

Montgomery County (NY) Clerk, Fonda, NY

Deed Book 36 p.410,411 Sept. 22, 1835

This Indenture made the twenty-first day of September one thousand eight hundred and thirty five Between John Walrath Junior, & Elizabeth his wife of the first part, and Archibald Walrath of the second part. Witnesseth, That the said parties of the first part, in consideration of nine hundred dollars to them duly paid, have sold, and by these presents do grant and convey to the said party of the second part, All that certain parcel on village lot situate lying and being in the village of Fort Plain & known and distinguished as lot number 43 on a map of village lots of said village in possession of P. J. Waggoner said lot is as found on said map sixty feet in one direction & one hundred & twenty feet in another direction parallel with R. Crouse's southerly line at Fort Plain Village & is more particularly located & bounded as follows, viz., (namely, that is to say) south east by Division Street, on the south west by village lot number 44, on the north west by the line aforesaid of Robert Crouse and on the north east by Centre Street, Excepting and reserving from said lot thirty feet on the westerly side thereof formerly conveyed by Hollum-Sheldon ??? to D. C. Ellis or Voorhees & Ellis. The above description of the land by this deed intended to be conveyed is taken from another deed thereof from said Hollum-Sheldon & Margaret his wife to John J. Walrath bearing date the eleventh day of April 1835. Recorded in the Clerk's Office of Montgomery County 14<sup>th</sup> April 1835 in book of deeds 36 page 244 (initials?) And this deed is intended to convey to the party of the second part the same land mentioned in the above recited deed & the same estate only as is thereby conveyed to said John J. Walrath in the said deed before recited, the party of the first to these presents having come to the possession & estate of or in said lands by the death of his said son, the said John J. Walrath intestate & without leaving lawful descendants but leaving his father the said John Walrath Junior living: There is a mortgage on this land owned by Voorhees & the parties of the first part are to pay up & satisfy the same & this conveyance is not subject to said mortgage & said party of the second part is to have the right to pay said mortgage & have the amt thereof endowed on his mortgage given said party of the part with the appurtenances and all the estate, title and interest of the said parties of the first part therein. And the said parties of the first part do hereby covenant and agree to and with the said party of the second part that the above granted premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns against every person whomever they will Warrant and forever Defend. In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

John Walrath Jun. (seal) Elizabeth Walrath (seal)

Sealed and delivered in the presence of E.S. Capron as to John Walrath. I. Ashbel Loomis, State of New York, Montgomery County LS. I. Ashbel Loomis Commissioner of deeds in and for said County do certify that on the twenty second day of September in the year of our Lord one thousand eight hundred and thirty five before me came John Walrath junior & Elizabeth his wife to me known and they acknowledged that they had executed the within deed for the use & purposes therein mentioned and the said Elizabeth being by me examined privately and apart from her husband did acknowledged that

she had executed the within deed for the use and purposes therein mentioned, and that she executed the same freely without and fear, threat or compulsion of her said husband. Ashbel Loomis

Recorded 22 September 1835 at 3 O'clock P.M. R. H. Cushing Dep. Clk.

Comment: The property conveyed to Archibald Walrath, by John Walrath, Jr. and his wife, Elizabeth was acquired from their son, John J. Walrath, who died without leaving a will or legal descendants. John J. Walrath acquired the land in April 1835. Because this deed is dated September 1835, the son, John J. Walrath, must have died within 5 months of acquiring it.