

Deed, DE, Sussex, ABIGAIL SIMS to JOHN WESTLY 1758

JOHN WESTLY from **ABIGAIL SIMS**

THIS INDENTURE made the 6th day of February in the year of Our Lord 1758.

BETWEEN **JOSEPH SIMS** and **ABIGAIL** his wife, administratrix of **HENRY JOHN WESTLY**, late deceased of the one part and **WILLIAM WESTLY**, Yeoman, of the other part.

WHEREAS there is a certain tract or piece of land situated in the county of Sussex on Delaware in Rehoboth hundred being part of a tract of land formerly conveyed to **CORNELIUS TURNER** by **WILLIAM BRYAN** and **ANN ELIZABETH [GODWIN]** his wife, and afterwards conveyed by the said **CORNELIUS TURNER** to the aforesaid **HENRY JOHN WESTLY**, the bounds and courses are as follows, to wit:

Beginning at a stake in or about the headline of **WARREN**'s patent; thence along said lines S 40 degrees E 16 perches to a corner Red Oak of said **WARREN**; thence N 42 degrees E 180 perches to a corner small White Oak; thence N 48 degrees W 54½ perches to a corner small White Oak; thence N 48 degrees and 54½ perches to a corner White Oak; thence N 41 degrees E 30 purchase to a corner Bay Tree; thence N 48th degrees W two perches to a corner post; thence S 41 degrees W 30 perches to a corner stake; thence by a dividing line S 29¼ degrees W 184 perches home to the first bounded stake.

Containing a laid out for 41 ½ acres of land.

AND WHEREAS the aforesaid **HENRY JOHN WESTLY**, who, in his lifetime, by a sealed instrument of writing bound himself to the above named **WILLIAM WESTLY** to transfer, convey and makeover, in due form of law, the aforesaid land and premises to the aforesaid **WILLIAM WESTLY** according to the tenor of the said sealed instrument of writing.

AND WHEREAS by an act of the Assembly of this government entitled "An Act to empower executors and administrators within this government by leave of court to lands indented for with their descendants" it's enacted where any person has any bonds or other sealed instruments to oblige him, or her, or themselves to convey lands, which have not been conveyed and their lifetime, the said bond or other sealed instrument in court and c., as by the said Act, is directed and Shining sharing the same the executor is or administrators are at Liberty to prefer a petition to the court praying leave to convey the lands pursuant to the sealed instrument, aforesaid, which petition the said court is obliged by this act to grant. And being first proffered, the purchase money all paid, which several matters and things have pursuant to the said Act of the assembly have been complied with, as by the several records relating thereunto manifestly appear.

NOW THIS INDENTURE witnesseth that the said **JOSEPH SIMS**, and **ABIGAIL** his wife, for and in consideration of the sum of 62 lbs current lawful money of this government the receipt whereof is hereby acknowledged and of every part and parcel there of to fully and clearly acquit, exonerate and discharge the said **WILLIAM WESTLY**, his heirs and assigns, forever have granted bargained and sold and by these presents do grant, bargain, and sell unto him the said **WILLIAM WESTLY** his heirs and assigns the aforesaid 41½ acres of land with all and singular the premises with the appurtenances thereunto belonging under the yearly quick rents already due and which hereafter shall become due and payable to the chief Lord or Lords of the fee or fees.

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To have and to hold the aforesaid land with all and singular the premises and appurtenances unto him, the said **WILLIAM WESTLY**, his heirs and assigns, to the only proper use and behoof of him, the said **WILLIAM WESTLY**, his heirs and assigns, forever.

AND THE AFORESAID **JOSEPH SIMS** and **ABIGAIL** his wife, administratrix, as aforesaid, do for themselves, their heirs, executors and administrators covenant to and with the said **WILLIAM WESTLY**, his heirs and assigns, to warrant and defend the aforesaid land and premises with all and singular the appurtenances unto him the said **WILLIAM WESTLY** his heirs and assigns forever against them the said **JOSEPH SIMS** and **ABIGAIL** his wife, their heirs, executors and administrators and all and every other person or persons whatsoever lawfully claiming or to claim the aforesaid land and premises by, from, or under them, the said **JOSEPH SIMS** in the **ABIGAIL** his wife, administrators administratrix as aforesaid shall and will warrant and defend by virtue of of these presents.

In witness whereof the aforesaid **JOSEPH SIMS** and **ABIGAIL** his wife, administratrix as aforesaid, by virtue of their administration of four said Act of assembly as aforesaid order of Court as aforesaid and the separate Powers thereby given have hereunto said their hands and affix their seals the day and year first above written.

JOSEPH SIMS {seal}
ABIGAIL SIMS {seal}

Sealed and delivered in the presence of

JOHN NEILL
RUPERT HALL Jr

Sussex on Delaware

At court of common Please held at Lewes for the county of aforesaid on the 9th day of February in the year of Our Lord 1758 the within deed of sale was acknowledged by and unto the parties there in named.

Test

RYVES HOLT, prothonotary

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