## Cumberland County Maine Indexing Deed Project Sample Agreement Deed and Translation by Carol P. McCoy, Ph.D.

Jonathan Bradbury et al. to each other, Exec. 1765; Recorded 1767 (Cumberland Deeds 6:45-47)

Below is a copy of an agreement deed that does not appear in the Cumberland County Index. The photo shows the deed as it appears in the original large Deed Book Vol. 6 pages 45-47. These old volumes are stored in the attic of the Courthouse, but can be retrieved for our indexing project.

The translation shows original spelling and grammar as best as I can read it. There are often no commas between names. Capitalization seems random. Words are broken up on two lines with no hyphens.

This wordy document is an agreement between the heirs of Theophilus Bradbury (deceased) who want a legal deed showing that they have partitioned his estate. We don't know where the land is, but we know the parties live in Newbury Port, MA & Falmouth, ME. Reading the first section enables you to read later sections more easily. The writer has an unusual "A" which looks similar to a small "n." Even though there are five parties mentioned, it is considered a quadripartite deed—Samuel Greenleaf's wife Ann doesn't seem to count as a party even though she is mentioned throughout the deed.

DETECTS we Sonathan Bradbury Shipwright Sam Greenleaf Gent. I amon my wife Wymond Bradbury Conster all of Newbury Port in the County of Elsex & Theophilus Bradbury of Falmouth in the County bumberland Gent by our Deed being our Indenture Lundriguer tite ander our Hands & seals Dated aug 31" 1765 Did make Partition of the Preal Vistate In Houses Land's Tenenements & Heridittiments whereog Father Theorhilus Borne bury Late of Newbury Port afores and mari ner Dect intestate, Died Seized which Decended & barne to us no his Children & Heins Heins Heing to the Law of the Frovince of the maker chusets Brug in This Case Provided, as well as of all the Preal what In Houses Lands Tenoments or Heriditimorits, Deeds whereof has Been Executed to us Since our said Fathers Decease as His Children & Heirs But for want of some Progres words of Inheri tance it may be heren ter Questioned whether said Deed was Doing Doto make any Thing more than a Partien or Division for Live Now Throw all Men by There Gresents that it was I we do Hereby Declare it tobe our Frue Intent & meaning that said Sonathan should Have Hold the Part therein to Him set off a Divided to him & his Heirs forever & that the said Sam & non his were should have

I Tale the Port therein to Her set of Divided to her & her heurs forever & that the vice Wagmond Should have & Hole the Pourt therein to Rim set off Divided to Rim & his Heirs forever, that the said Theographilus whoule Howe & Role the Part therein to Him set of & Divided to Him & his Reurs forever as a Good Porfeet & Absolute Vistate in fee Simple & acordingly we the vaid Sam & ann my wife Thymone & Theophilus do Rereby Grant Prelense & Confirm to said Ionathan his Heirs & afsigns forever all our Right Fitte Interest & Estate in & to the Lands Tenements or Hericettaments in said Deed to Hum the said Sonathan set of & Divided & we do Hereby forown selves our Heirs Excell & admire. Covenant Grant & rigree to & with the vaid Sonathan, that he his heirs & xecut admir or assigns onny & shall at all Times hereafter Quietly & Peaceably hole Sopels Occupy & Improve the same without any Let Hindrance Frouble or Molestrition from us or our Heirs or from any Person or Persons Claiming by from or who er us or them \_ Ilno we the said Tonathan Wymone & Theophilies do Hereby Grant Releas & Confirm to Him the said sam & ann his wife & her Heirs forever allows Pright Fitle Interest & Estate in & to the Lands Tenements or

Hired itta ments in said Deed to Said Sam & annhis wefe & in her Pright Set of a Divided & we do Hereby for ourselpes our Hun Executors Covernant Growth & rigree to & with the said som & Ann his wife that they & Her Heurs Execut Romin oralsigns my & shall at all Times hereafter Luietly & Teacably Hold Topsels Occupy a Improve the same without any Let Frouble Hindrance or Molestration from us or over Heurs or from my Person or Persons Claim ing by from or Under woor them - Und we the Said Sonathan Sam warm his wife & Theophilus do Hereby Grant Belease & Confirm to Him the said Wymond & his heirs forever all our Right Title Interest & Estate in & to the Lands Genements or Heridittaments in said Dece to Him the said Wymond set off & Divided & wed a hereby for our selves our Levis Execuitors & Moministrators Grant Covenant & Rigree to w with the said Wymond that he his Heirs Boccus Romin ora signs shall a may at all Times Hereafter Quietly & Peauably have how Poses Compy & Improve the same without any Let

Frouble or molestation from us oroun Heurs by or from they Person or Fersons blauming by from or under usor Thom Und we the said Sonathan Sam's and his wife a Wymond do Hereby Grunt release & Conform to him the said Theophilus & his Hiers forever all our Right Title Interest & Estate in & to the Lands Teneminents or Heridittaments in said Deed to Him set off & Divided wive do hereby for our selves our Heirs Execut. & Romin, Grant Covenant & agree to & with the said Theophilus that he his Heirs becel flower or afsigns shall & may ut all Jimes forever Hereafter Quetly & Peace ably have hole Posels Occupy & Improve the same without any Let Fromble Hendrance or molestation from us or our Heirs or any Lerson or Persons Claiming by from or under us or them and In Witness of the Premibes we the Said Sonathan Sam sann my wife Wymond & Theographilus have herewato let our hand I Jenl's this twelfth Day of Oet AD U/65 Tonathan Bradbury Leal Lynd Leal of Delive Inm Greenlea In Gresen ce of us Dudley Athons Butting Burtlet Theophilus Bradburg Thewithin Thomhilus Brad bury & Cumberland & Salmouth Od Executed the fore going Instrument 12th 1765 the withurnsumed In Fresence of w broch Freeman Wheophilus Bradbury Retriow Enoch Freeman Just I ledge the forewritten Instrument to be his free Mit & Deed Goram Enoch Freeman Just Jacis Possex & Mudury Fort Oct 21 1765 Then the within marmed Tomathan Bradbury Som brewnlenge & ann his wife & Wy mard Bradbury Forson by Appended & Achnowledged the within Instrument by Them Signed to be their Voluntary Act & Deed — before Dudley Ashins Sus. Out:

6 fsex fs Fred on Precord Oct 21 1765 Precorded Lib 117 Gol? & c.

i & commend \_ Attest John Higginson Reg —

Pred — 10 the April 1767 & Orecorded from the Original

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## **Translation of Cumberland Deed 6:45**

Whereas we Jonathan Bradbury Shipwright [,] Saml Greenleaf Gentn. & Ann my wife [,] Wymond Bradbury Coaster all of Newbury Port in the County of Essex & Theophilus Bradbury of Falmouth in the County of Cumberland Gentn. by our Deed being our Indenture Quadripartite under our Hands & seals Dated Aug 31 1765 Did make Partition of the Real Estate in Houses Lands Tenements & Heridittiments whereof our Father Theophilus Bradbury Late of Newbury Port aforesaid mariner Dec intestate, Died Seized which Decended & Came to us as his children and Heirs according to the Law of Province of the Massachusets Bay in This Case Provided, as well as of all the Real Estate In Houses Lands Tenements or Heridittiments, Deeds whereof have Been Executed to us Since our said Fathers Decease as His Children & Heirs But for want of some proper words of Inheritance it may be hereafter Questioned whether said Deed was Designed to make any Thing more than a Partion (sic) or Division for Life Now Know All Men by These Presents that it was & we do Hereby Declare it to be our True Intent 7 meaning that said Jonathan should Have & Hold the Part therein to Him set off & Divided to him & his Heirs forever & that the said Saml & Ann his wife should have & Hold the Part therein to Her set of & Divided to her & her heirs forever & that the said Wymond Should have & Hold the Part therein to Him set off & Divided to Him & his Heirs forever, that the said Theophilus should Have & hold the Part therein to Him set of & Divided to Him & his Heirs forever as a good Perfect & Absolute Estate in fee Simple & accordingly we the said Saml & Ann my wife [,] Wymond & Theophilus do Hereby

Grant Release & Confirm to said Jonathan his Heirs & assigns forever all our Right Title Interest & Estate & to the Lands Tenements or Heridittaments in said Decd to Him the said Jonathan set of & Divided & we do Hereby for our selves our Heirs .Execu. & Admin. Covenants Grant & Agree to & with the said Jonathan, that he his heirs Exec. Admin. or assigns may & shall at all Times hereafter Quietly & Peaceably hold possess occupy & improve the same without any Let Hindrance Trouble or Molestation from us or our Heirs or from any Person or Persons Claiming by from or under us or them—-And we the said Jonathan [,] Wymond & Theophilus do Hereby Grant Releas & Confirm to Him the said Saml & Ann his wife & her Heirs forever all our Right Title Interest & Estate in & to the Lands Tenements or Heredittaments on said Deed to said Saml & Ann his wife & on her Right set of & Divided & we do Hereby for ourselves our Heirs Executors and Administrators Covenant Grant & agree to & with the said Saml & Ann his wife that they & Her Heirs Exec. Admin. or assigns may & shall at all Times hereafter Quietly & Peaceably Hold Possess Occupy & Improve the same without any Let Trouble Hindrance or Molestation from us or our Heirs or from any Person or Persons Claiming by from or under us or them—-And we the said Jonathan [,] Saml & Ann his wife & Theophilus do Hereby Grant Release & Confirm to Him the said Wymond & his heirs forever all our Right Title Interest & Estate in & to the Lands Tenements or Heridittaments in said Deed to Him the said Wymond set off & Divided & we do hereby for our selves our Heirs Executors & Administrators Grant Covenant & Agree to & with the said Wymond that he his Heirs Execu. Admin. or assigns shall & may at all Times Hereafter Quietly & Peaceably have hold Possess Occupy & Improve the same without any let Hindrance Trouble or molestation from us or our Heirs or by or from any Person or persons Claiming by from or under us or Them—-And we the said Jonathan [,] Saml & Ann hiw wife & Wymond do Hereby Grant Release & Confirm to him the said Theophilus & his Heirs forever all our Right Title Interest & Estate in & to the Lands Tenemiments (sic) or Heridittaments in said Deed to Him set off & Divided & we do hereby for our selves our Heirs Execut. & Admin. Grant Covenants & Agree to & with the said Theophilus that he his Heirs Execu. Admin. or assigns shall & may at all Times forever Hereafter Quetly & Peaceably have hold Possess Occupy & Improve the same without any Let Trouble Hindrance or Molestation from us or our Heirs or any Person or Persons Claiming by from or under us or them—-

And In Witness of the Premises we the said Jonathan [,] Saml & Ann my wife [,]								
Wymond & Theophilus have hereunto set our hands & seals this twelfth Day of Oct AD								
1765———-								
Signed Seal'd & Deliver'd	}	Jona	than Bradbury (seal)					
in Presence of us	}	Sam	Saml Greenleaf (seal)					
Dudley Atkins	}	Ann Greenleaf (seal)						
Cutting Bartlet	}	Wymond Bradbury (seal)						
		Theophilus Bradbury (seal)						
		<b>-</b>						
The within Theophilus Bradbury		}	Cumberland Falmouth Oct					
Executed the foregoing Instrument		}	12th 1765 the withinnamed					
In Presence of us—Enoch Freeman		}	Theophilus Bradbury Acknow					
Enoch Freeman Junr			ledge the forewritten Instrument					
			to be his free Act & Deed					
		Corum Enoch Freeman Just. Pacis						
Essex Newbury Port Oct 2	21st 1765 Th	en the	within named Jonathan					
Bradbury [,] Saml Greenle	af & Ann his	wife &	Wymond Bradbury Personal					
ly appeared & acknowlege	ed the within	Instrum	nent by Them Signed to					
be their Voluntary Act & D	eed—-before	e Dudle	y Atkins Jus. Pac:					

Essex Rec or Record Oct 21st 1765 Recorded Lib 107 Fol. 2? & Examend —-Attest John Higginson Regr\_\_\_\_\_ Rec—- 10th April 1767 & Recorded from the Original Enoch Freeman Regr. The Current Cumberland County Deed Index does not seem to have an entry for any of these parties to this deed! There is no entry for Ann or Samuel Greenleaf, Jonathan, Theophilus or Wymond Bradbury for Vol. 6 p. 245. You would only know of this deed if you searched Vol. 6.

Our project adds five names of grantors as well as the location and dates of execution and record. The table below shows how this deed would be listed in our expanded index.

- Each grantor to each grantee receives its own line. In this way, the data can be sorted for every name.
- When there are multiple grantors or grantees, add a plus sign after the name.
- In cases of an agreement or partition involving four or more people, put a description of the group collectively in the Grantee section, i.e., "Bradbury, Theophilus, Heirs of" rather than listing the names of the Grantors all over again.
- Date Executed is often written out long hand—it is the date when they the grantors their seals.
- Date of Record is when the deed was entered into the deed books.
- Note: sometimes there are dates of acknowledgment in between these two dates—we are not capturing these dates for our project.
- Since there are two locations for the parties—Falmouth and Newbury Port, both are entered. Note: we don't know where the land is however.
- Other refers to the type of document which is an agreement

Grantor	Grantee	Location/Other	Date	Date	Vol.	Page
			Executed	Recorded		
Bradbury, Jonathan	Bradbury, Theo-	Newbury Port &	1765	1767	6	245
+	philus, Heirs of	Falmouth/Agreement				
Greenleaf, Samuel	Bradbury, Theo-	Newbury Port &	1765	1767	6	245
+	philus, Heirs of	Falmouth/Agreement				
Samuel, Ann + Bradbury, Theo-	Newbury Port &	1765	1767	6	245	
	philus, Heirs of	Falmouth/Agreement				
Bradbury, Wymond	Bradbury, Theo-	Newbury Port &	1765	1767	6	245
+	philus, Heirs of	Falmouth/Agreement				
Bradbury,	Bradbury, Theo-	Newbury Port &	1765	1767	6	245
Theophilus +	philus, Heirs of	Falmouth/Agreement				