

## A Brief History of the Theodosia Carman Smith House, 2777 Montauk Highway, South Haven, NY.

BrookhavenSouthHaven.org site [ID SH09](#).

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Exactly one month before [Samuel Carman Sr.](#) died (who was said to be “unhappily addicted to intemperate habits”), his daughter [Theodosia Carman Smith](#) got a deed for a piece of property immediately east of the Yaphank Line.<sup>1</sup>

To all persons to whom this present writing shall come Greeting  
know ye that I Samuel Carmen [*sic*] Senr of Brookhaven in Suffolk County  
and State of New York for Divers good causes and considerations thereunto  
moving Do freely voluntarily and of choice give unto my well Beloved  
Daughter Theodocia [*sic*] Smith and to her heirs and assigns forever a  
certain parcel or Tract of land and meadow with all the Buildings  
on the same situate in the Town of Brookhaven . . .

The “certain parcel or Tract of land” was big.

The west boundary started on Horseblock Road<sup>2</sup> at the Yaphank Line, then ran down the Yaphank Line and Yaphank Creek to the Carmans River, then northwardly up the Carmans River, then northwardly by the lands of [Samuel Carman Jr.](#) to [Mordecai Homan's](#) land.

Then westwardly and northwardly by Mordecai Homan's land to the South Country Road, then along South Country Road and Horseblock Road to the Yaphank Line, “the first mentioned bound or point of beginning.”

There was a reservation: “Reserving a foot road on the meadow adjoining Connecticut (Carmans) River the whole length of the meadow for my Son Samuel Carmen [*sic*] and to his heirs and assigns forever.” (It was a reservation, not an exception, so Theodosia owned the soil under the foot path in fee simple, she just couldn't use it for anything other than a foot path for her brother.)

The deed is in Suffolk County Deeds *Liber L* at page 181. It is dated **21 Nov 1821** and was signed (with a mark) in the presence of [Sineus C. Miller](#) and Samuel Carman Jr.

Sineus C. Miller was also a Commissioner (notary) of Suffolk County, so three days later, on 24 Nov 1821, he writes that Samuel Carman appeared before him and acknowledged that he had signed, sealed, and delivered the said deed.

The deed wasn't recorded until 02 Jun 1829.

The deed doesn't say specifically whether there was a dwelling house already on the property. Deeds, especially the older ones, sometimes mention a house when one exists, but not always.<sup>3</sup> This deed does say “with all the Buildings” which indicates that buildings were on the parcel.

Getting a nice chunk of land didn't stop Theodosia from joining with her sister Hannah and her brother-in-law William Smith (Tangiers) to sue their brother, Samuel Carman Jr. (or, at least, Mr. Smith got them to join with him in suing their brother.) [

(There were only three children of Samuel Carman Sr. living in 1821: Hannah Smith, Theodosia Smith, and Samuel Jr.)

Mrs. Smith (Hannah Carman) and her sister, Theodosia, thought their brother, Samuel Carman Jr., had frustrated their father's original wishes regarding how his property would be distributed among his children by exercising an undue influence over him after he had prepared his Will on 07 Aug 1815.

They claimed that Samuel Carman, Sr., was “unhappily addicted to intemperate habits, especially during the latter period of his life.”

(You would think this might have put Theodosia’s deed in jeopardy if they won their case, but I guess she would have received the same land – or more – through the original Will.)

On 08 Apr 1818, Samuel the younger had persuaded Samuel the elder to sell nearly everything to him for a mere \$5,000, leaving little for Hannah and Theodosia to inherit, or, at least, leaving none of the most valuable property to them, which was clearly contrary to how Samuel the elder had intended to distribute his estate in his **Will of 1815**.

So they filed a case in [chancery court](#) on 08 Aug 1822, less than a year after Theodosia had received her large parcel, charging that their brother – and brother-in-law, Samuel the younger, had exercised an "improper and undutiful influence" over their father "for the manifest purpose of benefiting himself" and asked to have the 1818 deed declared null and void. A little over two years later, the court returned its decree in the matter. The decree dismissed the case.

The [petition to the Chancery Court](#) was to have the deed that had been executed in April 1818 declared invalid, so everything would be returned to the Estate of Samuel Carman Sr. (and, I guess, the \$5,000 Samuel Carman, Jr. would be returned to him too). Then each of the three would get the portions as specified in the Will of 1815.

But they lost, and Sam Carman Jr. got to keep all the mills and all the machinery and dye vats, etc., etc..

As we don’t have Samuel Carman Sr.’s Will, I don’t know how much better off the sisters might have been if they had overturned Sam Carman Jr.’s deed from his father of 1818.

It seems to me that Theodosia didn’t do so badly.

\* \* \* \* \*

The following 1896 article in the *Brooklyn Eagle* is about another Theodosia Smith, the daughter of the one above.

*Brooklyn Eagle*; Date: Jan 17, 1896; Section: None; Page: 7

Long Island Obituary Record

Funeral services were held over the body of Miss Theodosia Smith of South Haven last Wednesday. She was 77 years old and never married. She was buried yesterday at Greenport, where her relatives reside.

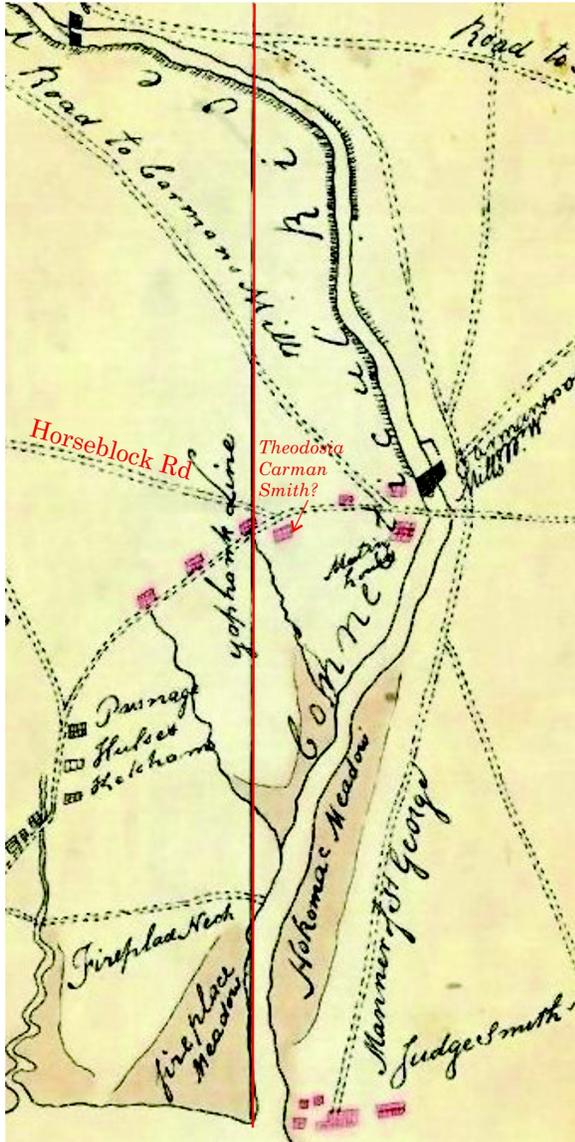
The above person was the niece of Samuel Carman Jr. and was born 14 October 1818.

So little Theodocia (or Theodosia) would have been two years old when her mother got the property immediately east of the Yaphank Line—a strip of land going from Horseblock Road all the way to the Carmans River.

## Endnotes

1. The **Yaphank Line** was a surveyor's line laid out at the time Col. William Smith (Tangier) received his patent for the Manor of St. George. The line originally started at the headwaters of the Yaphank creek and ran north (magnetic) to where it intersected the Connecticut river (now known as the Carmans river.) This line apparently later was extended north, and south clear across the Great South Bay and Fire Island to the ocean, separating that portion of the bay bottom owned by the Tangier Smiths (east of the line) from that portion owned by the Town of Brookhaven (west of the line). The location of the line can still be discerned on a Google satellite map view as obvious property boundaries and street lines. J.D.

2. In the 19<sup>th</sup> century, the south section of **Horseblock road** ran southeasterly nearly in a straight line until it terminated at South Country road not far from Theodosie Carman Smith's house. In modern times, this southeastern terminus was curved south and was made to terminate at South Country road further to the west, making room for the extension of Sunrise highway. J.D.



3. This crop from the 1797 Hulse map of the Town of Brookhaven shows the vicinity of the grant of land to Theodosie. While the north, west and south boundaries of the grant are well defined – Horseblock road, Yaphank line, Yaphank creek, Connecticut (Carmans) river, and the South Country road – the east boundaries are not – the boundaries being the properties of her brother Samuel Jr., and Mordecai Homan.

On this map, a house is identified at the end of Horseblock road on the south side of South Country road, suggesting that there was a dwelling house on the property when deeded to Theodosie in 1821. And that its construction predated 1797. The datasheet for this site (BrookhavenSouthHaven Site ID [SH09](#)), dated 15 July 1982, indicated that the SH09 dwelling house “was built for her as a wedding present by her father, Samuel Carman ....” If true (it is unourced), and since Theodosie was born in 1791, the structure identified on the 1797 map could not have been built as Theodosie’s wedding present. Theodosie’s daughter, Theodocia, was born in 1818, suggesting Theodosia Carman’s marriage about 1817, which also suggests an approximate date for the SH09 dwelling house. An 1862 account of a large forest fire includes the following: “At Fire Place, an old house owned by Mrs. Theodosia Smith, was burned.” [[Queens County Sentinel, 22 May 1862, p. 2](#)] It doesn't say it is the house where Theodosia Smith was living --- only that it is an old house she owned. This was perhaps the house which was indicated on the 1797 map. J.D.

Note: About 1935, South Country road (by then principally known as the Montauk highway, was reconstructed so as to smooth a curve in the road, thereby bypassing Theodosie’s house to the south. The original South Country road became “Old South Country road” – not without some controversy [Ref. [Patchogue Advance](#), 20 Sept 1935, p. 5 & Oct 11, 1935, p. 4]. The front entrance to the house then was made to be from the new Montauk highway.