

From: Richard Thomas
Sent: Tuesday, November 03, 2015 12:49 PM
Subject: Barteau Cemetery, Tuttle deed

I notice that the entrance road for the Barteau Cemetery is 12-feet wide, not 10-feet wide as I may have written earlier.

The estate of Nathaniel Hawkins is the south end of Lot No. 8 in the Great Division of lots between the Yaphank Line and Winthrop's patent.

The first 11 lots of the Great Division were supposed to be 20 rods wide. So Nathaniel Hawkins estate should be 2,310 feet (west side of Lot No. 7) to 2,640 feet (west side of Lot No. 8) from the Yaphank Line.

"Priest Hawkins Corner" was the west side of Lot No. 8, which I once thought was 330 feet from Yaphank Avenue, but after I found the Snow deed last week, I think it is 165 feet from the *east side* of Yaphank Avenue.

If Yaphank Avenue ran along the west side of Lot No. 9, then it was 330 feet (20 rods) from the west boundary of Nathaniel Hawkins property, but the lots of the Great Division, which were already fairly narrow, were sometime divided in half lengthwise or even divided into quarters. So it could have been laid out 10 rods, 15 rods, or 20 rods from the west side of Nathaniel Hawkins property.

The 05 Sep 1899 deed of William H. Snow describes the width of his property as being one-half of Lot No. 9 and two quarter lots of Lot No. 10 (which is a rather odd description, why not just half of Lot No. 10?).

That would imply that Yaphank Avenue does not run along the west side of Lot No. 9, but instead, long the west side of the east half of Lot No. 9.

We know that Stephen "Bartoe" owned the land on the east side of Yaphank Avenue and Daniel Hawkins owned the land on the west side from the laying out of Yaphank Avenue in 1844. The road was three rods wide, and at the south end, the *east side of the road was Stephen Bartoe's fence* until it reached Horse Block Road. At Horse Block Road, Yaphank Avenue shifted east two rods (33 feet), so that there was two rods of the width of the road on Stephen Bartoe's land, and one rod on Daniel Hawkins' land.

That would make the east side of Yaphank Avenue 165 feet (10 rods) from "Priest Hawkins Corner," and 2,805 feet from the Yaphank Line.

Measuring out that distance, then measuring the 20-rod width of the Nathaniel Hawkins property (the width of Lot No. 8), places the Barteau cemetery inside the Nathaniel Hawkins estate, at its northeast corner.

I can't think of any reason why the Barteau Cemetery would be on Nathaniel Hawkins land unless the land had once been owned by the Barteaus.

If the cemetery was included in a deed to Nathaniel Hawkins, it might have been reserved rather than excepted out, then Nathaniel Hawkins would have owned the land but have no right to make any use of it, that right of use having been reserved to the Barteaus.

The deed to Silas Tuttle used the improper language “excepting and reserving out,” which isn’t legally possible. If it is excepted out, it is never conveyed at all. If it is reserved, then the land is conveyed, but the right of use is not. It can’t be both.

Richard