

Deed, DE, Sussex, CORNELIUS PAYNTER to SAMUEL PAYNTER, 1792

Deed of sale **SAMUEL PAYNTER** Jr. from **CORNELIUS PAYNTER** and wife

THIS INDENTURE made the twenty fourth day of April Anno Domini 1792.

BETWEEN **CORNELIUS PAYNTER** and **RUTHY [CRAIGE PAYNTER]** his wife, late **RUTH CRAIGE** of the county of Sussex and state of Delaware, shipwright, of the one part and **SAMUEL PAYNTER** Jr. of Broadkiln, in the county aforesaid, merchant, of the other part.

WITNESSETH that **JAMES RUSSELL** and **PHOEBE [SMITH RUSSELL]** his wife by their deed of sale bearing date the 26th day of July in the year 1749 did sell and convey unto **JOHN DAUGHERTY** for the consideration there in mentioned a certain tract or parcel of land and marsh situate, lying, and being on the S side of Broadkiln Creek in the county aforesaid, containing 120 acres of land and marsh, being part of one equal third part of a larger tract of land and marsh formerly called **PHILLIPS [LAMEY] LEYMEY's** land, containing in the whole 420 Acres, which said land by sundry conveyances and gifts became the property of **JOHN SMITH**, the father of the said **PHOEBE**.

AND the said **JOHN SMITH**, by his last will and testament, devised the said land and marsh to his four daughters, one of which being deceased, the surviving three daughters conformable to their father's last will and testament, divided the said land and marsh between them and naturally released to each other as by the several writings relating to the premises be more fully appear.

AND the aforesaid 120 acres of land is the residue of the one equal third part belonging to **PHOEBE**, the wife of the said **JAMES RUSSELL**, according to the division aforesaid and the said **PHOEBE** having heretofore conveyed part of her dividend, viz. 21 Acres thereof, unto **JOHN CLOWES** as by the said deed recorded in the rolls office at Lewes in Lib. H No. 7 folio 231 will more fully appear.

AND WHEREAS the aforesaid **JOHN DAUGHERTY** by his deed of sale bearing date the 7th Day of August in the year 1750 did sell and convey unto **WILLIAM HAZZARD** of Worcester County in the state of Maryland blacksmith for the consideration of £115 lawful money of the Delaware State aforesaid, the said 120 Acres of land and marsh has, by the said deed recorded in the rules office at Lewes, in LIB. H No. 7 folio 273, reference thereunto being had may more fully and at large appear, which the said **WILLIAM HAZZARD** during his lifetime held in quiet and peaceable possession and being so seized with the aforesaid 120 Acres with other lands died intestate leaving issue, six children and widow, to wit: **ANN [HAZZARD]**, who is since deceased; named **MOLLY [HAZZARD]**; **ARCADA [HAZZARD]**; **MERITTA [HAZZARD]**; **AMIE [HAZZARD]**; **WILLIAM [HAZZARD]**; and Sally, alias **SARAH [HAZZARD]**.

AND WHEREAS the said **MOLLY [HAZZARD CRAIGE]** intermarried with a certain **JOHN CRAIGE** and by him had issue two children: **RUTHY**, the wife of **CORNELIUS PAYNTER**, aforesaid; and **JOHN CRAIGE**. AND after the death of **JOHN CRAIGE**, the elder, she [**MOLLY HAZZARD**] intermarried with a certain **ISAAC SMITH** Esquire, and afterwards died intestate bearing issue by the said **ISAAC** three children, viz: **SALLY [SMITH]**, **JACOB [SMITH]**, and **WILLIAM SMITH**.

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AND WHEREAS two of the children of the said **WILLIAM HAZZARD**, the elder, died intestate and leaving no issue, viz: **WILLIAM HAZZARD**, the younger, aforesaid; and **SALLY HAZZARD**.

WHEREUPON the lands of the said **WILLIAM HAZZARD**, the elder, were by order of the Orphans Court for the county aforesaid, divided amongst the surviving for children of the said **WILLIAM HAZZARD**, the elder, and their issue, as will appear by the return of **RHODES SHANKLAND** Esquire, **JOHN HOLLAND**, **ROBERT JONES**, **REECE WOOLF**, and **MIERS CLARKE**, who made a division thereof, which will plainly appear at the registrar's office for County aforesaid, and whereas 40 acres of land and marsh, part of the aforesaid 120 Acres that were purchased by the aforesaid **WILLIAM HAZZARD**, the elder, of **JOHN DAUGHERTY** aforesaid, wherein the said division laid off for and allotted to the heirs of **MARY** or **MOLLY SMITH** aforesaid, late the wife of **JOHN CRAIGE** and late **MOLLY HAZZARD** aforesaid, there being five children following, viz: **RUTHY CRAIGE**, now **RUTHY PAYNTER** party to these presents; **JOHN CRAIGE**, **SALLY [SMITH]**, **JACOB [SMITH]**, and **WILLIAM SMITH**, who being the heirs and legal representatives of the said **MOLLY**, and the heirs and legal representatives of the said **MOLLY** did hold the aforesaid 40 acres of land and marsh together and in common.

WHEREUPON petition was made by **CORNELIUS PAYNTER & RUTHY**, his wife, of the orphans Court, for the division of the said 40 acres of land amongst the said five heirs of the said **MOLLY**, upon which the said court ordered that **RHOADS SHANKLAND**, **JOHN HOLLAND**, **REECE WOOLF**, **ROBERT JONES** and **MIERS CLARKE** should view the said 40 acres of land and marsh to see whether it would admit of division, who made return that the lands allotted, to the heirs of the said **MOLLY**, would not admit of partition and division amongst the heirs or legal representatives of the aforesaid **MOLLY** without prejudicing and ??? the whole.

WHEREUPON evaluation was set upon the said 40 acres of land that were allotted to the heirs of the said **MOLLY**.

AND WHEREAS the aforesaid **CORNELIUS PAYNTER**, who being the eldest, are, by virtue of **RUTHY** his wife, accepted the same at the valuation thereof and became payable to the other heirs for the same agreeable to the valuation for said.

NOW THIS INDENTURE WITNESSETH that **CORNELIUS PAYNTER**, and **RUTHY** his wife aforesaid, for and in consideration of the sum of £60 good and lawful money of the Delaware state aforesaid, to them in hand paid by **SAMUEL PAYNTER Jr.**, aforesaid, the receipt whereof they, the said **CORNELIUS PAYNTER** and **RUTHY** his wife, aforesaid do and each of them do hereby acknowledge are thereof fully acquit and forever discharge the said **SAMUEL PAYNTER**, his heirs and assigns, and by these presents doth hereby grant, bargain, sell, alienate, remise, release, enfeoff, and convey unto the said **SAMUEL PAYNTER**, his heirs and assigns forever, and by these presents have granted, bargained, sold, alienated, remised, released, assured, conveyed and confirmed unto the said **SAMUEL PAYNTER**, his heirs and assigns forever, the aforesaid 40 acres of land and marsh, being a part of the said **WILLIAM HAZZARD**, the elder's, land and marsh which was allotted to the heirs of the said **MOLLY**, which said 40 acres of land is butted and bounded as follows, viz.

Beginning at a post, standing in the edge of Broadkilmn Creek, at the edge of the county road by the Broadkilmn Bridge; thence with **JOHN S. DORMAN**'s line S 51½ degrees E 40 perches to a post; thence S 49¼ quarter degrees E 103 perches to a post; thence N 40½ degrees E 24 perches to a post; thence N 49¼ degrees W 136 perches to a white oak stump on the edge of

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the marsh; and from thence S 51½ degrees E 168 perches to a post, a corner of that part of the land allotted to **SAMUEL PAYNTER Sr.** and **MERITTA [HAZZARD PAYNTER]** his wife; thence along the line there of S 40 degrees W 38 perches to a small white oak standing on the north edge of the County Road, being another corner of the aforesaid **SAMUEL PAYNTER** and wife's land; thence along a line thereof on the said road N 46 degrees W 32 perches to a post, another corner of the said part; thence along the line of the same S 40 degrees W 13 perches to another corner post of the said part of **SAMUEL PAYNTER** and wife's land; thence along the division Line N 57½ degrees W 170 perches to a post standing at or near the junction of Mill and Broadkiln Creek; thence down these several watercourses thereof to the beginning.

Containing 40 acres of land and marsh be the same more or less.

TOGETHER with all and singular the trees, advantages, houses, improvements and hereditaments whatsoever to the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD the aforesaid 40 acres of land and marsh with the appurtenances unto the said **SAMUEL PAYNTER** his heirs and assigns to the only proper use and benefit and behoof of the said **SAMUEL PAYNTER**, his heirs and assigns forever, free, clear, and discharged from every other former gift, grant, bargain, sale, whatever had, made, done, or suffered by the said **CORNELIUS PAYNTER**, and **RUTHY** his wife, before the sealing and delivering here.

AND the said **CORNELIUS PAYNTER**, and **RUTHY** his wife, for themselves and each of them their and each of their heirs, executors and administrators doth covenant and agree to and with the said **SAMUEL PAYNTER**, his heirs and assigns, by these presents, that they, the said **CORNELIUS PAYNTER**, and **RUTHY** his wife, there heirs and each of their heirs, executors, and administrators the said 40 acres of land and marsh with the appurtenances unto the said **SAMUEL PAYNTER** his heirs and assigns against the lawful claim or claims of the said **CORNELIUS PAYNTER**, and **RUTHY** his wife, them and each of their heirs, executors or administrators and all and every person, or persons, whatsoever claiming, or to claim, from, or under them, shall and will warrant and forever defend also from all manner of person or persons whatsoever will warrant and forever defend by these presents.

In witness whereof the said **CORNELIUS PAYNTER**, and **RUTHY** his wife, have hereunto set their hands and seals the day and year first above written.

CORNELIUS PAYNTER seal
RUTHY PAYNTER {seal}

Signed sealed and delivered in the presence of us

WILLIAM PAYNTER
MARY OLIVER {her x mark}

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Sussex County

Be it remembered that **RUTHY PAYNTER**, wife of **CORNELIUS PAYNTER** within named, came before me the subscriber one of the justices of the Court of Common Pleas for the county of for said and was examined private and apart from her husband touching the execution of the within deed of sale and did declare that she became a party to the same of her own free will and accord, without any fear, threats, or compulsion of her husband.

In witness whereof I have hereunto set my hand this 27th day of April Anno Domini 1792.

J. WILLBANK

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ALTERNATE SPELLINGS:

SAMUEL POYNTER POINTER
CORNELIUS POYNTER POINTER
RUTHY CRAIGE POYNTER
RUTHY CRAIGE POINTER
MERITTA HAZZARD POYNTER
MERITTA HAZZARD POINTER
WILLIAM POYNTER POINTER

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