

Deed, DE, NewCastle, ROBERT BRYAN to JOHN BRYAN, 1749

THIS INDENTURE MADE this 22nd day of November in the year of Our Lord 1749 and in the 23rd year of the reign of sovereign Lord George II by the grace of God of Great Britain, France, and Ireland, King & c.

BETWEEN **ROBERT BRYAN** of NewCastle hundred in the county of NewCastle on Delaware Yeoman of one part and **JOHN BRYAN** of the same place, Yeoman, of the other part.

WHEREAS **JOHN BRYAN** Sr., late of the hundred and County aforesaid, deceased, in his lifetime was fully seized and possessed of and in a certain tract of land and marsh situated in the hundred and County aforesaid containing, by estimation, 257 acres and made his will in writing bearing date the 14th day of April Anno Domini 1736.

And amongst other things, therein, specified saith:

... I also give, devise, and bequeath unto my said son **JAMES** fourth part of the plantation whereon I now dwell next adjoining to his present dwelling house to be cut off from the remainder other said plantation by a straight line to be drawn from the land of **GEORGE YATES** to **THOMAS TURNER**'s land, 10 perches below the ground which my said son **JAMES** hath already cleared there and the fast land and marsh which he has had in possession for some time past. And if the aforesaid land and marsh do not make up the full fourth part of the aforesaid plantation I do order that he have the remainder in **GUTHERY** field to hold to him, my said son **JAMES**, his heirs and assigns forever ...

And the said will also:

... and all the remainder of my estate both real and personal I give, devise, and bequeath unto my son **ROBERT BRYAN**, to hold to him, his heirs and assigns forever ...

AND BY SAID will remaining in the register's office at Newcastle, relation being thereunto had may more fully and at large appear.

AND whereas he, the said **JAMES BRYAN**, made his will in writing bearing date the 4th day of April in the year of Our Lord 1746, and, amongst other things therein specified, sayeth:

... I give and bequeath unto my dear son **JOHN BRYAN**, before named, all my real and personal estate and it is also my will that he shall and will perform as before and hereafter mentioned in this my will and testament ...

AS IN AND BY SAID will remaining in the register's office at Newcastle relation being thereunto had may more fully and at large appear.

NOW THIS INDENTURE WITNESSETH that the said **ROBERT BRYAN** in pursuance of the said will of his father as aforesaid **JOHN BRYAN** Sr., deceased, and likewise in pursuance of his brother **JAMES BRYAN**'s last will, aforesaid, deceased, and for and in consideration of the just in full sum of £1 current lawful money of this government taken in hand paid by the set **JOHN BRYAN** Jr., party to these presents, the receipt whereof, he the said **ROBERT BRYAN** doth hereby acknowledge, and thereof and of and from every part and parcel thereof doth acquit, release, and forever discharge the said **JOHN BRYAN**, party to these presents, his heirs, executors, administrators and

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every of them by these presents has granted, bargained, sold, remised, released, and forever quit claimed and by these presents doth grant, bargain, sell, remise, release and forever quit claim unto the said **JOHN BRYAN** his heirs and assigns forever two lots or pieces of land situated and being in the hundred and County of Newcastle aforesaid.

The first:

Beginning at a corner marked Red Oak standing in the east side of the King's Road; thence by a line of **JACOB GRANTHAM's** Land South 59 degrees Easterly 88 perches to a stake in said line; thence by a line dividing this from **ROBERT BRYAN's** land; South 31½ degrees westerly 94 perches to a stake in the line of the other land of the said **JOHN BRYAN**; thence by a line northerly 66 degrees westerly 79 perches to a stone in the Kings Road; and thence by said Road North 27 degrees easterly 103½ perches to the first mentioned Red Oak and place of beginning.

Containing 51 acres and 120 purchase be the same more or less.

The second

Beginning at a stake standing by **ROBERT BRYAN's**; thence South 36½ degrees westerly 94 perches to a corner marked Black Oak; thence North 89 degrees westerly 9¾ perches to a corner marked Black Oak; thence North 63 degrees westerly 31 perches to a corner stake; thence North 31 degrees easterly 30 perches to a stake; and thence South 59 degrees easterly 42½ perches to the first mentioned stake and place of beginning.

Containing 6 acres and 77 perches be the same more or less

And also a piece of marsh

Beginning at where a small drain empties itself in a small Creek; thence by said drain South 12 degrees westerly 4 perches to a corner Black Oak on the fast land; thence by a line of marked trees North 70 degrees westerly 55 perches to a corner marked White Oak North 71 degrees westerly 3½ perches to a corner 21 white oak standing on the fast land; thence crossing the marsh by a [house] North 63 degrees easterly 29 perches to the aforesaid small Creek; and thence down the said Creek by the several courses thereof 78 perches to the first mention place of beginning.

Containing 6 acres and 30 perches, be the same more or less.

WHERE two lots of land and one of marsh ??? south ??? above mentioned tract of land pursuant to the first mentioned will.

TOGETHER with liberty of a road to & from ye two lots of land and marsh as need shall require together with all and singular the houses, improvements, woods, ways, waters, timber, trees, rights, liberties, privileges, hereditaments and appurtenances whatsoever to the said two lots of land and one of marsh belonging or in any wise appertaining.

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TO HAVE AND TO HOLD the aforesaid to lots or pieces of land and one of marsh with the premises and appurtenances thereunto belonging unto the said **JOHN BRYAN**, his heirs and assigns to the only proper use in behoove of him the set **JOHN BRYAN**, his heirs and assigns forever, under the yearly quit rents due and to become due to the chief Lord or Lords of the fee thereof. And the said **ROBERT BRYAN** and the said hereby granted premises with the appurtenances unto the said **JOHN BRYAN** his heirs and assigns against him, the said **ROBERT BRYAN**, his heirs and executors and administrators against any person or persons or to the same or any other part thereof from or under him or any of them shall and will warrant and forever defend by these presents.

In witness whereof the said **ROBERT BRYAN** have hereunto set his hand and seal the day and year first above written

ROBERT BRYAN {seal}

sealed and delivered in the presence of

PATRICK FLYNN
PATRICK HUGHES

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Acknowledged in the Court of Common Pleas held for the County of New Castle in November Term 1749.

Witness my hand and seal of the county aforesaid.

RICHARD MCWILLIAM, D. Prothonotary (sic)

Recorded December 5, 1749

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Transcribed from original documents by Brent R. **BRYAN** & Martha M. **BRYAN**.

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