

Deed, NY, Dutchess, Moses Soper, 1828

THIS INDENTURE made the twenty eighth day of May in the year of our Lord 1828.

BETWEEN **HENRY CONKLIN**, **JOHN ADRIANCE** and **ABRAHAM G. STORM**, all of the town of Poughkeepsie in the county of Dutchess, commissioners appointed in and by a rule of the supreme court of Judicature for the state of New York made in February term in the year 1828 to make partitioning of the premises hereafter described among the owners thereof as the first part and **WALTER CUNNINGHAM** of the town of Poughkeepsie in the county of Dutchess of the second part.

WHEREOF **PETER EVERETT** and **ABRAHAM LANSING**, and **ESTHER [LANSING]** his wife, of Poughkeepsie in the county of Dutchess, did, in October term in the year 1827, exhibit to the Supreme Court of Judicature of the people of the state of New York, a petition setting forth:

THAT he, the said **PETER EVERETT**, was seized in fee simple as a tenant in common of one undivided ninth part and,

THAT the said **ABRAHAM LANSING**, and **ESTHER** his wife, in right of the said **ESTHER** were seized in fee simple as tenants in common of one undivided ninth part of the whole into nine parts to be divided of all and singular the lands and premises in the said petition contained and described and of which the lands and premises hereinafter contained are part and parcel. The said petition also further setting forth,

THAT **JOSEPH STURGES**, and **POLLY [MARY STURGES]** his wife, in right of the said **POLLY**, were seized in fee simple as tenants in common of one undivided ninth part of the premises.

THAT **MOSES SOPER** was seized in fee simple as tenants in common of one undivided ninth part of the premises.

THAT **ABRAHAM SOPER** was seized in fee simple as tenants in common of one undivided ninth part of the said premises.

THAT **PETER SOPER** was seized in fee simple as tenants in common of one undivided ninth part of the said premises.

THAT **DAVID SOPER** was seized in fee simple as tenants in common of one undivided ninth part of the said premises.

THAT **STEPHEN CLEVELAND** was seized in fee simple as tenants in common of one undivided ninth part and also one fourth of one ninth part of the said premises.

THAT **JAMES PALMETIER** was seized in fee simple as tenants in common of one fourth part of one ninth part of the said premises.

THAT **JOHN WILSON**, and **CATHERINE [WILSON]** his wife, in right of the said **CATHERINE**, was seized in fee simple as tenants in common of one fourth part of one ninth part of the said premises.

That **ABRAHAM VAN WYCK**, and **SALLY ANN [VAN WYCK]** his wife, in right of the said **SALLY ANN**, was seized in fee simple as tenants in common of the remaining one fourth part of one ninth part of the said premises.

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As by the said petition filed in the office of the clerk of the said Supreme Court at the city of Albany, reference thereunto being had will more fully appear.

AND whereas afterwards such proceedings were therefore had and said Supreme Court that the said Court did in the term of February in the year 1828 ascertain, determine, and adjudge:

THAT the said **PETER EVERETT** was seized in fee simple as tenants in common of and in ninth part of the lands and premises in the said petition contained and described,

THAT the said **ABRAHAM LANSING** and **ESTHER** his wife and right of the said **ESTHER** was seized in fee simple as tenants in common of and in ninth part of the said premises.

THAT the said **JOSEPH STURGES** and **POLLY** his wife in right at the said Polly was seized in fee simple as tenants in common of an in one Nights part of the said premises

THAT the said **MOSES SOPER** was seized in fee simple as tenants in common of one ninth part of the said premises.

THAT the said **ABRAHAM SOPER** was seized in fee simple as tenants in common of one ninth part of the said premises.

THAT the said **PETER SOPER** was seized in fee simple as tenants in common of one ninth part of said premises.

THAT the said **DAVID SOPER** was seized in fee simple as tenants in common of one ninth part of said premises.

THAT the said **STEPHEN CLEVELAND** was seized and fees simple as tenants in common of and in ninth part and also that of 2/3 of the remaining ninth part of the said premises.

And that the said **JOHN WILSON** and **CATHERINE** his wife by right of said **CATHERINE** were seized in fee simple as tenants in common of and in the remaining one third of the ninth part of the said premises, subject to the dower of **JANE SOPER**, Widow of **CORNELIUS SOPER** deceased, and

THAT the said James commentary and **ABRAHAM VAN WYCK** and **SALLY** and his wife had no interest in the said premises.

And did thereupon, in due form of law, appoint the set **HENRY CONKLIN**, **JAMES ADRIANCE**, and **ABRAHAM G. STORM**, the said parties to these presents of the first part, commissioners to make partition of the said premises among the said owners their of according to their respective rights therein as ascertained, determined, and adjudged by the said court as by the record of the said Supreme Court in the office of the clerk there of in the city of Albany, reference to her into being had will manifestly appear.

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AND where has such further proceedings were afterwards had in the said Supreme Court, within the said term of February in the year of 1828, upon and by reason of the said petition and the said proceedings and the appointment of the said commissioners for the purpose the said commissioners, party to these presents of the first part, were, by rule of the said Court, duly authorized and required to sell the said premises in question with the appurtenances at public auction to the highest bidder orbiting after giving at least six weeks notice of the term in place of such sale by publishing the same for the space of six weeks once in every week in the newspapers printed at Poughkeepsie in the county of Dutchess called "POUGHKEEPSIE JOURNAL" and "THE REPUBLICAN TELEGRAPH AND OBSERVER" and after said sale to make report their of to the said Court as to the records of the said court at the city of Albany, reference their into being had will also manifestly appear.

AND whereas the said commissioners, party to these presents of the first part, did in pursuance of such authority and direction after having given at least six public weeks notice of the time and place of such sale by plug publishing the same for the space of six weeks once every week in the newspapers printed in Poughkeepsie in the county of Dutchess called the "POUGHKEEPSIE JOURNAL" and "THE REPUBLICAN TELEGRAPH AND OBSERVER" on the 23rd day of April in the year 1828 so sell at that farm of land and premises hereafter described to **WALTER CUNNINGHAM**, the said party to these presents of the second part, for the sum of \$9,338.69, that being the highest sum bid therefore and he the bidder thereof.

AND whereas such sale was afterwards, in the term of May in the year 1828, in due form of law reported to and approved of the said court and it was thereupon considered and adjudged, by the said Court, that the said sale should be valued and effectual in the law and that the said commissioners, party to the parties to these presents of the first part, whereby a further rule of the Supreme Court of Judicature duly authorized and required to execute a good and sufficient conveyance in the law for the premises so sold to for the said purchaser thereof as by the said records of the said Supreme Court remaining in the office of the clerk there up in the city of New York, reference their into being had, will also manifestly appear.

NOW therefore this indenture witnesses that the said parties to these presents of the first part in pursuance to the direction enough for it to them given as aforesaid and for and in consideration of the said sum of \$9,338.69, to them in hand paid by the said party of the second part at and before the ceiling and delivery of these presents, the receipt where of is hereby acknowledged, and the said party of the second part therefrom acquitted, discharge, granted, bargained, sold aliened, conveyed, and confirmed and by these presents do grant, bargain, sell, alien, convey, and confirm unto the said party of the second part, his heirs and assigns forever, all that farm of land, situated in the town of Hyde Park, in the county of Dutchess.

Beginning at the west end of the wall on the east side of the "twede fly" at an angle of **HENRY DAVIS'** farm and is the north west corner of the premises here described; and runs thence along the said line of said **HENRY DAVIS** and **WILLIAM VAN DEWATER** as the magnetic needle now points south fifty four degrees east forty seven chains and thirteen links to a stone set up in the wall and is the corner of **DANIEL W. PLATT's** farm; thence in said **PLATT's** line south eighteen degrees thirty nine west twenty four chains to **JOHN PELL's** line and is southward and in range of a large White Oak tree marked; thence in said **PELL's** line north seventy two degrees west two chains and one link to a Black Oak tree marked; thence

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North seventy seven degrees west two chains and fifty nine links to a Black Oak tree marked; thence north seventy four degrees west five chains and sixty six links along the wall; thence north eighty seven degrees and fifteen minutes west three chains and thirty seven links along the wall; thence north sixty five degrees and thirty minutes west one chain and seventeen links to the north east corner of said **PELL's** meadow fence; thence north thirty nine degrees and forty five minutes west eight chains and seventy four links along the wall; thence north sixty one degrees west two chains and sixty six links along the wall; thence along the wall in range of a Walnut tree marked north seventy nine degrees and twenty minutes west seven chains and eighty four links to the corner of the wall, the north west corner of said **PELL's** farm; thence south sixty degrees and thirty minutes west five chains and twenty three links to a Sassafras sapling marked at the corner of **ISAIAH MCNIEL's** land; thence north forty one degrees and thirty minutes west five chains and eighty six links to an old stump, being then links south of a cluster of Maple trees; thence north sixty seven degrees west twenty chains and twenty three links to the junction of the walls west of the meadow; thence north seventy degrees west nine chains and sixty six links to a stone set in the ground in the possession of **HENRY DAVIS**; thence along the old **VAN BENTHUYSEN** line, so called, north thirty three degrees east thirteen chains and twelve links to the middle of the wall, south of the lane and opposite to a stone set in the ground; thence north fifty eight degrees and thirty minutes west two chains and two links to the corner of the wall on the east side of the road leading from Poughkeepsie to the "twede fly" aforesaid; thence along said wall north twenty seven degrees and forty five minutes west two chains and thirty eight links to an angle of said wall; thence along the west side of said wall north thirty three degrees fifteen minutes east seven chains and seventy seven links; thence along the wall south eighty one degrees east ninety one links to the corner thereof; thence north eighteen degrees east seventy eight links to a corner near the east side of the barn belonging to General **JOHN BRUSH**; thence along the fence south eighty one degrees and five chains and fifty eight links to the corner of the fence; thence south twenty three degrees forty five minutes west two chains and sixty eight links to a stone set in the ground and marked; thence in range of a ditch north eighty nine degrees east eight chains and fifty eight links to a stake set in the ground thirteen links southward of a Swamp Oak tree; thence in range of said tree north twenty five degrees thirty minutes east four chains and thirty one links to the corner of the wall; thence north thirty degrees east five chains and seventy four links along the wall; thence north twenty six degrees east three chains and eighty links to the middle of the wall at or near the corner of the farm of **HENRY DAVIS** aforesaid; thence north thirty degrees east five chains to the place of beginning.

Containing two hundred and twenty five acres three rods and eight perches and also all the other piece of land situate with town of Hyde Park in the county of Dutchess being part of lot No. 5 in a subdivision of lot No. 7 in the first division of the great Nine Partners patent.

Beginning at the southeast corner of No. 4 and southwest corner of lot No. 5 as aforesaid; thence as the magnetic needle now points from a stone set up marked DI 1787 north two degrees fifteen minutes west thirty one chains to a stone set up marked DI 1787; thence south eighty three degrees east sixteen chains and twenty five links to a stone set up

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marked R. W.; thence south two degrees fifteen minutes east thirty one chains to a corner in the wall and sapling marked around it; thence north eighty three degrees west sixteen chains and twenty five links to the place of beginning.

CONTAINING forty nine acres two rods and thirty six perches together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

AND also all the estate, right, title, interest, property, possession, claim, and demand of the said parties of the first part and also the said **PETER EVERETT, ABRAHAM LANSING,** and **ESTHER** his wife, **JOSEPH STURGES,** and **POLLY [STURGES]** his wife, **MOSES SOPER, ABRAHAM SOPER, PETER SOPER, DAVID SOPER, STEPHEN CLEVELAND,** and **JOHN WILSON,** and **CATHERINE [WILSON]** his wife, or of any or either of them, of, in, and to the same and every part and parcel thereof with the appurtenances as far forth as the said parties of the first part as commissioners as aforesaid have power and authority to grant and convey the same.

TO HAVE AND TO HOLD the said hereby granted premises and every part and parcel thereof with the appurtenances unto the said party of the second part, his heirs and assigns, to the sole and only purpose scratch proper use and benefit and behoove of the party of the second part, his heirs and assigns forever in as full and ample a manner as the said parties of the first part to these presents ought to lawfully grant and convey the same by these presents.

In witness whereof the said parties of the first part to these presents have hereunto set their hands and seals the day and your first above written.

HENRY CONKLIN {seal}
JOHN ADRIANCE {seal}
ABRAHAM G. STORM {seal}

Sealed and delivered in presence of

J. VAN BENTHUYSEN

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