

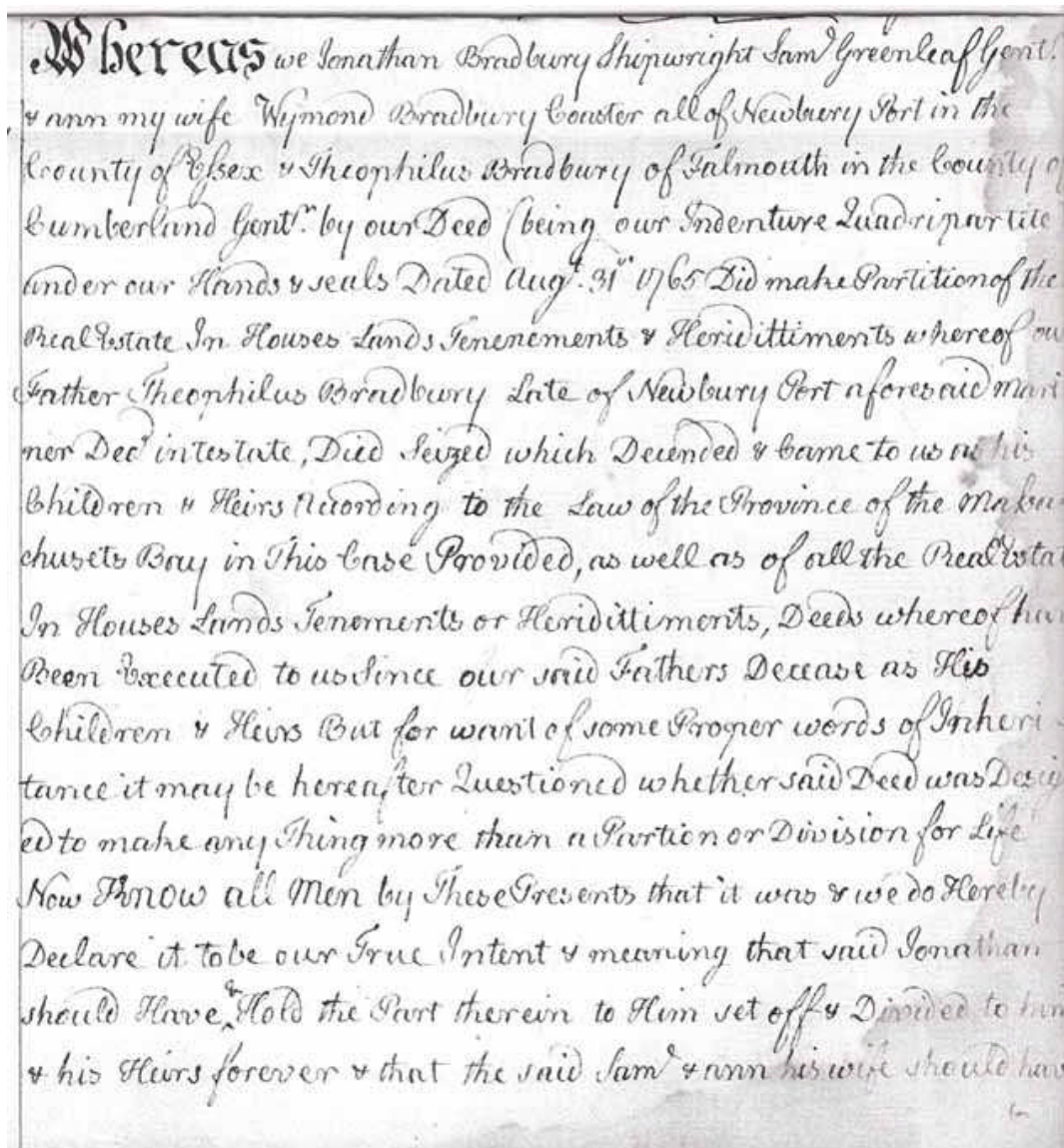
Cumberland County Maine Indexing Deed Project
Sample Agreement Deed and Translation by Carol P. McCoy, Ph.D.

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.



Whereas we Jonathan Bradbury Shipwright Sam^d Greenleaf Gent.
& Ann my wife Wymond Bradbury Couster all of Newbury Port in the
County of Essex & Theophilus Bradbury of Falmouth in the County of
Cumberland Gent^s by our Deed (being our Indenture Quadripartite
under our Hands & seals Dated Aug^r. 31st 1765) Did make Partition of the
Real Estate In Houses Lands Tenements & Hereditaments whereof our
Father Theophilus Bradbury Late of Newbury Port aforesaid man-
ner Dec^d in testate, Died seized which Dec^d & came to us as his
Children & Heirs according to the Law of the Province of the Massa-
chusetts Bay in this Case Provided, as well as of all the Real Estate
In Houses Lands Tenements or Hereditaments, Deeds whereof have
Been Executed to us since our said Fathers Decease as His
Children & Heirs But for want of some proper words of Inheri-
tance it may be hereafter Questioned whether said Deed was Desig-
ned to make any Thing more than a Partition or Division for Life
Now Know all Men by These Presents that it was & we do Hereby
Declare it to be our True Intent & meaning that said Jonathan
should Have & Hold the Part therein to Him set off & Divided to him
& his Heirs forever & that the said Sam^d & 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 off & Divided to Him & his heirs forever as a good Perfect & Absolute Estate in fee Simple & accordingly we the said Sam^d & Ann my wife Wymond & Theophilus do hereby Grant Release & Confirm to said Jonathan his heirs & assigns forever all our Right Title Interest & Estate in & to the Lands Tenements or Hereditaments in said Deed to Him the said Jonathan set of & Divided & we do hereby for ourselves our heirs exec^s & admin^s. Covenant Grant & Agree to & with the said Jonathan, that he his heirs exec^s admin^s. 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 Release & Confirm to Him the said Sam^d & Ann his wife & her heirs forever all our Right Title Interest & Estate in & to the Lands Tenements or

Hereditaments in said Deed to said Sam^r & Ann his wife & in
her Right set off & Divided & we do hereby for ourselves our Heirs
Executors ^{and Administrators} Covenant Grant & Agree to & with the said Sam^r
& Ann his wife that they & Her Heirs Execut^r Administrators
may & shall at all Times hereafter Quietly & Peaceably Hold Possessⁿ
Occupy & Improve the same without any Let Trouble Hindrance
or Molestation from us or our Heirs or from any Person or Persons
Blaming by from or Under us or them — And we the said Jonathan
Sam^r & Ann his wife & Theophilus do hereby Grant Release & Confirm to
Him the said Wymond & his heirs forever all our Right Title Inter-
est & Estate in & to the Lands Tenements or Hereditaments 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 Execut^r Admini^r
orators shall & may at all Times hereafter Quietly & Peaceably
have hold Possessⁿ 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 Sam^r & Ann his wife & Wymond do hereby
 Grant Release & Conform to him the said Theophilus & his Heirs forever
 all our Right Title Interest & Estate in & to the Lands Tenements
 or Hereditaments in said Deed to Him set off & Divided & we do hereby
 for our selves our Heirs Execut^r & Administr^r Grant Covenant &
 Agree to & with the said Theophilus that he his Heirs Execut^r Administr^r
 or assigns shall & may at all times forever hereafter Quietly &
 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 Sam^r
 & Ann my wife Wymond & Theophilus have hereunto set our hands
 & seals this twelfth Day of Oct^r A D 1765

Signed Seal'd & Delivered
 In Presence of us
 Dudley Atkin
 Cutting Bartlet

Jonathan Bradbury (Seal)
 Sam^r Greenleaf (Seal)
 Ann Greenleaf (Seal)
 Wymond Bradbury (Seal)
 Theophilus Bradbury (Seal)

The within Theophilus Bradbury } Cumberland's Falmouth Oct^r
 Executed the foregoing Instrument } 12th 1765 the within named
 In Presence of us Enoch Freeman } Theophilus Bradbury Acknow-
 Enoch Freeman Just^r } ledge the foreritten Instrument
 to be his free Act & Deed
 Enoch Freeman Just^r & Clerk

Essex Newbury Port Oct 21st 1765 Then the within named Jonathan
 Bradbury Saml Greenleaf & Ann his wife & Wymond Bradbury Persons
 by appeared & acknowledged the within Instrument by them signed to
 be their Voluntary Act & Deed — before Dudley Atkins Jus. Pac.
 Essex Recd on Record Oct 21st 1765 Recorded Lib. 107 Fol. 2^{ve}.
 & Examend — Attest John Higginson Regf —
 Recd — 10th April 1767 & recorded from the Original
 J. Enoch Treeman Regf.

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 Massachusetts 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 Hereditaments 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 }	Jonathan Bradbury (seal)
in Presence of us }	Saml Greenleaf (seal)
Dudley Atkins }	Ann Greenleaf (seal)
Cutting Bartlet }	Wymond Bradbury (seal)
	Theophilus Bradbury (seal)

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 21st 1765 Then the within named Jonathan
Bradbury [,] Saml Greenleaf & Ann his wife & Wymond Bradbury Personal
ly appeared & acknowleged the within Instrument by Them Signed to
be their Voluntary Act & Deed—before Dudley 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 Executed	Date Recorded	Vol.	Page
Bradbury, Jonathan +	Bradbury, Theophilus, Heirs of	Newbury Port & Falmouth/Agreement	1765	1767	6	245
Greenleaf, Samuel +	Bradbury, Theophilus, Heirs of	Newbury Port & Falmouth/Agreement	1765	1767	6	245
Samuel, Ann +	Bradbury, Theophilus, Heirs of	Newbury Port & Falmouth/Agreement	1765	1767	6	245
Bradbury, Wymond +	Bradbury, Theophilus, Heirs of	Newbury Port & Falmouth/Agreement	1765	1767	6	245
Bradbury, Theophilus +	Bradbury, Theophilus, Heirs of	Newbury Port & Falmouth/Agreement	1765	1767	6	245