

Book 101 page 494-5 dated 1849-05-28

THIS AGREEMENT of Edward Kirkpatrick of the City of Albany of the first part with the President Directors & Trust [First?] Company of the Great Western Turnpike road of the second [part] WITNESSETH whereas the party of the first part owns a certain lot & parcel of land in the Ninth Tenth wards of said city of Albany and containing two acres more or less Exclusive of Streets bounded on the west by the farm of William Buel on the east & north by lands formerly owned by Francis Bloodgood deceased and southerly by the Turnpike of the parties of the second part & WHEREAS the said parties of the second part are now about constructing a plank track on their said Turnpike for about the distance of ten miles commencing at Snipe street in the city of Albany & erecting certain toll gates as ? the said parties are authorized to do by an act of the Legislature of this state passed March 31, 1848 and WHEREAS the said party of the first part with a view in his own personal advantage convenience & interest is desirous that the first toll gate & house which the parties of the second part are by law authorized to erect & maintain & so mentioned in the third section of the said act should be located westerly of the Tavern on the said lot & parcel of land so owned by the party of the first part instead of easterly thereof Now therefore in consideration of the above recited premises thereunto moving the said party of the first part & as an inducement thereto & also in consideration that the said parties of the second part on such request as aforesaid have determined to locate their said first toll gate house &c.; on their said Turnpike road westerly of the said Tavern Building so owned by the said party of the first part (& now occupied by William A. Siver) instead of easterly thereof as was originally intended NOW THEREFORE the agreement WITNESSETH that the said party of the first part in consideration of the above recited premises doth hereby covenant promise undertake & agree for himself his heirs executors, administrators & assigns to and with said parties of second part & their successors that he and his heirs & assigns owning the said lot & parcel of land above mentioned (in case the parties of the second part shall erect continue & maintain such contemplated first toll gate house &c., on their said Turnpike at some point westerly of the said Tavern Building belonging to the said party of the first part) will well & promptly pay unto the said parties of the second part & their successors yearly & every year the sum of ten dollars lawful money in advance on the first day of July in each year & so long as said first toll gate shall continue remain erected westerly of said Tavern Building aforesaid Such payment to be made to the Treasurer of the said parties of the second part But nothing herein contained shall be construed or taken to allow or permit the party of the first part or his servants teams or carriages or any other hired person or persons with teams or otherwise to pass or repass any toll gates of the said parties of the second part on said plank road or turnpike without first fully paying all lawful tolls & dues that may legally be taken & demanded at said toll gate or gates from the persons so passing or repassing the same. IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal this twenty eighth day of May in the year of our Lord one thousand eight hundred & forty nine

Signed sealed and delivered in the presence of

Edward Kirkpatrick L.S.

N.B. an interlineation in first & also in second line of second part & also an erasure of "that"[?] in second line & "will" in third line 2 page before execution.

R.J. Hilton, Allen Monroe

STATE OF NEW YORK ALBANY CITY & COUNTY SS On this twenty eighth day of May A.D. 1849 before me personally came Robert J. Hilton of the city of Albany to me known who being by me duly sworn did depose and say that he is a resident of the city of Albany & that he together with Allen Munroe of the city of Syracuse in the state of New York are the subscribing witnesses to the execution of the foregoing instrument in writing that he was present & saw Edward Kirkpatrick to him known to be the same person described in & who executed the said Instrument duly execute & acknowledge same as his act & deed for the uses & purposes therein mentioned.

Recorded May 28, 1849 at 2½ hours P.M.

James Harvy, Com. of Deeds.

L. Van Deusen, Clerk