

57/21

Articles of agreement made and concluded this  
fourth day of September Anno Domini Seventeen hundred  
and forty one and in the fifteenth Year of the Reign  
of King George the Second Over Great Brittain &c.  
Between Benjamin Hilyard and Timothy Hilyard Both  
of Hampton Falls in the Province of New Hamps<sup>e</sup> in  
New England Yeomen, and Joseph Chase Hilyard of  
the Parish of Kensington in the Province aforesaid Yeoman  
**Witness** That Whereas the Said Benjamin Hilyard had Given  
him by his Grandfather Timothy Hilyard one third part  
of his said Grandfathers Homestead Upland Meadow Ground  
Salt marsh and Orchard &c: And also had Given him  
by his father Benjamin Hilyard one third part of  
twenty Acres of Land which his Said father Bought  
of Israel Blake, and also one third part of his pasture  
By Capt: Siltons, and one third part of his Marsh at the  
Clam Banks &c: And whereas the Said Timothy Hilyard  
and Joseph Chase Hilyard had Given them by their father  
Benjamin Hilyard each of them one half of their Said fathers  
Homestead that was their Grandfathers, and ~~and~~ Each of them  
one third of his other lands in Hampton Falls &c: As  
may appear by his last Will and testament And by the  
Last Will of their Grandfather. Now we the Said parties  
to these presents have agreed on a Division of the home  
place Including the twenty Acres Bought of Israel Blake  
above mentioned, and also of the pasture by Capt: Siltons  
and the Marsh at the Clam Banks aforementioned As  
follows (Viz) of the home place the Said Benjamin Hilyard  
to have his part in two pieces Bounding as follows (Viz) one  
piece Beginning at Bachelers way so called at the Dividing line  
Between Bachelers land and Hilyards land And running upon Said  
Line Seventy Rods to a Stake Set up, and from thence to Run  
South twenty degrees East forty Eight Rods and ten links of a  
Chain to a Stake, and from thence to Run South Six degrees  
and a half East thirty Seven Rods and ten links of a Chain  
to a Stake, and from thence to Run South sixty three degrees  
and a half West Sixty five Rods and a half to a Stake at  
Bachelers way, and so by said way to the first Bounds.  
And the other piece Beginning at an apple tree And running  
from thence North Seventy Six degrees East Eighty five Rods  
and Six links of a Chain to Taylors River so called and then

And then to follow the River to the mouth of Grape vine Run so called And from thence to Run South twenty Eight degrees West twelve Rods & Seven links of a Chain to a white oak And from thence to run South forty one degrees East twenty Rods and Eleven links of a Chain to a white oak And from thence to run South forty Eight degrees West thirty rods and ten links of a Chain to a Stake And from thence twenty four rods to the first bounds. Which two pieces as above expressd and Bounded the Said Benjamin Hilyard agreeth to take as his full part of the homestead Given him by his Grandfather and his part of the twenty Acres Bought of Israel Blake Given him by his father And doth by these presents for himself his heirs Executors and Administrators Remise Release and Quit Claim to Any further Demand on Account of y<sup>e</sup> Same.

And the Said Joseph Chase Hilyard for his part of the Homestead and of the twenty Acres Bought of Israel Blake Aforementioned is to take Eighteen Acres and three quarters of Land which Benjamin Hilyard and Timothy Hilyard parties to these presents Bought of Moses Blake Lying Adjoyning upon the Southerly Side of the Homestead that was their fathers And from the Southerly Side of the Homestead that was their fathers to Run Northerly upon Bachelders way twenty Eight Rods, And from thence upon a Straight Course to fall upon Bachelders Ditch so called Six Rods and ten links of a Chain from Taylors River Which Said Eighteen Acres and three quarters together with what is Included by the abovementioned line to Bachelders Ditch the Said Joseph Chase Hilyard agreeth to take as his full part of the Homestead & of the twenty Acres Bought by his father of Israel Blake Aforementioned And doth by these presents Remise Release and quit Claim for himself his heirs executors and Administrators to Any further Claim and Demand on Account of the Same And we the Said Benjamin Hilyard and Timothy Hilyard for ourselves our heirs Executors & Administrators do Covenant and Agree that the Said Joseph Chase Hilyard his heirs and assigns shall enjoy the aforementioned Eighteen Acres and three quarters which we Bought of Moses Blake — aforesaid as part of his share of the homestead And do by these presents remise release And forever quit Claim to Any Demand for the Same And the Said Timothy Hilyard for his part of the Homestead and twenty Acres Bought of Israel Blake Aforementioned is to have the Remainder that is not included in Benjamins and Joseph Chase's parts as Aforementioned & Specified

158

And for the Division of the Pasture by Capt. Tiltons the Said Benjamin Hilyard is to have his part on the Southerly Side of the Same adjoining to Capt. Healy's land And is to have in in quantity one Acre less than a third part of the Whole And the Remainder to be Divided Equally And the Said Timothy Hilyard to have the Notherly half: And the Said Joseph Chase the Southerly Between Benjamins and Timothy's parts.

And for the Division of the marsh at the Lambanks it is Agreed that the Said Benjamin Hilyard shall have his part Being one third part of the whole And a third part of the Remaining two thirds, on the Notherly End of the Same And the Said Timothy Hilyard And Joseph Chase Hilyard to have their parts together at the Southerly end thereof.

And it is further Agreed by the Said Timothy Hilyard & Benjamin Hilyard that whereas in the Division of the home place the Said Timothy's land falls Between the two pieces that fall to Benjamins part: Therefore that the Said Benjamin his heirs Executors & Administrators Shall & may from time to time And at all times As there shall be Occasion pass & repass from one piece to the Other thro the Said Timothy's part Without Any molestation Denial or hindrance. And this We the Said Benjamin Hilyard, Timothy Hilyard And Joseph Chase Hilyard And each of us for our Selves our Heirs Executors & Administrators do Covenant & Agree Shall be a final Settlement Division & Determination of the premises And that We & each of us Will Stand by Observe perform and keep Every Article And Clause in this Agreement According to the true intent And meaning thereof: In Witness whereof We have hereunto Set our hands and Seals the day of the date Aforewritten

Signed & Sealed in  
presence of

Me<sup>rs</sup> Weare

Elizabeth weare

Benj<sup>l</sup> Hilyard

Timothy Hilyard

Joseph Chase Hilyard

Agreement between  
the Hilyards

Province of New Hampshire the within named  
Benjamin Hilyard Timothy Hilyard & Joseph  
Eliot Hilyard all personally appeared the fifth  
day of September 1741 & acknowledged their  
hands & seals & the within written Instrument  
to be their voluntary act & deed —  
before me Nathl. Wood Justice of peace

The Hilyard's  
Agreement

pd: 10

Pro: New Record In Lib. 25

Hamp<sup>s</sup> fol: 370-371 & 372-

Nov. 9<sup>th</sup> 1741 p Josh: Peirce Reg<sup>r</sup>:

pd 10/10