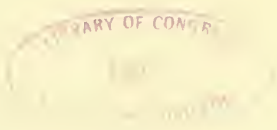


Suffolk Co., Mass.

# SUFFOLK DEEDS.

LIBER VI.

1668 - 1672



BOSTON:  
ROCKWELL AND CHURCHILL, CITY PRINTERS.

1892.

5

power force strengt<sup>h</sup> & virtue any thing herein Contained, to the Contrary thereof in any wise not withstanding In Wittnes whereof the sajd William Towers & Leah his wife haue hereunto set their hands & seales the seauen & Twentet<sup>h</sup> day of Janua<sup>ry</sup>, in the yeare of Our Lord One thousand six hundred sixty Eight sixty nine, Annoq<sup>e</sup> Regnj Regis Carolj secundj vicessimio

the signe of

Signed sealed & deliuered

in the presence of

Richard Woodde

Thomas Gross

William Pearse ser

William **W** Towers & a seale

Leah **L** Towers

hir signe & a seale

This instrument was Acknowledged January the : 28: 1668 : by William Towers & Leah his wife

Before : Edward Tyng Assist:

Entered & Recorded word for word & Compared with the Originall this 12. day of Marc<sup>h</sup>: 1668<sup>g</sup>:

As Attests : Edw: Rawson Recorde<sup>r</sup>

This Mortgage was taken off by John Hunt & Ann his now wife y<sup>e</sup> Late widdow Carter in p<sup>r</sup>sence of M<sup>r</sup> Habackkuck Glouer & James Taylor this 2 of March 167<sup>1</sup>/<sub>2</sub> as Attes<sup>ts</sup> thre Grace Bendall Cler.

[21] This Indenture made, the twenty ninth<sup>h</sup> day of April, in the yeare of our Lord One thousand six hundred ffifty six, Betweene Edward Tyng of Boston in new England, in the Count<sup>y</sup> of Suffolke merchent, William Coleborne & James Penn of the same Ruling Elders of the Chure<sup>h</sup> of Boston Guardians & ouerseers, for the Children of Captaine William Tyng deceased as b<sup>y</sup> the last will & Testamen<sup>t</sup> of him the sajd Captaine William Ting, they are nominated soe by the County of Suffolke, thereunto Appointed of the one part, And John Bateman & Josuah Scottow of Boston aforesajd Gardens for the time being to the Company body & Societ<sup>y</sup> of the water works Apperteyning or belonging to the Cu<sup>d</sup>dit in the street now called or knowne by the name of Cundit street, & their successors in the same Office & place as aforesajd on the Other part Wittnesseth, That whereas the sajd Captaine William Tyng in the time of his life in the yeare of Our Lord one Thousand six hundred fforty nine, did by a verball agreement, Giue Grant bargaine & sell vnto James Euerill one of the sajd Company & Socie<sup>ty</sup> aforesajd & the sajd Josua<sup>h</sup> Scottow in the name & behalfe as of themselues, soe in the behalfe & to & for the vse &

benifitt of the neighborhood or Company in partnership or proprieto<sup>rs</sup> in the waterworke Cundit, whic<sup>h</sup> then was to bee erected by the neighborhood & Company aforesajd, Free liberty to digg find out erect & set vp one fountaine well head spring, one or more within his Land or pasture ground, scittuate lying & being on the wes<sup>t</sup>ormost side, of his then dwelling house in Boston aforesajd, as also from the sajd well or wells fountaine,

Edward Tyng  
William Coleborne  
& James Penn  
To the Company  
that leases the  
waterworks, for  
the heires of W<sup>m</sup>  
Tyng:

taine, or fountaines to digg & trenc<sup>h</sup> thorow the sajd Pasture Ground, to lay downe suc<sup>h</sup> Pipes or water worke, Conueyances as should bee necessary for the Carrying or conueying water from the aforesajd fountaine or fountaines well or wells, vnto suc<sup>h</sup> place as the sajd neighborhood & Company should see Conuenient for the Erecting of a Cundit or waterworks, To & for the only vse & benifit of themselues their heires Executo<sup>rs</sup> assignes & successo<sup>rs</sup> foreuer vpon suc<sup>h</sup> considerations as is hereafter Expressed with power also & free libert<sup>y</sup> to pass & repass when occasion should bee for the Erecting building or setting or setting vp of the sajd fountaine or fountaines in & vpon the sajd pasture Ground & bring in either by Cart or Otherwise, all suc<sup>h</sup> timber pipes or Other necessaries, for the accomplishment of the sajd worke, as also for the keeping thereof in repaire, To which End, of repairing & maintaining the same, they & euery of them, wit<sup>h</sup> their assignes & workemen, are to haue liberty at any time when need shall require, to digg for the taking vp & new laying of pipes or any Other Timber, stone or any Other necessaries in or about the sajd well or wells fountaine or fountaines, w<sup>th</sup> liberty to digg for one or more fountaines, or well heads as shall bee needfull for the future, for their further supply of water as occasion & need shall require from time to time, Prouided that they the sajd neighborhood & Company their assignes & workemen, leaue the fence or fences as they found them, And whateuer damage should at any time bee vnto the sajd Pasture ground, done through their neglect for want of their making vp the fence, or leauing the Ground as they found it, or shutting gates the<sup>y</sup> the sajd wardens to make it good, And whereas the sajd James & [Josua<sup>h</sup> [22] Josuah in the name & behalfe of the sajd neighborhood & Company of Proprieto<sup>rs</sup>, were engaged to pay or cause to bee pajd, vnto the sajd Capt: William Tyng his heires Executo<sup>rs</sup> Administrato<sup>rs</sup> & assignes, for & in Consideration of all & singular the premisses for euery suc<sup>h</sup> family or families, as then were or after should bee renters or proprieto<sup>rs</sup> in the water works aforesajd twelue pence euery yeare & soe to Continue foreuer, but the sajd

bargain not completed by the said Captaine William Tyng  
 in the time of his life by any writting or deed, And Whereas  
 afterwards by an Act of the Generall Court of Election held  
 at Boston the twenty sixt of may, in the yeare of our Lord  
 one thousand six hundred fifty two, In Answer to the Pe-  
 tition of the aforesaid James Everell & Josuah Scottow as  
 also William Hudson Hannah Hanbury, Edmund Jackson,  
 William Cotton John Low, Leonard Buttles Thomas yeaw,  
 Richard Norton, John Bateman & William Awberry, in be-  
 halfe of the tenn vndertakers of the jronworks possessing the  
 right of Vallantine Hill, & Joseph Wormhill, it was Ordered  
 & Enacted, that from hence forth the said inhabitants afore-  
 mentioned should bee a Corporation & incorporated into one  
 body or Company, & yt it shall & may bee lawfull for the  
 said Company yearely to Elect, two of the proprietors of the  
 said body, to bee Wardens & masters of the said Water-  
 works, for that insuing yeare & noe longer, without a new  
 Election who shall take Order for the due payment of their  
 Annuall rent, to m<sup>r</sup> William Tyng according to their Cou-  
 enant & agreement w<sup>th</sup> him with severall Other things Ex-  
 pressed, & manifested in the said Order, as Appertaining to  
 the said Wardens place & office, Therefore now further know  
 yee that the aforesaid Edward Tyng, William Coleborne &  
 James Penn Gardens & Ouerseers for the Children of Capt:  
 William Tyng, deceased as aforesaid for & in Consideration  
 of the payment of the aforesaid Annuall rent, of twelue  
 pence a family for euery family, that is or hereafter shall  
 bee a renter or proprietor, in the waterworke aforesaid, the  
 nature of y<sup>e</sup> pay & time of the payment to bee as hereafter  
 is Expressed, Haue giuen granted bargained & sold, remised  
 released & Confirmed, And by these p<sup>r</sup>sen<sup>ts</sup> doe giue grant  
 bargain sell, remise release & Confirme vnto the said John  
 Bateman, & Josuah Scottow Wardens for the time being, to  
 to the Company body & Society of the water works as afore-  
 said in behalfe of themselves & Company, to & for their vse  
 & benefitt, & to & for the vse & benefitt of the said Company  
 & partnership, or proprietors of the waterworke Conduit  
 which said Conduit vpon the aforesaid Verball Couenant,  
 or agreement w<sup>th</sup> the said Captaine William Tyng, was by  
 the said proprietors & Company Erected & set vp, w<sup>th</sup> free  
 liberty to digg find out erect & set vp one fountaine well  
 head spring, or more w<sup>th</sup>in the said Land or pasture ground  
 Scituate lying & being on the westermost side of the said  
 dwelling house, that was the house of the said William Tyng  
 in Boston aforesaid, As also from the s<sup>d</sup> well or wells foun-  
 taine or fountaines to digg & trench thorow the said paster  
 ground to lay downe sue<sup>h</sup> pipes or waterworke Conueyances

as shall bee necessary, for the Carrying or Conueying water from the sajd fountaine or fountaines, well or wells, vnto the place of the [Conduit [23] Conduit now erected, or any Other place where the sajd Wardens for the time being or their Successors is sajd office & place of wardenship or Company aforesajd shall see Conuenient for their further supply of water, as the sajd Company shall increase, & their necessary & needfull occasions shall hereafter from time to time require, To Haue hold vse Occupie Posses & Enjoy, the whole & sole bennifitt thereof to themselues their heires Executto<sup>rs</sup> assignes & successo<sup>rs</sup> foreuer, Wit<sup>h</sup> free liberty to pass & repas when occasion shall bee, & need soe require in & vpon the Pasture ground, for any worke to bee done about the sajd fountaine or fountaines, & to bring in, either by Cart or Otherwise, all such timber pipes or Other necessaries for the Accomplishment of the sajd worke, as also for the keeping thereof in repaire To which the sajd Edward Tyng William Coleborne & James Penn doe by these presents further Couenant & grant to & wit<sup>h</sup> the sajd Wardens for the time being their successors & Company aforesajd, That they the sajd Wardens & Company & euery or any of them, wit<sup>h</sup> their assignes & workemen, shall & may haue liberty at any time to dig for the taking vp & new laying of pipe<sup>s</sup>, or any Other timber stone or Other necessaries, in or about the sajd well or wells fountaine or fountaines, as also to sear<sup>h</sup> for more springs, & Conuey them to their Conduit as their sajd Company shall increase & need shall require, wit<sup>h</sup>out any the let interruption, suite molestation or deniall of them the sajd Edward Tyng, William Coleborne, & James Penn, or their assignes or the heires of the sajd Capt: William Tyng deceased or any clayming from or vnder them or any of them, Provided & it is further Couenanted & agreed by the sajd John Bateman, & Josuah Scottow Wardens for the time being, for themselues their successo<sup>rs</sup> in the place of Office of Wardenship, & Company aforesajd, that they & euery of them their assignes & workemen, at any time when they begin any worke vpon the sajd pasture ground, according as before is Expressed, shall & will accomplish & finnish the same with all Conueynient speed, & shall leaue the sajd fence or fences as they find them, And whateuer damage shall at any time bee vnto the sajd Pasture ground done, through their or any of their neglect for want of their making vp the fence shutting gates or making plaine the Ground as they found it, They the sajd Wardens their successo<sup>rs</sup> & Company aforesajd to make it good, And the sajd John Bateman & Josuah Scottow wardens for the time being, for themselues & their successo<sup>rs</sup>, in the sajd Office & place.



of Wardenship aforesajd, doe also Couenant & agree, to & with the sajđ Edward Tyng William Coleborne & James Penn, that they the sajđ John Bateman & Josuah Scottow & their successo<sup>rs</sup>, in the aforesajd Office & place of wardenship as aforesajd shall & will on the fifteent<sup>h</sup> day of the fowrt<sup>h</sup> month called June, yearly & euery yeare, euen foreuer, faithfully pay or cause to bee pajđ vnto the sajđ guardians or Ouerseers, during the time of their Guardinship, & then to the Executrixes of the sajđ Last will & Testament of the sajđ Captaine William Tyng deceased, at the now dwelling house of the sajđ Executrixes. [in [24] in Boston 1668] aforesajd, whic<sup>h</sup> late was the house of the sajđ Captaine William Tyng the aforesajd sum of twelue pence a family, for euery famili<sup>y</sup> that maket<sup>h</sup> vse of the sajđ water, from time to time yearely, either by propriety or rent in money merchantab<sup>le</sup> wheate, mault or pease, To & for the vse of the sajđ Executrixes their heires or assignes, And in case the sajđ year<sup>ly</sup> rent shall happen to bee vnpajđ, ouer & about the space of one mont<sup>h</sup>, next & immediatly following the sajđ fifteent<sup>h</sup> day of the fflowrt<sup>h</sup> month as aforesajd, then the sajđ yearely rent soe neglected & vnpajđ as aforesajd, shall bee dumbled for that yeare, And that the sajđ Wardens for the time being & their successors in the sajđ place & Office of Wardenship aforesajd, shall & will from time to time, giue in a true Account how many families, wit<sup>h</sup> the names of the heads of suc<sup>h</sup> families, as haue the vse of the sajđ water, either by propriety or rent as aforesajd, And Last<sup>ly</sup> the sajđ John Bateman, & Josuah Scottow, the sajđ Wardens for the time being, for themselues & their successors in the sajđ Office & place of Wardenship as aforesajd doe further grant and agree. to & wit<sup>h</sup> the sajđ Edward Tyng William Coleborne & James Penn as Gardians, & Ouerseers vnto & for the sajđ Children & Executrixes of the sajđ Captaine William Tyng deceased as aforesajd, That in case the sajđ Company shall at any time, omitt the making choyce of new Wardens, the former wardens their heires, Executo<sup>rs</sup> or assignes shall & will pay or cause to bee pajđ, the sajđ yearely rent of twelue pence a family, yearely as aforesajd, & performe all Other Couenants, grants Articles & agreements, whic<sup>h</sup> in these present indentures on their parts is to bee performe<sup>d</sup>, fulfilled & kept according to the true intent & meaning thereof, In Wittnes whereof the sajđ parties to these present Indentures, haue interchanably put their hands & seales the day & yeare first aboue written

Edward Tyng w<sup>th</sup> a seale Appending

William Coleborne, wit<sup>h</sup> a seale Appending

James Penn w<sup>th</sup> a seale Appending. —

Signed sealed & deliuered  
& these words: videl<sup>t</sup>,  
[his] in the ninth line,  
[euer] in the thirty  
ninth lyne, [sajd] in the  
fift<sup>y</sup> third line, [&  
agree] in the sixty line,  
whereof in the last line  
enterlined before sealing  
in the presence of:

John Collens

John Swet<sup>t</sup>

John Lowell:

Entered & Recorded word for word & Compared w<sup>th</sup> the  
Originall this: 23<sup>th</sup>: of marc<sup>h</sup>: 1668

As Attest<sup>s</sup>: Edw: Rawson Record<sup>r</sup>

[25] To all Christian People, to whome this present  
writting shall come Zacharia<sup>h</sup> Phillips of Boston in the mas-  
sachusetts Colony of new England Butcher & Elizabet<sup>h</sup> his  
wife Send Greeting, Know yee that the saj<sup>d</sup> Zacharia<sup>h</sup> Phil-  
lips & Elizabet<sup>h</sup> his saj<sup>d</sup> wife, for & in Consideration of Tenn  
pound<sup>s</sup> & tenn shillings in hand paj<sup>d</sup> by John Wilmott, recid-  
ent in the saj<sup>d</sup> Boston marriner, whereof & wherewit<sup>h</sup> they  
the saj<sup>d</sup> Zacaria<sup>h</sup> Phillips & Elizabet<sup>h</sup> his saj<sup>d</sup> wife doe Ac-  
knowledge themselues, fully satisfied Contented & paj<sup>d</sup>, &  
thereof & of euery part thereof, doe Exonorate acquitt  
& discharge the saj<sup>d</sup> John Wilmott his heires Executo<sup>rs</sup> Ad-  
ministrato<sup>rs</sup> & assignes, & euery of them foreuer by these  
presents, Haue giuen granted bargained sold Enfeofed &  
confirmed, And by these p<sup>r</sup>sents to Giue grant bargain sell,  
Enfeofe & Confirme vnto the saj<sup>d</sup> John Wilmott, A parcell  
of Land in saj<sup>d</sup> Boston being Thirty foote in the front vpon  
the high way, leading vp to John ffayreweathers  
house & sixty foote backwards bounded wit<sup>h</sup> the  
Zacariah Phillips To: saj<sup>d</sup> high way northwest w<sup>th</sup> the Land of James  
Jnr: Wilmott Whiteom merchant, purchased of the saj<sup>d</sup> Phil-  
lips south west, with the Land of Richard Wharton merchant  
likewise purchased of the saj<sup>d</sup> Phillips Sout<sup>h</sup> East & north  
East, To Haue & to hold the saj<sup>d</sup> bargained premisses wic<sup>h</sup>  
all the Appurtenances thereto belonging as before bounded,  
together wit<sup>h</sup> a true Copie of the Originall deed vnto the saj<sup>d</sup>  
Phillips whic<sup>h</sup> concernes the saj<sup>d</sup> bargained p<sup>r</sup>misses wit<sup>h</sup>  
Other Land<sup>s</sup>, the same to bee written out at the saj<sup>d</sup> Wil-  
mo<sup>ts</sup> charge, vnto the saj<sup>d</sup> John Wilmot his heires & as-  
signes, To the only proper vse & behoofe of the saj<sup>d</sup> John  
Wilmo<sup>t</sup> his heires & assignes foreuer, And the saj<sup>d</sup> Zacariah