
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CONVEYS lot number three.

Recorded immediately after this deed at page 592, is a release of dower from Sarah Somarindyck.

DEED.

JAMES A. HAMILTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> JACOB HARSEN.	}	Dated 1st June, 1815. Ack. 9th June, 1815. Rec. 12th June, 1815. 111 Conveyances, 34. Consideration, \$3,000.
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CONVEYS lots 1 and 2.

Recorded immediately after this deed at page 35, is a release of dower from Sarah Somarindyck.

DEED.

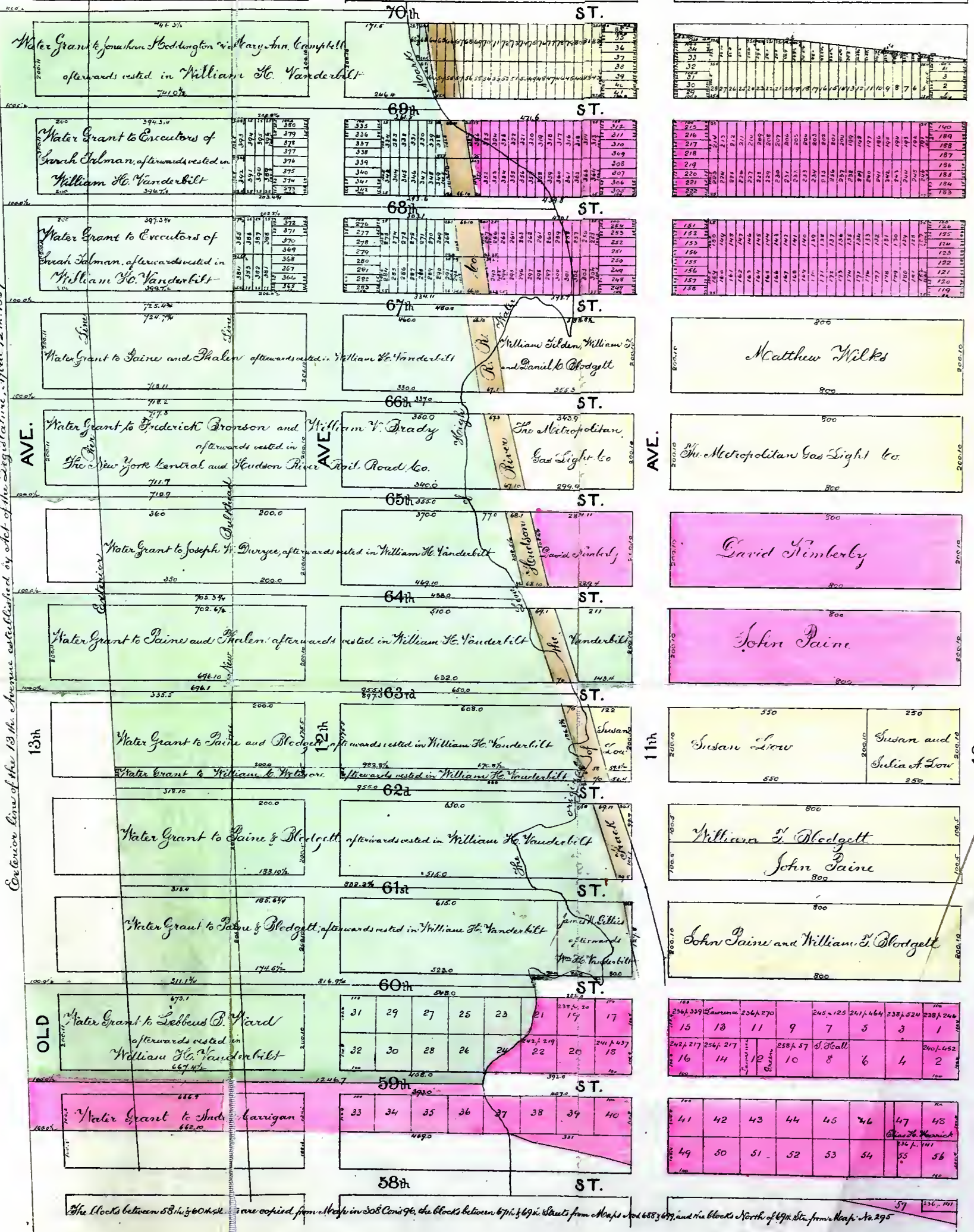
JAMES A. HAMILTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> JOHN A. HARDENBROOK.	}	Dated 1st June, 1815. Ack. 9th June, 1815. Rec. 24th June 1815. 110 Conveyances, 280. Consideration, \$1,100.
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CONVEYS lot 4.

Recorded immediately after this deed at page 281, is a release of dower from Sarah Somarindyck.

THE SOMARINDYCK FARM WEST OF TENTH AVENUE.

Exterior line of the 13th Avenue established by Act of the Legislature, April 12th, 1887



The blocks between 58th & 60th St. are copied from Map No. 308 Cons 96, the blocks between 67th & 69th St. from Map No. 308 Cons 97, and the blocks North of 69th St. from Map No. 295

THE SOMARINDYCK FARM.

WEST OF TENTH AVENUE.

In considering this part of the farm, the various blocks will be taken up in order, beginning at the South and going North.

THE BLOCKS SOUTH OF 59TH STREET.

These are designated on the partition map as Block Number One, gore figure 6, and block lettered a, and were set apart to George W. Somarindyck in partition deed given ante page 431.

MORTGAGE.

GEORGE W. SOMARINDYCK <i>and</i>	}	To secure \$3,000.
CORNELIA, <i>his wife,</i>		Dated 21st May, 1814.
<i>to</i>		Ack. 24th May, 1814.
ANN HARDENBROOK.		Reg. 25th May, 1814.
		31 Mortgages, 353.

COVERS, with others, said Block Number One. The said Block Number One is bounded Northerly, Southerly, Easterly and Westerly by streets not yet named, and contains, according to the said map, seven acres, one rood, thirty-five perches and 258 square feet.

DEED.

GEORGE W. SOMARINDYCK <i>and</i> CORNELIA, <i>his wife,</i> <i>to</i> TUNIS VAN KLEECK.	}	Dated 9th Oct., 1816. Ack. 10th Oct., 1816. Rec. 27th May, 1817. 119 Conveyances, 424. Consideration, \$5,000.
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CONVEYS said blocks, numbered One and lettered a and gore 6.

Ann Hardenbrook, the above named mortgagee, died leaving a will recorded in 53 Wills, 516, by which she appointed Mary Adams, John A. Hardenbrook and Robert Thompson her executrix and executors. Letters testamentary were granted to all three. See Liber 53 Wills, 518.

John A. Hardenbrook and John H. Talman were judgment creditors of George W. Somarindyck and assignees of their personal estate.

IN CHANCERY.

JOHN A. HARDENBROOK <i>and</i> ROBERT THOMPSON, <i>Ex-</i> <i>ecutors, and</i> MARY ADAMS, <i>Executrix of</i> ANN HARDEN- BROOK <i>and</i> JOHN A. HARDEN- BROOK, <i>and</i> JOHN H. TALMAN, <i>Trustees,</i> <i>vs.</i> GEORGE W. SOMARINDYCK, TUNIS VAN KLEECK, <i>and</i> SARAH SOMARINDYCK.	}
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1817—Sept. 2. Bill filed.

1818—Jan. 21. Judgment of foreclosure and sale.

DEED.

S. GARDINER, <i>Master in Chancery,</i> <i>to</i> DAVID DUNHAM.	}	Dated 10th March, 1818. Ack. 14th March, 1818. Rec. 2d April, 1818. 125 Conveyances, 525. Considerat'n, \$3,198.57.
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s said Block Number One, by same description.

Dunham died, intestate, on 31st March, 1823, leaving living Mary Dunham, his widow, and the following his only heirs-at-law: Mary S., wife of Daniel S.; David R. Dunham, Caroline Dunham, Euphame C., Daniel Jackson; Matilda Ann, wife of Reuben Withers; wife of William C. Leffingwell; Alfred F. Dunham and Emma Dunham.

IN CHANCERY.

S. GRISWOLD <i>and</i> MARY S., <i>his wife,</i> <i>vs.</i> DUNHAM, ⁿ DAVID R. AM, ^m CAROLINE DUN- DANIEL JACKSON <i>and</i> AME C., <i>his wife</i> ; [*] REU- WITHERS <i>and</i> MATILDA <i>his wife</i> ; WILLIAM C. NGWELL <i>and</i> SARAH, <i>fe</i> ; ALFRED F. DUNHAM, INE EMMA DUNHAM; [AUCHINCLOSS <i>and</i> THE 3 FIRE COMPANY OF YORK.	}
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pt. 27. Bill filed asking for partition, &c.

DEED.

DAVID R. DUNHAM <i>to</i> JOSEPH WARREN BRACKETT.	}	Dated 25th Oct., 1825. Ack. 25th Oct., 1825. Rec. 25th Oct., 1825. 191 Conveyances, 508. Consideration, \$3,000.
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CONVEYS said Block One by same boundaries.

DEED.

JOSEPH WARREN BRACKETT <i>and CHARLOTTE, his wife,</i> <i>to</i> ISAAC LUCAS.	}	Dated 25th Oct., 1825. Ack. 25th Oct., 1825. Rec. 25th Oct., 1825. 191 Conveyances, 501. Consideration, \$4,000.
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CONVEYS said block by same boundaries.

DEED.

ISAAC LUCAS <i>and SARAH, his</i> <i>wife,</i> <i>to</i> CHARLES WAYLAND.	}	Dated 28th Feb., 1826. Ack. 28th Feb., 1826. Rec. 6th March, 1826. 200 Conveyances, 360. Consideration, \$750.
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CONVEYS said block One by same boundaries, subject to mortgage recorded in 86 Mortgages, page 1, since discharged.

It will be observed that in the mortgage made to Ann Hardenbrook, ante page 499, the premises are designated simply as block number one, and described as bounded by streets not yet named. The same description is retained in the conveyance from the Master to David Dunham given upon the foreclosure of that mortgage, while the deed from the Commissioners of partition of estate of said David Dunham designate the premises

thereby conveyed as block number one, but describe them by boundaries which would include block a and gore 6. This last mentioned block and gore had been specifically conveyed to Tunis Van Kleeck, ante page 500. John P. Yelverton obtained from his executors a deed of said block a and gore 6, which deed was dated 30th January, 1850, and recorded in 533 Conveyances, 412, on 1st February, 1850. John P. Yelverton thereupon conveyed block a to Andrew Carrigan, see 536 Conveyances, 289, and gore 6 to Archibald G. Montgomery see 582 Conveyances, 422.

BLOCKS BETWEEN 59TH AND 60TH STREETS.

These are designated on the partition map as Blocks numbered Two and lettered b, and were set apart, together with Blocks numbered Three and lettered c, and others, to Abigail Thorn, by partition deed set forth ante page 429. The title to these four blocks, until the following deed from the widow of Jean Victor Francis Moreau, is set forth in title to blocks between Fifty-seventh and Fifty-ninth Streets, Seventh and Eighth Avenues, ante pages 436 to 440.

ALEXANDRINE LOUISE EUGENIE HULOT MOREAU, <i>by</i> HENRY C. DE RAHM, <i>her Attorney,</i> <i>to</i> JOHN LOW.)	DEED. ——— Dated 27th Nov., 1819. Proved 2d Dec., 1819. Rec. 4th Dec., 1819. 145 Conveyances, 368. Consideration, \$3,550.
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CONVEYS Blocks Two and Three, which are described as being bounded Southwesterly by the middle of Fifty-ninth Street, Southeasterly by the West side of the Tenth Avenue,

Northeasterly by the middle of Sixty-first Street, and Northwesterly by the Hudson River.

Blocks b and c are not mentioned in the above deeds, but the number of acres given would be sufficient to include them, as also the boundaries in the last deed.

ALEXANDRINE LOUISE EUGENIE HULOT MOREAU, <i>by</i> HENRY C. DE RHAM, <i>her Attorney,</i> <i>to</i> JOHN LOW.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 21st Dec., 1820. Proved 30th Dec., 1820. Rec. 3d Jan., 1821. 148 Conveyances, 230, Consideration, \$1.
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RECITES the previous deed, and the omission to mention lots b and c in the description of the premises conveyed, and grants ratifies, approves and confirms all and singular the said lots, pieces or parcels of land designated upon the said map by the numbers two and three, and that the letter b and c.

It was doubted whether the grantor in the previous deed had acquired any title to said blocks b and c, as they were not mentioned in the mortgage made by Abigail Cock, through the foreclosure of which Madame Moreau had derived title, though blocks 2 and 3 were therein described as containing sufficient acreage to include them. Mrs. Cock has since given releases to most all the parties in whom the different parts of the blocks were vested.

JOHN LOW <i>to</i> ISAAC COOK.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 18th Mar., 1822. Ack. 18th Mar., 1822. Rec. 24th March, 1823. 165 Conveyances, 350. Consideration, \$2,700.
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CONVEYS all that certain lot, piece or parcel of ground situate, lying and being in the Ninth Ward of the City of New

York, near Bloomingdale, being part of the Somarindyke Farm, and is butted and bounded as follows, to wit: On the Southeast by the Tenth Avenue, Southwest by the middle of Fifty-ninth Street, northwest by the Hudson River, and Northeast by the middle of Sixtieth Street, containing about six and one-half acres of ground, be the same more or less, which said lot of ground is described on the map of the Somarindyke Farm, filed in the office of the Register in and for the City and County of New York as Lot Number Two and letter C.

DEED.

ISAAC COOK <i>to</i> ISRAEL COOK.	}	Dated 20th Mar., 1823. Ack. 24th Mar., 1823. Rec. 24th Mar., 1823. 165 Conveyances, 352. Consideration, \$2,700.
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CONVEYS same premises.

DEED.

ISRAEL COOK <i>and</i> MARIA, <i>his</i> <i>wife,</i> <i>to</i> JOSEPH WARREN BRACKETT.	}	Dated 18th May, 1825. Ack. 18th May, 1825. Rec. 31st May, 1825. 190 Conveyances, 390. Consideration, \$3,180.
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CONVEYS same premises.

DEED.

JOSEPH WARREN BRACKETT <i>and</i> CHARLOTTE, <i>his wife,</i> <i>to</i> JAMES BLIVEN <i>and</i> WILLIAM WOOD.	}	Dated 19th Sept., 1825. Ack. 20th Sept., 1825. Rec. 21st Sept., 1825. 197 Conveyances, 297. Consideration, \$5,000.
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CONVEYS same premises.

JAMES BLIVEN <i>and</i> MARGARET ANN, <i>his wife, and</i> WILLIAM WOOD, to ISAAC LUCAS.)))))	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 15th Oct., 1825. Ack. 18th Oct., 1825. Rec. 18th Oct., 1825. 191 Conveyances, 430. Consideration, \$10,000.
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CONVEYS same premises.

ISAAC LUCAS <i>and</i> SARAH, <i>his</i> <i>wife,</i> to CHARLES WAYLAND.)))))	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 28th Feb., 1826. Ack. 28th Feb., 1826. Rec. 6th Mar., 1826. 200 Conveyances, 360. Consideration, \$750.
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CONVEYS same premises, subject to mortgage recorded in 86 Mortgages, page 1, since discharged.

The water grant between Fifty-ninth and Sixtieth Streets was made to Lebbeus B. Ward, and was recorded in 623 Conveyances, 33. He conveyed the same to William H. Vanderbilt by deed recorded in 1,297 Conveyances, 473.

BLOCKS BETWEEN 60TH AND 61ST STREETS.

These are designated on the partition map as blocks numbered Three and lettered c, and, as just shown ante pages 504 and 505, were vested in John Low.

JOHN LOW to ADELAIDE JOANNA LOW.)))))	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 19th Feb., 1824. Ack. 19th Feb., 1824. Rec. 12th Dec., 1832. 289 Conveyances, 582. Consideration, \$1.
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CONVEYS all that tract, piece or parcel of land situate, lying and being in the Ninth Ward of the City of New York, being

part of the farm formerly known as the Somarindyck Farm, and is distinguished on the map of said farm, filed in the office of the Register of the City and County of New York as number 3 (three) and letter c, bounded Southeast by the Tenth Avenue, Southwest by the middle of Sixtieth Street, Northwest by Hudson River, and Northeast by the middle of Sixty-first Street, containing five acres and three-quarters of an acre, be the same more or less, with full covenants and warranty.

DEED.

WILLIAM T. COCK <i>and</i> ABIGAIL, <i>his wife,</i> <i>to</i> JOHN LOW.	}	Dated 16th June, 1838. Proved and Ack. 19th April, 1839. Rec. 7th May, 1839. 39 $\frac{5}{8}$ Conveyances, 513. Consideration, \$5.
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CONVEYS all that certain lot, piece or parcel of land situate, lying and being in the Twelfth Ward of the City of New York, and known and distinguished by the letter c on a map of the estate belonging to the heirs of John Somarindyck, deceased, made by William Bridges, City Surveyor, the said premises hereby granted being bounded as follows, viz.: Southwesterly by the middle of Sixtieth Street, Southeasterly by the middle of the Eleventh Avenue, Northeasterly by the middle of Sixty-first Street, and Northwesterly by the Hudson River.

Adelaide Joanna Low intermarried with Anthony Bleecker McDonald. She died, intestate, on 17th September, 1837, leaving her surviving her husband, who is now deceased, and three children, her only heirs-at-law; Susan Blanchard McDonald, afterwards married to Edward D. Nelson; Anthony Bleecker McDonald, Junior, and Elizabeth Bleecker McDonald, which latter died on 28th November, 1860, intestate, unmarried and without issue.

<p style="text-align: center;"><i>Last Will and Testament</i> of ANTHONY BLEECKER McDON- ALD, Junior.</p>	}	<p>Dated 30th July, 1866. Proved 3d Dec., 1866. 52 Wills, 438. Westchester Co.</p>
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After making certain provisions relative to his real estate at Bronxville, testator provides as follows :

“I hereby authorize and empower my said executors, their survivors and survivor, to sell and convey any and all other real estate of which I may die seised or possessed, or any interest of mine therein, and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed or good and sufficient deeds therefor, and to join with other party or parties interested in or owning any part of any such real estate in selling, conveying and disposing of the same, and of my interest therein, and in executing such deed or deeds as may be necessary or proper to vest a good and valid title to the same to the purchaser or purchasers thereof.” The executors are instructed to divide the proceeds among testator’s children and descendants of deceased children. His or her share of the principal to be paid to each on arriving at age of twenty-one years ; meanwhile the income to be paid to testator’s widow for their support. He makes his children his residuary devisees, and appoints his widow, Phebe McDonald, and Anthony B. McDonald and Henry W. Clark his executors.

Letters Testamentary were granted to all three on 5th December, 1866, see Liber H, Letters Testamentary, 173.

ANTHONY B. McDONALD, SUSAN B. NELSON, <i>wife of</i> EDWARD D. NELSON <i>and the said</i> ED- WARD D. NELSON, <i>to</i> JOHN PAINE <i>and</i> WILLIAM T. BLODGETT.	DEED. ——— Dated 28th April, 1868. Ack. 28th April, 1868. Rec. 1st May, 1868. 1,066 Conveyances, 18. Consideration, \$105,000.
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CONVEYS said blocks Three and c.

PHEBE McDONALD, <i>widow</i> , <i>to</i> JOHN PAINE <i>and</i> WILLIAM T. BLODGETT.	DEED. ——— Dated 28th April, 1868. Ack. 28th April, 1868. Rec. 1st May, 1868. 1066 Conveyances, 17. Consideration, \$1.
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RELEASES her dower in same premises.

PHEBE McDONALD, <i>Executrix</i> , <i>and</i> ANTHONY B. McDONALD <i>and</i> HENRY W. CLARK, <i>Ex-</i> <i>ecutors of</i> A. BLEECKER MC- DONALD, <i>Junior</i> , <i>to</i> JOHN PAINE <i>and</i> WILLIAM T. BLODGETT.	DEED. ——— Dated 28th April, 1868. Ack. 28th April, 1868. Rec. 1st May, 1868. 1066 Conveyances, 15. Consideration, \$40,000.
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CONVEYS all the one equal undivided one-third part of same premises.

DEED.

SAME <i>to</i> SAME.	}	Dated 1st April, 1869. Ack. 14th April, 1869. Rec. 14th April, 1869. 1,091 Conveyances, 478. Consideration, \$1.
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CONVEYS the one equal undivided half part of same premises, these presents being given to correct a misdescription in the previous deed of the interest of the parties of the first part in the premises conveyed.

The water grant between Sixtieth and Sixty-first Streets was made to John Paine and William T. Blodgett, and was recorded in 1103 Conveyances, page 396. This became vested in William H. Vanderbilt. See deeds recorded in 1276 Conveyances 341 and 347; 1183 Conveyances, 35, and 1306 Conveyances, 295.

 THE BLOCKS BETWEEN 61ST AND 63D STREETS.

These are designated on the partition map as blocks numbered Four and Five, and lettered d and e, and were set apart, with others, to Margaret Hardenbrook by partition deed set forth ante page 430.

MORTGAGE.

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife</i> , <i>to</i> REMBRANDT F. MULLER.	}	To secure \$8,000. Dated 27th Oct., 1810. Ack. 1st Nov., 1810. Reg. 3d Nov., 1810. 25 Mortgages, 94.
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COVERS the four blocks described by the numbers Four and Five and the letters d and e

WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife, and</i> SARAH SOMARINDYCK, <i>to</i> THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 2d Jan., 1816. Ack. 3d Jan., 1816. Rec. 5th Jan., 1816. 113 Conveyances, 117. Considerat'n, \$5,869.07.
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CONVEYS said four blocks, subject to above mortgage.

IN CHANCERY.

REMBRANDT F. MULLER <i>vs.</i> WILLIAM A. HARDENBROOK <i>and</i> MARGARET, <i>his wife.</i>	}
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- 1814—Sept. 15. Bill filed to foreclose, 25 mortgages, 94.
 Nov. 22. Answer of defendants filed.
 1815—Jan. 25. Judgment of foreclosure and sale.
 June 26. Report of sale filed and confirmed.

JAMES A. HAMILTON, <i>Master in</i> <i>Chancery,</i> <i>to</i> REMBT F. MULLER.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 8th June, 1815. Ack. 9th June, 1815. Rec. 21st July, 1815. 109 Conveyances, 435. Consideration, \$7,750.
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CONVEYS said four blocks.

REMBRANDT F. MULLER <i>and</i> CATHARINE, <i>his wife,</i> <i>to</i> THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	}	DEED. ——— Dated 3d Jan., 1816. Ack. 9th Jan., 1816. Rec. 26th Jan., 1816. 112 Conveyances, 517. Consideration, \$9,350.
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CONVEYS said four blocks.

THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, <i>to</i> JOHN LOW.	}	DEED. ——— Dated 9th Mar., 1818. Proved 19th Mar., 1818. Rec. 21st Mar., 1818. 125 Conveyances, 480. Considerat'n, \$7,375.71.
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CONVEYS, with other property, all those certain lots, pieces or parcels of land situate, lying and being in the Ninth Ward of the City of New York, the first whereof is situate, lying and being on the Southeasterly side of Hudson's River, and bounded as follows: Southwesterly by the middle of Sixty-first Street, Southeasterly by the Northwesterly side of the Tenth Avenue, Northeasterly by the middle of Sixty-third Street, and Northwesterly by the shore of Hudson's River. Containing twelve acres, one rood and twenty-two and one-half perches.

John Low died on 19th November, 1852.

<i>Last Will and Testament</i> <i>of</i> JOHN LOW.	}	Dated 1st Nov., 1849. Proved 19th Jan., 1853. 106 Wills, 95.
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The testator, after making certain specific devises not affecting the premises, provides as follows:—Sixth. I do hereby

devise and give unto my daughters, Susan Low and Julia A. Low, that portion of my real estate in the Twelfth Ward, in the City of New York, which commences at a point in the middle of Sixty-second Street, on the line of the Westerly side of the Tenth Avenue, and running thence Westerly on the middle of Sixty-second Street two hundred and fifty feet ; thence Northerly on a line parallel to the Tenth Avenue to the middle of Sixty-third Street ; thence Easterly on the middle of Sixty-third Street to the Westerly side of Tenth Avenue ; thence Southerly along the Westerly side of Tenth Avenue to the place of beginning ; to have and to hold the same unto my said two daughters, Susan Low and Julia A. Low, their respective heirs and assigns, forever, share and share alike. Seventh. I do hereby devise and give unto my daughter, Susan Low, that portion of my real estate which commences at a point on the middle of Sixty-second Street, at the distance of two hundred and fifty feet Westerly from the westerly side of the Tenth Avenue (in the Twelfth Ward, in the City of New York), and running thence Westerly, on the middle of Sixty-second Street, to the Easterly side of the Hudson River Railroad ; thence Northerly along the Easterly side of the Hudson River Railroad, to the middle of Sixty-third Street ; thence Easterly along the middle of Sixty-third Street to a point two hundred and fifty feet distance from the Westerly side of the Tenth Avenue ; thence Southerly on a line parallel to the Tenth Avenue to the place of beginning. To have and to hold the said premises unto my said daughter, Susan Low, her heirs and assigns, forever. Eighth. I do hereby devise and give unto my daughter, Julia A. Low, all that portion of my real estate in the Twelfth Ward in the City of New York, which commences at a point in the middle of Sixty-first Street on the line of the Westerly side of the Tenth Avenue, and running thence Westerly on the middle of Sixty-first Street to the Easterly side of the Hudson River railroad ; thence Northerly along the Easterly line of the

Hudson River Railroad to the middle of Sixty-second Street; thence Easterly along the middle of Sixty-second Street to the Westerly side of the Tenth Avenue; thence Southerly along the Westerly side of the Tenth Avenue to the place of beginning. To have and to hold the said premises unto my said daughter, Julia A. Low, her heirs and assigns, forever. Ninth. I do hereby devise and give to my son, William P. Low, all that portion of my real estate in the Twelfth Ward in the City of New York, which commences at a point on the middle of Sixty-first Street, and on the line of the Westerly side of the Hudson River Railroad, and running thence Westerly along the middle of Sixty-first Street to the Hudson River; thence North-erly along the shore of the Hudson River as it winds and turns as far as my land extends to the Westerly line of the Hudson River Railroad; thence Southerly along the Westerly line of the Hudson River Railroad to the place of beginning, together with the pre-emptive right to the land under the water of the Hudson River between the Sixty-first Street and the Sixty-third Street. To have and to hold the said premises unto my said son, William P. Low, his heirs and assigns, forever.

Susan Low sold the land devised to her above in various parcels, many of the lots becoming vested in John Paine and William T. Blodgett.

DEED.

JULIA A. LOW <i>to</i> JOHN PAINE <i>and</i> WILLIAM T. BLODGETT.	}	Dated 28th April, 1868. Ack. 28th April, 1868. Rec. 1st May, 1868. 1066 Conveyances, 10. Consideration, \$115,000.
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CONVEYS the premises between Sixty-first and Sixty-second streets devised to Julia A. Low in the preceding will.

DEED.

JOHN PAINE <i>and</i> CATHERINE, <i>his wife,</i> <i>to</i> WILLIAM T. BLODGETT.	}	Dated 21st Dec., 1871, Ack. 22d Dec., 1871. Rec. 12th Feb., 1872. 1187 Conveyances, 681. Considerat'n, \$1.
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CONVEYS the Northerly half of the block between Sixty-first and Sixty-second streets and Tenth and Eleventh Avenues.

DEED.

WILLIAM T. BLODGETT <i>and</i> ABBY B., <i>his wife,</i> <i>to</i> JOHN PAINE.	}	Dated 21st Dec., 1871. Ack. 12th Feb., 1872. Rec. 12th Feb., 1872. 1187 Conveyances, 684. Consideration, \$1.
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CONVEYS the Southerly half of said block.

DEED.

WILLIAM P. LOW, <i>to</i> JOHN PAINE <i>and</i> WILLIAM T. BLODGETT.	}	Dated 28th April, 1868. Ack. 28th April, 1868. Rec. 1st May, 1868. 1066 Conveyances, 12. Consideration, \$45,000.
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CONVEYS the premises devised to William P. Low by will of John Low, above set forth.

The Water grant between 61st and 62d streets was made to John Paine and William T. Blodgett, and recorded in 1103 Conveyances, 404, and became vested in William H. Vanderbilt by deeds recorded in 1276 Conveyances, 340 and 347. The Water grant between 62d and 63d streets to the depth of 175

feet five inches, South of 63d street, was made to John Paine and William T. Blodgett and recorded in 1103 Conveyances, 411, and became vested in William H. Vanderbilt by deeds recorded in 1276 Conveyances, 340 and 347. The rest of the Water grant between said streets was made to William C. Wetmore, and also became vested in William H. Vanderbilt by deed recorded in 1316 Conveyances, 46.

THE BLOCKS BETWEEN 63D AND 64TH STREETS.

These are designated on the partition map as blocks numbered Six and lettered f, and were set apart to George W. Somarindyke by partition deed set forth ante page 431. The title to these blocks until the following deed is given, ante pages 453 to 457, in that of blocks between 65th and 67th streets and 8th and 9th avenues.

DEED.

JEREMIAH LOTT, WILLIAM W. THORNE <i>and</i> JOHN BRYAN, <i>Commissioners of Partition,</i> <i>to</i> JOHN LOW.	}	Dated 20th Aug., 1823. Ack. 20th Aug., and 6th Sept., 1823. Rec. 11th Sept., 1823. 169 Conveyances, 330. Consideration, \$1200.
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CONVEYS said blocks Six and f.

DEED.

JOHN LOW <i>to</i> JULIA A. LOW.	}	Dated 28th Nov., 1828. Ack. 28th Nov., 1828. Rec. 12th Dec., 1832. 289 Conveyances, 584. Consideration, \$1.
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CONVEYS said blocks Six and f.

DEED.

JULIA A. LOW <i>to</i> SMITH CLIFT <i>and</i> JOHN F. BUTTERWORTH.	}	Dated 12th Dec., 1849. Ack. 12th Dec., 1849. Rec. 12th Dec., 1849. 530 Conveyances, 316. Considerat'n, \$18,000.
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CONVEYS said two blocks, excepting the strip conveyed to the Hudson River Railroad Company by deed recorded in Liber 502 Conveyances, 104.

DEED.

JOHN F. BUTTERWORTH <i>and</i> MA- RIA B., <i>his wife</i> ; SMITH CLIFT <i>and</i> EMMA A., <i>his wife</i> , <i>to</i> JAMES PHALEN <i>and</i> JOHN PAINE.	}	Dated 27th June, 1850. Ack. 28th June and 8th July, 1850. Rec. 1st Aug., 1850. 552 Conveyances, 50. Consideration, \$26,000.
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CONVEYS same two blocks, with same exception, and subject to Mortgages recorded in 342 Mortgages, pages 532, 534, 536, 539 and 541, since discharged of record.

The Water grant between 63d and 64th streets was made to said James Phalen and John Paine and was recorded in 621 Conveyances, 489, and became vested in Vanderbilt through the following deed, and deeds recorded in 1276 Conveyances, 338 and 345

DEED.

JAMES PHALEN <i>and</i> CATHERINE, <i>his wife</i> , <i>to</i> JOHN PAINE.	}	Dated 1st May, 1853. Ack. 3d June, 1853. Rec. 3d June, 1853. 631 Conveyances, 564. Considerat'n, \$17,128.23.
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CONVEYS all the undivided moiety or half part of said blocks Six and f, together with the water grant.

THE BLOCKS BETWEEN 64TH AND 65TH STREETS.

These are designated on the partition map as blocks numbered Seven and lettered g, and were set apart to George W. Somarindyck by partition deed set forth ante page 431. The title to these blocks until vested in David Kimberly is given ante pages 453 to 458, under the title to blocks between 65th and 67th streets and 8th and 9th avenues.

*

MORTGAGE.

DAVID KIMBERLY <i>and</i> ELIZABETH, <i>his wife</i> , <i>to</i> DAVID LEAVITT.	}	To secure \$9,000. Dated 5th June, 1838. Ack. 26th July, 1838. Rec. 3d Oct., 1838. 227 Mortgages, 322.
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Covers block Seven.

DEED.

DAVID KIMBERLY <i>and</i> ELIZABETH, <i>his wife</i> , <i>to</i> THOMAS L. FRAME <i>and</i> OLIVER P. KIMBERLY.	}	Dated 14th Sept., 1839. Ack. 17th Sept., 1839. Rec. 28th Sept., 1839. 402 Conveyances, 46. Consideration, \$19,200.
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CONVEYS said block Seven subject to said mortgage.

ASSIGNMENT.

THOMAS L. FRAME <i>and</i> OLIVER P. KIMBERLY. <i>to</i> DAVID KIMBERLY, Junior.	}	Dated 25th April, 1840. Ack. 30th April, 1840. Rec. 30th April, 1840. 407 Conveyances, 17. Consideration, \$1.
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CONVEYS all and singular their joint and separate property and estate, real and personal, in trust, to sell and pay all cred-

itors, with certain preferences therein mentioned, and return the surplus to parties of the first part.

NEW YORK SUPREME COURT.

DAVID LEAVITT,
vs.
 DAVID KIMBERLY *and* ELIZABETH, *his wife*; THOMAS L., FRAME *and* ANN P., *his wife*; OLIVER P. KIMBERLY, HENRY NORRIS, AUGUSTUS MAYOR, JOHN WILSON, Junior, *and others.*

- 1847—Oct. 22. Bill filed to foreclose. 227 Mortgages, 322.
 1848—Jan. 21. Order *pro confesso vs.* Henry Norris, John Wilson, Junior, and Jacob Cram, on consent and *vs.* Thomas L. Frame, Ann P. Frame, Augustus Mayor, Oliver P. Kimberly and Edmund Laffan on default of appearance.
 Jan. 22. Order *pro confesso vs.* Joseph Foulke, Pierre L. Foulke, Joseph Foulke, Junior, and William Foulke in default of answer.
 Feb. 12. Order *pro confesso vs.* David Kimberly and Elizabeth, his wife, on default of answer.
 April 11. Order *pro confesso vs.* James Ellison on default of appearance.
 May 22. Reference to Archibald Hilton to compute.
 May 24. Referee reports \$10,355.98 due.
 May 24. Decree of foreclosure and sale.
 July 6. Decree enrolled.
 1849—May 23. Sheriff's report of sale filed and confirmed.

David Kimberly died intestate, seised of the block West of Eleventh Avenue, on 29th day of August, 1861, leaving him surviving Elizabeth, his widow, and seven children, viz: Mary Kimberly, Anne Kimberly, Louisa Kimberly, Elizabeth Kimberly, David F. Kimberly, John Kimberly and Oliver P. Kimberly.

DEED.

JOHN KIMBERLY <i>and</i> BETTIE, <i>his wife,</i> <i>to</i> DAVID F. KIMBERLY.	}	Dated 16th Oct., 1865. Ack. 18th Oct., 1865. Rec. 19th Dec., 1865. 954 Conveyances, 304. Consideration, \$100.
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CONVEYS all the equal undivided seventh part of all the real estate of which David Kimberly, late of the City of Brooklyn, the father of the above named John Kimberly, died seized, situate in the State of York, specifying among others the blocks in question.

DEED.

OLIVER P. KIMBERLY <i>to</i> DAVID F. KIMBERLY.	}	Dated 23d Sept., 1865. Ack. 8th Nov., 1865. Rec. 19th Dec., 1865. 954 Conveyances, 306. Consideration, \$100.
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CONVEYS all the one equal undivided seventh part of said real estate of said David Kimberly.

ELIZABETH KIMBERLY, <i>widow of</i> DAVID KIMBERLY, <i>to</i> ELIZABETH KIMBERLY, MARY KIMBERLY, ANNIE KIMBERLY, LOUISA KIMBERLY <i>and</i> DAVID F. KIMBERLY.	}	DEED. Dated 10th Jan., 1866. Proved 17th Feb., 1866. Rec. 17th Feb., 1866. 949 Conveyances, 462. Consideration, \$10.
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RELEASES all dower in all the real estate of which the said David Kimberly died seised.

The grantees in the last deed sold the premises in 1866, in different parcels.

The water grant opposite the block in question was made to Joseph W. Duryee, and was recorded in 1182 Conveyances, 342, and was conveyed to William H. Vanderbilt in 1290 Conveyances, 374.

THE BLOCKS BETWEEN 65TH AND 66TH STREETS.

These are designated on the partition map as blocks numbered Eight and lettered h, and were set apart, together with blocks numbered Nine and lettered i, and others, to Hyder Somerindyck by partition deed set forth ante page 431.

HYDER SOMARINDYCK <i>to</i> THE MUTUAL INSURANCE COMPANY OF THE CITY OF NEW YORK.	}	MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To secure \$6000. Dated 10th Feb., 1810. Ack. 10th Feb., 1810. Reg. 12th Feb., 1810. 21 Mortgages, 529.
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COVERS said four blocks Eight and Nine, i and h.

HYDER SOMARINDYCK <i>and</i> RE-BECCA M., <i>his wife</i> , <i>to</i> JOHN A. HARDENBROOK.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 1st Feb., 1817. Ack. 5th June, 1817. Rec. 7th June, 1817. 122 Conveyances, 132. Consideration, \$5,500.
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CONVEYS, with others, said four blocks.

THE MUTUAL INSURANCE COM-
PANY OF THE CITY OF NEW
YORK,

vs.

HYDER SOMARINDYCK, JOHN A.
HARDENBROOK, JOHN H. TAL-
MAN, WILLIAM A. HARDEN-
BROOK, HEMAN BALDWIN,
JOHN WORTHINGTON, LAM-
BERT SUYDAM *and* CORNELIUS
SUYDAM.

1817—Sept. 24. Bill filed to foreclose, 21 Mortgages, 529.

Sept. 29. John H. Talman appears by P. DeWitt.

Nov. 6. Answer of John H. Talman filed.

1818—Jan. 26. Judgment of foreclosure and sale.

JAMES A. HAMILTON, *Master in*
Chancery,
to

THE MUTUAL INSURANCE COM-
PANY OF THE CITY OF NEW
YORK.

DEED.

Dated 10th Mar., 1818.
Ack. 30th Mar., 1818.
Rec. 2d April, 1818.
127 Conveyances, 223.
Consideration, \$6,000.

CONVEYS said four blocks.

THE MUTUAL INSURANCE COM-
PANY OF THE CITY OF NEW
YORK,

to

JONATHAN J. CODDINGTON *and*
WILLIAM BLOODGOOD.

DEED.

Dated 1st May, 1835.
Proved 1st May, 1835.
Rec. 2d May, 1835.
331 Conveyances, 207.
Consideration, \$40,000.

CONVEYS said four blocks, Eight, Nine, I and H.

JONATHAN J. CODDINGTON *and*
MATILDA E., *his wife*; WIL-
LIAM BLOODGOOD *and* MARY
ANN, *his wife*,

to

JOSEPH L. JOSEPH, MOSES HEN-
RIQUES *and* SOLOMON J.
JOSEPH.

DEED.

Dated 10th Mar., 1836.
Ack. 23d Mar., 1836.
Rec. 1st April, 1836.
351 Conveyances, 318.
Consideration, \$97,500.

CONVEYS said four blocks.

JOSEPH L. JOSEPH, MOSES HEN-
RIQUES *and* SOLOMON J.
JOSEPH,

to

JONATHAN J. CODDINGTON *and*
WILLIAM BLOODGOOD.

MORTGAGE.

To secure \$65,000.
Dated 10th Mar., 1836.
Ack. 1st April, 1836.
Rec. 1st April, 1836.
194 Mortgages, 380.

COVERS said four blocks.

WILLIAM BLOODGOOD
to
THE PRESIDENT, DIRECTORS
AND COMPANY OF THE BANK
OF THE UNITED STATES.

ASSIGNMENT.

Dated 6th July, 1837.
Proved 7th July, 1837.
Rec. 7th July, 1837.
216 Mortgages, 490.
Consideration, \$1.

ASSIGNS all interest in above mortgage.

ASSIGNMENT.

JONATHAN J. CODDINGTON <i>to</i> ISAAC COE.	}	Dated 21st Aug., 1838. . . . Ack. 23d Aug., 1838. Rec. 27th Aug., 1840. 241 Mortgages, 533. Consideration, \$33,150.
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ASSIGNS all interest in said mortgage.

JOSEPH L. JOSEPH <i>and</i> FRANCES, <i>his wife</i> ; MOSES HENRIQUES <i>and</i> SARAH, <i>his wife</i> ; SOLO- MON J. JOSEPH <i>and</i> EMILY, <i>his</i> <i>wife,</i> <i>to</i> JACOB J. COHEN, Junior, PHILIP J. COHEN, BENJAMIN J. CO- HEN <i>and</i> DAVID J. COHEN.	}	DEED. Dated 10th April, 1837. Ack. 10th April, 1837. Rec. 11th April, 1837. 373 Conveyances, 497. Consideration, \$256,000.
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CONVEYS said four lots, subject to above mortgage.

JACOB J. COHEN, PHILIP J. CO- HEN <i>and</i> AUGUSTA, <i>his wife</i> ; BENJAMIN J. COHEN, DAVID J. COHEN <i>and</i> HARRIET, <i>his</i> <i>wife,</i> <i>to</i> ISAAC COE.	}	DEED. Dated 10th May, 1837. Ack. 31st May, 1837. Rec. 26th Nov., 1838. 387 Conveyances, 603. Considerat'n, \$150,000.
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CONVEYS said four blocks.

DEED.

ISAAC COE <i>to</i> MILTON STAPP <i>and</i> LUCIUS H. SCOTT, <i>Fund Commissioners of</i> <i>the State of Indiana.</i>	}	Dated 17th May, 1839. Proved 17th May, 1839. Rec. 27th Aug. 1840. 409 Conveyances, 354. Consideration, \$10.
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CONVEYS said four blocks.

A release of dower from Rebecca Coe, wife of Isaac Coe, is recorded immediately after the above deed, at page 356.

IN CHANCERY.

THE PRESIDENT, DIRECTORS
 AND COMPANY OF THE BANK
 OF THE UNITED STATES,

vs.

JOSEPH L. JOSEPH, MOSES HEN-
 RIGUES, SOLOMON J. JOSEPH,
 ISAAC COE, *Fund Commis-*
sioner of the State of Indiana ;
 MILTON STAPP *and* LUCIUS
 H. SCOTT, *Fund Commissioners*
of the State of Indiana and the
said State of Indiana.

- 1840—Sept. 3. Bill filed to foreclose, 194 Mortgages, 380
- 1841—Aug. 6 Answer of Milton Stapp, Fund Commis-
 sioner, filed.
- 1844—Dec. 16. Order *pro confesso vs.* Lucius H. Scott, on
 default of appearance.
- Dec. 17. Order *pro confesso vs.* Joseph L. Joseph,
 Solomon J. Joseph and Moses Henriques,
 on default of appearance.

May 5. Reference on facts and amount
 1846—March 4. Answer of State of Indiana filed
 March 12. Master reports \$96,221.66 due.
 March 12. Decree of foreclosure and sale.
 April 16. Decree enrolled.

STEPHEN CAMBRELING, <i>Master</i> <i>in Chancery,</i> <i>to</i> JAMES ROBERTSON <i>and</i> MI- CHAEL G. BRIGHT.	}	DE - Dated 21st Ack. 21st Rec. 25th 474 Conve; Considerat
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CONVEYS said four blocks.

JAMES ROBERTSON <i>and</i> MARY, <i>his wife,</i> <i>to</i> THOMAS D. LYLE.	}	DE - Dated 7th Ack. 7th M Rec. 11th 474 Conve; Considerat
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CONVEYS all the undivided moiety or half part of said blocks.

Recorded in 497 Conveyances, pages 306 and 307, grants to the Hudson River Railroad Company of the premises lying West of the Eleventh Avenue, embraced in the road bed of said company, as delineated on the map, being 66 feet wide and 534 feet 3 inches long.

THOMAS D. LYLE <i>to</i> JAMES ROBERTSON, RICHARD H. BAYARD, JAMES S. NEW- BOLD, HERMAN COPE <i>and</i> THOMAS S. TAYLOR, <i>Trustees.</i>	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 7th May, 1846. Ack. 7th May, 1846. Rec. 11th May, 1846. 474 Conveyances, 493. Consideration, \$1.
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• CONVEYS all the undivided moiety or half part of said four blocks.

JAMES ROBERTSON, JAMES S. NEWBOLD, HERMAN COPE, THOMAS S. TAYLOR, <i>and</i> RICHARD H. BAYARD, <i>Trus-</i> <i>tees,</i> <i>to</i> EDGCUMBE H. BLATCHFORD.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 31st Dec., 1846. Ack. 4th Jan., 1847. Rec. 1st April, 1847. 487 Conveyances, 455. Consideration, \$4,000.
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CONVEYS all the undivided moiety or half part of said four blocks.

MARY, <i>wife of</i> JAMES ROBERT- SON; SALLY R., <i>wife of</i> JAMES S. NEWBOLD; MARY, <i>wife of</i> HERMAN COPE; MARY M., <i>wife of</i> THOMAS S. TAYLOR, <i>and</i> MARY SOPHIA, <i>wife of</i> RICHARD H. BAYARD, <i>to</i> EDGCUMBE H. BLATCHFORD.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 31st Dec., 1846. Ack. 4th Jan., 1847. Rec. 6th Sep., 1848. 510 Conveyances, 225. Consideration, \$10.
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CONVEYS all dower in same premises, their husbands joining with them in the release.

DEED.

EDGE CUMBE H. BLATCHFORD <i>and</i> MARY ANN, <i>his wife</i> , <i>to</i> JONATHAN J. CODDINGTON.	}	Dated 1st Aug., 1848. Ack. 4th Aug., 1848. Rec. 11th Sept., 1848. 500 Conveyances, 250. Consideration, \$12,500.
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CONVEYS all the equal undivided half part of said four blocks Eight and Nine, i and h.

DEED.

MICHAEL G. BRIGHT <i>and</i> BETSY B., <i>his wife</i> , <i>to</i> FREDERIC BRONSON.	}	Dated 1st June, 1850. Ack. 1st June, 1850. Rec. 26th Sept., 1850. 550 Conveyances, 263. Consideration, \$20,000.
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CONVEYS all the one equal undivided half of said four blocks Eight and Nine, i and h.

DEED.

MICHAEL G. BRIGHT <i>and</i> BETSY B., <i>his wife</i> , <i>to</i> FREDERIC BRONSON.	}	Dated 1st June, 1850. Ack. 17th July, 1850. Rec. 25th July, 1850. 551 Conveyances, 97. Consideration, \$20,000.
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CONVEYS all the one equal undivided one-half part of said four blocks.

Thus Jonathan J. Coddington and Frederic Bronson became seised of the said four blocks Eight, Nine, i and h. They divided the same among them, Frederic Bronson taking the two Southerly blocks, and Coddington the two Northerly ones.

DEED.

JONATHAN J. CODDINGTON <i>and</i> MATILDA E., <i>his wife.</i> to FREDERIC BRONSON.	}	Dated 2d Sept., 1850. Ack. 14th Oct., 1850. Rec., 15th Oct., 1850. 555 Conveyances, 188. Consideration, \$10.
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CONVEYS all the one equal undivided half part of blocks Eight and h.

DEED.

FREDERIC BRONSON <i>and</i> CHAR- LOTTE, <i>his wife,</i> to WILLIAM V. BRADY <i>and</i> HEMAN W. CHILDS.	}	Dated 23d Nov., 1850. Ack. 22d Jan., 1851. Rec. 1st Feb., 1851. 561 Conveyances, 362. Consideration, \$10,000.
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CONVEYS all the one equal undivided half part of blocks Eight and h.

THE BLOCKS BETWEEN 66TH AND 67TH STREETS.

These are designated on the partition map as blocks numbered Nine and lettered "h," and were set apart to Hyder Somarindyk by partition deed set forth ante page 431. The title to these two blocks, until vested in Frederic Bronson and Jonathan J. Coddington, has just been shown ante pages 523 to 530.

DEED.

FREDERIC BRONSON <i>and</i> CHAR- LOTTE, <i>his wife,</i> to JONATHAN J. CODDINGTON.	}	Dated 2d Sept., 1850. Ack. 14th Oct., 1850. Rec. 15th Oct., 1850. 555 Conveyances, 180. Consideration \$10.
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CONVEYS all the one equal undivided half part of said blocks Nine and i.

JONATHAN J. CODDINGTON <i>and</i> MATILDA E., <i>his wife</i> , <i>to</i> HEMAN W. CHILDS.	}	Dated 5th Sept., 1850. Ack. 12th Oct., 1850. Rec. 15th Oct., 1850. 555 Conveyances, 182. Consideration, \$20,000.
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CONVEYS said two blocks Nine and i.

DEED.

HEMAN W. CHILDS <i>to</i> JOHN PAINE.	}	Dated 1st Mar., 1851. Ack. 1st Mar., 1851. Rec. 9th April, 1851. 562 Conveyances, 534. Consideration, \$35,000.
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CONVEYS said two blocks Nine and i, subject to four mortgages recorded in 360 Mortgages, 566, 569, 571 and 577, since discharged, of record.

DEED.

JOHN PAINE <i>and</i> MARY, <i>his wife</i> , <i>to</i> JAMES PHELAN.	}	Dated — Dec., 1851. Ack. 13th Dec., 1851. Rec. 18th Dec., 1851. 591 Conveyances, 249. Consideration, \$17,500.
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CONVEYS all the one undivided one-half part or moiety of said two blocks Nine and i, subject to said four mortgages and to four other mortgages recorded in 377 Mortgages, 41, 43, 46 and 49, since discharged, of record. The water grant opposite these premises was made to said John Paine and James Phelan, and was recorded in 621 Conveyances, 489, and became vested in William H. Vanderbilt. See 1,068 Conveyances, 116; 1,290 Conveyances, pages 306, 309 and 311, and 1,515 Conveyances, 364, and the following deed :

DEED.

JOHN PAINE <i>and</i> MARY, <i>his wife</i> , <i>to</i> JAMES PHALEN.	}	Dated 1st May, 1853. Ack. 3d June, 1853. Rec. 3d June, 1853. 631 Conveyances, 569. Consid'rat'n, \$20,628.33.
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CONVEYS all the one undivided moiety or half part of said two blocks Nine and i and all interest in the water grant.

JAMES PHALEN <i>and</i> CATHERINE <i>S., his wife</i> , <i>to</i> WILLIAM TILDEN, WILLIAM T. BLODGETT <i>and</i> DANIEL C. BLODGETT.	}	DEED. Dated 13th Dec., 1867. Ack. 13th Dec., 1867. Rec. 2d Jan., 1868. 1026 Conveyances, 524. Consideration, \$200,000.
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CONVEYS said blocks Nine and i and the premises covered by the above-mentioned water grant.

WILLIAM TILDEN <i>and</i> ALMIRA, <i>his wife</i> ; WILLIAM T. BLOD- GETT <i>and</i> ABBY B., <i>his wife</i> ; DANIEL C. BLODGETT <i>and</i> EMMA, <i>his wife</i> , <i>to</i> MATTHEW WILKS.	}	DEED. Dated 1st May, 1868. Ack. 4th May, 1868. Rec. 5th May, 1868. 1049 Conveyances, 554. Consideration, \$172,500.
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CONVEYS all that certain block, piece or parcel of land situate in the Twenty-second (22d) Ward of the City of New York, and distinguished by the Ward map numbers one to sixty-four, both inclusive, of Block Number Two Hundred and One (201), in said Twenty-second Ward, said plot of land being bounded

as follows, viz.: Easterly by Tenth Avenue, Westerly by Eleventh Avenue, Northerly by Sixty-seventh Street, and Southerly by Sixty-sixth Street, containing in distance, from Tenth to Eleventh Avenue, eight hundred feet, and from Sixty-sixth to Sixty-seventh Streets two hundred feet and ten inches, more or less. Subject to mortgage recorded in 826 Mortgages, 625, since discharged.

THE BLOCKS BETWEEN 67TH AND 69TH STREETS.

These are designated on the partition map as blocks numbered Ten and Eleven and lettered j and k, and were set apart to Sarah Talman by partition deed given ante page 429. She died, seised thereof, on 30th April, 1867, leaving the following will :

Last Will and Testament
of
SARAH TALMAN.

} Dated 8th July, 1854.
} Proved 22d May, 1867.
} 161 Wills, 354.

“Fourth. I give and devise to my executors hereinafter named, and to the survivors and survivor of them, all that certain tract or parcel of land situate in the Ward of the City of New York, bounded Westerly by the Hudson River, Easterly by the Tenth Avenue, Southerly by Sixty-seventh Street, and Northerly by Sixty-ninth Street, containing sixteen acres of land, or thereabouts. In trust, nevertheless, to and for the uses and purposes following, that is to say : To receive the rents and profits thereof until the year of our Lord one thousand

eight hundred and sixty-four, provided my said grandchildren, Catharine C. Talman and Sarah Talman, children of my deceased son William Henry, or either of them, shall so long live, and to apply said rents and profits as follows, that is to say: Two equal eighth parts thereof to the use of my daughter, Caroline Talman; two equal eighth parts thereof to the use of my daughter Sarah Augusta, wife of William C. Houseman; two equal eighth parts thereof to the use of my daughter Cornelia A., wife of Seward Barculo; one equal eighth part thereof to the use of my grandchild, Catharine C. Talman; one equal eighth part thereof to the use of my grandchild, Sarah Talman." Testatrix directs that in 1864, or at the death of the survivor of said grandchildren, if it sooner occur, the said executors are to sell said premises and divide the proceeds among such children, grandchildren, or their issue, giving two-eighths to each child, or her issue, and one-eighth to each grandchild or her issue. In case any daughter shall have previously died without issue, her share is to be divided among the surviving daughters or their issue; and in case of death of either grandchild without issue, her share to go to the surviving grandchild or her issue. She appoints John H. Talman, John P. Yelverton and Joseph G. R. Blackwell her executors.

By codicil dated 29th January, 1858, she appoints Cornelius John DeWitt an executor in place of Joseph G. Blackwell.

By codicil dated 6th August, 1862, she appoints Edward DeWitt an executor in place of Cornelius John DeWitt, and also provides as follows: "I revoke the devise contained in the fourth section of my said will of the tract or parcel of land therein particularly described upon the uses and trusts therein mentioned, and in lieu thereof I do give and devise the same unto my executors, and to the survivors and survivor of them, in trust, nevertheless, to and for the uses and purposes following, that is to say: To sell and dispose of the same at such time or times as they may deem most advantageous at public auction,

and to execute and deliver to the purchasers thereof good and valid deeds of conveyance therefor in fee simple absolute, and the proceeds arising from the sale thereof to pay, distribute and divide to and among my children and grandchildren named in said fourth section of my said will and their issue in the same proportions as is prescribed in said fourth section.

Letters Testamentary were granted to Edward DeWitt on 23d May, 1867. See Liber 24 Letters Testamentary, 261.

<p>THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, <i>to</i> EDWARD DE WITT, <i>Executor of</i> SARAH TALMAN.</p>	}	<p>DEED. Dated 21st Jan., 1869. Proved 21st Jan., 1869. Rec. 22d Jan., 1869. 1090 Conveyances, 109. Consid'rat'n, \$16,066.67.</p>
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CONVEYS all that piece or parcel of land and land under water situate, lying and being in the City of New York, bounded and described as follows, to wit: Beginning at a point in the centre line of Sixty-seventh Street distant one hundred and sixty-five feet Westerly from the Westerly side or line of Eleventh Avenue, and where the line of high water mark on the North or Hudson River intersects said centre line of Sixty-seventh Street; thence Northerly along the said line of high water as the same winds and turns to the centre of Sixty-ninth Street; thence Westerly along the centre of Sixty-ninth Street, or along a line drawn in continuation of said centre line in said North or Hudson River five hundred and seventy-five feet and seven-eighths of an inch to the bulkhead line as established and confirmed by the Act of the Legislature of the State of New York, passed April twenty-second, in the year one thousand eight hundred and sixty-eight, chapter two hundred and eighty-eight of the laws of that year; thence Southerly along said bulkhead line to a point on said line

which would intersect a line drawn through the centre of Sixty-seventh Street, and in continuation thereof into said North or Hudson River; thence Easterly along said centre line of Sixty-seventh Street on a line drawn in a continuation thereof nine hundred and thirty-five feet to high water mark, the place of beginning. Also all the estate, right, title and interest of the said parties of the first part in the land under water in front of said above described premises as far in the river as the rights of the said parties of the first part extend.

The portion of the above water grant which lies West of the track of the Hudson River Railroad became vested in William H. Vanderbilt. For deeds to him see 1521 Conveyances, 298; 1522 Conveyances, 290; 1528 Conveyances, 183, 187 and 195; and 1533 Conveyances, 194.

THE BLOCKS BETWEEN 69TH AND 70TH STREETS.

These are designated on the partion map by letters l and m, and were set apart to Abigail Thorn, afterwards wife of William T. Cock, by partition deed set forth ante page 429.

WILLIAM T. COCK <i>and</i> ABIGAIL, <i>his wife,</i> <i>to</i> WILLIAM EDGAR <i>and</i> JOHN B. MILLER.	}	MORTGAGE. <hr style="width: 20%; margin: 0 auto;"/> To secure \$2,500. Dated 29th Nov., 1809. Ack. 29th Nov., 1809. Reg. 2d Dec. 1809. 21 Mortgages, 285.
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CONVEYS said lots "l" and "m,"

WILLIAM EDGAR <i>and</i> JOHN B. MILLER <i>to</i> ROSAMOND B. MILLER.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 10th Jan., 1815. Ack. 28th Jan., 1815. Rec. 10th May, 1816. 114 Conveyances, 213. Consideration, \$2,800.
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RECTES the preceding mortgage, default in its payment, the advertisement of the sale of the mortgaged premises for six months, and conveys the said premises pursuant to the power of sale.

The said mortgage was also assigned to Rosamond B. Miller, to strengthen the title, by assignment, dated 10th January, 1815, and recorded in 35 Mortgages, page 189.

ROSAMOND B. MILLER <i>to</i> JACOB BARKER.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 10th May, 1815. Proved 26th May, 1815. Rec. 10th May, 1816. 114 Conveyances, 216. Consideration, \$3,000.
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CONVEYS said two blocks m and l.

On the 22d June, 1819, The Bank of Washington and Warren recovered a judgment against Jacob Barker for \$739,882.48. On 6th September, 1820, the said two blocks were sold to George R. Barker by virtue of a writ of *feri facias* issued under said judgment. The certificate of sale was filed on 10th January, 1821.

JAMES L. BELL, <i>Sheriff, &c.</i> , <i>to</i> GEORGE R. BARKER.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 9th May, 1822. Proved 10th May, 1822. Rec. 13th May, 1822. 160 Conveyances, 106. Consideration, \$42,400.
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CONVEYS all the interest of Jacob Barker on 22d June, 1819, in said blocks M and L and other property.

GEORGE R. BARKER <i>to</i> FITZ G. HALLECK, <i>in trust for</i> THE BANK OF WASHINGTON AND WARREN.	}	. MORTGAGE. <hr style="width: 10%; margin: 0 auto;"/> To secure \$42,400. Dated 10th Sept, 1820. Ack. 23d Jan., 1821. Reg. 31st Jan, 1821. 52 Mortgages, 173.
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COVERS, with other property, said blocks m and l.

The above mortgage was fraudulently discharged of record on 20th May, 1822.

GEORGE R. BARKER <i>to</i> THE DUTCHESS COUNTY IN- SURANCE COMPANY.	}	MORTGAGÉ. <hr style="width: 10%; margin: 0 auto;"/> Dated 23d Dec., 1823. Ack. 24th Dec., 1823. Rec. 27th Dec., 1823. 67 Mortgages, 91.
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RECITES that George R. Barker had borrowed large sums of money from Fitz G. Halleck, trustee of the Bank of Washington and Warren, that said Bank was indebted to the said Dutchess County Insurance Company for moneys advanced by them to said Bank, and that said Company had agreed to make further advances to said Bank, and conveys, with other property, the premises in question to secure all sums due or to become due from said bank to said company within next five years.

Jacob Barker and Elizabeth, his wife, execute a release of dower which was recorded with the above mortgage at page 94.

GEORGE BARKER <i>to</i> THOMAS I. GARDNER.	}	DEED. <hr style="width: 10%; margin: 0 auto;"/> Dated 18th May, 1830. Proved 27th May, 1830. Rec. 27th May, 1830. 263 Conveyances, 241. Consideration, \$1.
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CONVEYS said premises, with other property in trust, to pay certain claims therein specified.

IN CHANCERY.

ABIJAH MANN, Junior, *Receiver*
of the Bank of Washington and
Warren,

vs.

GEORGE R. BARKER, THE
 DUTCHESS COUNTY INSUR-
 ANCE COMPANY, THOMAS I.
 GARDNER, JACOB BARKER *and*
 ELIZABETH, *his wife, and others.*

1831—April 28. *Lispendens* filed to foreclose. 52 Mortgages,
 173.

May 30. Jacob Barker appears in person and for his
 wife.

June 4. George R. Barker and the Dutchess County
 Insurance Company appear by D. Selden.

1832—March 6. Judgment of foreclosure and sale.

DAVID CODWISE, *Master in*
Chancery,

to

THOMAS SUFFERN.

DEED.

Dated 12th June, 1832.
 Ack. 15th June, 1832.
 Rec. 16th June, 1832.
 283 Conveyances, 632.
 Consideration, \$10,000.

CONVEYS said mortgaged premises.

THOMAS SUFFERN *and* JANET,
his wife,

to

CORNELIUS V. S. KANE.

DEED.

Dated 8th Dec., 1834,
 Ack. 8th Jan., 1835.
 Rec. 16th Jan., 1835.
 324 Conveyances, 118.
 Considerat'n, \$12,500.

CONVEYS same premises.

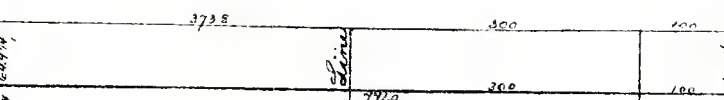
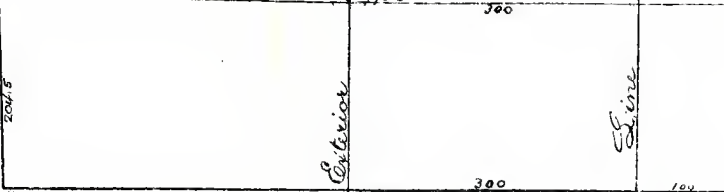
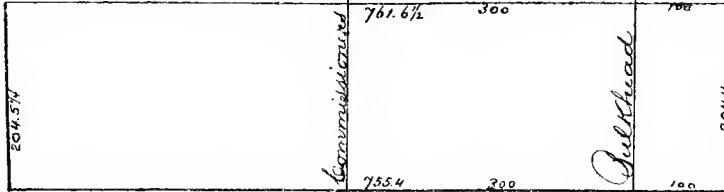
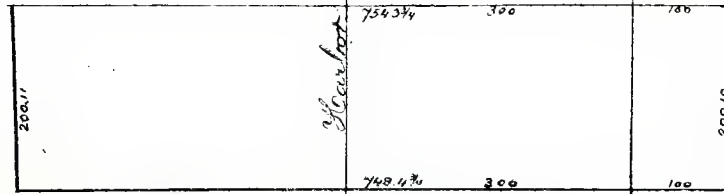
The water grant opposite the above described premises was
 made to Jonathan I. Coddington and Mary Ann Campbell and
 was recorded in 581 Conveyances, 628, and was conveyed to
 William H. Vanderbilt by deed recorded in 1525 Conveyances,
 297.

279.21k

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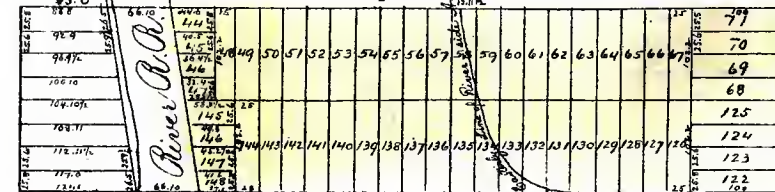
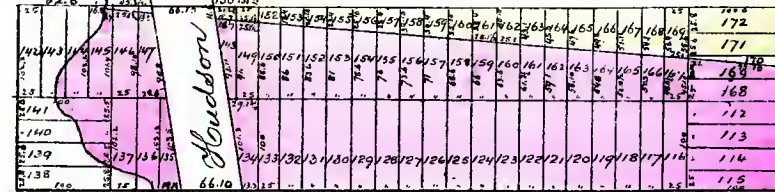
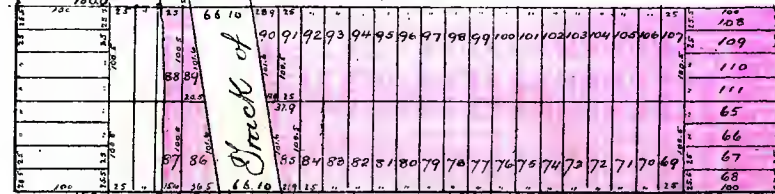
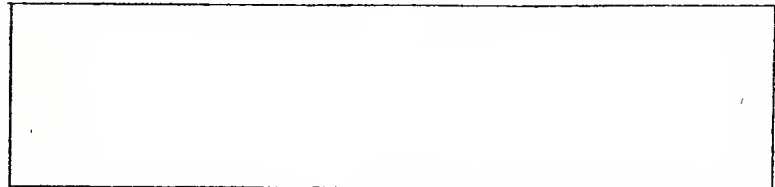
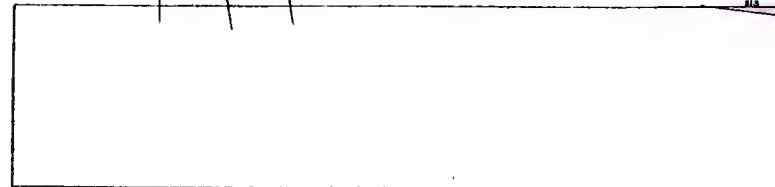
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AVE.

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River B.R.

Street of the Hudson

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72a

71st

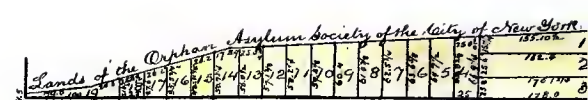
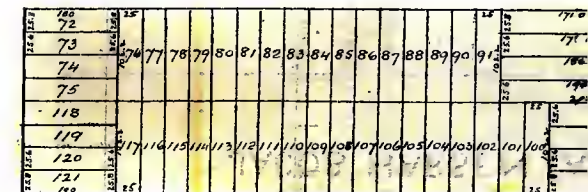
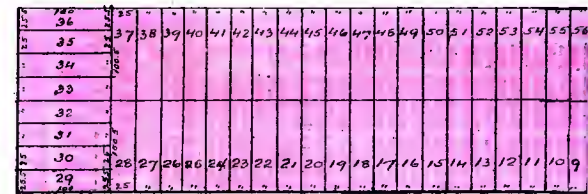
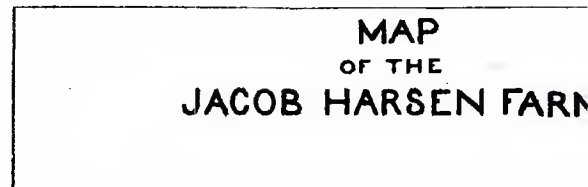
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AVE.

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The Northernly half of the property West of the Bloomingdale Road is copied from Map of S. A. San

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Tracts of the (Duchess) Assessor Society of the City of New York

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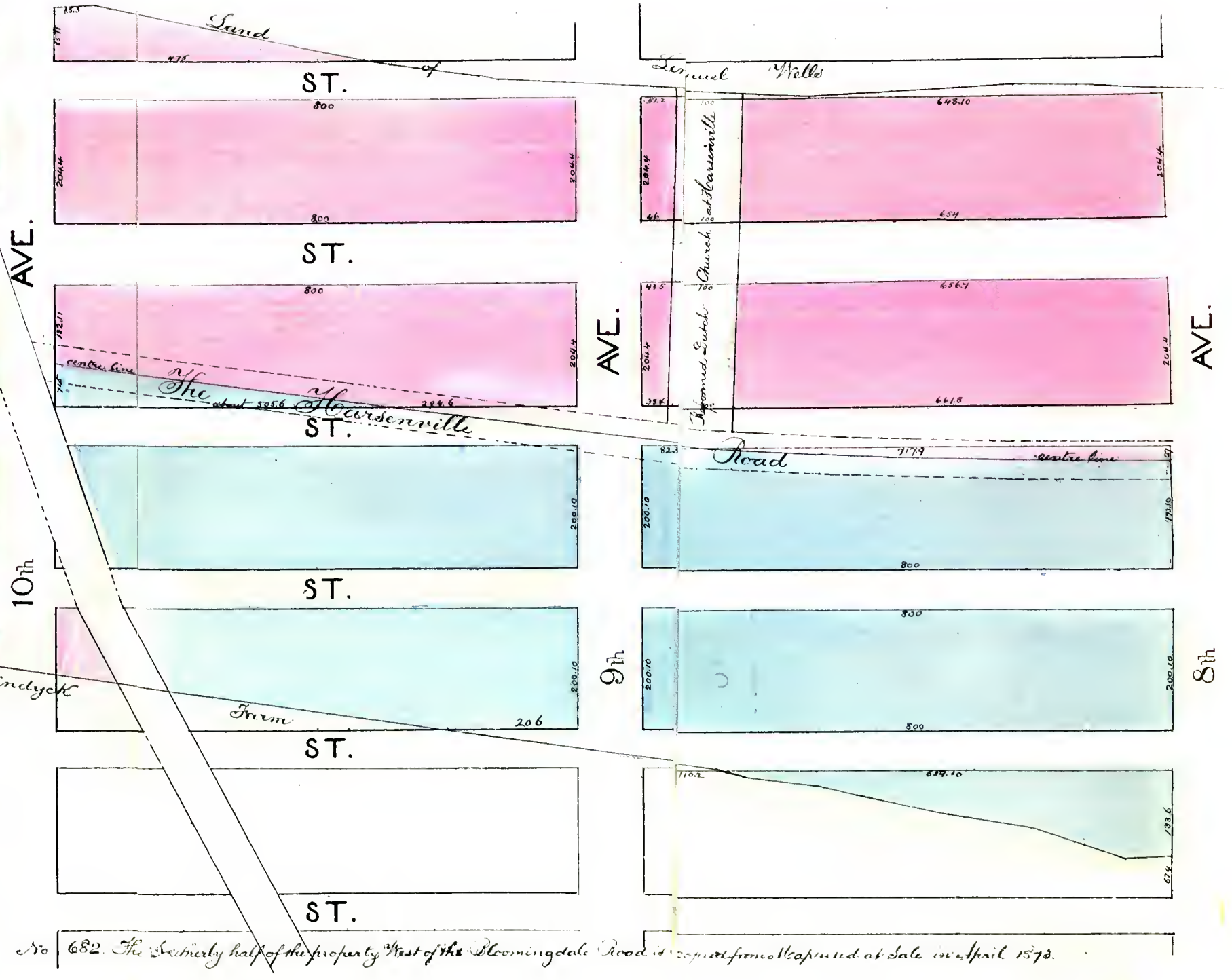
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MAP OF THE JACOB HARSEN FARM.

property West of the Bloomingdale Road is copied from map of G. A. Sacchi in case No 682



THE JACOB HARSEN FARM.

The farm is included in the following patents :

SIR RICHARD NICOLLS, <i>Governor, &c.,</i> <i>to</i> THOMAS HALL, JAN VIGNE, EGBERT WOUTERS <i>and</i> JA- COB LEANDERS.	} PATENT. — Dated 3d Sept., 1667. Rec. in Sec'y of State's Office, at Albany, 2 Patents, 97.
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“Whereas there is a certain parcell of land lying and being upon this Island Manhattans to ye North of ye Great Creeke or Kill stretching alongst ye North River five hundred rods and running in depth into ye Island three hundred rods a line being drawn Northeast, it contains in all about five hundred acres or two hundred and fifty morgen.”

CONVEYS said premises to the patentees.

The above patent appears to have been revoked and the following one given in its place.

SIR RICHARD NICOLLS, <i>Governor, etc.,</i> <i>to</i> JOHANNES VAN BRUGH, THOM- AS HALL, JOHN VIGNE, EG- BERT WOUTERS <i>and</i> JACOB LEANDERS.	}	PATENT. <hr style="width: 20%; margin: 0 auto;"/> Dated 3d Oct. 1667. Rec. in Secretary of State's Office at Al- bany. 2 Patents, III.
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“Whereas there is a certain tract or parcel of land upon this Island Mannhattans lying and being to ye North of ye Great Creeke or Kill, stretching in length from ye said Creeke or Kill alongst ye river commonly called and known by ye name of Hudson's or ye North River eight hundred rods, and from ye said river stretching in depth or breadth two hundred and fifty rods.”

CONVEYS said premises to the patentees.

These premises seem to have been divided among the patentees in strips of sixty rods wide. The following deed affects a tract adjoining the farm in question on the North and is here given as assisting to locate the premises and as explaining the recitals in the following deeds :

ANTHONY JOHN EVERTSE, <i>Negro,</i> <i>to</i> ADRIAN VAN SCHAICK.	}	DEED. <hr style="width: 20%; margin: 0 auto;"/> Dated 23d March, 1697. In possession of Jacob Halsted, Esq.
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CONVEYS “all that certaine parcell of land which he, the said Negrow, for a valuable consideration did purchase of Anna Hall, situate, lying and being at Great Kills, aforesaid, between the land of Johannes Van Brough and the land Brant Skeyler, as by bill of sale bearing date the 4th of November, Ano Dm. 1685, as alsoe by a transport thereof dated the 8th of February,

1685-6, relacon being to them had at large will appeare, containing as by said bill of sale and transport is set forth and limited."

PETER VAN BROUGH, <i>Eldest son</i> of JOHANNES VAN BROUGH, <i>deceased, and</i> KATHERINE VAN BROUGH, <i>the widow aud relict</i> of the said JOHANNES VAN BROUGH, to REBECCA VAN SCHAICK, <i>the wid-</i> <i>ow of</i> ADRIAN VAN SCHAICK.)	DEED. ——— Dated 1st April, 1701. In possession of Jacob Halsted, Esq. Consideration, £75.
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CONVEYS all that a certaine parcell of land lying and being to the North side of the Great Kills upon New York Island, upon which said Kill stands a certaine markt Beech tree, from which tree it stretcheth along the side of the North River almost Northeast, containing in breadth sixty Rood and in depth backward into the woods Two hundred and fifty Roods more or less, according to the limitts and bounds of the patent thereof from Governor Nicholls, Esq., dated the Third day of October, in year of our Lord Christ one thousand six hundred sixty-seven, relation thereunto being had more fully and at large will appear.

REBECCA VAN SCHAICK, <i>the wid-</i> <i>ow and relict of</i> ADRIAN VAN SCHAICK, to CORNELIUS DYKEMAN.)	DEED. ——— Dated 26th April, 1701. In possession of Jacob Halsted, Esq. Consideration, £450.
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RECITES will of Adrian Van Schaick, giving to his wife Rebecca Van Schaick, all his estate real, personal and mixt, as by said will dated August 4th, 1694, will appear.

Conveys all that a certaine plantation, messuage, tenement or house and lotts or parcells of ground scituate, lying and being at

or near a certaine place called Bloomngdale, upon New York Island aforesaid, now in the tenure, possession or occupation of her the said Rebecca Van Schaick, consisting of two parcels (that is to say), the first parcel being purchased by the said Adrijan Van Schaick of one Anthony Jan Evertse, a ffree negro, containing for quanty of acres in breadth and length as by the deed from the said Anthony Jan Evertse, a ffree negro, to him the said Adrian Van Schaick, dated the 23d day of March; in the yeare of our Lord One thousand six hundred ninety-seven, as alsoe by other evidences thereof & herewith delivered at large will appear, relation thereunto being had.

The other parcell of land was purchased of Katherine Van Brough, the widdow and relict of Johannes Van Brough, & of Peter Van Brough the eldest son of the said Johannes Van Brough by the said Rebecca Van Schaick, by a certaine deed for the consideration therein mentioned, bearing date the ffirst day of Aprill, in the 13th yeare of his majesty's raigne Anno Domini, 1701, containing in quanty & quality & is butted & bounded as by the said deed in part recited, relation being thereunto had at large will appeare.

IDEE VAN SCHAICK, *and* ISABEL,
his wife,
to
 CORNELIUS DYCKMAN.

DEED.

—
 Dated 10th March, 1702.
 In possession of Jacob
 Halsted, Esq.

RELEASES and quitclaims a certain plantation or Bowery at a place called Bloomendale and which he the said Cornelius Dykeman for a valuable consideration heretofore purchased of Rebecca Van Schaick, be the same more or less, all that was soe purchased according to the deeds and writings thereof, with all and every the appurtenances to the same belonging or of right appertaining.

By a lease dated June 11, 1722, (in possession of Mr. Jacob Halsted) Janetie Dykeman of Bloomendale, widow, leased to

parcells of land at or near a certain place called Bloomendale in the outward of New York aforesaid, consisting of two parcells of land whereof the first formerly was purchased by one Adrian Van Schaick & granted to him by one Anthony Jan Evertse, a free negro, by a certain conveyance under his hand & seale bearing date the 23d day of March, in the year of Lord, 1697, & containing for quantity of acres & in breadth & length as in and by the said deed and other writings, documents thereof, Relation being thereunto had will appeare. The other parcell of land was formerly Granted unto Rebecca Van Schaick, widow & relict of Adrian Van Schaick by Catherine Van Brugh, widdow & relict of Johannes Van Brugh, Peter Van Brugh, Eldest son of the said Johannes Van Brugh, by a certain conveyance under their hands and seales bearing date the first day of April, Anno Dm., 1701, relation being thereunto had may more at large appeare, all of which parcells of land with their rights, members & appurtenances afterwards fully & wholly transferred and conveyed to the said Cornelius Dyckman by the said Rebecca Van Shaick, by deed of conveyance under her hand and seale bearing date the 26th day of April, Anno Dm. 1701, relation being thereunto had may more at large appear.

Recites will of Cornelius Dyckman, Nov. 6, 1710, whereby he devised to his son George Dyckman one full half part of said plantation, and to his son Cornelius Dyckman, the other full half part thereof; the same to be divided by a right line from Hudson's River to the Eastermost bounds of the same (pursuant to which said division each moyety of said land or plantation is to contain in breadth sixty English rodd and in depth backwards into the woods Two hundred and fifty Rodd more or less), said George Dyckman to take his first choice of said land when so divided.

Recites that said George Dyckman has accordingly made choice of the northermost half part of said lands, leaving the southermost half for said Cornelius Dyckman.

Conveys "all that full, just, equall northermost moyety of the above recited plantation & parcells of land & premises.

Last Will and Testament
of
NICHOLAS DYCKMAN.

Dated 29th May, 1758.
Proved 20th Sept., 1758.
21 Wills, 93.

"I do hereby order and direct, and fully authorize and empower my executors hereinafter named, or the major part of them, and the survivors and survivor of them, to grant, bargain, sell and convey in fee simple, to any person or persons whomsoever, all and singular my real estate, whatsoever and wheresoever, either at publick vendue, as he or they can agree, or at private sale, and to execute to the purchaser or purchasers good and sufficient deeds, writings and conveyances in the law for the same, or any part thereof, to the purchaser or purchasers, hereby willing and declaring that such deeds, writings and conveyances so to be made and executed by him or them to the purchaser or purchasers shall be as good and sufficient in the law to convey an estate in fee simple to the purchaser or purchasers as if the same were by me made and executed." He appoints John Harsen, Garret Cosine and Jacob Leroy his executors."

Letters Testamentary were granted to John Harsen and Garret Cosine. See same Liber, page 96.

JOHN HARSEN and GARRET COSINE, *Executors of* NICHOLAS DYCKMAN,
to
JACOB HARSEN.

DEED.

Dated 1st Mar., 1763.
Ack. 22d Mar., 1763.
Rec. 15th Sept., 1837.
380 Conveyances, 161.
Consideration, £1,210.

CONVEYS all that and those messuages or dwelling houses and farm or parcel of land late of the said Nicholas Dyckman, de-

ceased, situate, lying and being in the outward of the said City of New York, adjoining to Hudson's River, being in breadth at each end sixty rods, and in length on both sides two hundred and fifty rods, be the same more or less. Bounded Northwestwardly by the said River, Southwestwardly by the common lands belonging to the Mayor, Aldermen and Commonalty of the said City of New York, Northeastwardly by the lands of Wylmitic Dyckman, and Southwestwardly by the lands of James Delancey, Esquire, containing ninety-four acres, be the same more or less.

The title to the farm here diverges, the Southerly half part thereof being conveyed to Garret Cozine, and the Northerly half part to John Harsen.

THE TITLE TO THE SOUTHERLY HALF.

DEED.

<p>JACOB HARSEN <i>and</i> MARITIE, <i>his wife,</i> <i>to</i> GARRET COSINE.</p>	}	<p>Dated 3d Mar., 1763. Ack. 22d Mar., 1763. Rec. 15th Sept., 1837. 380 Conveyances, 164. Consideration, £10.</p>
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CONVEYS all that certain messuage or dwelling house and tract or parcel of land, being the Southwesterly moiety or half part to be divided from the Northeastwardly moiety or half part by a straight line running from Hudson's River parallel with and throughout the length of all that certain farm or parcel of land late of Nicholas Dyckman, deceased, scituate, lying and being on the outward of the City of New York, extending in length from Hudson's River aforesaid back into the island two hundred and fifty rods, and in breadth throughout the whole length sixty rods, the said Southwestwardly moiety or half part

thereof being in breadth throughout thirty rods, and in length two hundred and fifty rods, and containing about forty-seven acres, be the same more or less; bounded Northeastwardly by the said Northeastwardly moiety, Southwestwardly by the lands of James Delancey, Esquire, Southeastwardly by the common lands belonging to the Mayor, Aldermen and Commonalty of the City of New York, and Northwestwardly by Hudson's River aforesaid.

Last Will and Testament
of
GARRET COZINE.

Dated 16th Feb., 1759.
Proved 22d Oct., 1773.
28 Wills, 519.

“First: After all my just debts be paid and discharged, I give and bequeath to my loving wife, Jane Cozine, all my real and personal estate as long as she remains a widow, but if she maryes, only the one-third as long as she lives. Secondly. I bequeath to my son, Cornelus Cozine, all my apparel and five pound more than the third part of my estate. Thirdly. I bequeath to my daughter Cathern the one-third, unto my daughter Hannah one hundred pound more than the third of my estate, to be paid by Cornelus Cozine and Cathern Cozine.”

Cornelius Cosine, son of Garret Cosine died unmarried, intestate and without issue, in 1779.

Hannah, daughter of Garret Cozine, died unmarried, intestate and without issue, in 1788.

Thus Catharine, daughter of Garret Cozine, became vested with the whole of the Southerly half of the tract in question. She intermarried with Jacob Harsen, on 20th January, 1773. Her husband was a nephew of the Jacob Harsen hereinbefore first named.

DEED.

JACOB HARSEN <i>and</i> CATHARINE, <i>his wife,</i> <i>to</i> GABRIEL FURMAN.	}	Dated 28th May, 1790. Ack. 29th May, 1790. Rec. 24th Aug., 1790. 46 Conveyances, 239. Considerat'n, 5 shillings.
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CONVEYS, with other property, said Southerly half part of the tract in question by similar description to the previous deed.

DEED.

GABRIEL FURMAN <i>and</i> SARAH, <i>his wife,</i> <i>to</i> JACOB HARSEN.	}	Dated 29th May, 1790. Ack. 29th May, 1790. Rec. 26th Aug., 1790. 46 Conveyances, 246. Consideration, 10s.
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CONVEYS same premises by same description.

In 1847 there was an action brought by Mrs. Meriam, a granddaughter of Jacob Harsen, to set aside the above conveyance, made by him and Catharine, his wife, to Gabriel Furman, on the ground that in the certificate of the acknowledgment of that deed the officer omitted to state that Mrs. Harsen acknowledged that she executed the same "freely." This action was tried before the Vice Chancellor of the first district, who sustained the conveyance. From his decision an appeal was taken to the Chancellor, who affirmed the same. See case of *Meriam vs. Harsen*, 2 Barbour, Chancery, 232. This decision was afterwards affirmed by the Court of Appeals, but the opinion of the latter court is not reported.

THE TITLE TO THE NORTHERLY HALF.

JACOB HARSEN <i>and</i> MARITIE, <i>his wife,</i> <i>to</i> JOHN HARSEN.)))))	DEED. — Dated 23d Mar., 1763. In possession of Jacob Halsted, Esq. Consideration, £10.
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CONVEYS all that certain messuage or dwelling house and tract or parcel of land, being the Northeastwardly moiety or half part to be divided from the Southwestwardly moiety or half part by a straight line running from Hudson River parallel with and throughout the length of all that certain farm or parcel of land late of Nicholas Dyckman, deceased, situate, lying and being in the outward of thè City of New York, extending in length from Hudson's River aforesaid back into the island two hundred and fifty rods, and in breadth throughout the whole length sixty rods, the said Northeastwardly moiety or half part being in breadth throughout thirty rods, and in length two hundred and fifty rods, and containing about forty-seven acres; bounded Southwestwardly by the said Southwestwardly moiety, Northeastwardly by the lands of Wylmitic Dyckman, Southeastwardly by the common lands belonging to the Mayor, Aldermen and Commonalty of the City of New York, and Northwestwardly by the Hudson's River aforesaid.

<i>Last Will and Testament</i> <i>of</i> JOHANNES HARSEN.)))	Dated 2d Dec., 1774. Proved 12th May, 1775. 29 Wills, 392.
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“Item. I do hereby give full power, lawfull and absolute authority to my executors hereafter named to sell and dispose of all my whole estate, both real and personall; and I do here

further order my executors hereafter named to sell my place at private sale within the space of nine months' time after my decease, and if it cannot be sold in that space of time, then my children Cornelus, Cornelia, Maria and Ann are to stay on the place and in full possession, without any rent, the nine months above mentioned, and then to be sold at publick vendue." He appoints his sons Jacob and Cornelus and his friend Martinus Schoonmaker his executors.

<hr/>		DEED.
JACOB HARSEN, CORNELIUS HARSEN <i>and</i> MARTINUS SCHOONMAKER, <i>Executors of</i>	}	Dated 10-11th March, 1783.
JOHN HARSEN, <i>to</i>		Not recorded, but in possession of Mr. Ja- cob Halsted.
JACOB HARSEN (Cartman).		Consideration, £945.
<hr/>		

CONVEYS said northerly half of the farm by the same description.

The grantee in this deed was the elder Jacob Harsen, uncle of the grantee in the following deed :

<hr/>		DEED.
JACOB HARSEN (Cartman) <i>and</i> MARY, <i>his wife,</i>	}	Dated 12th and 13th March, 1783.
<i>to</i>		Not recorded, but in possession of Mr. Ja- cob Halsted.
JACOB HARSEN (Yeoman).		Consideration, £10.
<hr/>		

CONVEYS same premises by same description.

CORNELIUS HARSEN *and* ANN,
his wife; THOMAS RUCKMAN
and MAY, *his wife*; THOMAS
 HAYS *and* ANN, *his wife*, *and*
 CORNELIA SOMERINDYCK,
widow, children of JOHN HAR-
 SEN,

to
 JACOB HARSEN.

DEED.

Dated 12th and 13th
 March, 1783.
 Not recorded, but in
 possession of Mr. Ja-
 cob Halsted.
 Consideration, £756.

CONVEYS the full equal undivided four-fifths of same premises
 by same description.

Jacob Harsen died on 24th July, 1835, seised of the whole
 farm.

Last Will and Testament
of
 JACOB HARSEN.

Dated 26th Mar., 1835.
 Proved 15th Sept., 1835.
 74 Wills, 215.

After certain bequests to his wife and others, testator provides
 as follows: "I also give, devise and bequeath unto my said
 wife Catherine my mansion house, buildings and lands thereunto
 belonging (whereon I now live), situate at Harsenville, in the
 Twelfth Ward of the City of New York, on the Westerly side
 of the Tenth Avenue, lying between the land of Jacob Barker
 and the land heretofore of Lieutenant-Governor Broome, and
 now or lately belonging to James Boggs, containing about
 fifteen acres of land. To have and to hold the same unto my
 said wife for and during the term of her natural life.

I give, devise and bequeath unto my grandson, Jacob Harsen,
 my mansion house, buildings and lands thereunto belonging

(whereon I now live), situate at Harsenville, in the Twelfth Ward of the City of New York, lying and being on the Westerly side of the Tenth Avenue, and between the lands of Jacob Barker and the lands heretofore of Lieutenant-Governor Broome, and now or lately belonging to James Boggs, containing about fifteen acres of land, and also my lot, piece or parcel of land situate at Harsenville, in the Twelfth Ward of the City of New York, on the Westerly side of the Bloomingdale Road and the Easterly side of the Tenth Avenue (lately purchased by me), and bounded on the South by land now or late of David Cargill, the said lot, piece or parcel of land being a part of the Somarindyk estate, and which fell to William A. Hardenbrook and his wife on a division of the estate; and also my gore or parcel of land situated at Harsenville, in the said Twelfth Ward of the City of New York, made and formed by the intersection of the Bloomingdale Road and the said Tenth Avenue, and adjoining on the Southerly side to the last aforesaid piece of land, excepting thereout a small piece of land by me given and conveyed to the church at Harsenville: and also all that certain lot, piece or parcel of land, with the buildings and improvements thereon erected and made (being the same piece of land which was conveyed to me by my son Cornelius and his wife, by deed dated the fourteenth day of November, 1831), situate, lying and being at Bloomingdale, in the Twelfth Ward of the City of New York, bounded and containing as follows, to wit: Northwesterly on Hudson River as far as the right of me, the said Jacob Harsen, extends into said river two hundred feet; Northeasterly by land belonging to the estate of John L. Broome, deceased, two hundred feet; Southeasterly by land belonging to me, the said Jacob Harsen, two hundred feet, and Southwesterly by other land belonging to me, the said Jacob Harsen, two hundred feet; and also all that certain lot, piece or parcel of land situate at Harsenville, in the said Twelfth Ward of the City of New York, on the Easterly side of the Bloomingdale Road and Northerly

side of the Harsenville Road, and extending Easterly from the said Bloomingdale Road to the lands called the common lands, with the appurtenances, being all that certain lot, piece or parcel of land bounded Westerly by the said Bloomingdale Road, Southerly by the Harsenville Road, Easterly by the said common lands, and Northerly by lands of Lemuel Wells, excepting and reserving thereout a small piece of land by me given and conveyed to the Church at Harsenville, containing about one acre. To have and to hold the said several pieces of land and premises unto my said grandson, Jacob Harsen, his heirs and assigns, forever, subject, however, to the life estate of my wife Catherine, in and to my mansion house and land hereinbefore bequeathed to her during her life.

Item: I give, devise and bequeath unto my executors hereinafter named all that lot, piece or parcel of land situate, lying and being at Harsenville, in the said Twelfth Ward of the City of New York, bounded Westerly by the Bloomingdale Road, Northerly by the Harsenville Road, Easterly by the Eighth Avenue, and Southerly by land formerly belonging to the Somarindyke estate and others. To have and to hold the same to my said executors, and the survivors and the survivor of them, for and during the natural life of my grandson, John Peter Ritter Harsen, upon the trusts by me hereinafter mentioned and expressed of and concerning the same.

Item, whereas, I have hereinbefore given, devised and bequeathed unto my executors hereinafter named, sundry pieces of land and premises, and also the sum of two thousand dollars, To have and to hold the same unto them, my said Executors and the survivors and survivor of them, during the natural life of my grandson, John Peter Ritter Harsen, upon the trust to be by me afterwards mentioned and expressed concerning the same, Now, therefore, I do hereby declare such trusts, and the said gifts, devises and bequests are made to my said Executors, and

the several estates and the aforesaid sum of money are to be held by them upon the trusts following, that is to say: that my said executors let and lease the lands and premises so devised to them, at and for such rents as can be had and gotten therefor, and that they place the said sum of two thousand dollars at interest in some safe and secure manner in their discretion, and that they collect and receive all such rents and interest, and pay the same to my said grandson John Peter Ritter Harsen, for and during the term of his natural life. Upon the decease of my said grandson, John Peter Ritter Harsen, I give, devise and bequeath all and singular the lands and premises and sum of money so devised to my said Executors, during the life of my said grandson, unto and amongst the children of my said grandson who shall be living at the time of his decease, and the descendants of such of them as shall have then deceased, such descendants, however, to stand in the place of, and take only the share or portion to which his, her or their parent or parents would have been entitled if living. To have and to hold the same to the children of my said grandson, and the descendants of such of them as shall have deceased, his, her or their heirs and assigns forever, in the proportions aforesaid, and in default of any such children of my said grandson or the descendants of any deceased child or children of my said grandson, I give, devise and bequeath all and singular the said lands and premises and sum of money unto and amongst my surviving grandchildren, the children of my said son Cornelius. To have and to hold the same unto them my said surviving grandchildren, their heirs and assigns forever.

And lastly, I do hereby nominate, constitute and appoint my friends John A. Mildeberger, of the City of New York, Broker; and James Cockroft, of the same City, Physician, and my aforesaid grandson, Jacob Harsen, to be the Executors and Trustees of and under this my last will and testament.

Catherine Harsen, the wife of the testator, died before him, on 8th May, 1835.

John Peter Ritter Harsen died June 10, 1842, intestate and without issue, never having married, leaving him surviving his brothers and sisters (children of testator's son Cornelius) namely :

1. Jacob Harsen, M.D.
2. Cornelia Rachel Harsen, who had married Lyman Rhoades on 15th December, 1835. He died on 27th November, 1849.
3. Catharine Harsen, who had married Elijah Purdy on 24th September, 1840. He died on 6th October, 1871.
4. Magdalen Ritter Harsen, who had married William M. Halsted, Junior, on 21st April, 1841. He died on 21st October, 1849.
5. Maria Elizabeth Harsen, who married Jacob Halstead, on 21st March, 1848.
6. Children of his deceased sister Joanna Ritter, wife of Abraham A. Prall.

Joanna Ritter Prall, who had married Abraham A. Prall on 13th July, 1835, died on 8th December, 1838, intestate, leaving her husband, who died April 10th, 1857, and the following children :

1. Hannah Maria, who married Charles S. Webb in December, 1865.
2. Catherine Harsen, who married Schuyler Skaats.
3. Joanna Henrietta Harsen, who married Nicholas E. Ten Broeck on 27th April, 1865. He died 13th May, 1868.
4. Cornelia Augusta, who married Rev. Eastburn Benjamin on 26th April, 1861.
5. Eliza A. Prall, unmarried.
6. Magdalene Ritter Prall, who died 16th June, 1854, unmarried and without issue, leaving her sisters and father her surviving.

7. Cornelius Harsen Prall, who died in May, 1842, intestate, unmarried and without issue.

It is claimed that under the decision of *Moore vs. Lyons*, 25 Wendell, 118, all the grandchildren who were living at the death of the testator took vested remainders in the land devised in trust for John Peter Ritter Harsen; that upon the death of Mrs. Prall, her share descended to her children above named, and that upon the death of her son Cornelius H. Prall, his share descended to his father for life, with remainder to his sisters in fee.

DEED.

ABRAHAM A. PRALL <i>to</i> JACOB HARSEN, M.D.	}	Dated 20th May, 1846. Ack. 20th May, 1846. Rec. 5th Oct., 1849. 527 Conveyances, 321. Consideration, \$1.
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CONVEYS all the right, title and interest of the said party of the first part in the estates real or personal of Jacob Harsen, late of the City of New York, deceased, and all things appertaining thereto. "In trust, however, to receive and collect the same, and apply the income thereof to the use and benefit of my children by my late wife Joanna R., formerly Joanna R. Harsen, in manner following, that is to say: to apply the income thereof to the use and benefit of my said children equally during their minority."

DEED.

LYMAN RHOADES <i>to</i> JOSEPH RHOADES.	}	Dated 10th July, 1837. Ack. 10th July, 1837. Rec. 12th July, 1837. 377 Conveyances, 262. Consideration, \$500.
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CONVEYS all his right, title and interest to all lands or real estate lying in the City of New York, which was given to my

wife, Cornelia Rachel, by her grandfather Jacob Harsen, by his will, dated March twenty-sixth, in the year of our Lord, one thousand, eight hundred and thirty-five.

DEED.

JOSEPH RHOADES <i>and</i> REBECCA, <i>his wife,</i> <i>to</i> ELIJAH RHOADES.	}	Dated 5th Oct., 1839. Not recorded, but set forth in Report on title in suit of Har- sen <i>vs.</i> Rhoades.
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CONVEYS all interest conveyed to Joseph by the previous deed. In trust to receive the rents and profits, and apply the same to the use of the children of Lyman Rhoades by his present wife Cornelia R., during his life, and on his death to convey to them.

By order of the Supreme Court, entered at a Special Term thereof on 30th June, 1849, Jacob Harsen was appointed trustee in place of Elijah Rhoades, resigned.

Lyman Rhoades, the husband of Cornelia R. Rhoades, died on 27th November, 1849, in the lifetime of his wife.

A partition suit was commenced in 1848, in the New York Common Pleas, by Jacob Harsen, individually and as trustee, against Lyman Rhoades and Cornelia Rachel, his wife, and others. A decree of sale was entered in this action on 28th September, 1849. The only premises sold under this decree were those situated near Fifty-third Street, being part of the Cosine Farm. On 15th April, 1859, an order was entered, on consent, in this action staying all further sales and discharging the commissioners.

William M. Halsted died 21st October, 1849, and his widow Magdalen R. Halstead died 8th November, 1851, without issue.

Last Will and Testament
of
 • MAGDALEN R. HALSTED.

}

Dated 15th May, 1851.
 Proved 30th Dec. 1851.
 103 Wills, 120.

After giving certain legacies the testatrix provides as follows: "Sixthly, all the rest, residue and remainder of my estate both real and personal, of whatever kind or description, and which I may possess, have any interest in or be entitled to at the time of my decease, whether the same shall have been or shall hereafter be derived from the estate of my late grandfather, Jacob Harsen, deceased, from the estate of my late father, Cornelius Harsen, deceased, from the estate of my late mother, Johanna H. Harsen, deceased, or from the estate of my late husband, William H. Halsted, Jr., deceased, or otherwise, I give, devise and bequeath as follows: To my brother, Jacob Harsen, the one-fifth part thereof, to have and to hold the same to him, his heirs and assigns forever. To my sister, Cornelia Rachel Rhoades, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. To my said sister, Catharine Purdy, the wife of Elijah Purdy, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. To my sister, Maria Elizabeth Halsted, the wife of Jacob Halsted, the one-fifth part thereof, to have and to hold the same to her, her heirs and assigns forever. And to my nieces, Magdaline R. Prall, Hannah Maria Prall, Catharine Harsen Prall, Johanna Henrietta Harsen Prall, Eliza Ann Prall, and Cornelia Augusta Prall, being the children of my late sister, Joanna R. Prall, deceased; the remaining one-fifth part thereof, to be equally divided between them, my said nieces, share and share alike, to have and to hold the same to them respectively, and their respective heirs and assigns forever. For the purpose of providing for the final settlement of my estate and the distribution thereof among the devisees and legatees as above mentioned. I hereby fully authorize, empower

and direct my executor hereinafter named to sell and dispose of either at private sale or public auction, all the real estate and all my interest in any real estate which may belong to me or in which I may have any interest in at the time of my decease, and a good and sufficient deed or deeds of conveyance to execute and deliver for the same to the purchaser or purchasers thereof. Finally I do hereby nominate, constitute and appoint my brother, Jacob Harsen, the executor of this my last will and testament."

Letters Testamentary were issued to Jacob Harsen on 30 December, 1851. See Liber 10, L. T., 128.

Magdalen R. Prall died June 16th, 1854, unmarried and without issue.

Last Will and Testament
of
MAGDALENE RITTER PRALL.

}

Dated 30th May, 1854.
Proved 27th Nov., 1854.
112 Wills, 118.

"First, I direct that all my just debts, if any, and funeral expenses be paid by my executors hereinafter named, as soon as conveniently may be after my decease. Secondly, all the rest, residue and remainder of my estate, both real and personal, I give, devise and bequeath unto my beloved sisters, Hannah Maria Prall, Catharine Harsen Prall, Joanna Henrietta Prall, Eliza Ann Prall, and Cornelia Augusta Prall, or to such of them as shall be living at the time of my decease, to be equally divided between them, share and share alike."

JACOB HARSEN, ELIJAH PURDY
and CATHERINE, *his wife*;
 JACOB HALSTED *and* MARIA
 ELIZABETH, *his wife, and*
 CORNELIA RACHEL RHODES,
of 1st part,

to

HANNAH MARIA PRALL, CATH-
 ERINE HARSEN PRALL, JO-
 ANNA HENRIETTA HARSEN
 PRALL, ELIZA ANN PRALL *and*
 CORNELIA AUGUSTA PRALL.

DEED.

Dated 29th April, 1859.
 Ack. 2d and 6th May,
 1859.

Rec. 10th May, 1859.
 787 Conveyances, 1.
 Consideration, \$10.

RECITES the will of Jacob Harsen, and that doubts have arisen whether the parties of the second part took an interest under said will in property devised in trust for John Peter Ritter Harsen, their mother having died before him, and that the parties of the first part have always acted on the assumption that parties of the second part took a sixth interest in the said premises, and are desirous that they should be seised thereof free from all doubt or question. Conveys all the one equal undivided sixth part of premises devised in above will in trust for John Peter Ritter Harsen.

Jacob Harsen, physician, died on 31st December, 1862.

Last Will and Testament
of
 JACOB HARSEN, M. D.

Dated 14th Nov., 1862.
 Proved 26th Jan., 1863.
 147 Wills, p. 227.

“I devise and bequeath unto my executors and trustees hereinafter named, and to the survivors and survivor of them, or to such of them as shall qualify as executors, and the survivors and survivor of them, all of my estate, real and personal, of which I

may die seised, possessed of or entitled unto, either at law or equity. In trust to collect and get in my said personal estate, and to enter into and upon, and take possession of, my said real estate, and to receive the rents, issues and profits of my said real estate, and to apply the proceeds of my said real and personal estate, and the said rents, issues and profits in payment of the legacies given in this my last will and testament, and for the purposes of carrying out the directions and intent thereof. In order to effectually carry out the intent of this, my last will and testament, I do hereby authorize and empower my said executors and trustees, or the survivors and survivor of them, their or his successors or successor, to grant, bargain, sell and assign, transfer and convey all or any of my real and personal estate, at public or private sale, and on such terms as they or he may deem advisable. And I do hereby authorize and empower my said executors and trustees, the survivors and survivor of them, their or his successors or successor, to make, sign, seal, execute and deliver all apt and proper deeds and conveyances of my said real estate to the person or persons who, on any such sale or sales so to be made as aforesaid, may be or become the purchasers of said real estate, or of any part thereof." The testator then bequeathes various legacies, which he charges on his real estate, and provides as follows: "The proceeds of all the rest, residue and remainder of my estate, both real and personal, I give and bequeath unto my next of kin per stirpes, and not per capita. To have and to hold to them, their executors, administrators and assigns, forever. I hereby nominate, constitute and appoint my brothers-in-law, Elijah Purdy and Jacob Halsted, James N. Platt, Counsellor-at-Law, and my nephew, John H. Rhoades, and the survivors and survivor of them, to be the executors and trustees of this, my last will and testament."

Letters Testamentary were granted to all four executors on 3d February, 1863. See Liber 19, Letters Testamentary, 439.

THE GUSTAVUS A. SACCHI PIECE.

This portion of the farm is colored yellow on the map ante page 541, and was conveyed by Jacob Harsen, in his life-time, as hereinafter shown. The following instrument conveys the piece in question, but it does not appear whence Cornelius Harsen derived title.

DEED.

CORNELIUS HARSEN <i>and</i> ANN, <i>his wife,</i> <i>to</i> JACOB HARSEN, <i>Ycoman.</i>	}	Dated 27th May, 1786. Ack. 27th May, 1786. Rec. 7th Aug., 1786. 43 Conveyances, 476. Consideration, £650.
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CONVEYS all that certain message and tract of land situate in the outward of the City of New York, at Bloomendale, being that part of the farm of Johannes Harsen, late deceased, which lies on the Northwestwardly side of the highway or road that is usually called Bloomingdale road, and is Bounded Southeast-erly in front by said Road, Northeasterly by land now or late of Wilmitic Dyckman, Northwestwardly by Hudson's River, and Southwestwardly by land of the said Jacob Harsen. Containing about fourteen and three-quarter acres of land, be the same more or less.

DEED.

JACOB HARSEN <i>and</i> CATHERINE, <i>his wife,</i> <i>to</i> WILLIAM SETON.	}	Dated 27th Aug., 1794. Ack. 1st Sept., 1794. Rec. 25th July, 1795. 50 Conveyances, 447. Consid'n, £1,660, 12s. 6d.
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CONVEYS all that tract or parcel of land situate, lying and being at Bloomingdale, in the Seventh Ward of the said City of New York, between the New Bloomingdale Road and the

North River, Beginning at the lands there of Tunis Somarindyke, thence along the said New Road South fifteen degrees five minutes West eight chains and seventy links, thence along other lands of the said Jacob Harsin, North fifty-one degrees thirty minutes West three chains and sixteen links, thence North fifty-two degrees forty-five minutes West two chains and four links, thence North fifty-six degrees forty-five minutes West nine chains and fifty-eight links, thence North fifty-three degrees West three chains and ninety links, thence North fifty-two degrees fifteen minutes West four chains and thirty-eight links to a White Oak stump on the North River, thence along the North River North twenty-nine degrees thirty minutes East three chains and eighty-five links, thence North thirty-six degrees fifteen minutes East sixty-seven links, thence North nineteen degrees thirty minutes East one chain and thirty-eight links, thence North thirteen degrees fifteen minutes East sixty-nine links to the lands of the said Tunis Somarindyke, thence along his said lands South fifty-seven degrees forty-five minutes East five chains and fifteen links, thence South forty-nine degrees thirty minutes East six chains and fourteen links, thence South sixty-one degrees forty-five minutes East three chains and ten links, thence South seventy-one degrees forty-five minutes East three chains and eighteen links, thence South fifty-five degrees East three chains and fifty-two links, and thence South sixty-five degrees fifteen minutes East one chain and sixty-eight links to the place of beginning, containing together by admeasurement sixteen acres two Roods and seventeen perches, bounded Easterly by the said new Road lately laid out called the New Bloomingdale Road, Westerly by the North River, Northerly by the said lands of the said Tunis Somarindyke, and Southerly by other lands of the said Jacob Harsin as by a map or chart thereof made by Casimer Th. Goerck, City Surveyor, bearing date the eighteenth day of this instant, August, relation being thereunto had may appear.

William Seton died intestate in 1798, leaving him surviving the following children, his only heirs at law: William Magee Seton, James Seton, Henry Seton, Ann Marie Vining, wife of John Middleton Vining; Eliza Maitland, wife of James Maitland; Rebecca Seton, Mary F. Seton, Charlotte Cursen Seton, Harriet Seton, Samuel Waddington Seton, Edward Augustus Seton and Cecilia Seton.

Nicholas Olive filed a bill in Chancery against the said heirs of William Seton, claiming that the above mentioned premises were purchased with moneys of Nicholas Olive and the conveyance to William Seton was accepted by him in trust for said Olive. On 14th December, 1799, a decree was entered therein adjudging such allegations to be true, and directing a conveyance by said heirs to said Olive. This decree was entered at Albany, but a copy thereof will be found in Volume 5, Chancery minutes, page 389.

WILLIAM MAGEE SETON, JAMES
SETON, HENRY SETON, JAMES
MAITLAND *and* ELIZA, *his wife*;
REBECCA SETON, MARY FRAN-
CES SETON, CHARLOTTE CUR-
SEN SETON, HARRIET SETON,
SAMUEL WADDINGTON SETON,
EDWARD AUGUSTUS SETON
and CECILIA SETON,

to

NICHOLAS OLIVE.

DEED.

Dated 28th Dec., 1799.
Ack. 21st Oct., 1800.
Rec. 4th Oct., 1805.
70 Conveyances, 523.
Consideration, 1 cent.

RECITES above proceedings and conveys all interest which the late William Seton had in his lifetime and all interest of the parties of the first part in same premises.

On 27th January, 1800, by assignment not recorded, Nicholas Olive and wife conveyed the same premises to grantors in the following deed, together with Isaac Gouverneur, in trust, to sell the same and pay creditors of Olive.

HERMAN LE ROY, WILLIAM BAYARD, JAMES MCEVERS, PETER KEMBLE and SAMUEL GOUVERNEUR, <i>surviving Trus-</i> <i>tees of</i> NICHOLAS OLIVE, <i>to</i> JOHN BROOME.	} DEED. — Dated 9th June, 1801. Proved 15th April, 1811. Rec. 7th Oct., 1811. 95 Conveyances, 420. Consideration, \$18,000.
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RECITES the above mentioned assignment and the death of Isaac Gouverneur and conveys same premises.

NICHOLAS OLIVE and MARIE F. MARCHAL, <i>his wife</i> , <i>to</i> JOHN BROOME,	} DEED. — Dated 9th June, 1801. Ack. 19th June, 1801. Rec. 7th Oct., 1811. 95 Conveyances, 423. Consideration, \$1.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> JOHN BROOME.	} Dated 26th Aug., 1807. Proved 10th Aug., 1810. 49 Wills, 37.
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After bequeathing various legacies the testator provides as follows: "And whereas it will greatly facilitate a division of my estate among my heirs that my real estate be sold, I do

hereby order and direct my Executors to sell and dispose of my real estate whatsoever and wheresoever within three years after my decease, either at public auction or private sale, according to their discretion, for the most that can be obtained." He appoints John L. Broome, John W. Livingston and James Boggs, his Executors.

Letters testamentary were granted to all three, see same Liber, page 40. See release of dower from widow of John Broome, recorded in 119 Conveyances, 345.

<p style="text-align: center;"><i>Last Will and Testament of</i> ANN CHARLOTTE BROOME.</p>	}	<p>Dated 27th Oct., 1819. Proved 8th Jan., 1820. 55 Wills, 520.</p>
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"All my real estate and all the rest, residue and remainder of my personal property not before appropriated, I give and bequeath to my brother, John Lloyd Broome, my sisters, Sarah Boggs, Julia Livingston and Caroline Noon, to be equally divided amongst them, to hold the same to them, their heirs, executors, administrators and assigns."

<p>JOHN L. BROOME, JAMES BOGGS <i>and</i> SARAH, <i>his wife</i>; DARBY NOON <i>and</i> CAROLINE M., <i>his</i> <i>wife</i>, <i>and</i> JOHN W. LIVINGS- TON <i>and</i> JULIA, <i>his wife</i>, <i>to</i> JOSEPH SAMPSON.</p>	}	<p style="text-align: center;">DEED.</p> <hr style="width: 10%; margin: 0 auto;"/> <p>Dated 18th June, 1821. Ack. 29th June and 9th and 17th July, 1821. Rec. 26th July, 1821. 153 Conveyances, 444. Consideration, \$8,000.</p>
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COVERS same premises.

DEED.

JOSEPH SAMPSON <i>to</i> JAMES BOGGS.	}	Dated 19th June, 1821. Ack. 24th July, 1821. Rec. 26th July, 1821. 153 Conveyances, 447. Consideration, \$8,000.
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CONVEYS same premises.

<i>Last Will and Testament</i> <i>of</i> JAMES BOGGS.	}	Dated 29th Jan., 1834. Proved 25th Feb., 1834. 71 Wills, 318.
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Testator appoints his wife, Sarah Lloyed Boggs, his Executrix, and his son-in-law, Richard Ray, and William Van Hook, his Executors. "Fifth, all the rest, residue and remainder of my estate, both real and personal, of what nature or kind soever and wheresoever situate or being, except as hereinafter is specially devised, I give, devise and bequeath unto my Executors before named, and the survivors and survivor of them, in connexion with the executors of my son-in-law, Richard Ray, in case he shall die previous to either of the other executors, and if he shall survive the other named executors, then to the executors of my said son-in-law Richard Ray and the survivors and survivor of them or to whoever else may, according to law, have the custody and charge of my estate: To have, hold and receive the same, and the rents, interest, produce and profits thereof, In trust, nevertheless, and upon this special trust and confidence that my said Executors and the survivor of them and the Executors of the said Richard Ray shall and do, after deducting the expense of the trust hereby reposed in them, divide the same equally between my two daughters." "And I do further authorize and empower my said Executors and the survivor of them as aforesaid, in order to effect a division of my estate, or

if in their opinion it may become advisable so to do, from any other reason or cause whatever, to grant, bargain and sell in fee simple or otherwise, according to the nature of the estate, all or any part of the real estate whereof I may die seized or possessed or entitled to; and to execute and deliver good and proper deeds of conveyance in the law for the same." He provides, however, that no sale shall be made without the consent of a majority of his Executors. "And now having given the power to my said Executors to sell my estate as in their discretion they shall think best, yet I desire distinctly to be understood that in relation to my real estate at Bloomingdale, called Chevilly, I earnestly recommend that the same shall not be sold until, by the near approach of improvements, it shall have acquired a decided increase in value, and would prefer in case of need a division thereof between my daughters, and recommend it to be kept by them for the reasons before expressed." The testator thereupon provides as follows: "And as it regards the share or portion of my said daughters my will is: It shall be held by my said executors as aforesaid, in trust, to pay to my said daughters respectively the interest, produce and profit annually, or at such shorter periods as may conveniently be done."

James Boggs, the said testator, died in February, 1834, leaving him surviving his widow, who died in August, 1849, and the two following daughters, his only children and heirs-at-law, viz: Mary Rebecca, wife of Richard Ray, and Julia Augusta Boggs, afterwards wife of Lewis Livingston.

Last Will and Testament
of
RICHARD RAY.

} Dated 22d Mar., 1834.
} Proved 7th July, 1836.
} 75 Wills, 203.

"I appoint my wife, Mary Rebecca Ray, executrix, and my brother Robert Ray and my friend Augustus Fleming executors

of this, my last will and testament ; my said executors to act as co-executors and co-trustees with the surviving executor and executors of James Boggs, deceased, as by the last will and testament of the said James Boggs is expressly directed."

Letters Testamentary were granted to Robert Ray on 8th August, 1836, in Liber 3, Letters Testamentary, 208, and to Mary Rebecca Ray on 28th May, 1844, see Liber 6, Letters Testamentary, 192.

Richard Ray died on 21st March, 1836, leaving him surviving Mary R. Ray, his widow, and two children, Elizabeth Sarah Ray and Mary Ray, who afterwards intermarried with Arthur Constant Du Bois Baron de Courval.

Julia Augusta Boggs intermarried with Lewis Livingston, by whom she had two children, James B. Livingston and Lewis H. Livingston, Junior, which latter attained his majority in October, 1867.

On 31st May, 1867, the said Julia A. Livingston filed her petition in the Supreme Court, stating that doubts had arisen whether Mary R. Ray, the executrix of Richard Ray, became, on the death of her husband, trustee, as well as executrix, of the estate of James Boggs, under his will, so that she could exercise the power of sale therein contained, and whether the trust had not vested in the Supreme Court. The petition further states that William Van Hook, the executor named in the will of James Boggs, was dead, and that no one was interested in his estate except the petitioner and said Mary R. Ray, and that the premises was vested in them as heirs-at-law of James Boggs, subject to the trust estate in his executors and the exercise of the power of sale, and asks that, to remove all doubt, the said Mary R. Ray be appointed trustee, with full power to sell the premises. An order was entered accordingly on the same day.

MARY REBECCA RAY, *in her own right, and as Executrix of RICHARD RAY, and as sole surviving Trustee under the will of JAMES BOGGS and ROBERT RAY, Executor of RICHARD RAY, deceased; JULIA A. LIVINGSTON, wife of LEWIS LIVINGSTON, and the said LEWIS LIVINGSTON,*
to
 GUSTAVUS A. SACCHI.

DEED.

Dated 1st April, 1867.
 Ack. 15th April, and 7th
 and 9th May, 1867.
 Rec. 6th June, 1867.
 1016 Conveyances, 401.
 Consideration, \$400,000.

CONVEYS all that piece or parcel of ground belonging to the parties of the first part at Bloomingdale, in the City, County and State of New York, and which is bounded as follows: On the North by the grounds of the New York Orphan Asylum, on the South by the lands lately belonging to Jacob Harsen, deceased; on the East by that part of Broadway known as the Bloomingdale Road, and on the West by the Hudson River, being the former country residence of the late James Boggs, deceased, and known as "Chevilly," together with all the appurtenances thereunto belonging, and also all the rights of the parties of the first part to the water front thereof, and also all reversionary right to strip of land conveyed to the Hudson River Railroad Company in 496 Conveyances, 428.

ARTHUR CONSTANT DUBOIS
 BARON DE COURVAL, *of the Empire of France, and MARY, his wife,*
to
 GUSTAVUS A. SACCHI.

DEED.

Dated 22d April, 1867.
 Ack. 7th May, 1867.
 Rec. 6th June, 1867.
 1016 Conveyances, 399.
 Consideration, \$1.

CONVEYS same premises.

DEED.

JAMES B. LIVINGSTON <i>to</i> GUSTAVUS A. SACCHI.	}	Dated 20th May, 1867. Ack. 21st May, 1867. Rec. 6th June, 1867. 1016 Conveyances, 398. Consideration, \$1.
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CONVEYS same premises.

See releases of judgment recorded in same liber, pages 395 and 397.

DEED.

LEWIS H. LIVINGSTON, Junior, <i>to</i> GUSTAVUS A. SACCHI.	}	Dated 22d Oct., 1867. Ack. 22d Oct., 1867. Rec. 7th Jan., 1868. 1036 Conveyances, 278. Consideration, \$1.
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CONVEYS same premises.

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